

Testimony in Support of S.B. 214
Submitted by Michael Baker of Jake's Fireworks Inc.

Chairman Ostmeyer and Senators of the Committee,

K.S.A. 31-155 and KAR 22-6-16 are the current statutory and regulatory enactments governing the possession, storage, and transportation within Kansas. The purpose of these enactments is to prevent the sale and use of bottle rockets to and by the general public; in other words to prohibit the retail sale of bottle rockets in Kansas. S.B. 214 does not undermine this legitimate purpose. S.B. 214 not only maintains the strict prohibition against retail sales of bottle rockets, but also enhances Kansas commerce, which the current enactments inhibit.

S.B.214 clarifies the overbroad language of K.S.A. 31-155 by allowing **out-of-state retailers** to purchase bottle rockets from registered Kansas permit holders. Moreover, compliance provisions are found in the requirement that out-of-state retailers must sign a certificate that the bottle rockets are being purchased for retail sale outside of Kansas, and the purchaser is aware of the prohibition against retail bottle rocket sales in Kansas.

Kansas businesses benefit by permitting out-of-state retailers to come to wholesalers' locations and pick up bottle rockets along with other fireworks. The vast majority of consumer fireworks retailers are individuals, small businesses, charitable organizations and not large distributors or manufacturers. Many out-of-state retailers have to provide their own transportation services. Under the current provisions these seasonal retailers are prohibited from picking up bottle rockets from a Kansas wholesaler. As a result Kansas commerce is needlessly inhibited. Needless in the sense that allowing out-of-state retailers to pick up bottle rockets in Kansas under the provisions of S.B. 214 does not in any way endanger the safety of Kansas Citizens. Instead of spending money in Kansas the out-of-state retailers are going to other states to find wholesale fireworks distributors that can supply all their needs in a single trip. Therefore, allowing out-of-state retailers to purchase bottle rockets from registered wholesalers and distributors will result in additional funds coming into Kansas, and most importantly, the sale of bottle rockets in Kansas remains a violation of the law.

We have found a needed technical correction, Line 23 and 24 should be changed to "Division 1.4G hazardous material by the United States Department of Transportation under 49 C.F.R. §173.53(1990).

Thank You.

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