

2013 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1259

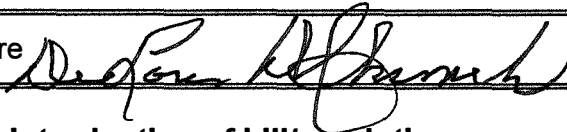
2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

HB 1259
February 7, 2013
Job # 18564

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to fireworks.

Minutes:

Chairman Jim Kasper opened the hearing on HB 1259.

Rep. Thoreson appeared in the support of this bill allow retailers three extra days to sell fireworks. Currently the retailers in our state can only sell fireworks from a period between June 27-July 5. Also wanted to add December 29-31 dates. Citizens outside North Dakota can purchase fireworks year around because the code says if they are for shipman out of state.

Rep. Marie Strinden: Three days is not long enough to get the people to come in to work and get the merchandise out. Have you talked to the retailers about this?

Rep. Thoreson: I have not.

Rep. Ben Koppelman: (inaudible)

Rep. Thoreson: If you wish to amend it to open it up for a more reasonable time that is up to you.

Rep. Ben Koppelman: Do you know what time of the year allowance is?

Rep. Thoreson: It is June 27 - July 5th so that is the timeframe now.

Vice Chair Randy Boehning: Is there a provision in law that a non-state resident can come over to North Dakota and buy fireworks years around in North Dakota?

Rep. Thoreson: The way it reads now there are restrictions, but one of them says for distribution outside of the state the retailers can sell to anyone for shipman.

Vice Chair Randy Boehning: We are selling fireworks year around in North Dakota except North Dakota residents can't buy them except for this short period of time.

Rep. Thoreson: That is correct.

Opposition:

Steve Fargo Fire Chief: Most of the fireworks are sold on the outskirts of the community and sometimes they are near structures. My main concern is people selling out of the back of semi-trailer with an alternative source of heat in the presence of fireworks and gun powder etc. I am only concerned about the public safety issue.

Chairman Jim Kasper: There is no limit where they sell out of now?

Hearing closed.

**Made a motion to move an amendment 13.0551.01001 by Rep. Ben Koppelman;
Seconded by Rep. Boehning**

Voice vote carried.

Do Pass as amended motion made by Rep. Strinden; Seconded by Rep. Boehning

Rep. Mooney: Do we not want to address the concerns of the fire chief?

Chairman Jim Kasper: I would say no.

Vote: 12 Yes 2 No 0 Absent Carrier: Rep. Strinden

Closed.

13.0551.01001
Title.02000

Adopted by the Government and Veterans
Affairs Committee
February 8, 2013

2-8-13
DMP

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1259

Page 1, line 9, replace "twenty-ninth" with "twenty-sixth"

Page 1, line 9, replace "December thirty-first" with "January first"

Renumber accordingly

Date: 2-7-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1259

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Koppelman Seconded By Rep. Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Bill Amerman		
Vice Chairman Randy Boehning			Rep. Gail Mooney		
Rep. Jason Dockter			Rep. Marie Strinden		
Rep. Karen Karls			Rep. Steven Zaiser		
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Gary Paur					
Rep. Karen Rohr					
Rep. Vicky Steiner					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

*Voice
Vote
carried*

Date: 2-7-13
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1259**

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Strinden Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chairman Randy Boehning	X		Rep. Gail Mooney	X	
Rep. Jason Dockter	X		Rep. Marie Strinden	X	
Rep. Karen Karls		X	Rep. Steven Zaiser		X
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Gary Paur	X				
Rep. Karen Rohr	X				
Rep. Vicky Steiner	X				

Total (Yes) 12 No 2
 Absent 0
 Floor Assignment Rep. Strinden

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1259: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1259 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "twenty-ninth" with "twenty-sixth"

Page 1, line 9, replace "December thirty-first" with "January first"

Renumber accordingly

2013 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1259

2013 SENATE STANDING COMMITTEE MINUTES

Senate Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

HB 1259
March 11, 2013
Job Number 19661

Conference Committee

Committee Clerk Signature

Eva Libelt

Explanation or reason for introduction of bill/resolution:

Relating to fireworks

Minutes:

Testimony Attached

Chairman Klein: Opened the hearing.

Representative Thoreson: Introduces the bill. (:30-1:52)

Chairman Klein: Asked if this would open this up for those communities that don't allow for fireworks.

Representative Thoreson: Said that there would be no change in that whatsoever.

Senator Sinner: Asked if the dates were specific, sales and use must end on the first.

Representative Thoreson: Said except for what any political subdivision would have specific about use. The state law doesn't have any restrictions on use periods just sale periods.

Senator Laffen: Asked why the state would care when we sell fireworks.

Representative Thoreson: Said he isn't sure himself. The way the law is written now, if you live outside of the borders of North Dakota you can buy fireworks but the citizens of North Dakota are restricted to that one week period.

Opposition

Courtney Koebele, North Dakota Society of Eye Physicians and Surgeons: Written Testimony Attached (1).

Joel Boespflug, Representing North Dakota's Fire Chiefs Association: In opposition of any additional sales of any types of fireworks. Fireworks do cause an impact to emergency response and emergency services.

Senate Industry, Business and Labor Committee

HB 1259

March 11, 2013

Page 2

Discussion on opening it up year round and the meaning of the bill (12:00-18:20)

Chairman Klein: Closed the hearing.

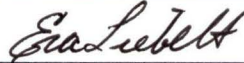
2013 SENATE STANDING COMMITTEE MINUTES

Senate Industry, Business and Labor Committee Roosevelt Park Room, State Capitol

HB 1259
March 11, 2012
Job Number 19675

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to fireworks

Minutes:

Discussion

Chairman Klein: Commented that if someone wants to open a shop and sell fireworks during the Christmas holiday he sees the fire issue as being minimal.

Senator Sorvaag: Moved a do pass on 1259.

Senator Unruh: Seconded the motion.

Discussion

Senator Andrist: Said he has a hard time voting for something where there is no base of necessity and only a downside in cost to the public and will be voting no.

Senator Sinner: Said he would request that the committee delay the vote because he has requested more information from the league of cities on how many communities in North Dakota actually ban fireworks.

Chairman Klein: Asked Senator Sorvaag if he was good with holding off. We will wait for additional information.

Senator Sorvaag: Said he is open to hear any facts but doesn't know what difference it will make. We are only opening it up to those who don't ban it.

Senator Sinner: Said his concern is that they place more emphasis on law enforcement in communities that have this outlawed now and he would like to hear from those folks. If they are actually have a concern with more fireworks being in communities that they are not legal in.

Chairman Klein: Said he would suggest that they are in the building, the league of cities was sitting here just moments ago. They only heard from the fire folks and they just as

soon ban them all together and certainly the medical folks. The optometrists were neutral on this one.

Senator Sorvaag: Said we had the hearing and they didn't talk about it. The bill has gone through one chamber and it's into the second and they weren't here to talk against it and we have closed the hearing. I am fine with waiting but I don't know why.

Senator Andrist: Said he thought he heard in the discussion phase that it is something that is really not controlled and won't be controlled. For whatever reason the cities don't place a high enough priority on controlling it or they find it difficult to control. Adding to the fireworks time adds to the inconvenience of those cities which would like to ban them.

Chairman Klein: We will stand at ease.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

HB 1259
March 18, 2013
Job Number 20091

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to fireworks

Minutes:

Vote

Chairman Klein: Opened discussion on Engrossed HB 1259.

Discussion and Comments (:22-3:30)

Senator Sorvaag: Moved a do pass on Engrossed HB 1259.

Senator Unruh: Seconded the motion.

Roll Call Vote: Yes - 5 No - 2 Absent - 0

Floor Assignment: Senator Unruh

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. Engrossed 1259**

Senate Industry, Business, and Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Sorvaag Seconded By Senator Unruh

Senators	Yes	No	Senator	Yes	No
Chairman Klein	x		Senator Murphy	x	
Vice Chairman Laffen	x		Senator Sinner		x
Senator Andrist		x			
Senator Sorvaag	x				
Senator Unruh	x				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Senator Unruh

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1259, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1259 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1259



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Testimony in Opposition to HB 1259
North Dakota Society of Eye Physicians and Surgeons
Senate Industry Business and Labor Committee
March 11, 2013

Chairman Klein and Committee Members, I'm Courtney Koebele and I represent the North Dakota Society of Eye Physicians and Surgeons who oppose HB 1259. The North Dakota Society of Eye Physicians and Surgeons is the state professional membership for our state's Eye MDs, affiliated with the American Academy of Ophthalmology.

Each Fourth of July, thousands of people are injured from using consumer fireworks. According to the U.S. Consumer Product Safety Commission, more than 9,000 fireworks-related injuries happen each year. Of the 9,000 fireworks-related injuries each year, 21 percent impact the eyes. One-fourth of fireworks eye injuries result in permanent vision loss or blindness.

Fireworks can cause significant ocular injury in children, often with permanent loss of vision. Children are the most common victims of firework accidents, with those fifteen years old or younger accounting for half of all fireworks eye injuries in the United States. For children under the age of five, seemingly innocent sparklers account for one-third of all fireworks injuries. Sparklers can burn at nearly 1,200 degrees Fahrenheit, which is hot enough to cause a third-degree burn.

Among the most serious injuries are abrupt, high velocity trauma to the eye from bottle rockets. The rockets fly erratically, often injuring bystanders. Injuries from bottle rockets can include eye lid lacerations, corneal abrasions, traumatic cataract, retinal detachment, optic nerve damage, rupture of the eyeball, eye muscle damage, and complete blindness.

Bottle rockets are inherently dangerous to both adults and children for two very simple reasons. First, the rate of travel of a standard bottle rocket can reach very high rates of speed, and they are very susceptible to ricochet--often traveling in any direction but the one intended. Second, the bottle rocket

presents a significant fire hazard. When a bottle rocket detonates, the casing can burn from a few seconds to a few minutes.

However, fireworks of all types, including sparklers, are dangerous. For thousands of families across the U.S., Independence Day celebrations have turned to nightmares when their children were hurt or even blinded by fireworks.

Alcohol use increases over the holidays, beginning at Thanksgiving, and on into the New Year's holiday. Even a small quantity of alcohol can impair one's judgment and ability to properly set up and use consumer fireworks safely. Even those groups that support consumer use of fireworks recommend no alcohol use while using fireworks.

Fireworks are inherently dangerous and legalizing them over the New Year's holiday will only increase the chance of more injuries. On behalf of the North Dakota Eye Physicians and Surgeons, we urge the Committee to recommend a "DO NOT PASS" on HB 1259.