

February 12, 2020

The Honorable Bud Estes, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 136-E
Topeka, Kansas 66612

Dear Senator Estes:

SUBJECT: Fiscal Note for SB 362 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 362 is respectfully submitted to your committee.

Under current law, “fireworks season” is defined as a time period specified in the State Fire Marshal regulations during a calendar year in which seasonal retailers are permitted to sell consumer fireworks to the public. SB 362 would amend the definition of “fireworks season” to be from June 20 through July 5 for seasonal retailers and from January 1 through December 31 for retailers. The bill would also define “retailer” as a person who receives consumer fireworks and sells, delivers, consigns, gives or furnishes consumer fireworks only to the public for their personal use during the entire calendar year. The bill would specify that a retailer license would be valid for a period of four years and would allow cities and counties to prohibit the sale of fireworks and to establish a fireworks season different than the dates outlined above. Finally, the bill would repeal the statewide prohibition on selling, using, possessing, or transporting bottle rockets.

The Office of the State Fire Marshal indicates that 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. Therefore, enactment of SB 362 would result in a negligible fiscal effect that could be absorbed within existing resources.

The Kansas Association of Counties indicates that enactment of the bill could allow seasonal retailers to sell fireworks for a longer period of time, which could increase the likelihood that fireworks would be used when prohibited and therefore increase county revenues from fines. The bill could also increase expenditures by counties’ law enforcement or judicial entities related to enforcing prohibitions. However, a fiscal effect cannot be determined because the additional revenues or expenditures cannot be estimated.

The League of Kansas Municipalities indicates that 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 would be legal. However, a fiscal effect cannot be determined because the scope and type of additional law enforcement actions required to enforce such prohibitions cannot be estimated. Any fiscal effect associated with SB 362 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. L. Campbell". The signature is fluid and cursive, with a large initial "L" and a smaller "L." followed by "Campbell".

Larry L. Campbell
Director of the Budget

cc: Jill McCarthy, Office of the Fire Marshal
Trey Cocking, League of Municipalities
Jay Hall, Association of Counties