

SESSION OF 2020

SUPPLEMENTAL NOTE ON SENATE BILL NO. 362

As Amended by Senate Committee on Federal
and State Affairs

Brief*

SB 362, as amended, would amend law related to the sale of fireworks. The bill would also make technical changes.

Annual Retailer

The bill would define an “annual retailer” as a person who:

- Receives consumer fireworks and sells, delivers, consigns, gives, or otherwise furnishes consumer fireworks only to the public for their personal use during the entire calendar year; and
- Operates out of a building that meets state and local fire safety codes.

The bill would require annual retailers to obtain a license from the State Fire Marshal, which would be valid for two years. The bill would also specify the fireworks season for annual retailers is from January 1 through December 31.

Seasonal Retailer

Under continuing law, a “seasonal retailer” is defined as a person who receives consumer fireworks and sells, delivers, consigns, gives, or otherwise furnishes consumer

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

fireworks only to the public for their personal use and only during a fireworks season. The bill would establish a fireworks season for seasonal retailers to be from June 15 through July 6.

Local Government Sales Regulations

The bill would allow cities and counties to prohibit the sale of fireworks or establish a different fireworks season for seasonal retailers than provided in the bill.

Background

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Tyson.

In the Senate Committee hearing, a representative of the Kansas Fireworks Association and a private citizen testified in support of the bill, stating the bill would allow for local control and for small businesses to thrive. Written-only proponent testimony was provided by the Kansas Association of Counties (KAC) and a private citizen.

Written-only opponent testimony was provided by representatives of the City of Dodge City and the Kansas State Firefighters Association, Inc. A representative of the League of Kansas Municipalities provided neutral testimony on the bill. The Kansas State Fire Marshal provided written-only neutral testimony.

The Senate Committee amended the bill by changing the term “retailers” to “annual retailers,” specifying building requirements for annual retailers, establishing annual retailers’ licensing terms, changing the dates of fireworks season for seasonal retailers, and removing provisions regarding bottle rockets.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of the State Fire Marshal (Office) indicates the bill would not significantly increase the number of buildings constructed to sell fireworks year-round that would require the Office to review, inspect, and permit such buildings. The Office indicates enactment of the bill would result in a negligible fiscal effect that could be absorbed within existing resources.

The KAC indicates the bill could allow seasonal retailers to sell fireworks for a longer period of time, which would increase the likelihood fireworks would be used when prohibited and therefore increase county revenues from fines. The KAC indicates the bill could also increase expenditures by counties' law enforcement or judicial entities related to enforcing prohibitions. A fiscal effect, however, cannot be determined because the additional revenues or expenditures derived from year-round sale of fireworks cannot be established.

The League of Kansas Municipalities indicates enactment of the bill could result in additional expenditures for local governments to enforce fireworks prohibitions because the public may believe year-round discharge of fireworks is legal because year-round sale of fireworks is legal. A fiscal effect, however, cannot be determined because the scope and type of additional law enforcement actions required to enforce prohibitions cannot be estimated.

Any fiscal effect associated with the enactment of the bill is not reflected in *The FY 2021 Governor's Budget Report*.