

FEDERAL AND STATE AFFAIRS COMMITTEE

February 3, 1969

The meeting was called to order by the Chairman who then introduced Mr. Slocombe to discuss H.B. 1049. Mr. Slocombe explained that he had seen some bad accidents caused by fireworks; that it appears to him to be a real problem and that he is concerned for the youngsters and therefore has introduced this bill to restrict the use of fireworks in Kansas. His co-sponsor, Mr. Stark, stated that he is the former Mayor of Salina; that they have an ordinance against the sale and use of fireworks as have several other cities in Kansas; that this comes about under home rule, but that counties can only do what the state law says and therefore, outside the city limits in these several cities the fireworks sales go on, and the attendant accidents as well. He explained that this bill would prohibit the sale and use of fireworks except under certain supervised conditions; that this would decrease the accidents one sees every year; that in Salina in 1968 there were 26 hospital emergencies on July 4th as a result of fireworks, and that this is a city of 36,000.

Mr. Ramey, the State Fire Marshall, testified that he is in favor of this legislation; that 28 states have this kind of control; that he has observed young children operating fireworks stnads and that they have no idea of how dangerous this kind of operation can be; that sparklers, considered to be harmless, are in fact very dangerous by reason of their extreme heat and the fact that they remain hot for a period of time and that every year children are badly burned with them; that the people who sell cherry bombs--the highly explosive and dangerous firecracker, are now attempting to market them as a pest control bomb. He displayed the literature that the distributors hand out with them, purporting to keep crows away from crops, etc.

Mr. Turner inquired of Mr. Ramey if he couldn't make the necessary regulations under the present law, and the Marshall explained that he was free to do so but had neither the budget nor the manpower to enforce them; and that in fact he had too little budget and staff to enforce the rules he now has. Mr. Mikesic stated that it was his understanding that it was the responsibility of the marshall to approve or disapprove the kinds of fireworks that are dangerous or hazardous. Mr. Ramey explained that this is a very difficult thing to determine because not all parents are willing to supervise the use of them. Mr. Winters inquired about purchases being brought in from neighboring states and Mr. Ramey stated that 1049 would make possession illegal. The question of the use by juveniles was raised and Mr. Winters inquired what might happen if a juvenile was given the \$300.00 fine and 90 days in jail under this proposal, and Mr. Slocombe stated that he imagined it might get the attention of the parents. Mr. Andrews inquired if this would eliminate the bottlegging and Mr. Stark stated that he did not think so.

The Chairman then introduced Mr. Dempsey to discuss his opposition to H.B. 1060. He stated that as a dairyman he is concerned about the proposal to use oleo in institutions; that there are numerous butter factories in Kansas that contribute greatly to the industry, but that he knows of no margarine factories. He presented Mr. Bill Rankin who represents the Mid-America Dairymen, an organization with membership in excess of 14,000. Mr. Rankin stated that there are more than 3,000 members in the State of Kansas; that as a Kansas businessman, he feels they are entitled to market their product in Kansas; that Kansas is always trying to entice other industries to locate here but that Kansas should support what they have as well as attracting others. He introduced several other dairymen, and Mr. Gene Mordy of the Sabetha butter plant stated that the butter industry and dairy industry in general is a vital segment of the agri-industry in Kansas; that in Sabetha his plant manufactured six million pounds of butter in 1968; that in 1968 the state institutions bought 187,000 pounds of butter and that to eliminate this market would eventually affect the economy in Kansas.

Mr. Buchele inquired if the butter purchased by the institutions was Kansas butter and Mr. Mordy explained that most of the butter produced by his plant goes into channels and would not be sold directly to the state. Mr. Turner inquired if there is a price difference and Mr. Mordy stated that he assumed so; that butter sold for 73.4 cents per pound. Mr. Rankin stated that butter sales to the institutions in 1967 amounted to an excess of 82 million dollars. Mr. Turner stated that then assuming a difference of from 25 to 50 cents per pound, we could be talking about savings of up to \$90,000.00. He commented that the state government then might therotically spend \$90,000.00 less from the general fund, so basically we are paying \$90,000.00 to subsidize an industry that has gross sales of \$80 million dollars. Mr. Rankin agreed that this is essentially correct.

The meeting was adjourned.

exhibit 2-3-69
1049

~~as~~ THE STATE FIRE MARSHAL ~~I~~ SUPPORTS ~~F~~ LEGISLATION TO PROVIDE MORE EFFECTIVE CONTROL IN THE HANDLING, SALE AND USE OF FIREWORKS. I WOULD LIKE TO POINT OUT THAT THE NATIONAL FIRE PROTECTION ASSOCIATION, THE NATIONAL SAFETY COUNCIL, AND THE AMERICAN INSTITUTE FOR PREVENTION OF BLINDNESS ARE ALL ON RECORD IN FAVOR OF SUCH LEGISLATION. IN JULY OF 1967, I MADE A SURVEY OF RECOMMENDATIONS OF FIRE CHIEFS IN THE FIRST AND SECOND CLASS CITIES IN KANSAS, AND FOUND THAT THEY WERE OVERWHELMINGLY IN FAVOR OF MORE EFFECTIVE CONTROL OF FIREWORKS.

AT LEAST 27 STATES NOW HAVE LEGISLATION BASED ON THE MODEL STATE FIREWORKS LAW OF THE NATIONAL FIRE PROTECTION ASSOCIATION. KANSAS CONTROL OF FIREWORKS IS RATED BY THE NFPA AS "INADEQUATE". I CONCUR IN THAT CLASSIFICATION.

PRESENT KANSAS STATUTES (31-207 K.S.A.) PROVIDE THAT THE STATE FIRE MARSHAL SHALL MAKE RULES AND REGULATIONS FOR THE KEEPING, STORAGE, USE, MANUFACTURE, SALE, HANDLING, AND TRANSPORTATION OF CERTAIN ITEMS INCLUDING FIREWORKS AND FIRECRACKERS. FOR MANY YEARS THE STATE FIRE MARSHAL HAS HAD A REGULATION WHICH LISTS APPROVED FIREWORKS. IN MY OPINION THIS PLACES THE STATE FIRE MARSHAL IN AN ALMOST UNTENABLE POSITION. MANY OF THE ITEMS ON THE APPROVED LIST ARE KNOWN TO BE CAPABLE OF CAUSING DEATHS AND SERIOUS INJURIES. PERHAPS YOU CAN IMAGINE THE FEELINGS THAT COME WITH NEWS THAT A CHILD HAS BEEN KILLED OR SERIOUSLY MAIMED BY AN ITEM WHICH YOU HAVE CERTIFIED TO BE SAFE FOR HIS USE.

~~another~~ ^A SERIOUS PROBLEM IN KANSAS IS THAT OF BOOT-LEGGING OF ILLEGAL ITEMS. LARGE QUANTITIES OF SUCH ITEMS AS CHERRY BOMBS AND M-80s ARE SOLD IN THIS STATE EVERY YEAR, EVEN THOUGH THEY ARE SPECIFICALLY PROHIBITED BY OUR REGULATIONS, AND ARE NOW A BANNED HAZARDOUS ITEM UNDER THE REGULATIONS OF THE FEDERAL FOOD AND DRUG ADMINISTRATION. IN JULY OF 1967,

I HAD A MEETING WITH REPRESENTATIVES OF THE FIREWORKS INDUSTRY ,
AND ~~QUESTIONED~~ ^{CAUTIONED} THEM ABOUT CONTINUED TRAFFIC IN PROHIBITED ITEMS.

~~SOME OF THE PEOPLE WHO WERE PRESENT AT THAT MEETING ARE KNOWN~~
^{THERE WAS LITTLE CHANGE IN THE SELLING OF}
~~TO HAVE SOLD ILLEGAL ITEMS DURING THE 1968 FIREWORKS SEASON.~~

WE HAVE FOUND IT ALMOST IMPOSSIBLE TO CONTROL THE SALE OF
ILLEGAL ITEMS WITHOUT THE COOPERATION OF THE INDUSTRY, BECAUSE
THE ITEMS CAN BE CONCEALED IN, AND SOLD FROM, AUTOMOBILE
TRUNKS AND OTHER PLACES NOT READILY SUBJECT TO INSPECTION.

ON JULY 3 AND 4 OF 1968 I TRAVELED AREAS SOUTH AND ^{SOUTH} EAST
OF TOPEKA TO OBSERVE THE SALE OF FIREWORKS. ONE THING I
NOTED, WHICH I CONSIDER TO BE EXTREMELY HAZARDOUS, WAS QUITE
SMALL CHILDREN OPERATING FIREWORKS STANDS. EVIDENTLY THE
SAME PARENTS WHO TEACH THEIR CHILDREN NOT TO PLAY WITH
MATCHES BECAUSE THEY ARE DANGEROUS WILL PERMIT THEM TO
NOT ONLY DISCHARGE HAZARDOUS FIREWORKS BUT ALSO OPERATE
A RETAIL SALES LOCATION AS SOON AS THEY ARE OLD ENOUGH TO
COUNT MONEY.

FOR ALL OF THESE REASONS I AM IN FAVOR OF THE CONCEPT
OF FIREWORKS CONTROL AS STATED IN THE MODEL STATE FIREWORKS
LAW, NFPA STANDARD 494 L. I BELIEVE THE CONCEPT OF LIMITING
FIREWORKS TO SUPERVISED DISPLAYS BY MUNICIPALITIES, FAIR
ASSOCIATIONS, AMUSEMENT PARKS, AND OTHER ORGANIZATIONS
OR GROUPS OF INDIVIDUALS WILL BE READILY ACCEPTED BY THE
PUBLIC IN KANSAS BECAUSE SUCH DISPLAYS ARE (1) MUCH MORE
SPECTACULAR THAN THE NORMAL RETAIL FIREWORKS (2) DEATHS
AND INJURIES FROM FIREWORKS (PARTICULARLY AMONGST CHILDREN)
~~(COMPLETELY ELIMINATED?)~~
WILL BE GREATLY REDUCED, AND (3) THE INCREASING COST OF RETAIL
FIREWORKS MAKES IT MORE ECONOMICAL TO ATTEND A PUBLIC DISPLAY.

THE PROPOSED FIREWORKS LEGISLATION IN KANSAS, HOUSE
BILL 1049, VARIES FROM THE MODEL STATE FIREWORKS LAW IN FOUR
AREAS: (1) THE MODEL LAW PROVIDES THAT THE STATE FIRE MARSHAL

OR OTHER APPROPRIATE STATE OFFICIAL OR DEPARTMENT MAY ADOPT REASONABLE RULES AND REGULATIONS FOR THE GRANTING OF PERMITS FOR SUPERVISED DISPLAYS, HOUSE BILL 1049 MAKES NO REFERENCE TO ANY STATE OFFICIAL OR AGENCY FOR THIS PURPOSE, I BELIEVE SOME SUCH GUIDANCE SHOULD BE PROVIDED TO LOCAL AUTHORITIES, FOR PURPOSES OF UNIFORMITY AND ADDITIONAL SAFETY IN THE CONDUCT OF THESE PUBLIC DISPLAYS, FOR EXAMPLE, THERE SHOULD BE A SET OF RULES ON THE CONDUCT OF DISPLAYS AS TO DISTANCES FROM BUILDINGS, STRUCTURES, ~~FORESTS, OR BRUSH,~~ HIGHWAYS, ~~RAILROADS,~~ AND OVERHEAD OBSTRUCTIONS, CONSIDERATION SHOULD ALSO BE GIVEN TO DISTANCES FROM SCHOOLS, THEATRES, CHURCHES, HOSPITALS AND SIMILAR INSTITUTIONS, THERE SHOULD BE A REQUIREMENT FOR BARRIERS TO SEPARATE SPECTATORS A SAFE DISTANCE FROM THE POINT OF DISCHARGE OF FIREWORKS, REQUIREMENTS SHOULD BE PROVIDED FOR THE QUALIFICATION OF OPERATORS OF PUBLIC DISPLAYS, THERE SHOULD BE A PROVISION FOR FIRE PROTECTION AND EXTINGUISHING EQUIPMENT, FOR PURPOSES OF PROMULGATING REGULATIONS IN THESE AND SIMILAR AREAS, I BELIEVE THAT A STATE AGENCY SHOULD BE DESIGNATED IN HOUSE BILL 1049.

(2) THE REQUIREMENT IN THE MODEL STATE FIREWORKS LAW THAT FINANCIAL RESPONSIBILITY TO SATISFY CLAIMS FOR DAMAGES TO PROPERTY OR PERSONAL INJURIES OCCASIONED BY PUBLIC DISPLAYS IS OMITTED FROM HOUSE BILL 1049, THERE IS SOME HAZARD TO LIFE AND PROPERTY IN THESE PUBLIC DISPLAYS, AND I BELIEVE THIS REQUIREMENT FOR SHOWING FINANCIAL RESPONSIBILITY SHOULD BE INCLUDED. (3) THE PROPOSED KANSAS LEGISLATION PERMITS THE USE OF SPARKLERS, WHILE THEIR USE IS PROHIBITED IN THE MODEL LAW, THE NFPA HAS POINTED OUT THAT SPARKLERS ARE DANGEROUS WEAPONS, THE TEMPERATURE OF THESE DEVICES RANGES UP TO 2000 DEGREES FAHRENHEIT, AND AFTER-GLOW OF THE WIRE ^{CAN} ~~TOO OFTEN~~ LEADS TO BURNS, BLINDNESS AND CLOTHING FIRES, THEY ARE ALSO CAPABLE OF SETTING FIRES CAUSING PROPERTY DAMAGE, ^{WE} ~~WE~~ BELIEVE SPARKLERS SHOULD BE INCLUDED IN THE DEFINITION OF FIREWORKS