

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on March 20, 2007 in Room 231-N of the Capitol.

All members were present except:

Senator Barnett - excused

Senator Vratil - excused

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department

Dennis Hodgins, Kansas Legislative Research Department

Ken Wilke, Revisor of Statutes Office

Connie Burns, Committee Assistant

Conferees appearing before the committee:

Representative Trimmer

Larry Halloran

Philip Bradley, Kansas Fireworks Association

Rose Rozmiarek, Kansas State Fire Marshal's Office

Others attending:

See attached list.

The Committee Minutes for February 14, 15, 20, 21, 23, 28, and March 1, distributed on March 16, 2007, with no changes stand approved.

HCR 5018 - Special US Atomic Service Medal to honor Atomic Veterans

Chairman Brungardt opened the hearing on **HCR 5018**.

Representative Trimmer appeared in favor of the concurrent resolution. (Attachment 1) The resolution is not asking for monetary compensation for these individuals, it simply states that the Kansas Legislature urges the Congress of the United States, the President of the United States, and the United States Department of Defense strike a "Special Service Medal" honoring the Atomic Veterans who risked their lives in service to their country.

Larry Halloran spoke in favor of the concurrent resolution. (Attachment 2) The resolution requests our national leadership and the President of the United States to honor the service and sacrifice of our nations Atomic Test Veterans.

Letters were received as informational from General Peter Pace, United States Marine Corps (Attachment 3) and M.G. Mullen, Admiral, U.S. Navy. (Attachment 4)

Chairman Brungardt closed the hearing on **HCR 5018**

Final Action:

HCR 5018 - Special US Atomic Service Medal to honor Atomic Veterans

Staff offered a technical amendment in line 33 that the word "Alpha" is spelled incorrectly and in line 35 change to "with very little or no safety gear."

Senator Hensley moved the amendment and the bill out favorably as amended. Senator Reitz seconded the motion. The motion carried.

HB 2475 - Kansas fireworks act; regulation; licensure

Chairman Brungardt continued the hearing on **HB 2475**.

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on March 20, 2007 in Room 231-N of the Capitol.

Philip Bradley, Kansas Fire Works Association, spoke in favor of the bill. (Attachment 5) This bill will help provide up to date licensing in the fireworks industry and allow the Fire Marshall's office to charge a fee for said licensing.

Rose Rozmiarek, Chief of Investigations, Kansas State Fire Marshal's Office, appeared in favor of the bill. (Attachment 6) This bill will provide a user based fee to support a program that has long been in existence and clarify the current statutes intent for the keeping, storage, use, sale handling, and transportation of explosives, dynamite, fireworks and firecrackers.

Daryl Marmon, Kansas Fireworks Association, provided written testimony in favor of the bill. (Attachment 7) The bill would not regulate or charge fees for the seasonal fireworks stand operator.

Chairman Brungardt closed the hearing on **HB 2475**.

Final Action:

HB 2475 - Kansas fireworks act; regulation; licensure

Senator Ostmeyer moved to pass **HB 2475** out favorably. Senator Reitz seconded the motion. The motion carried.

The meeting was adjourned at 11:30 am. The next scheduled meeting is March 21, 2007.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE 3-20-07

NAME	REPRESENTING
KEN STODGELL	VFW
KARL (Doug) MUSICK	VFW
Harry Graham	VFW
Dwight Becken	VFW
Charles M Yunker	The American Legion
Mike Simmons	The American Legion
LAWRENCE HALLORAN	SELF - ATOMIC VETERAN RECOGNITION EFFORT
George Webb	KCVA
[Signature]	KS STATE NATIONAL ASSOCIATION OF ATOMIC VETERANS.
Beth Dodge	KS Atomic Veteran-Widow
[Signature]	Rep. 78 th District.
Dell Bradley	KUSA
[Signature]	KS FMO
[Signature]	KS FMO

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State of Kansas
House of Representatives

Ed Trimmer
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Testimony to the Senate Federal and State Affairs Committee
In Support of House Concurrent Resolution 5018
By Representative Ed Trimmer

In 1945 the United States began a program of above ground nuclear testing that continued until 1963. During that time approximately 225,000 American personnel from every branch of the service were test site participants and as a result, test subjects. Because of their sacrifice, scientists and policy makers have a substantially, greater knowledge of the effects of ionizing radiation.

Not until 1988 did our government acknowledge that these persons had been constantly exposed to Alfa, Beta, and Gamma radiation and begin to authorize treatment for related health effects. These individuals were sworn to secrecy until 1996. Had they spoken of the events in which they participated they could have received up to twenty-years in federal prison. Because of the classified nature of the tests, these individuals were not given any form of recognition for the dangers they encountered, nor could they seek any recognition.

Today most atomic veterans are no longer with us. Of the original 225,000 only about 23,000 survive. A significantly higher than average number of these individuals have had their lives cut short by or are living with the ravaging effects of numerous forms of radiation induced cancer. They have been fighting a war with an unseen enemy for years and many of them have already lost. George W. Bush in a nationwide statement noted that these individual's exposure to ionizing radiation was as grave as anything suffered by veterans wounded in combat.

The resolution before you is not asking for monetary compensation for these individuals. Kansas is not being asked to strike any kind of medal. The resolution simply states that The Legislature of the State of Kansas urges the Congress of the United States, The President of the United States, and the United States Department of Defense strike a "Special Service Medal" honoring the Atomic Veterans who risked their lives in service to their country.

Medals have even been given to servicemen and women who have served in Antarctica because of the danger of the environment in which they serve. The atomic veterans are not envious of such awards. They would simply like to be recognized for the contribution they made to our country as well. Great Britain, Australia, and New Zealand have already presented their atomic veterans with a medal honoring their sacrifice. Should our veterans receive any less?

Sen Fed & State

Attachment 1

3-20-07

March 15, 2007

The Honorable Pete Brungardt
Chairman Federal and State Affairs
Kansas State Senate
Topeka, KS

Subj: Testimony; Lawrence M. Halloran, Mulvane, KS on behalf of HCR 5018

Dear Chairman Brungardt,

I would like to thank you and the members of the Committee on Federal and State Affairs Affairs for your time and consideration of Resolution 5018 requesting our national leadership and the President of the United States to honor the service and sacrifice of our nations Atomic Test Veterans. Veterans of unrestricted atmospheric and underwater atomic testing conducted from 1945 to 1963. While it has been over 60 years since the birth of the Atomic Bomb and over 43 years since the last test, individual participation and contributions remain unrecognized.

In 2002, President George W. Bush did proclaim July 16, 2002 as Atomic Veterans Day however, we find it hard to remember the fan fair leading up to that announcement and perhaps only a handful of atomic veterans and citizens are unaware of it.

In 2004, the first significant recognition of the atomic veteran occurred here in Kansas when our Legislators passed a resolution marking July 16, 2004 as Atomic Veterans Day in Kansas and Governor Kathleen Sebelius issued a personalized Certificate of Recognition to each known atomic veteran residing in Kansas. Two other states have since followed the courageous example set by Kansas.

Over the decades, The National Association of Atomic Veterans (NAAV) has been the primary sponsor of legislation related to the atomic veterans. We felt that somehow our elected officials viewed their efforts as SELF-SEEKING, in addition to expensive and a host of other possible reasons. NAAV (bound by National Security restraints until 1996) it would appear has tried diligently to work within the constraints of government with little or no public support to achieve their objectives. I think we can all appreciate the difficulty of such an effort.

Today, many citizens from across the State of Kansas have joined in a public petition of our government, **generated from outside of the atomic community**, to afford every veteran of atomic testing the lasting national recognition they so richly deserve. **The purpose of this effort is not to detract from the value or importance of any veteran's service nor elevate Atomic Veterans on a pedestal but rather to insure through recognition that they are included as a prominently visible part of our national and military history.** We are indeed hopeful that this body and our Governor will again set the standard for our nation and take a leading role in obtaining national recognition for the atomic veteran.

We wish to make it clear that we seek no apologies or justification of the testing performed or for the use of our military personnel in the performance of the testing. However, we realize that significant opposition exists in some government circles to establish a medal for a specific group of veterans. We hope to demonstrate and justify our request to set these particular veterans apart from all others, as we believe the circumstances of their service are significant, compelling and beyond the norm expected for peacetime operations. We value the service of every veteran who has stepped forward to serve and defend our nation. We have yet to find a

single veteran from any service period or category who cannot support our request or who would feel slighted by the recognition afforded the atomic veteran.

Members of the Armed Forces of the United States understand and appreciate the importance of service awards. These awards can recognize personal achievement, service at remote locations, participation in significant events and service under arduous, dangerous and difficult situations. Above all, service awards are a means of expressing the Nations gratitude for the member's service and readily identify the individual as one worthy of our respect, admiration and appreciation. Service awards are a lasting legacy passed on to the generations that inspire service and remind us of the true cost of our freedoms.

One would only need to consider the experience of a nineteen-year old seaman, selected with six others from the ships crew and stationed on the open deck during several successive tests in order to understand and appreciate the character and dedication to duty of all who participated. With youthful anticipation, the small group stood on the open deck as directed in the sweltering tropical climate, covered head to toe in successive layers of fowl smelling oil and carbon impregnated clothing and other presumably protective gear as they awaited the uncertainty and unknown outcome of the event they were about to experience. Isolated from the ships crew, battened down below decks, they stood fast in the face of the unknown despite their personal jitters and fears in the highest traditions of the United States Navy. In the wake of the first test, youthful anticipation was replaced with the knowledge that they truly stood in harms way and were witness to a power previously unfathomable. Believing their job was complete, they were informed that additional tests would be conducted. They unsuited and suited again for several more tests and were quarantined on deck for the better part of several days with only brief respite once a day for personal functions and to eat until the completion of the successive tests. Burdened with the increasing knowledge of what they faced they completed their assigned task to the weather deck recovery detail to collect debris from the detonations. They would experience bleeding from the nostrils, considerable chest pain and difficulty breathing from the pressure of the detonations and coagulation of blood in their nostrils and throats. Their vision would be painful and temporarily obstructed from the intensity of the detonation, even thru tightly closed eyes and protective gear such that, for a period of time, when it was possible to open their eyes, they could only see trace outlines but not the mass of the structure surrounding them.

This 19-year-old Seaman would complete his active duty but would return to the service of his country when years later there was a call for experienced personnel. He would continue that service and retire as a Chief Petty Officer from the United States Naval Reserve. Chairman Meyers and members of the committee, I know this Chief as do you, Mr. Gary M. Thornton Sr. of Leon, Kansas and I am personally proud to have served with him for the final three years of his career. I know him to be an honorable man of the highest integrity whose word I accept without reservation or doubt. Although retired, he continues to serve his shipmates, fellow service members, widows and spouses at every opportunity

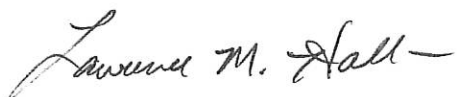
For many of the participants, it would be years before the debilitating after effects of their exposure in the form of cancers would commence their deadly march through their lives. For others, blessed with continued good health, there will always be a lingering question of future problems yet known. In a very real way, every single participant is still serving; quietly with grace and dignity and without the simplest form of recognition.

Mr. Chairman and members of the committee, it is the raw courage, strength and devotion to duty of my shipmate and all who participated in these test that we wish to see recognized. They deserve our respect, admiration and appreciation. They deserve nothing less

than an Atomic Test Service Medal in their honor, available for issue to them or surviving spouses upon request.

We appreciate the efforts that each of you and our Congressional leaders are making on behalf of the atomic veteran. We hope you will find merit in our request to honor the atomic veteran.

Respectfully,

A handwritten signature in cursive script that reads "Lawrence M. Halloran". The signature is written in dark ink and is positioned above the typed name and address.

Lawrence M. Halloran
Senior Chief, USNR Ret.
414 Rucker Ave.
Mulvane, KS 67110
316-777-9352



CHAIRMAN OF THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20318-9999

25 January 2007

SCPO Lawrence M. Halloran,
USNR (Ret)
414 Rucker Avenue
Mulvane, KS 67110

Dear Senior Chief Petty Officer Halloran,

Thank you for your letter concerning recognition for those personnel involved in atomic testing from 1945 through 1963. It is clear that you feel very deeply for your fellow Service men and their service to the Nation.

Upon review of this issue, it is my opinion that the creation of a medal to specifically recognize these personnel, though well-intended, may also create the perception of inequity for all our personnel who face significant dangers and hazardous conditions in both wartime and peacetime. We value each of these brave individuals equally.

I deeply appreciate your concern for those who have served our country and your continued support for all our military efforts.

Respectfully,

PETER PACE

General, United States Marine Corps
Chairman
of the Joint Chiefs of Staff



CHIEF OF NAVAL OPERATIONS

MAR 12 2007

Senior Chief Lawrence M. Halloran, USNR (Ret)
414 Rucker Avenue
Mulvane, KS 67110

Dear Senior Chief Halloran:

Thank you for your letter to Secretary Winter and me concerning special recognition for Atomic Test Veterans. I am responding to both letters.

It is with much appreciation and gratitude that I recall the selfless acts and contributions made by the thousands of Atomic Test participants from our military services and civilian organizations. As you know, Navy has a longstanding tradition of recognizing specific meritorious service or achievement by its members through awarding of a personal decoration or unit award. However, and as in this case, Navy does not recognize Sailors engaged in specific, hazardous activities or other dangerous duties through a general decoration, award, or certificate.

While the Secretary of the Navy may establish certain service-specific ribbons and medals, it is not within Navy's purview to establish a decoration that encompasses members from all branches of the United States Armed Forces as well as Department of Defense agencies. Establishment of such an award for all services would have to be authorized by the Department of Defense, by Executive Order, or through a Public Law passed by Congress. Congress has twice introduced legislation (in 1997 and 2003) to create an Atomic Test Service Medal, but both measures were unsuccessful.

I understand that this is not the response you had hoped for, but it should in no way diminish the value of the brave people who participated in the nuclear testing program to advance our Nation's technology programs.

Again, thank you for sharing your concern about this issue with me, and thank you for your service to this Nation. If I may be of any further assistance, please let me know.

Sincerely,

M. G. MULLEN
Admiral, U.S. Navy

Sen Fed & State

Attachment 4

3-26-07

Kansas Fireworks Association
P. O. Box 1301 Derby, Kansas 67037-1031
(316)788-5801 Fax (316)788-5869

Testimony on HB 2475, Tuesday March 20, 2007
Senate Federal & State Affairs Committee

Chairman Brungardt and Senators of the Committee,

I am Philip Bradley representing the Kansas Fireworks Assn. and working closely with the Kansas Fire Marshals office. Thank you for the opportunity to speak today.

This is a simple bill to address a simple concern. I know that those terms are somewhat over used in these hallowed halls; however I believe them to be true in this case.

For several years the Fireworks Assn. has been working with the Fire Marshals office to address a legitimate and serious concern, being able to assure safety and control of fireworks in Kansas. This concern had two primary elements that are addressed by this bill, the transportation into Kansas and the regulation of the operators of non-consumer events. These issues were address in a more complex bill that included other elements last year, Substitute HB 2245 that passed the House 102-22 on March 22, 2006.

Very briefly this pared down act will help provide up to date licensing in the fireworks industry and allow the Fire Marshals office to charge a fee for said licensing.

We have tried to address all concerns raised in the past and have the support and approval of the KS State Fire Marshall. They are here as well to answer any of your concerns.

Also present is Daryl Marmon of the KFA to address any technical concerns.

Thank you for your time and consideration.

Philip Bradley, Ph.D.
pbb@sunflower.com
785.766.7492

RESPONSIBILITY SAFETY ENTERTAINMENT



K A N S A S

F.S. JACK ALEXANDER
FIRE MARSHAL

OFFICE OF THE KANSAS STATE FIRE MARSHAL

KATHLEEN SEBELIUS
GOVERNOR

TESTIMONY ON HB 2475 SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

KANSAS FIREWORKS ACT

By
Rose Rozmiarek
Kansas State Fire Marshal's Office
Chief of Investigations

March 20, 2007

The Kansas State fire Marshal's Office stands as a proponent of HB 2475. This bill will provide a user based fee to support a program that has long been in existence and clarify the current statutes intent for the keeping, storage, use, sale handling, and transportation of explosives, dynamite, fireworks, and firecrackers.

The Kansas State Fire Marshal's Office has long been licensing those who use commercial (1.3) fireworks, we also investigate explosive incidents in the state, and regulate the retail sale of consumer fireworks. It is important to stress that **this bill does not involve** consumer (1.4g) fireworks that citizens can purchase at firework stands throughout the state during the forth of July season. For years the agency has only been able to process applications and administer the required test. With the implementation of federal grant program funding the fireworks program was able to expand and perform necessary criminal history checks on all applicants to insure that these explosive materials do not get into the hands of convicted felons. A homeland security grant provided funding for personnel and associated costs for conducting initial investigations of incidents as well as follow up investigations for criminal activity involving the use of this type of explosives.

Several investigations were completed over the last few years that involved fireworks and several resulted in injuries to individuals as well as illegal possession of the materials. The investigation division of the Kansas State Fire Marshal's Office responded to 57 explosive incidents last year to include a major fatality incident in southeast Kansas. One

other case involved the use of a 10" shell to damage a vehicle in southwest Kansas. This case resulted in the property damage to the vehicle and surround homes of over 60,000 dollars and the injury to one of the suspects. Last year we confiscated 154 cases of 1.3 fireworks from an individual in southeast Kansas who did not have any authority, state or federal to possess them. This case is still pending in the courts. Criminal explosive cases have resulted in a 40% arrest record and an 86.7% clearance record by the division.

During the course of the grant funding and expanding the program, several individuals have been denied licenses due to their criminal history. There were over 823 criminal history checks completed last year. We currently have a total of 725 licensed firework operators (shooters) in the state. This number is down from previous years. We did have over 1500 at one time. Information has been obtained that some shooters believe they no longer require a state license. This is one area that permanent manpower resource will be used in this program. We have also been called in to review civil cases that pertain to the proper firework site procedures as well as requested by the local authorities to ensure proper distances and safety measures are in place.

The federal grant funding will soon run out. Without additional funding to maintain the current level of support for the program such as in manpower, the criminal history checks and investigations will cease and these explosive materials will end up in the hands of felons and those planning on using the materials for criminal activities.

This agency has worked very closely with the Kansas Fireworks Association to develop and sponsor this legislation. We believe the continued improvement of this program will provide for a safer environment for Kansan's.

We ask that you pass this bill out favorably.

KFA

Kansas Fireworks Association

P. O. Box 1301 Derby, Kansas 67037-1031
(316)788-5801 Fax (316)788-5869

Testimony on HB 2475 to the Senate Federal and State Affairs Committee Concerning the Kansas Fireworks Act

Daryl Marmon

Kansas Fireworks Association Vice-President of Legislative Affairs

March 20, 2007

Dear Mr Chairman and Senators,

This bill will help provide the tools and regulatory authority for the Fire Marshal's office to update their code adoption regulations and to license the fireworks industry along with charging a fee for licensing, which it cannot do at this time. The fees would help to offset grants that the Fire Marshal's office was granted and are about to expire through Homeland Security. The revenues will assist with maintaining the fireworks program within the Fire Marshal's Office. At the same time it would allow the Fire Marshal to exempt governments and government employees, usually fire department personnel, that shoot a public display for their town or city from having to pay a licensing fee to obtain a shooters license, such license is required of anyone who shoots public display fireworks (non-consumer fireworks) in Kansas.

The bill would require anyone that desires to do indoor proximate fireworks to obtain an indoor "proximate" shooters license, which at this time there is no separate license requires. Outdoor and indoor displays are two different types of fireworks and should require different licensing. An outdoor Kansas licensed shooter of outdoor displays may not be aware of the inherent risks associated with indoor "proximate" pyrotechnics. This is why the National Fire Protection Association (NFPA) has a separate regulation guideline in regards to indoor and I agree with requiring a separate shooters license as most states do.

Another point of the bill is that the Fire Marshal's office would have a better knowledge of all fireworks being shipped into Kansas by requiring any business that wishes to ship or cause to be shipped any fireworks into Kansas to purchase a fireworks distributors license, as most states do. **This bill would not regulate or charge fees for the seasonal fireworks stand operator** who operate only during the fireworks season like civic organization, clubs and scouts which sale consumer fireworks to the individual consumer user. The bill is geared only towards licensing businesses that bring fireworks into the state to sale or do public display, or sale consumer fireworks to seasonal firework stands. There is no intention of the Fire Marshal's office or the bill to license fireworks stands. This is best left up to each individual county or city.

The Kansas Fireworks Association and the Kansas Fire Marshal's office worked in partnership to draft HB2475. Being in the fireworks industry we see and understand the need for such legislation in order to make sure of the safe use and accountability of fireworks within the state of Kansas.

We urge the committee to favorably pass HB 2475.

Sen Fed & State Affairs

Attachment 7
3-20-07