

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 1:30 p.m. on February 9, 2009, in Room 143-N of the Capitol.

All members were present except:

Representative Louis Ruiz- excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Jason Long, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Carol Doel, Committee Assistant

Conferees appearing before the committee:

Rep. Jim Morrison,
Sen. Ralph Ostmeyer,
Steve Zink, Director of Industrial Safety and Health

Others attending:

See attached list.

Rep. Jim Morrison,
Sen. Ralph Ostmeyer,
Steve Zink, Director of Industrial Safety and Health

Chairman Neufeld opened the floor for the introduction of proposed legislation.

Rep. Colloton requested a bill regarding the reclassification of criminal codes.

Rep. Holmes moved the acceptance of the proposed legislation with a second by Rep. Benlon. Motion carried.

Rep. Colloton also requested a bill relating to domestic violence.

Rep. Grant moved the acceptance of the conceptual bill with a second by Rep. Olson. Motion carried.

Rep Brunk moved the acceptance of proposed legislation similar to Alexis law only with regards to civil penalties with a second by Rep. Swenson. Motion carried.

Rep. M. Holmes moved the acceptance of proposed legislation regarding an increase in monetary fines for driving without a license with a second by Rep. Fund. Motion carried.

Hearing on HB 2186 - Exceptions from amusement ride operation requirements for home-owned amusement rides.

Jason Long from the Revisor's Office gave an overview on the bill.

Rep. Jim Morrison addressed the committee as a proponent of **HB 2186** on behalf of his constituent Brad Schick, President, Sherman County Community Services. Mr. Schick represents 13 "home-owned" carnivals in Western Kansas. The previous legislation which went into effect January 1, 2009 would make it very difficult for home-owned carnivals to operate in the State of Kansas mainly due to required annual certified inspection and required operating training. The passage of **HB 2186** would allow them to continue to provide the tradition of "home-owned" carnivals to local communities for years to come. (Attachment 1)

Sen. Ralph Ostmeyer presented testimony as a proponent of **HB 2186** relating that the legislation which went into effect January 1, 2009 makes it very hard for home-owned carnivals to operate in the State of Kansas due to the certified annual inspections and required operator training. (Attachment 2)

CONTINUATION SHEET

Minutes of the House Federal And State Affairs Committee at 1:30 p.m. on February 9, 2009, in Room 143-N of the Capitol.

Steve Zink, Director of Industrial Safety and Health, Kansas Department of Labor addressed the committee with concerns regarding **HB 2186**. Mr. Zink gave the opinion that the proposed legislation would allow amusement rides owned by a not-for-profit entity and operated solely within a single county by volunteers to operate without a safety inspection as well as being set up and operated by individuals who are not properly trained. It is their opinion that this would limit the department's ability to protect the health and safety of the public. Mr. Zink requested language changes they would like to see made in the event that **HB 2186** moved forward. (Attachment 3)

A.J. Kotich, Chief Attorney for the Department of Labor addressed the committee to support Mr. Zink's testimony on **HB 2186**.

Kansas Farm Bureau presented written testimony fully supporting the proposed legislation in **HB 2186**. (Attachment 4)

With no other person wishing to address **HB 2186** Chairman Neufeld closed the hearing.

The next meeting is scheduled for February 10, 2009.

The meeting was adjourned at 02:03 p.m.



SHERMAN COUNTY COMMUNITY SERVICES, INC.
Goodland, KS 67735



**WRITTEN TESTIMONY
FOR THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
IN SUPPORT OF HB 2186
BRAD SCHICK, PRESIDENT
SHERMAN COUNTY COMMUNITY SERVICES
FEBRUARY 9, 2009**

My name is Brad Schick, President of Sherman County Community Services in Goodland, Kansas. I'm representing the 13 "home-owned" carnivals in Western Kansas and showing our support for HB2186.

You may be wondering "What exactly is a "home-owned" carnival?" A "home-owned" carnival is a non-profit organization, which owns and operates amusement devices, ran strictly by volunteers, mainly during the local county fair and during other special community events.

Beginning on January 1, 2009 K.S.A 44-1601 went into effect, which will make it very hard for home-owned carnivals to operate in the State of Kansas mainly due to required annual certified inspections and required operator training. Add this to our inflated liability insurance cost and costly equipment repairs and we are looking at an uncertain future.

Home-owned carnivals have always been and will continue to be concerned with providing our community with the safest possible rides and environment. To the best of my knowledge, there has never been a major accident with the home-owned carnivals in Western Kansas. Some of these carnivals have been in operation for more than 30 years! This in itself should show how committed we are to the safety of our patrons. After all, our own children, family, and friends are out there riding these amusement devices.

The home-owned carnival concept would not be possible without the willingness of our community members to come together and provide such a beneficial service. It takes thousands of volunteer hours and hundreds of volunteers to prepare our rides to be the safe and fun for the kids. Many families come back to their hometowns and let their kids go freely to enjoy these home-owned carnivals and fairs, not to mention the friendly people and happy faces. We have also seen people from other areas make it a point to visit these family orientated events each year, some traveling hundreds of miles.

I personally invite each and every one of you to partake in one of these home-owned carnivals this year, and see the safe and fun environment we provide for the local area. This is one thing in which our communities have always taken pride in.

By voting YES on House Bill 2186, you will allow us to continue to provide this tradition to our local communities for years to come.

Thank you for your time and consideration in this manner.

Brad Schick, President

Sherman County Community Services

House Fed & State Affairs

Date: 2-9-09

Attachment 1

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

RALPH OSTMEYER

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COMMITTEE ASSIGNMENTS

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LOCAL GOVERNMENT
JOINT COMMITTEE ON
ADMINISTRATIVE RULES
AND REGULATIONS

February 9, 2009

Chairman Neufeld and members of your Committee. Thank you for this opportunity to testify in support of HB 2186, which addresses an Act concerning amusement rides that amends KSA 2008 Supp. 44-1601.

Beginning Jan 1, 2009, KSA 44-1601 went into effect making it very hard for home-owned carnivals to operate in the State of Kansas, due to the certified annual inspections and required operator training. These carnivals have excellent track records of safe and injury free operations.

These carnivals are very much a part of our small communities. They are run and serviced by volunteers that have grown up with these rides. These small community organizations don't want to error on being safe, but the new requirements are prohibitive for them. House Bill 2186, lead by Brad Schick, from Sherman County, has written testimony representing small carnivals in Western Kansas. I would ask for your support of this bill.

A handwritten signature in cursive script that reads "Ralph Ostmeyer". The signature is written in black ink and is positioned in the lower middle section of the page.

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Attachment 2

Testimony concerning 2009 House Bill 2186
House Federal and State Affairs
Steve Zink, Director of Industrial Safety and Health
Kansas Department of Labor
9 February 2009

Chairman Neufeld and Members of the Committee:

Thank you for the opportunity to appear and provide testimony in regards to 2009 House Bill 2186.

My name is Steve Zink and I am the Director of the Industrial Safety and Health division at the Kansas Department of Labor. My division oversees the workplace safety programs in Kansas. Last year, the legislature gave the Kansas Department of Labor and this division the responsibility to oversee safety inspections conducted on amusement park rides operating within Kansas.

On behalf of the Kansas Department of Labor, I have some concerns with House Bill 2186. This bill would exempt "home-owned amusement rides" from the requirements of K.S.A 2008 Supp. 44-1601 through 44-1612. By enacting this bill, it would allow amusement rides owned by a not-for-profit entity and operated solely within a single county by volunteers to operate without a safety inspection. Meaning, individuals who are not trained would be allowed to set up and operate an amusement ride with no oversight. It would limit the department's ability to protect the health and safety of the public as these types of rides would be exempted from inspection and operator safety requirements, and we are concerned for the safety of those riders. The purpose of last year's law was to provide safety to the public, and we feel House Bill 2186 would jeopardize that safety.

However, if you decide to move this bill forward we ask two things. First, we ask language defining a "home-owned amusement ride" be changed. Currently, it defines a "home-owned amusement ride" as one that operates for no more than 12 consecutive days within one calendar year. This language could allow an operator to create a fixed mobile full-time amusement park – something I do not believe is the intent of the legislation. For instance, the operator can set up the ride for Thursday, Friday, Saturday and Sunday, no more than 12 consecutive days, not operate it on Monday, Tuesday, and Wednesday, and continue this pattern for the entire year, without safety inspections. We ask that the word "consecutive" be taken out of the definition.

Second, in the original bill enacted last year we were given the authority to conduct inspections of the amusement park rides. However, there was no rule and regulation authority given to us so that we can carry out the law with clear rules and expectations. Therefore, we ask that the following language appropriate for granting rule and regulation authority to the Secretary of Kansas Department of Labor be included as a new section to this bill:

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Rules and regulations. The secretary may adopt and promulgate such rules and regulations, not inconsistent with law, as may be necessary to carry out the purposes and enforce the provisions of this act.

Currently, the agency has clear authority to enforce this law. By inserting this language into the bill, we can provide clear up front policy and establish rules so that amusement park operators have a clear understanding of how the agency will enforce the act.

Thank you for the opportunity to share our concerns and this information with you. I hope you find this helpful.



KANSAS FARM BUREAU
The Voice of Agriculture

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Kansas Farm Bureau
POLICY STATEMENT

House Committee on Federal & State Affairs

HB 2186

Re: Home Owned Amusement Rides

February 9, 2009

Chairman Neufeld and members of the House Committee on Federal & State Affairs, thank you for the opportunity to share the policy developed and adopted by Kansas Farm Bureau members. As you know KFB represents farmers, ranchers and rural residents totaling more than 40,000 who live and work in each of the states 105 counties.

In recent years communities across the state have purchased, refurbished, and developed amusement rides to be used at county fairs, carnivals, and other events. They are maintained by committed and passionate individuals who volunteer their time and talents to ensure safe operation and entertainment for community residents. In many cases they provide fund raising opportunities for community scholarship funds and other ventures that enhance the quality of life across rural Kansas.

KFB member adopted policy fully supports the amendments proposed in HB 2186. We request your full support as you contemplate this measure.

Thank you once again for the opportunity to comment on this issue.

Kansas Farm Bureau represents grass roots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.

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Attachment 4