

1 IN THE House

BY BULLOCK

2 House BILL NO. 3

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the supervision,
7 control and prohibition of the sale, use,
8 possession, public display and explosion
9 of fireworks."

10 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

11 Section 1. Dangerous Fireworks. [Dangerous] Fireworks as
12 used in this Act includes, ^{but is not limited to,} any of the following: Pyrotechnics
13 or fireworks containing phosphorous, sulpho-cyanide, mercury,
14 chlorate of potash and sulphur or chlorate of potash and sugar;
15 Fireworks, salutes, and other explosive articles of similar
16 nature; Blank cartridges; Sky rockets, including all devices
17 which rise in the air during discharge; Roman candles, flares,
18 sparklers, including all devices discharging balls of fire into
19 the air; Chasers, including all devices which dart or travel
20 about the surface of the ground during discharge; Snakes, boa
21 constrictors, and snake nests, containing bichloride of mercury;
22 All articles of Pyrotechnic display which contain gun powder;
23 Articles commonly known as son-of-a-gun, devil-on-the-rock,
24 crackit sticks and automatic torpedoes which contain arsenic;
25 Explosives known as devil-on-the-walk, or any other article of
26 similar nature which explodes through means of friction, and all
27 other similar fireworks, unless otherwise designated; ^{and} Toy
28 torpedoes of all kinds except those specifically designed for
29 use only with toy pistol paper caps containing not more than

p. 1, line 11: following the section title strike the word "Dangerous" and insert quotation marks around the word "Fireworks"

p. 1 line 12: following the word "includes" insert ", but is not limited to,"

p. 1, line 27: following the semi-colon insert the word "and"

1 twenty-five hundredths grain of explosive compound to each paper
2 cap. Such other fireworks as may be designated as dangerous by
3 the Attorney General.

4 Sec. 2. Activities prohibited or requiring permit. No
5 person shall do any of the following: (a) Manufacture, possess,
6 or sell any dangerous fireworks; (b) Discharge dangerous fire-
7 works any place; (c) Make a public display of dangerous fire-
8 works, without securing a permit.

9 Sec. 3. Application for and granting of permit; operation
10 of Act. Any adult person, firm, association, or corporation,
11 desiring to do any act mentioned in subsection (c) of Section 2
12 shall first make written application for a permit to the [United
13 States Commissioner of the Recording District where said public
14 display is to be made] at least three days in advance of the date
15 of the proposed display. It shall be the duty of the ^{Fire Marshal} [United
16 States Commissioner] to whom the application is made to make an
17 investigation as to whether such a display as proposed shall be
18 of such a character and so located that it may be hazardous to
19 property or dangerous to any person, and the ^{issuance of the permit} [United States Com-
20 missioner] may in the exercise of reasonable discretion grant or
21 deny the application, subject to such reasonable conditions,
22 if any, as he or she shall prescribe.

23 This Act does not prohibit any manufacturer, wholesaler,
24 dealer or jobber from possessing, manufacturing or selling any
25 kind of fireworks for direct shipment out of the Territory or
26 from manufacturing or selling any kind of dangerous fireworks
27 to permittees hereunder, or the use of torpedoes, flares, or
28 fuses by railroad, transportation agencies, or other persons
29 for necessary signal purposes or illumination, or the sale,

✓ p. 2, line 2: following the word "cap" strike the semi-colon (;) and the balance of the sentence to the period

/ p. 2, line 12: beginning with the word "United" strike all matter to and including word "made" in line 14, and insert in lieu thereof "Fire Marshal of Alaska or his deputy"

✓ p. 2, line 15: strike "United States Commissioner" and insert in lieu thereof "Fire Marshal or his deputy"

✓ p. 2, line 19: strike "United States Commissioner" and insert in lieu thereof "issuer of the permit"

1 possession, or use of explosives for industrial, mining, agri-
2 cultural or commercial usage; or the sale or use of blank cart-
3 ridges for ceremonial, ^{pyrotechnical} purposes, athletic or sports events, or
4 military ceremonies and demonstrations or maneuvers.

5 Sec. 4. Insurance and bond; supervision of displays. The
6 applicant for such display permit shall at the time of applica-
7 tion, furnish proof that he carries compensation insurance for
8 his employees, ^{if any,} as provided by the laws of this Territory, and
9 he shall file with the ^{Fire Marshal or his deputy} [United States Commissioner] to whom the
10 application is made a bond in the amount of \$10,000.00 with [at
11 ^{one corporate or at least two individual} least two adequate and sufficient] sureties to be approved by
12 ^{issuance of bond} [said commissioner] conditioned on the applicant's payment of all
13 damages to persons or property which shall or may result from
14 or be caused by such public display of fireworks, or any negli-
15 gence on the part of the applicant, or his or its agents, ser-
16 vants, employees, or subcontractors in the presentation thereof,
17 or a certificate evidencing the carrying of appropriate liability
18 insurance issued by an insurance carrier authorized to transact
19 business in the Territory of Alaska for the benefit of the per-
20 son named therein as assured, as evidence of ability to respond
21 in damages in at least such amount, said policies to be similar-
22 ly approved. If the permit is granted, the sale, possession,
23 use and display of fireworks for the public display is lawful
24 for that purpose only; no permit granted is transferable. Every
25 public display of fireworks shall be handled or supervised by
26 some competent adult person [approved by the United States Com-
27 missioner], and no person under the age of ¹⁸ 21 years shall be per-
28 mitted to actively participate in the operation or be employed
29 in such display.

p. 5, line 5: insert after word "ceremonial" the words "or theatrical"

p. 5, line 8: after word "employees" insert ", if any,"

p. 5, line 9: strike "United States Commissioner" and insert "Fire Marshal or his deputy"

p. 5, line 10: strike "at least two adequate and sufficient" and insert "one corporate or at least two individual"

p. 5, line 12: strike "said commissioner" and insert "issuer of the permit"

p. 5, line 12: insert an apostrophe between "t" and "s" in the word "applicant's"

p. 5, line 26: strike the words "approved by the United States Commissioner"

p. 5, line 27: change "21" to "18"

1 Sec. 5. Municipal ordinances. Nothing contained in this
2 Act, or the permits issued under it; shall authorize the manu-
3 facture, use, possession, discharge, or public display of fire-
4 works of any nature in any municipality in which such manu-
5 facture, use, possession, discharge, or public display is other-
6 wise prohibited or regulated by law or municipal ordinance.

7 Sec. 6. Fire season. Nothing herein contained shall
8 authorize the use, discharge or display of fireworks in pro-
9 hibited areas during ^{any fire season that may be} the fire season as established by law,
10 or in pursuance of law.

11 Sec. 7. Punishment. Any person who violates any of the
12 provisions of this Act shall be guilty of a misdemeanor, and
13 upon conviction ^{may} [shall] be punished by imprisonment for a term
14 not to exceed ^{by law} [six months] or a fine not to exceed ^{\$500} [\$3,000.00] or
15 by both such fine and imprisonment.
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p. 4, line 9: strike the words "the fire season as" and insert in lieu thereof "any fire season that may be"

p. 4, line 13: strike "shall" and insert "may" in lieu thereof

p. 4, line 14: strike "six months" and insert in lieu thereof "thirty days"

p. 4, line 14: strike "\$3,000.00" and insert in lieu thereof "\$500"
