

Approved: April 9, 1999  
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 11:10 a.m. on March 23, 1999 in Room 254-E of the Capitol.

All members were present:

Committee staff present: Mary Galligan, Legislative Research Department  
Russell Mills, Legislative Research Department  
Theresa Kiernan, Revisors of Statutes  
Judy Glasgow, Committee Secretary  
Will Votypka, Legal Assistant for Senator Oleen

Conferees appearing before the committee: Representative Tom Sloan  
Jay Jones, Celebrations  
David Garrett, Haus and Wilkerson Insurance,  
Bill Ogg, Kansas State Fair, Hutchinson  
Stan Nelson, Joyland Amusement Co., Wichita  
Bob Johnson, Outdoor Amusement Business Assoc.  
Joe Cheesman, Lebanon, Kansas  
Ron Hein, Kansas Restaurant Association

Others attending: See Attached Sheet

Chairman Oleen recognized Senator Becker for introduction of a bill establishing a procedure for the conversion of a stock or mutual insurance company into an insurance reciprocal. Senator Vidricksen moved for introduction of the bill. Senator Biggs seconded the motion. The motion carried.

Chairman Oleen opened the hearing on **HB 2040-Amusement Rides; liability insurance and inspection.**

Representative Tom Sloan, sponsor of the bill was recognized by Chairman Oleen. Representative Sloan stated that Kansas is one of only six states that do not require the inspection of amusement rides for safety purposes. (Attachment 1). **HB 2040** requires that amusement ride operators carry at least \$1 million of liability insurance, utilize nationally certified safety inspectors, inspection results be available to persons contracting for rides and employees be properly trained to operate the equipment. Representative Sloan stated that the fiscal note called for \$400,000 to set up an agency which was never the intent of the bill. He spoke to several floor amendments by the House which caused the bill to become more divisive concerning the subject. He encouraged the committee to report **HB 2040** favorably for passage..

Chairman Oleen called on Jay Jones, owner of Celebrations, Wichita, Kansas. Mr. Jones stated that Celebrations would be excluded by **HB 2040** as it is now amended because his company uses inflatable rides. He believes that all rides, including inflatable rides should be covered by this bill. He is an opponent to the bill in its present form. Mr. Jones stated that he is for inspection provided they are fair, logical and affordable.

David Garrett, of Haus and Wilkerson Insurance was introduced by Chairman Oleen. Mr. Garrett stated that his company had worked with the Outdoor Amusement Business Association in assisting Representative Sloan prepare this legislation two years ago. Mr. Garrett stated that since the amendments by the House his company, as well as others who assisted in drafting this legislation, now oppose **HB 2040**. The exemption of non-profit organizations and local governmental entities does not protect private citizens from a safety standpoint. He stated that his company supports the original bill but opposes the bill as amended by the House committee and House floor amendments.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E,  
Statehouse at 11:10 a.m. on March 23, 1999

Chairman Oleen recognized Bill Ogg, Kansas State Fair, Hutchinson, Kansas. Mr. Ogg stated that **HB 2040**, in its original form, was pro-active, sensible legislation cooperatively written by diverse members of the amusement ride industry (Attachment 2). Mr. Ogg stated that passage of the bill as amended assures most Kansans of amusement ride safety; in its original form it assured all Kansans that their amusement ride would be safe.

Stan Nelson, Joyland Amusement Co., Wichita, Kansas, was recognized by Chairman Oleen. Mr. Nelson stated that he was a proponent to the original **HB 2040**, but he is now an opponent to **HB 2040** as amended by the House.

Chairman Oleen recognized Bob Johnson, Outdoor Amusement Business Association, Inc. Mr. Johnson stated that Outdoor amusement Business was a proponent of the original **HB 2040**. (Attachment 3). Mr. Johnson stated that with the amendments that were added on the House floor, Outdoor Amusement opposes the present bill. He stated that the specific concern with the amended **HB 2040** is that it allows not-for-profit organizations that own or lease amusement rides to go unregulated. In addition the inclusion of playgrounds such as day care centers, McDonald's playlands and coin operated stationary rides should not be included in this bill. Mr. Johnson also provided written testimony for Spencer's Rides and Concessions (Attachment 4)

Joe Cheesman, Cheesman's Rides, Lebanon, Kansas was introduced by Chairman Oleen. Mr. Cheesman stated that he opposes **HB 2040** because it will mean that small towns can no longer afford to have carnivals come to their areas. (Attachment 5). He stated that he has three rides and the bill calls for inspection thirty days before the event. He stated that in some months he only has two events and he wouldn't clear enough to pay for an inspector for two separate occasions for two separate uses for only two days. He asked the committee to oppose **HB 2040**.

Chairman Oleen recognized Ron Hein, representing Kansas Restaurant and Hospitality Association (KRHA). (Attachment 6). Mr. Hein stated that it is KRHA's interpretation of HB 2040 that amusement facilities that are frequently found with restaurants such as McDonald's Wendy's, Check E. Cheese's and other similar type of restaurants would not be included in **HB 2040**. Mr. Hein stated if this interpretation is not correct then KRHA would be in opposition to **HB 2040**.

Chairman Oleen called the committee's attention to written testimony in opposition to **HB 2040** from Alvin Wiechman (Attachment 7) and Dennis Bruzina (Attachment 8).

The hearing on **HB 2040** was closed by Chairman Oleen.

Chairman Oleen directed the committee's attention to the Substitute for **SB 329**. This bill incorporates the amendments proposed by the Woodlands and includes the amendment from Senator Barone to include the race track in Southeast Kansas known as Camptown..

Chairman Oleen called for questions on **SB 330** and there being none ask for committee action on this bill. Senator Harrington moved to report SB 330 unfavorably. Senator Biggs seconded the motion. The motion passed.

Chairman Oleen opened discussion on Substitute for SB 329. After discussion it was noted that Section 25 had been included from Senator Barone's amendment which was not the intent of this committee. Senator Vidricksen moved to report the bill favorably for passage with the stipulation that Section 25 be removed from the bill. Senator Jones seconded the motion. Senator Vratil asked that the motion be separated and each part be voted on. Following discussion by the committee the motion to remove Section 25 passed. The committee voted to report Substitute SB 329 favorably; the motion carried on a 5-4 vote.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E, Statehouse, at 11;10 a.m. on March 23, 1999.

Chairman Oleen recognized Anthony Fadale Kansas Coordinator of the American with Disabilities Act (ADA). Mr. Fadale reported that **SB 299** had been amended to make the language permissive rather than mandatory with all parties in agreement. Senator Jones moved to report **SB 299** favorably to the full Senate. Senator Biggs seconded the motion. The motion carried.

Chairman Oleen opened discussion on **HB 2012 - State fire marshal; hazardous materials assessment and response**. Senator Oleen stated that there were two questions raised at the hearing; one relating to the toll free number and the second looking to fire safety standards in community colleges and colleges. Mr. Keating, Supervisor of Fire Prevention Division, State Fire Marshal's office has provided the committee with a written response stating that those issues can be handled by Rules and Regulations, with no amendments needed (Attachment 9) Chairman Oleen asked for action on **HB 2012**. Senator Biggs moved to report the bill favorably to the full Senate. Senator Harrington seconded the motion. The motion carried.

Chairman Oleen noted that proposed language for **SB 239**, is being formulated and the committee will return to this bill later in the week.

The meeting adjourned at 12:10 p.m. The next meeting of the committee will be March 24, 1999.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE  
GUEST LIST

DATE: MARCH 23, 1999

NAME	REPRESENTING
Jim Allen	Lo G. P.
Martin Hawver	Hawver's Capital Report
Chris Niemann	H+W Insurance
Margaret Nelson	Joyland Amusement Park
STANLEY NELSON	JOYLAND AMUSEMENT CO, INC
DAVID GARRETT	HAAAS & WILKERSON INSURANCE
Greg Ziemak	Kansas Lottery
Joe Chesmon	Chesmon Radio
Howard Spindel	SPENCER Radio
Scott Rothchild	Wichita Eagle
Anthony A. Fedak	Dept Of Admin/Adm
Mark S. Braun	DoA Legal Section
Helen Stout	
Alan Steppat	A.E. Steppat & Co.
Gene Schwabach	Kansas For Life At Its Best
Leo Ogg	Student observer
Bill Ogg	Kansas State Fair
Bob Johnson	Johnson Amusement Business
Joe Jones	Celebrations Entertainment

# SENATE FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: 3-23-99

NAME	REPRESENTING
Laura Clegh	Prairie Band Patawatoma
JERRY HATHAWAY	KRGC
MYRON SCAFE	KRGC
Tom Condit	KDOR/ABC
Brenda Edsidge	TILYC <sup>Republican Independent</sup> Living Resource Center
Pete Bodyk	KDOR/ABC
Mary Jayne Wellburn	KSKL
Steve Blueste	KSNW
John Peppercine	American Cancer Society
Kathy Linsky	Ks. Public Health Assn.
Jim Mc Hoff	Ks AFL-CIO
Maggie Keating	KS Insurance Dept.
Jim Keating	KANS SAFE KIDS
Elmer Whitting	Ks Fairs Assn



TOM SLOAN  
REPRESENTATIVE, 45TH DISTRICT  
DOUGLAS COUNTYSTATE CAPITOL BUILDING  
ROOM 446-N  
TOPEKA, KANSAS 66612-1504  
(785) 296-7677  
1-800-432-3924

TOPEKA

HOUSE OF  
REPRESENTATIVES772 HWY 40  
LAWRENCE, KANSAS 66049-4174  
(785) 841-1526

Testimony to Senate Federal and State Affairs Committee on HB 2040 – March 23, 1999

Madam Chairman, Members of the Committee, thank you for the opportunity to speak with you about a public safety issue, especially for children. Kansas is one of only six states that do not require the inspection of amusement rides for safety purposes. We are also one of the few states that do not address operator safety training requirements and the responsibility of amusement ride riders to observe safety procedures.

HB 2040 is the result of three years of work to craft a safety inspection bill that will protect Kansas riders, be endorsed by the responsible members of the amusement ride industry, be cost-effective, and not create a new state bureaucracy. HB 2040 requires:

- Annual safety inspections of permanently erected amusement rides (rides in front of grocery stores, Wal-Mart, etc. not normally requiring services of an operator are excluded) by certified inspectors
- Amusement rides coming to Kansas also must have been inspected by an certified inspector before being erected in Kansas for the first time each year
- Owners of amusement rides must have at least \$1 million of liability insurance and the insurance policy is available for inspection by persons contracting with the ride operator
- Training of amusement ride operators must be documented and available for inspection by persons contracting for the ride
- An inspection decal shall be posted on or near the ride in plain view of riders
- All safety instructions for safely riding the amusement equipment must be posted on or near the ride in plain view of riders
- Riders must obey operator instructions and exercise the judgment of an ordinary prudent person while participating in the rides
- Maintenance and inspection records must be available to persons contracting for the ride
- Local governing bodies may establish safety standards in addition to, but not in conflict with, the standards imposed by this statute (by reference, the requirements established by the manufacturers of the rides)
- If a serious accident occurs, the ride must be immediately shut down and not restarted until a complete safety inspection has been completed

These requirements on the amusement ride industry are more stringent than many states have, but are eminently fair and reputable operators can and will achieve them. You will hear from representatives of the amusement ride industry, insurance provider, fair contractors, and others who will endorse this common sense approach to safe amusement ride operations. Neither the State nor local communities have employees with the expertise necessary to appropriately and adequately inspect these rides, it takes specialists to know when the machines are safe and that is what HB 2040 requires.

In summary, HB 2040 requires that amusement ride operators carry at least \$1 million of liability insurance, utilize nationally certified safety inspectors, the results of those inspections be available to persons contracting for the rides or using them, and employees be properly trained to operate the equipment. Amusement ride operators unwilling or unable to comply with these reasonable and responsible safety inspection and employee training standards should not be permitted to operate in our State. I encourage you to report HB 2040 favorable for passage.

Sen. Federal & State Affairs Comm  
Date: 3-23-99  
Attachment: # 1-1

The Kansas State Fair  
2000 North Poplar  
Hutchinson, Kansas 67502-5598  
316 669-3600  
Fax: 316 669-3640  
E-Mail: ksfair@southwind.net  
www.kansasstatefair.com



BILL OGG, GENERAL MANAGER  
DENNY STOECKLEIN, ASSISTANT MANAGER  
LARRY ANKERHOLZ, PHYSICAL PLANT MANAGER

March 19, 1999

Senator Lana Oleen, Chairperson  
Federal and State Affairs Committee  
State of Kansas  
State Capital Rm 136N  
Topeka, KS 66612-1504

RE: KANSAS HB 2040 AMUSEMENT RIDE SAFETY

Dear Senator Oleen:

HB 2040, in its original form, was proactive, sensible legislation cooperatively written by diverse members of the amusement ride industry. The bill as drafted had significant compromise in that all parties economically vested in the industry agreed to contribute to the singular common goal of public safety. All parties understood their cost of operation would moderately increase, but supported the legislation as a worthy investment.

Amendments to the bill by the House Committee of the Whole exempted governmental and non-profit owner-operators of amusement rides from safety inspection. Such entities constitute a small percentage of the statewide amusement ride operations and an even smaller percentage in the number of riders involved. However, in my opinion, and with great respect for honorable intentions of county fairs and non-profits, these entities pose the higher safety concern of the industry.

Due to vast inconsistency between the published version of HB 2040 and that posted on the internet, there was frustrating confusion regarding the content of the bill as passed by the House of Representatives. Unfortunately, communication with legislators was thus severely handicapped and has resulted in further confusion.

HB 2040 warrants passage as it is legislation assuring most Kansans of amusement ride safety. The bill in its original form or as passed by the House Committee, assures ALL Kansans their amusement ride will be only fun.

Thank you for your consideration.

Sincerely,



Bill Ogg, Secretary to the Board  
and General Manager

lz  
pc: Representative Tom Sloan

Sen. Federal & State Affairs Comm.  
Date: 3-23-99  
Attachment: # 2-1



# OUTDOOR AMUSEMENT BUSINESS ASSOCIATION, INC.



4600 WEST 77TH STREET  
MINNEAPOLIS,  
MINNESOTA 55435  
1-800-517-OABA  
(612) 831-4643  
Fax (612) 831-4642  
E-Mail: oaba@aol.com  
www.oaba.org

March 17, 1999

Senator Lana Oleen  
Chairperson, Federal and State Affairs Committee  
State of Kansas  
State Capitol  
Room 136 North  
Topeka, KS 66612-1504

**Re: Kansas Bill 2040  
Amusement Ride Safety  
Testimony 3/23/99**

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John Campi - 1982  
\*Buster L. Brown - 1981  
Hub Luehrs - 1980  
Lloyd Hilligoss - 1979  
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\*Alfred H. Kunz - 1977  
P.E. Reithoffer, Jr. - 1976  
Bernard P. Thomas - 1975  
E. James Strates - 1974  
\*Rod Link - 1973  
C.J. Sedlmayr - 1972  
\*John Portemont - 1971  
\*William T. Collins - 1966-70  
W.G. Wade - 1965  
\*Deceased

Dear Senator Oleen:

I am the Executive Director for the Outdoor Amusement Business Association and represent the mobile amusement ride industry in North America. Our trade association for over 32 years represents over 500 family, carnival owners and has assisted state governments with amusement ride safety, legislation and regulation.

Having just received a copy of the amended House version of the above referenced bill from Representative Tom Sloan, we must withdraw our support for this safety legislation unless it is more closely aligned with its original intent with Representative Sloan and the amusement industry.

Many industry representatives and the OABA worked hard with Representative Sloan, for over two years to hopefully add Kansas to list of some 45 states that have amusement ride legislation designed to increase patron safety.

Our specific concerns with the House version of this bill are that it allows not-for-profit organizations that own or lease amusement rides to go unregulated. This is scary, absurd and not in the interest of patron safety or good business standards in our industry. In addition, the inclusion of playgrounds such as day care centers, McDonald's playlands and coin operated stationary rides should not be included in the safety inspections and regulations in this bill, and I don't believe they are in any other state amusement ride laws.

In addition, Kansas must have some state regulatory agency to oversee and monitor the regulations and permitting process. Most states have their public safety, insurance, labor or agriculture departments regulating amusement ride safety. Some states have independent, third

Sen. Federal & State Affairs Comm  
Date: 3-23-99  
Attachment: # 3-1



Page Two  
Kansas Bill 2040  
Amusement Ride Safety  
Testimony from the OABA  
March 23, 1999

party insurance inspectors inspecting amusement rides as required by insurance company's who insure amusement rides, then certifying to the state regulatory agency that the amusement company is in compliance. The National Association of Amusement Ride Safety Officials (NAARSO) who are trained and certified in accordance with industry safety standards should be maintained in this bill to inspect rides. This organization also trains and certifies many state inspectors.

Finally, Kansas should certify with some form of permit license applied to a ride, that a ride has been properly inspected, insurance is in place and that the operator is in conformance to industry safety standards.

The OABA is very concerned that a well conceived, responsible and industry supported amusement ride safety bill is passed in your state. Please don't compromise the safety of Kansas residents on amusement rides. We look forward to your good judgment with a return of a better Senate version of this bill as its was originally intended.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Johnson", with a long horizontal flourish extending to the right.

Robert W. Johnson  
Executive Director

Copies for Committee Members (20)



# Spencer's Rides & Concessions

Arts - Crafts - Fairs - Picnics - Benefits

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There are a few parts of this bill that do not make it feasible at this time. The amount of time that is allowed to get rides inspected, and the number of inspectors that are available to do the inspections, at this time. Most carnivals are either already open or due to open at any time.

Another part that bothers us is the part about the training and certification of ride operators. Most of our rides are just a light switch to turn on or off, and to keep operating costs down we usually hire kids from each town that we play to help run some of them. They come out to see if we need help, because it helps let them make some extra pocket money. Small shows like ours will be put out of business if we cannot comply with all of these regulations, and that means that a lot of small town celebrations will not have a carnival, because they don't bring enough money for the larger shows to want to play them.

Larger shows with more of the large thrill rides that go faster might need more insurance than a small show, since there is a greater chance of a major or life threatening accident than there is on a small show. Insurance should be based on the number and type of rides that a show has, not the same for everyone.

13901 Archer Road

- Bonner Springs, Kansas 66012

- 913-441-1831

Sen. Federal & State Affairs Comr  
Date: 3-23-99  
Attachment: # 4-1

## HOUSE BILL #2040

Line D, Page 1

(1)

Any non-profit amusement ride owned by political subdivision of state are not included. This discriminates against us ride owners because we pay taxes and they are owned by people who don't pay taxes, and they are owned by people who don't pay taxes, and are competing with us in ~~some~~ occasions.  
some

(2)

Line 42-43, Page 2

(b) Certification of Inspection. Who is going to pay for this inspection - State Insurance Co. or ride owners?

(3)

Line 11 through 12

Provide for coverage in amount not less than \$1,000,000 per accident and not less than \$2,000,000 in annual aggregate.

Auto owners only have to have \$3,000,000 worth of insurance. They have thousands of accidents a year and are not inspected. The carnival industry hasn't had an accident in 15 years or longer. Is the state going to raise the rate on automobiles, or is the state going to subsidize the carnival industry for the difference?

(4)

Line 6-10, Page 4

American Society for Testing.

Who is going to tell us when or where these tests are to be made?

(5)

Line 14 through 25

Instructions on operating procedures for Rides

Who is going to write up these procedures, and who is going to teach the classes, and who is going to pay for it?

Are you going to start a new department for this, who is going to see that this is done, and who is going to pay for this?

(6)

I am operating two rides and go to small celebrations and some small county fairs. If this bill is passed and put into operation, I will have to go out of business because I don't take in enough money to pay for all of this expense.

## Opposing House Bill No. 2040

Dear Sirs:

(1)

All House members have a copy of my letter. This Bill was introduced in the House in 1998 as Bill No. 2722. This bill didn't get out of committee in '98.

(2)

The reason we do not need this legislation is because the State of Kansas hasn't had an accident in the carnival business in 15 years or more. But the amusement parks have had accidents. One was last year in Wichita, and one in Kansas City, but I don't know when.

(3)

The only ones pushing this bill are: the insurance company, Haas-Wilkerson Insurance, the highest cost insurance company in the nation, Chance Rides of Wichita, Ride Manufacturing Co., to sell new rides, and Bill Ogg, general manager of Kansas State Fair, Outdoor Amusement Business Association from out-of-state. One member of this organization is a ride owner in Kansas.

(4)

There are 111 county fairs in Kansas. Sixty-four fairs, more or less, didn't have rides to their fair in 1998, due to being too small for the bigger carnivals. Because of the ride inspection in Oklahoma, every time you set a ride up it has to be inspected. In Oklahoma just the bigger fairs of counties of 20,000 or more get carnival rides. Carnivals don't come to Kansas that winter in Texas so they can by-pass Oklahoma on their way north in the spring and south in the fall. Oklahoma fairs are in late August and September.

(5)

I run my rides about 26 days a year in Kansas. Most are one day celebrations. I do some small towns and some cities of 5,000 or larger. I do some county fairs that are larger than 5,000 in the city because they can't get a carnival. I am the last resort for rides.

(6)

The inspection bill calls for rides to be inspected 30 days before the event. Some months I only go to two events like in May and June, September and October. I won't be able to pay an inspector to inspect me just for two days because I don't gross that much.

(7)

There are 14 counties and towns that have their own rides. They have them insured, but they won't pass inspections because some are homemade. They are good rides but were not made by a manufacturer and don't have a manufacturer plate on them.

(8)

The State of Kansas insurance requires \$300,000 each occurrence, \$1,000,000. This bill requires \$1,000,000 - \$2,000,000. *Nebraska Requires \$100,000 - \$300,000*

(9)

Some fairs and celebrations have trains and hayrack rides pulled by farm tractors because no other rides are available. I believe that these should be inspected if the bill is passed.

(10)

I have enclosed the fair dates from the Kansas Farmer June 1998, and have sent you a list of cheaper rides for sale. So you know how much some of these county fair boards have in their rides. I have enclosed a letter from Bill Ogg to me on Jan. 25, 1999

Sincerely, Joe N. Cheesman, Cheesman's Rides, Rt. 2, Box 18, Lebanon, KS 66952.  
Phone 785-389-6631..



# County Fairs: Kansas' best tradition

**W**hether it's raising an animal for show, baking a masterpiece pie or crafting a beautiful piece of furniture or clothing, county fairs have something for everyone. Few things reward hard work as much as a handshake and a ribbon. And even if you don't win, there's the satisfaction of knowing you did your best.

Attend your local county fair this year and support the people that make it happen. Even more rewarding: call your Extension office to volunteer your time. Then you can say you had a hand in making this year's edition the best ever.

Of course, the best in your county will face the best of other counties at the "Party on the Prairie," the Kansas State Fair, Sept. 11-20 in Hutchinson. ❖

- |  |   |  |
|--|---|--|
| Allen County Fair<br>Iola, Aug. 3-7                  | Cloud County Fair<br>Concordia, July 21-25                    | Harvey County Free Fair<br>Newton, July 31-Aug. 4            |
| Anderson County Fair<br>Garnett, July 28-30          | Coffey County Free Fair<br>Burlington, July 24-27             | Haskell County Fair<br>Sublette, July 28-Aug. 1              |
| Atchison County Fair<br>Effingham, Aug. 18-21        | Comanche County Free Fair<br>Coldwater, July 19-25            | Hodgeman County Fair<br>Jetmore, July 17, 19-23              |
| Barber County Fair Assn.<br>Hardtner, July 31-Aug. 2 | Cowley County Fair<br>Winfield, July 30-Aug. 3                | Interstate Fair and Rodeo<br>Coffeyville, Aug. 8-16          |
| Barton County Fair Assn.<br>Great Bend, July 7-12    | Crawford County Fair Assn.<br>Girard, Aug. 2-6                | Jackson County Fair<br>Holton, July 27-30                    |
| Bourbon County Fair<br>Fort Scott, July 19-25        | Decatur County Fair<br>Oberlin, Aug. 4-8                      | Jefferson County 4-H Fair<br>Valley Falls, Aug. 1-6          |
| Brown County Free Fair<br>Horton, July 14-17         | Doniphan County Fair<br>Troy, July 27-Aug. 1                  | Jewell County Fair<br>Mankato, July 19-22                    |
| Butler County Fair Assn.<br>El Dorado, July 25-29    | Douglas County Fair<br>Lawrence, Aug. 3-8                     | Johnson County Fair<br>Gardner, Aug. 4-8                     |
| Central Kansas Free Fair<br>Abilene, Aug. 17-22      | Edwards County Fair<br>Kinsley, July 13-17                    | Kearny County Fair<br>Lakin, July 21-24                      |
| Chase County Fair<br>Cottonwood Falls, Aug. 10-13    | Elk County Fair<br>Howard, July 16-18                         | Kingman County Fair<br>Kingman, July 24-27                   |
| Chautauqua County Fair<br>Sedan, July 20-Aug. 1      | Ellis County Fair<br>Hays, July 18-25                         | Kiowa County 4-H and Free Fair<br>Greensburg, July 20-23     |
| Cherokee County Free Fair<br>Columbus, July 20-25    | Ellsworth County Fair<br>Ellsworth, July 27-31                | Labette County Fair<br>Oswego, July 28-Aug. 1                |
| Cheyenne County Fair<br>St. Francis, Aug. 5-8        | Finney County Fair<br>Garden City, Aug. 5-9                   | Lane County Fair<br>Dighton, July 23-25                      |
| Clark County Fair<br>Ashland, July 23-25             | Five States Free Fair<br>Liberal, Aug. 8-16                   | Lane-Franklin County Fair<br>Lane, Aug. 7-9                  |
| Clay County Fair Assn.<br>Clay Center, Aug. 4-8      | Ford County Fair<br>Dodge City, July 17-20                    | Leavenworth County Fair<br>Tonganoxie, Aug. 11-15            |
|  | Franklin County Fair<br>Ottawa, July 15-19                    | Lincoln County-Sylvan Grove Fair<br>Sylvan Grove, July 29-31 |
|  | Geary County 4-H Fair<br>Junction City, July 27-31            | Linn County Fair and Rodeo<br>Mound City, Aug. 4-8           |
|  | Graham County Fair<br>Hill City, July 25-29                   | Logan County Fair<br>Oakley, July 21-25                      |
|  | Grant County Free Fair<br>Ulysses, Aug. 3-8                   | Lyon County Free Fair<br>Emporia, Aug. 1-8                   |
|  | Gray County Fair<br>Cimarron, July 20-23                      | Marion County Fair<br>Hillsboro, July 29-Aug. 1              |
|  | Greeley County Fair<br>Tribune, July 29-Aug. 1                | Marshall County Fair<br>Blue Rapids, July 20-24              |
|  | Greenwood County Fair<br>Eureka, Aug. 7-10                    | McPherson County Fair Assn.<br>Canton, July 16-19            |
|  | Hamilton County Fair<br>Syracuse, July 29-Aug. 1              | McPherson County 4-H Fair<br>McPherson, July 26-30           |
|  | Harper County Agriculture<br>and 4-H Fair<br>Harper, Aug. 5-8 | Meade County Fair<br>Meade, July 20-24                       |

*continued on page 26*

**COUNTY FAIRS**

*continued from page 24*

Miami County Fair and Rodeo

Paola, July 27-Aug. 1

Mitchell County Fair

Beloit, July 15-18

Montgomery County 4-H Fair

Independence, July 24-27

Morris County Fair

Council Grove, Aug. 2-6

Morton County Fair

Elkhart, Aug. 3-8

Nemaha County Free Fair

Seneca, July 24-27

Neosho County Fair

Erie, July 24-27

Ness County Fair

Ness City, July 19-22

North Central Kansas Free Fair

Belleville, July 28-Aug. 1

Northwest Kansas District Free Fair

Goodland, Aug. 3-8

Norton County Fair

Norton, July 20-25

Osage County Fair

Osage City, Aug. 9-12

Osage County 4-H Fair

Melvern, July 23-25

Osborne County Fair

Osborne, Aug. 3-6

Ottawa County Fair

Minneapolis, July 15-18

Overbrook-Osage County Fair

Overbrook, Aug. 12-15

Pawnee County Fair

Larned, July 22-26

Phillips County Fair

Phillipsburg, July 27-30

Pottawatomie County Fair

Onaga, July 20-Aug. 2

Pratt County Fair

Pratt, July 29-Aug. 1

Rawlins County Fair

Atwood, July 21-23

Reno County Fair

Hutchinson, July 25-30

Rice County 4-H Fair

Lyons, July 20-25

Richmond Free Fair

Richmond, July 12-14

Riley County Fair

Manhattan, July 23-27

Rooks County Free Fair

Stockton, Aug. 10-15

Rush County Fair

LaCrosse, July 30-Aug. 1

Russell County Fair

Russell, July 29-Aug. 1

Scott County Free Fair

Scott City, July 29-Aug. 2

Sedgwick County Fair

Cheney, July 15-18

Shawnee County Fair

Topeka, July 30-Aug. 2

Sheridan County Fair

Hoxie, July 20-25

Smith County Fair

Smith Center, July 20-23

Stafford County Fair

Stafford, July 15-18

Stanton County 4-H Fair

Johnson, July 23-27

Stevens County Fair

Hugoton, Aug. 3-8

Sumner County Fair

Caldwell, Aug. 12-15

Thomas County Free Fair

Colby, July 27-Aug. 1

Trego County Fair

Wakeeney, Aug. 5-8

Tri-County Free Fair Inc.

Herington, July 9-11

Tri-Rivers Fair and Rodeo

Salina, Aug. 5-9

Wabaunsee County Fair

Alma, Aug. 3-5

Wallace County Free Fair

Sharon Springs, July 30-Aug. 1

Washington County Fair

Washington, July 23-25

Wichita County Fair

Leoti, Aug. 5-8

Wilson County Fair

Fredonia, July 24-27

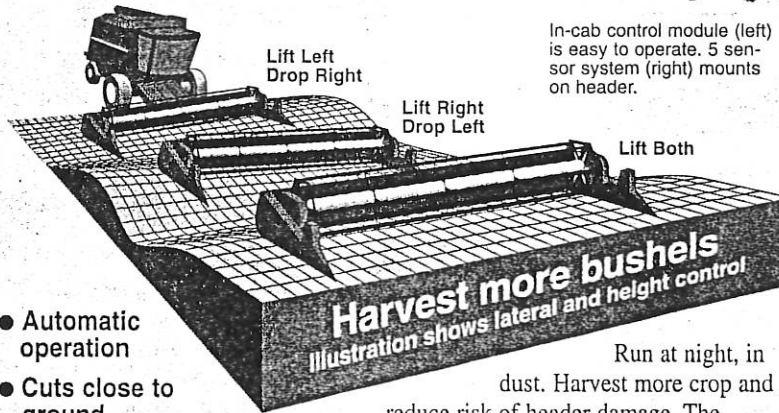
Woodson County Fair

Yates Center, July 12-17

Wyandotte County Fair

Kansas City, July 24-Aug. 1

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5-4

#6

# HEIN AND WEIR, CHARTERED

ATTORNEYS AT LAW

5845 S.W. 29th Street, Topeka, KS 66614-2462

Telephone: (785) 273-1441

Telefax: (785) 273-9243

*Ronald R. Hein*

*Stephen P. Weir*

## SENATE FEDERAL AND STATE AFFAIRS

TESTIMONY RE: HB 2040

Presented by Ronald R. Hein

on behalf of

Kansas Restaurant & Hospitality Association

March 23, 1999

Madam Chairman, Members of the Committee:

My name is Ron Hein, and I am legislative counsel for the Kansas Restaurant and Hospitality Association. The KRHA is the trade association for approximately 1,200 restaurant and hospitality businesses in Kansas.

The KRHA does not have a position on HB2040, because our interpretation of this bill is that it does not apply to the type of amusement facilities that are frequently found in association with restaurants such as McDonald's, Wendy's, Burger King, Chuck E. Cheese's, and other similar types of restaurants.

From the language of HB2040, we believe that such facilities are excluded from the bill both by the definition of amusement rides set out in Section 1(a)(1), and the exclusion set out in Section 1(a)(2).

McDonald's, specifically, and I am sure other members of the KRHA, all comply with the Consumer Products Safety Commission (CPSC) Handbook on public safety for playgrounds, where such handbook provisions are applicable. Such facilities also comply with the American Society for the Testing of Materials (ASTM) Standards that will be published in the next few months.

If the KRHA is, in any way, misinterpreting the intent of this legislation then we would certainly have concerns about HB2040.

We would respectfully request that the committee express in its committee minutes sufficient legislative intent that HB2040 does not apply to such kiddie facilities at small businesses such as the restaurants which we have mentioned in this testimony. If the committee feels that there are some doubts about the inclusions and the exclusions from the definition of amusement ride pursuant to HB2040, we would further urge the committee to take appropriate steps to define specifically which facilities are subject to its terms.

Thank you very much for permitting me to testify, and I will be happy to yield to questions.

Sen. Federal & State Affairs Comm  
Date: 3-23-99  
Attachment: # 6-1

Dear Sir,

This letter is to inform you of my concerns in reference to **House Bill 2040** - regarding the regulation and inspection of amusement rides.

I am a small operator, and I use 1 to 3 rides at small town festivals, picnics etc., so that the small children have something to do. I also help schools and PTA's with their fund-raisers.

I do this is not as a moneymaker , it is a hobby for me. Nevertheless, I do like to break even or at least be able to pay the insurance, upkeep, and transportation costs of my rides.

Kansas has **never** had an inspection law. In the last 10 years, I don't know of 1 accident that was related to **faulty rides** in Kansas. The accident that happened at the Wichita amusement park, was not **caused** by a faulty ride. No inspection could have prevented it.

Safety is one of my main concerns. However, paying for unneeded inspections and the fees that come with regulation; will probably put me out of business.

I ask you to think twice before you pass something that is NOT needed .

Respectfully,



Alvin Wiechman

Sen. Federal & State Affairs Comm  
Date: 3-23-99  
Attachment: # 7-1



# 8  
March 19, 1999

Senator Lana Oleen  
State Capitol  
Room 136 North  
Topeka, Kansas 66612

Reference: House Bill 2040

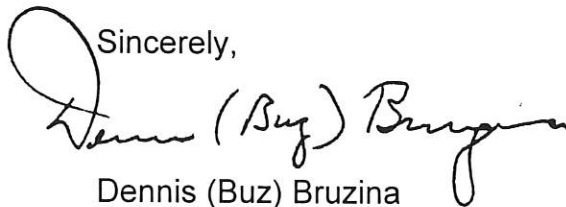
Dear Senator Oleen:

My purpose for writing this letter is to express my concern about the impact House Bill 2040, if approved, can have on smaller County Fairs held in the State as well as the small operations of amusement rides provided to these fairs. I am the Chairman of the Geary County Free Fair Board.

Three years ago Geary County Commissioners changed the County Fair from a 4-H Fair to a Free Fair to expand its activities and entertainment for a larger part of the community. Two amusement rides are now contracted for the Free Fair in 1999 and a Mechanical Bull. Both amusement operators are covered by insurance that calls for periodic equipment inspections. Approval of House Bill 2040 would necessitate added expense to the operators for inspections and eliminate their ability to operate in Kansas. It is my understanding that some western counties who own their own amusement rides would be exempt.

It appears to me that House Bill 2040 is unnecessary for the following reasons. Inspections conducted now are meeting the insurance companies requirements and State guidelines so why make a change. The bill would adversely affect the small amusement operators and counties like Geary County while making exceptions to the exempted western counties who own their own equipment. The cost of insurance coverage could increase. Therefore, is it really the right thing to do by passing House Bill 2040 when present guidelines do not appear to be inadequate? I respectfully request House Bill 2040 either not be passed or not be acted upon.

Sincerely,



Dennis (Buz) Bruzina

Sen. Federal & State Affairs Commr  
Date: 3-23-99  
Attachment: # 8-1