

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by REPRESENTATIVE ROBERT H. MILLER at  
Chairperson

1:30 a.m./p.m. on February 13, 1986 in room 526S of the Capitol.

All members were present except:

Rep. Peterson  
Rep. Ramirez - E

Committee staff present:

Russ Mills, Research  
Lynda Hutfles, Secretary

Conferees appearing before the committee:

Lawrence Tenopir, Kansas Fire Marshall's Office  
Ron Graham, Kansas Fire Marshall's Association  
Bob Clester, Kansas Association of Sheriff's Association  
Richard Harmon, Kansas Association of Property & Casualty Insurance  
Bill Scott, Kansas State Fire Chiefs  
Jerry Montgomery, Merriam  
Kent Harris, Olathe  
Paul Miller, Kansas Fireworks Association  
David Caller  
Jerald Dunnegan, Air Capital Fireworks  
Gary Lillich, Mulvane  
Charles Wald  
Mike Koska  
Jack Metzger, Topeka

The meeting was called to order by Chairman Miller.

Representative Walker made a motion, seconded by Representative Roe, to approve the minutes of the February 12 meeting. The motion carried.

Chairman Miller called attention to next week's full agenda with discussion and possible action on Monday. He asked the committee members if they have amendments to have them ready.

HB2821 - Open Meetings

Dennis Moore, Johnson County District Attorney, gave testimony in support of the bill. He suggested that ten days simply is not enough time in many cases to receive a complaint, investigate the complaint and file a court action. See attachment A.

Jeff Southard, Deputy Attorney General, gave testimony in support of the bill and suggested that thirty days would be a good time limit. He also suggested the fine be raised from \$500 to \$1000. See attachment B.

Hearings were concluded on HB2821.

HB2818 - Bottle Rockets

Lawrence Tenopir, Kansas Fire Marshall's Office, gave testimony in support of the bill. He said he had had several letters from fire officials asking that a ban be put on all fireworks mounted on a stick or wire. He showed the committee a variety of fireworks that could be classed as bottle rockets and skyrockets. See attachment C. He explained that there must be a line drawn showing them what a bottle rocket is. He suggested that the effective date be changed to publication in the Kansas Register.

Ron Graham, Kansas Fire Marshall's Association, gave testimony in support of the bill. He said bottle rockets cause real problems and there has been a decrease in fires since the bottle rocket legislation. This legislation is being interpreted in different ways and this bill will clear up the problem of what is actually a bottle rocket.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

room 526S, Statehouse, at 1:30 a.m./p.m. on February 13, 1986

Bob Clester, Kansas Association of Sheriff's Association and the Kansas Peace Officer's Association, supported the bill, explained some of the problems with enforcement and the type of fire calls they receive.

Richard Harmon, Kansas Association of Property & Casualty Insurance, gave his support of the bottle rocket legislation. He expressed their concern that skyrockets cause the same problems as bottle rockets.

Bill Scott, Kansas State Fire Chiefs, gave support of the bill and explained some of the problems with enforcement they have being a border town. He said that part of their responsibility is public education. Every year around July 4, they make public announcements telling parents to supervise their children and to clear the area around where they are shooting fireworks. There is no control when bottle rockets are shot off.

Jerry Montgomery, Merriam Fire Chief, gave testimony in support of the bill and encouraged passage to eliminate these weapons. They burn homes and kill people.

Kent Harris, Olathe Assistant Chief Fire Marshall, gave testimony in support of the bill. There are no fireworks inside the city limits of Olathe, but they do have problems with illegal fireworks bought in Missouri. All fireworks on a stick should be banned.

Paul Millen, Secretary-Treasurer of Kansas Fireworks Association, opposed the bill and introduced David Caller, Jerald Dunnegan, Gary Lillich, and Charles Wald.

David Caller gave testimony in opposition to the bill. He said that most of their business is done in Kansas and Missouri. People go across the state line to buy bottle rockets and if all rockets are banned more people will be going out of state to purchase them. There were no major fires caused by fireworks in 1985. There should be a distinguishment between bottle rockets and skyrockets. The Fireworks Associations have gone to China and asked for safer fireworks and are trying to make the situation better and safer.

Jerald Dunnegan, Air Capital Fireworks, Wichita, gave testimony in opposition to the bill. There should be a dividing line between bottle rockets and skyrockets.

Gary Lillich, Mulvane school teacher and fireworks distributor, gave testimony in opposition to the bill. They support the bottle rocket ban, but do not feel there should be a ban on all rockets. He demonstrated an easy way to establish a size limitation using a caliper. He proposed as a standard: rocket must have an outer diameter greater than 3/8"; length must be longer than 2 1/4" and the total length of the rocket must be 13" minimum and a 3 gram minimum load. Fireworks do have standards set by the federal government. There can be an enforceable law with size limitation.

Charles Wald, Fireworks warehouse in Kansas & Missouri, gave testimony in opposition to the bill. Banning all rockets will not keep them out of the state. A size limitation gives better chance of regulation.

Mike Koska gave testimony in opposition to the bill. A ban is not logical. A size limitation would be more effective. Fire damage is going down every year, not because of the ban, but because of the safety improvements that have been made in fireworks. Attachment D.

Jack Metzger gave testimony in opposition to the bill and suggested that the committee consider limiting the size of rockets. He also suggested that the effective date by January 1, 1987. Attachment E.

Hearings were concluded on HB2818.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS,  
room 526S, Statehouse, at 1:30 a.m./p.m. on February 13, 1986

HB2828 - Powers of Fire Marshall

Larry Tenopir, Kansas Fire Marshall's Office, gave testimony in support of the bill which concerns construction of school buildings. This bill updates standards. Section H gives rules and regulations authority to add new standards.

Hearings concluded on HB2828.

The meeting was adjourned.

STATE OF KANSAS  
Tenth Judicial District

OFFICE OF DISTRICT ATTORNEY

DENNIS W. MOORE  
DISTRICT ATTORNEY

JOHNSON COUNTY COURTHOUSE  
P.O. Box 728, 6TH FLOOR TOWER  
OLATHE, KANSAS 66061  
913-782-5000, EXT. 333

January 14, 1986

Honorable David F. Louis  
House of Representatives  
State House  
Topeka, KS 66612

Dear Representative Louis:

As a primary sponsor of the Open Public Records Act which was recently enacted by the Kansas Legislature, I am aware of your interest in the public's accessibility to governmental operations and their elected officials.

I would request your consideration of a section in the Kansas Open Meetings Act, K.S.A. 75-4317, et. seq. specifically, under K.S.A. 75-4320, the penalty section. Present law provides that any action taken by a board or agency subject to the Act shall be voidable in an action brought by the Attorney General or the County or District Attorney in the District Court of the county in which the meeting was held within ten days of the meeting. As an advocate for this law, I submit that ten days simply is not enough time in many cases to receive a complaint, investigate the complaint and file a court action. While I recognize the necessity for finality in actions taken by public boards or agencies, I would ask that you consider legislation which would extend the time within which the District Attorney may file such an action to twenty days.

I would appreciate the opportunity to discuss this matter with you. I am providing copies of this letter to other members of the Johnson County delegation. Thanks for your consideration, Dave.

Very truly yours,



Dennis W. Moore

DWM/sjb

cc: Honorable Audrey Langworthy  
Honorable Jack D. Walker  
Honorable Paul (Bud) Burke

ATTACHMENT A  
H. F+SA  
2/13/86



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN  
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751

TESTIMONY OF DEPUTY ATTORNEY GENERAL  
JEFFREY S. SOUTHARD  
TO THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS  
February 13, 1986  
REGARDING 1986 HOUSE BILL NO. 2821

Mr. Chairman and Members of the Committee:

On behalf of Attorney General Robert T. Stephan, I appreciate this opportunity to discuss with you the proposed amendment in 1986 House Bill No. 2821 to the Kansas Open Meetings Act. Specifically, the bill would amend K.S.A. 75-4320 to increase from ten (10) to twenty (20) days the time period in which the Attorney General or a district or county attorney could bring an action to void binding action taken at a meeting which was in violation of the law. In that the Attorney General's office has taken the lead role in interpreting and enforcing the open meetings act, this bill is of great interest to our office.

It is my understanding that the ten (10) day provision was an initial compromise when the Kansas Open Meetings Act was enacted during the 1970's. On the one hand, there were those who did not want the business of cities and counties disrupted

ATTACHMENT B

H. FISA  
2/13/86

by the threat of a subsequent lawsuit invalidating action which may have been taken earlier. On the other hand, it was argued that action taken in violation of the law should not be allowed to have binding effect. The ten (10) day period was a compromise figure, and allowed actions to be brought within this time that would void any binding action.

As a practical matter, our office has found that the ten (10) day period is not very workable. In that the ten (10) period begins to run from the day of the action, regardless of whether or not anyone discovers what was done, the fact of the illegal act may not come to light until after the period has passed. We have had actual situations in which our office has been requested to examine a matter on the ninth or even the tenth day. Obviously, this places a great deal of pressure on our office to initiate legal proceedings, even if all of the facts are not known. Additionally, it has been the policy of Attorney General Stephan to work with county and district attorneys whenever possible. Such coordination requires time, and that is one thing which is not present under the law as it now exists.

While the extension of the time period from ten (10) to twenty (20) days would be an improvement, it would be our feeling that, if any time period is going to be imposed, it should be at least thirty (30) days. This should not prove a burden on those governmental entities which follow the law. In

addition, as I noted above, if an action is taken in violation of the law, it may not come to light for some time after the event. A thirty (30) day period would at least give us a little time to receive reports of a complaint and then act. Finally, in the case of a body which meets only once a month, the presence of an illegal action may not be known until the next meeting, when the minutes are approved and distributed.

Although not proposed as an amendment under the bill as it now reads, we would also like the committee to examine the penalty provisions which now exist in 75-4320. A five hundred (\$500) fine is imposed as a civil penalty for violations of the act. We would like to see this increased, if possible, to one thousand (\$1,000) with language added to the effect that such a fine is to be paid personally by the individual elected official, and may not be picked up by the governmental entity itself. This would have more of a deterrent effect on future violations.

Attorney General Stephan appreciates this opportunity to present his views on this bill before the committee. I would be happy to answer any questions which may assist the committee in its deliberations.

Seniger

**31-155. Bottle rockets; sale or use prohibited; exceptions.** (a) Except as provided in subsection (c):

(1) It shall be unlawful to sell, offer to sell, or to possess with intent to sell or offer for sale a bottle rocket; and

(2) it shall be unlawful to ignite, fire, set-off or otherwise use a bottle rocket.

(b) Any person violating the provisions of subsection (a) shall be guilty of an unclassified misdemeanor punishable by a fine of not more than \$100.

(c) The provisions of this section shall not prohibit the possession or transportation of bottle rockets by a manufacturer or wholesaler thereof for sale outside this state if such manufacturer or wholesaler is currently registered with the state fire marshal pursuant to K.S.A. 31-156.

(d) As used in this act, "bottle rocket" means any pyrotechnic device which:

(1) Is classified as a class C explosive by the United States department of transportation under 49 C.F.R. 173.100 (1977);

(2) is mounted on a stick or wire; and

(3) projects into the air when ignited, with or without reports, and includes any device with the same configuration, with or without reports, which may be classified as a pipe or trough rocket. "Bottle rocket" does not include helicopter-type rockets.

**History:** L. 1981, ch. 142, § 1; Jan. 1, 1982.

ATTACHMENT C

H. FLSA

2/13/82



# KANSAS STATE FIRE MARSHAL DEPARTMENT

## LEGAL OPINION

No. 82-1

SUBJECT: Bottle Rocket

ISSUE: Does K.S.A. 31-155 and 31-156 prohibit the sale, possession or use of skyrockets or what is generally known as bottle rockets?

BRIEF ANSWER: The legislative intent as indicated in K.S.A. 31-155 and 31-156 by use of the term "bottle rocket" was to prohibit the sale, possession or use of bottle rockets as distinguished from the broader category of skyrockets.

ANALYSIS: Kansas Statutes Annotated 31-155 provides in paragraph (a), section (1), "It shall be unlawful to sell, offer to sell, or to possess with intent to sell or offer for a bottle rocket. . . ." Paragraph (D) defines "bottle rocket" as any pyrotechnic device which is classified as a class C explosive (common fireworks) by the U.S. Department of Transportation, is mounted on a stick or wire and projects into the air with or without reports including any similar devices which may be classified as a pipe or trough rocket. Helicopter-type rockets are specifically excluded from the prohibition.

The Federal Register distinguishes between skyrockets and bottle rockets implying the terms are not one and the same. The fireworks industry also makes a distinction between the terms as a course of business usage.

It is apparent the 1981 Legislature used the term "bottle rocket" and not "skyrocket" intentionally when the bill was drafted. Some of the committee hearing testimony centered around the problem with bottle rockets being cheaply manufactured causing malfunctioning in flight with damage to property as a result.

A skyrocket generally performs other functions than merely projecting into the air with or without reports. Colored fire or showers along with sound effects such as whistles are common characteristics of skyrockets. Skyrockets are further distinguishable from bottle rockets in that their weight or size prohibits the use of a bottle in ignition or projection. Bottle rockets are commonly labeled as "bottle rockets" on the package and are generally purchased at retail in bulk quantity rather than individually.

Pursuant to K.A.R. 22-6-13 only the State Fire Marshal or any deputy State Fire Marshal has the authority to seize illegal fireworks. In light of the legislative intent and use of the term "bottle rocket" rather than "skyrocket" in the law, only bottle rockets are illegal in Kansas.

1985

Total estimated dollar loss from fires  
caused by fireworks

\$164,536

Total number of reported fires caused  
by fireworks

418

Total responses to poll asking for  
specification of types of fireworks  
which caused fires

321

Number of 321 fires caused by a "fire-  
work mounted on a stick designed to be  
shot into the air."

96

Fire Marshals



Association of Kansas

August 26, 1985

Ed Redmon  
Kansas State Fire Marshal  
503 Kansas, Suite 303  
Topeka, KS 66603

Sir,

It has been brought to the attention of the organization that "bottle rockets" are still being sold across the counter as well as by other devious means. One incident was reported as a gross of bottle rockets were provided when a \$10.00 donation was given.

We realize that K.S.A. 31-155 and 31-156 are the relevant statutes banning the sale, possession and use of bottle rockets, however, it is our desire that, "all aerial pyrotechnics" be banned state wide.

We feel that there is enough confusion as to defination regarding this type of merchandise that enforcement is difficult.

We urge that the Kansas Fire Marshals office adopt regulations that would outlaw all aerial pyrotechnics.

Ron Graham, President  
Fire Marshal's Association of Kansas

RG:ys



12-4-85

Lawrence L. Tenopir  
Legal Council  
State Fire Marshal

BU 411

Dear Sir:

We had three (3) fires set by fireworks in 1985 and all three were started by fireworks on sticks.

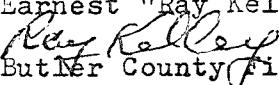
I had four different types of fireworks on sticks that I had intended to send in to Legislation asking for a ban on them since they did exactly the same as the famous bottle rockets. But I guess one of my men thought they were trash and threw them away.

Actually I could see no difference in these that were legal and the outlawed "Bottle Rockets" but I contacted Fire Marshal Bill Sheldon (Inspector Sheldon) in Wichita and he advised that there was nothing we could do about the selling of these rockets on sticks.

Hopefully our three reports will help you to get all fireworks on sticks outlawed. I could go on and say I wished you could outlaw all fireworks but know that will be an almost impossible wish.

Sincerely,

Earnest "Ray" Kelley-Chief

  
Butler County Fire Dist. #1  
P.O. Box 353  
Andover, Kans. 67002



## SHAWNEE FIRE DEPARTMENT

6501 QUIVIRA ROAD, SHAWNEE, KANSAS 66216  
631-1080

November 4, 1985

Mr. Ed Redmon  
State Fire Marshal  
State Fire Marshals' Office  
503 Kansas Avenue, Suite 303  
Topeka, Kansas 66603

Dear Ed:

Our office has been informed by the Kansas Fire Marshals Association of recommended legislation changes in the fireworks law.

It is our understanding that these changes would ban all types of fireworks on a stick. An example would be rockets of any type that could be placed so that they would be propelled in the air to explode. Records indicate that many types of fires are started by this type of fireworks and department personnel consider them fire hazards.

We fully support any bill which would eliminate this type of fire hazard and we will be more than willing to help you in any way possible.

Please feel free to contact my office at 631-1080 if you desire any assistance in this or any legislation that will make Kansas a safer place to live.

Sincerely,

SHAWNEE FIRE DEPARTMENT

*Verne McNatt*  
*Fire Marshal*

Verne McNatt

VM:mrb



CITY OF WINFIELD

FIRE DEPARTMENT

221-0530 — AREA CODE 316  
817 FULLER STREET  
WINFIELD, KANSAS 67156

October 18, 1985

Ed Redmon  
Kansas State Fire Marshal  
503 Kansas, Suite 303  
Topeka, Kansas 66603

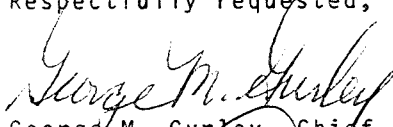
Ed,

As you know, we in the fire service are very concerned about bottle rockets and fireworks as a whole. But, most of us feel that bottle rockets are being misrepresented by the technical description of such items.

We believe that the only effective way to gain control of the matter, is to ask you to ban all aerial fireworks that are mounted on a stick. This would eliminate any argument concerning description.

We appreciate your anticipated action toward this matter.

Respectfully requested,

  
George M. Gurney, Chief  
Winfield Fire Department

GMG/dk



November 8, 1985

NOV 12 9 32 PM '85

Mr. Ed Redmon  
State Fire Marshal  
503 Kansas Avenue, Suite #303  
Topeka, Kansas 66603

Dear Mr. Redmon:

It is my understanding that an effort is underway by the Kansas State Fire Marshals Association to Ban Fireworks on a Stick. I can assure you that this department would support this type of program, and will help your office in any way that we can, to ban these types of fireworks.

Please feel free to contact my office or Fire Marshal Snyder's office, if you need help or have any questions.  
(913) 432-7058.

Sincerely,

CITY OF MERRIAM, KANSAS

Jerry Montgomery  
Fire Chief, Merriam, Kansas

JM:ldc

cc Verne McNatt



# SEWARD COUNTY FIRE DEPARTMENT

EMERGENCY OPERATIONS CENTER  
15th & KANSAS— P. O. BOX 1194  
LIBERAL, KANSAS 67901  
(316) 624-0281

TO: Lawrence L. Tenopir, Legal Council

DATE: December 5, 1985

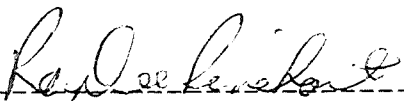
SUBJECT: Bottle Rockets

Dear Sir:

I have enclosed the requested form. I might point out that we have a countywide fireworks ban and it went into effect October of 1980. We found during the time before the fireworks ban that bottle rockets or any type of device that was mounted on a stick and fired caused approximately 98% of our firework fires.

This year the few fires we had were along side the roadway and were caused by firecrackers being thrown from a vehicle. We found in our county that the bottle rocket type of fireworks caused the most fires and property damage.

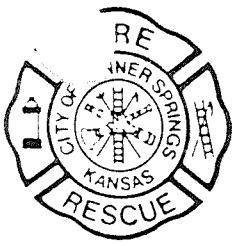
Sincerely,



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Ray Dee Rinehart  
Seward County Fire Chief

Jlu



# BONNER SPRINGS FIRE DEPARTMENT

WARREN L. HANKS  
FIRE CHIEF

December 31, 1985

Ed Redmon  
State Fire Marshal  
State Fire Marshal's Office  
503 Kansas Avenue, Suite 303  
Topeka, KS 66603

Dear Mr. Redmon:

We understand that there is proposed legislation to clarify the bottle rocket regulations. We have had a local ordinance here in Bonner Springs for quite a number of years prohibiting the use of bottle rockets. Our interpretation of our ordinance has always been that anything that was attached to a stick that could be propelled into the air was prohibited by our ordinance. We strongly support this type of an interpretation to the legislation prohibiting bottle rockets. Although we are not against fireworks in general, we certainly feel that the fire hazards created by bottle rockets and similar type devices does require strong legislation.

Yours for a fire safe community,

Warren L. Hanks  
Chief

WLH:ma

STATIONS:  
3921 W. 63rd Street  
262-4600  
9011 Roe Avenue  
648-7220  
ROBERT L. WILCOX  
FIRE CHIEF  
262-4600

FIRE DISTRICT NO. 2  
JOHNSON COUNTY  
P.O. BOX 8077  
PRAIRIE VILLAGE, KANSAS 66208  
Nov. 25, 1985

DISTRICT NO. 2  
Serves the Cities of  
FAIRWAY  
MISSION HILLS  
MISSION WOODS  
PRAIRIE VILLAGE  
WESTWOOD  
WESTWOOD HILLS  
Portions of:  
ROELAND PARK  
OVERLAND PARK

NOV 27 10 48 AM '85  
FIRE MARSHAL DEPT.

Mr. Ed Redmon  
State Fire Marshal  
503 Kansas Avenue, Suite 303  
Topeka, Kansas 66603

Dear Ed:


It has been brought to the attention of Fire Dist.#2 that the Kansas Fire Marshals Association recommended legislation changes in the fireworks law.

It is our understanding that these changes would ban all types of fireworks on a stick. an example would be rockets of any type that could be placed so that they would be propelled in the air to explode. Records show that many types of fires are started by this type of fireworks and department personnel consider them a fire hazard.

We fully support any bill which would eliminate this type of fire hazard and we will be more than willing to help you in any way possible.

Please feel free to contact my office at 648-7220 if you desire any assistance in this or any legislation that will help make our Cities and the State of Kansas a safer place to live.

Fire Dist. #2

  
Roy Blackburn  
Fire Inspector

DANIEL D. BUSBY  
CHAIRMAN

JOHN R. HOFFMAN  
VICE-CHAIRMAN

DOROTHY F. JONES  
TREASURER



---

**OLPE and DISTRICT #1**  
OLPE, KANSAS 66865

Lawrence L. Tenopir

12/4/85

Legal Counsel  
Kansas State Fire Marshal  
503 Kansas Ave, Suite 303  
Topeka, Ks. 66603

Dear Mr. Tenopir:

I would like to take this opportunity to let you know that I have had several problems with the local young adults in the interpretation of what is and what is not a bottle rocket. I would certainly support any action the Kansas Legislature could come up with to include all types of fireworks mounted on a stick or wire and projects into the air.

It would certainly make the enforcement of this dangerous item a lot easier and I am sure a lot safer for all concerned. I know of several fires which were a direct result of bottle rockets or of the sky or aerial rockets. The monetary damage resulting from these devices would be greatly reduced if they were all banned and strict enforcement made.

*Fred G. Burenheide*  
Fred G. Burenheide  
Fire Chief, Olpe and District # 1 Fire Dept.  
Box 37  
Olpe, Kansas 66865

DEC 2 1985

OVERLAND PARK FIRE DEPARTMENT

FIRE & RESCUE  
SERVICE

STATIONS

7550 W. 75th  
362-5757

Johnson County, Kansas  
9550 West 95th Street  
OVERLAND PARK, KANSAS  
66204

911

9500 W. 95th  
888-6909

888-6066

432-2121

11900 Westgate  
897-2122

James G. Broockerd  
Fire Chief

January 27, 1986

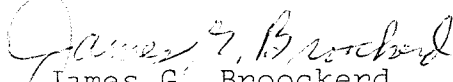
Kansas State Fire Marshal Department  
503 Kansas Avenue, Suite #303  
Topeka, Kansas 66603

RE: Fireworks

Gentlemen:

The Overland Park Fire Department is opposed to any type of aerial devices, such as bottle rockets, sky rockets or anything that shoots flaming material or heated projectiles into the air that can cause fires, particularly on wood shingle roofs.

Sincerely,

  
James G. Broockerd  
Chief

JGB/lb



THE CITY OF  
**EMPORIA**

Civic Center / 522 Mechanic / P.O. Box 928 / Emporia, KS 66801 / 316-342-5105

January 24, 1986

Ed Redmand, Fire Marshal  
Kansas State Fire Marshal's Dept.  
503 Kansas Suite 303  
Topeka, Kansas 66603

JAN 27 12 42 PM '86  
FIRE MARSHAL'S DEPT.

Dear Mr. Redmand,

I am writing this letter, supporting probation of the sale of  
bottle rockets Amending KSA 31-155.

Hopefully, this will be enacted by the State of Kansas Legislature.  
The Amendment clarifies, more in detail, the definition of a bottle  
rocket.

As you are aware, many fires have been caused by carelessness  
dealing with fireworks. The City of Emporia is in total support of  
this Bill. If I or the City of Emporia can be of any further  
assistance, please feel free to contact us.

Sincerely,

Jack P. Graves, Fire Marshal  
Emporia Fire Department  
(316) 342-0628 ext. 239

JPG;ls

M.H. Northey F.C.

Box 254

Brewster, Ks 67732

Kansas State Fire Marshall,

503 Kansas Avenue

Topeka, Kansas 66603

1

Mr Lawrence L. Tenopir:

This letter requested in the last Fire Marshall's Trumpet. This letter is, of necessity, going to be rather long winded in order to get my point or points across.

Brewster is a small community of around three hundred twenty people. We have an all volunteer department of fifteen firemen and very few problems.

Prior to 1984, during the 4th of July period we could expect a minimum of five to six fireworks related emergencies. In 1984 we enforced the rocket law exactly the way it is written, ie, anything mounted on stick or wire came off the shelves. We had a few irate dealers, but not a single vehicle left the fire station. In 1985 our bluff was called and we had to settle for banning strictly the little bottle rockets. We had, also, five fireworks related fire runs, fortunately, none serious.

One evening I was sitting in my van in which is a digital clock. While there, a spent bottle rocket struck the windshield and fell in such a way as to lodge in one of the wiper arms. The paper shell was still glowing brightly and continued to glow for sixty three seconds before going out, far more than ample time to set a fire had it landed in a flammable material.

The fourth of July comes at a time when, in western Kansas, the fire danger is at its peak

It seems to me that turning a lot of un supervised kids loose with all manner of fireworks is pure insanity.

I am not allowed to make a profit at the risk of burning my neighbor's house down. Why should fireworks manufacturers and sellers be accorded that privilege?

Respectfully  
W. W. Weston F.C.

P.S. My shop building has a roof area of 3600 square feet. I have picked up as many as fifteen spent rockets of varying sizes off that roof after the Fourth of July. That figures out to one rocket every 240 square feet.

W. W. W.

JEC 13 11 58 AM '85  
FIRE MARSHAL DEPT.



*Kasba* 0

# General Testing Laboratories, Inc.

CHEMICAL & PHYSICAL TESTING  
1517 WALNUT STREET - PHONE (816) 471-1205  
*Kansas City, Missouri 64108*

## TESTING OF BOTTLE ROCKETS

FOR

Pyrotechnicians International Inc.  
P. O. Box 9068  
Riverside, MO 64168

Report No. 39089

July 28, 1981

The following people were present to observe  
the test:

John L. Blogin

John J. Blogin

Lee Boggess

Mike Kesko

Charles Hulsey

Test were conducted by Dan Hafley and Charles  
C. Campbell, P.E. of General Testing Laboratories,  
Inc.

ATTACHMENT D

*H. F+SA*  
*2/13/86*

# General Testing Laboratories, Inc.

CHEMICAL & PHYSICAL TESTING

1517 WALNUT STREET - PHONE (816) 471-1205

*Kansas City, Missouri 64108*

Pyrotechnicians International Inc.  
P. O. Box 9068  
Riverside, MO 64168

ATTN: John L. Blogin

Re: Testing of Bottle Rockets

Gentlemen:

The following report outlines our test procedures and report of testing of bottle rockets requested by Pyrotechnicians International Inc.

We appreciate this opportunity of serving you. If you have any questions or need additional information, we will be pleased to review it with you.

Sincerely yours,

General Testing Laboratories, Inc.



Charles C. Campbell, P.E.

CC/cl

INSPECTION OF MATERIALS - ANALYSES - TESTS - CONSULTATION

ITEMS TESTED

One gross each of the following were purchased at random from firework stands on July 3, 1981. Stands were in the Belton, Missouri area.

BLACK CAT - with report.  
No writing on label, label printed with faces of cat.

AIR TRAVEL - with report.  
Label indicates "D.O.T."  
Class "C" fireworks.

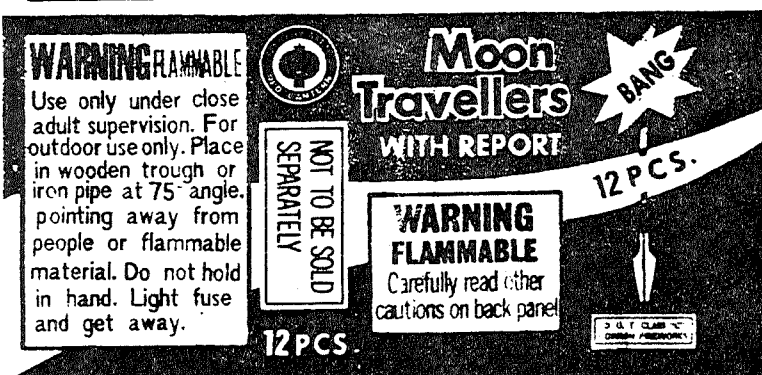
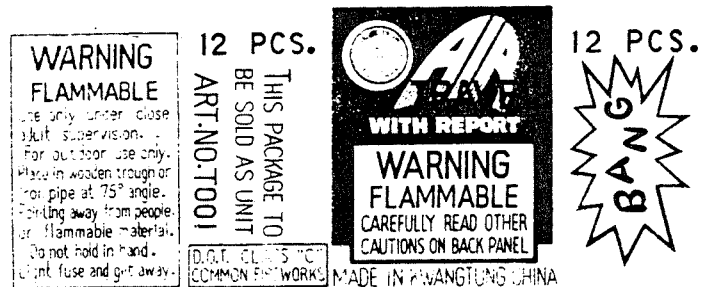
Dimensions:  
Overall length - 10 5/8 inches  
Weight (total) - 2.4 grams  
(twelve weigh about one ounce)  
Casing for propellant and report charge 1 7/8 inches long, and 1/4 inch in diameter.

Dimensions:  
Overall length - 10 5/8 inches  
Weight (total) - 2.3 grams  
(twelve weigh about one ounce)  
Casing for propellant and report charge is two inches long and one quarter inch in diameter.

MOON TRAVELERS - with report.  
Label indicates "D.O.T."  
Class "C" fireworks

Dimensions:  
Overall length - 10 5/8 inches  
Weight (total) - 2.3 grams  
(twelve weigh about one ounce)  
Casing for propellant and report charge is two inches long and one quarter inch in diameter.

NOTE: Above dimensions and weights are averages of six rockets.



Labels from packages of bottle rockets tested for Pyrotechnicians International, Inc., P.O. Box 9068 Riverside, MO 64168

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## TEST ASSEMBLY

See photos next page

- A. A test assembly approximately three feet by two and one half feet, was fabricated. One by four sheeting boards spaced two inches apart were nailed to a two by four wood frame. Wood shingles were then nailed to the sheeting to simulate an actual section of a roof.

Old wood shingles were obtained from two residences that were being reroofed. The upper section of the test assembly was covered with wood shingles approximately three eighths of an inch thick at the butt and fifteen inches long, widths varied from four to eight inches. Shingles were laid with seven inches exposed to the weather. The bottom portion of the test assembly was shingled with hand split shakes that averaged three quarters inch thick at the butt and were twenty four inches long laid nine inches to the weather. Both the shingles and shakes were severely weathered. Some shingles and shakes had evidence of dryrot on the bottom or back side.

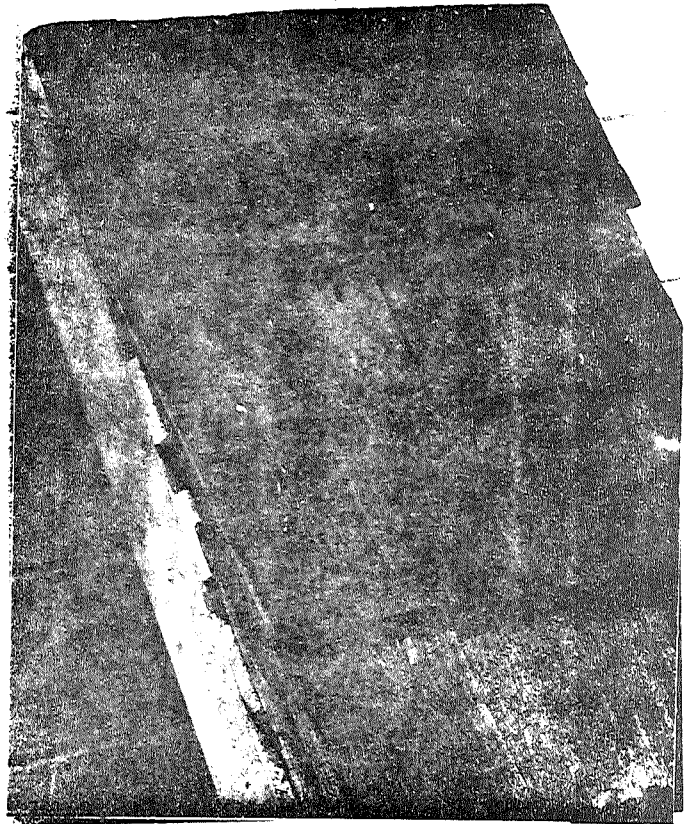
- B. The test assembly was placed in a drying cabinet until the moisture content of the wood framing and shingles was less than six per cent. (Kiln dried lumber protected from the weather will have a moisture content of 17 to 19 %). Twenty four hours prior to field testing of the bottle rockets, the assembly was removed from the drying unit and kept indoors until beginning of the testing procedure.

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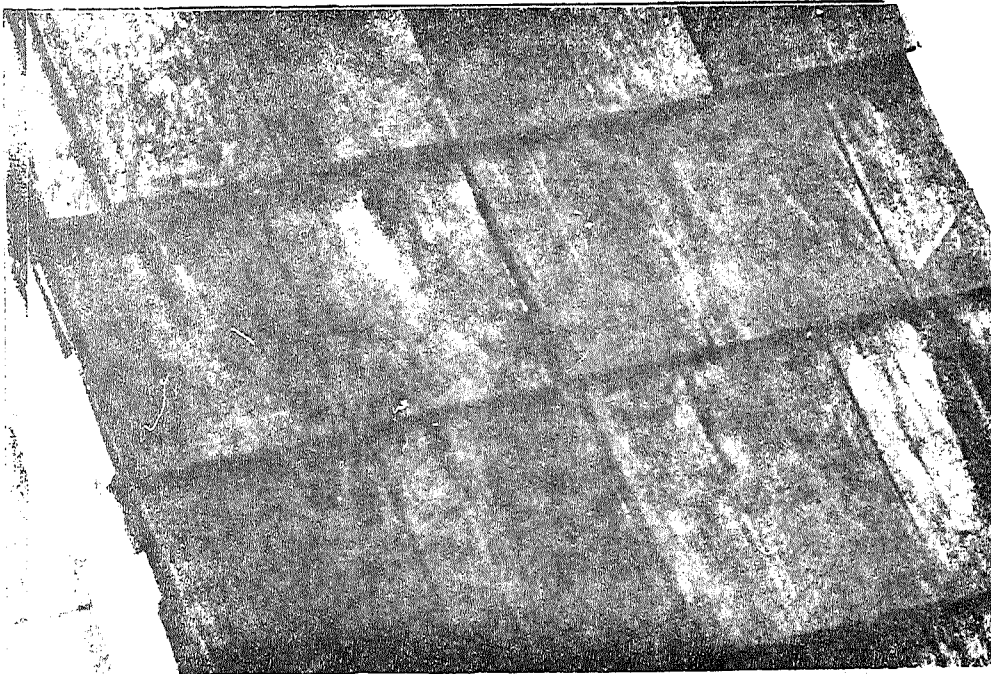
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PHOTOS

Made During Test July 22, 1981



Note Rockets under shingles



Dark areas on shingles where rockets were fired are discolored from burned powder. Not burns on shingles.

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## TESTING

Test procedure and methods were designed to produce conditions that would be the most likely to cause combustion of wood shingles. Test procedures ignored all warning printed on the labels, and for conditions that would exist under normal use. We placed rockets in such conditions and locations to attempt to deliberately cause burning or combustion of the shingles.

Bottle rockets were placed in various positions on the roof assembly, as follows:

1. Wired on top of assembly with flame directed onto shingles top.
2. Placed under shingles with flame directed against the bottom of the upper shingle and others with flame directed to lower shingle.
3. Placed between shingles in the same row with flame directed at edge of shingle.

Single rockets, rockets tied in bundles of two, three, and four were inserted in all positions noted above.

After each test firing of a rocket or bundle of rockets, the surfaces of the shingles in the area were closely examined to determine if any part of the shingle was burning or hot enough to cause combustion.

Examination immediately after firing, of each rocket tested revealed no burning of the remaining rocket materials. All areas were cool enough to touch.

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Elapsed time from ignition of the propellant to the report varied between the brand, and rockets within each brand.

BLACK CAT - with report

Time measurements were made for 24 rockets, the minimum time was 0.7 seconds; the maximum time was 1.85 seconds. Average for test was 1.35 seconds.

MOON TRAVELER - with report

Time measurements were made for 35 rockets, the minimum time was 1.7 seconds; the maximum time was 3.4 seconds. Average for test was 2.43 seconds.

AIR TRAVEL - with report

Time measurements were made for 38 rockets, the minimum time was 1.7 seconds; the maximum time was 3.4 seconds. Average for test was 2.19 seconds.

CONCLUSIONS:

We found no evidence of burning, combustion, smoke or heat. Examination of all shingle surfaces was visual and by touching the spot that received flame from the static burning test.

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AN ACT relating to fireworks; concerning the prohibition of sales of bottle rockets; amending K.S.A. 31-155 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 31-155 is hereby amended to read as follows:

(a) It shall be unlawful to possess, sell, or offer for sale or use within the State of Kansas any pyrotechnics commonly known as bottle rockets (or small sky rockets that do not meet the specifications of subsection(b)).

(b) Permissible fireworks shall not include bottle rockets or any other rockets with sticks unless such rockets have a total propellant charge each of more than three grams but less than twenty grams, a casing size of not less than ~~three eighths~~ <sup>three eighths</sup> inch in outside diameter and a casing length of not less than two and ~~one~~ <sup>fourth</sup> inches, with an overall length of thirteen inches including the stick which shall be securely fastened to the casing.

(c) Any person violating this act shall be guilty of an unclassified misdemeanor punishable by a fine of not more than \$100.

(d) The provisions of this section shall not prohibit the possession or transportation of bottle rockets by a manufacturer or wholesaler thereof for sale outside this state if such manufacturer or wholesaler is currently registered with the state fire marshal pursuant to K.S.A. 31-156.

Section 2. K.S.A. 31-155 is hereby repealed.

Section 3. This act shall take effect and be in force from and after its publication in the statute book.