

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 11, 2009, in Room 136-N of the Capitol.

All members were present except:

Senator Marci Francisco- excused
Senator Steve Morris- excused

Committee staff present:

Jason Long, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Jim Snyder, Kansas Silver Haired Legislature
Senator Ostmeyer
Brad Schick, President, Sherman County Community Services
Kent Reinhardt, Rush County Amusement Company
Steve Zink, Director of Industrial safety and Health, Kansas Department of Labor

Others attending:

See attached list.

SB 115 - Fire departments, temporarily closing highways.

Ed Klump, Kansas Association of Chiefs of Police and Kansas Peace Officers Association, provided the committee with a letter of explanation to several questions on temporarily closing highways. ([Attachment 1](#))

Introduction of Bills:

Jim Snyder, Kansas Silver Haired Legislature requested introduction of a bill that concerns the mandatory reinstatement of certain insurance policies in case of mental incapacity of an insured.

Senator Owens moved that the two requests should be introduced as committee bills. Senator Reitz seconded the motion. The motion carried.

SB 178 - Exceptions from amusement ride operation requirements for home owned amusement rides.

Chairman Brungardt opened the hearing on **SB 178.**

Staff provided an overview of the bill.

Senator Ostmeyer spoke in favor of the bill. ([Attachment 2](#)) The bill would exempt home-owned amusement rides from inspections by the Department of Labor.

Brad Schick, President, Sherman County Community Services, appeared as a proponent on the bill. ([Attachment 3](#)) A "home-owned" carnival is a non-profit organization, which owns and operates amusement devices, run strictly by volunteers, mainly during the local county fair and during other special community events. KSA 44-16-01 went into effect on January 1, 2009, which will make it very hard for home-owned carnivals to operate in the State of Kansas due to required annual certified inspections and required operator training; add that to the inflated liability insurance cost and costly equipment repairs and the home-owned amusement rides are looking at an uncertain future.

Kent Reinhardt, Rush County Amusement Company, spoke in favor of the bill. ([Attachment 4](#)) It is in Mr. Reinhardt's opinion that the "home owned carnival" concept has provided safe carnival rides to the children in the participating counties because the rides are maintained and operated by their fathers, mothers, brothers, sisters, uncles, aunts, cousins, neighbors, ministers, law enforcement officials, local business owners, etc. of these children.

CONTINUATION SHEET

Minutes of the Senate Federal And State Affairs Committee at 10:30 a.m. on February 11, 2009, in Room 136-N of the Capitol.

Kansas Farm Bureau, (Attachment 5), Tom Wallsmith, Thomas County Amusement Association, (Attachment 6) Jim Wesch, Decatur County Amusement Authority, (Attachment 7) Alvis Wade, Sheridan County Amusement Company, (Attachment 8) Robert Loftin, The Wallace County Amusement Association, (Attachment 9) Carol Laws, Wichita County Amusement Association, (Attachment 10) and Janet Bean, Tri County Amusement Association, (Attachment 11) provided written testimony in support of the bill.

Steve Zink, Director of Industrial Safety and Health, Kansas Department of Labor, (KDOL) appeared as informational on the bill. (Attachment 12) The purpose of last year's law was to provide safety to the public, and KDOL feels that **SB 178** would jeopardize that safety. If the committee decides to move this bill forward KDOL requests two changes:

1. Currently the language is 12 consecutive days within one calendar year, and they ask that "consecutive" be taken out of the definition.
2. In the bill enacted last year; KDOL was given the authority to conduct inspections of the amusement park rides; however, there was no rule and regulation authority given to carry out the law with clear rules and expectations. Therefore, KDOL ask that language granting rule and regulation authority to the Secretary of Kansas Department of Labor be included as a new section to the bill.

Chairman Brungardt closed the hearing on **SB 178**.

Final Action:

SB 53 - Licensure of cereal malt beverage retailers.

Staff provided a balloon on the bill that reflects the language in the bill passed by the Senate Federal & State Committee in the 2008 session, and also passed from the Senate floor. (Attachment 13)

Senator Reitz moved to adopt the balloon and pass SB 53 out favorable as amended. Senator Owens seconded the motion. The motion carried.

SB 107 - Bingo games; increasing the prize limits, time and location for conducting games.

Staff provided Bingo Law comparison for several states in the Midwest, and Kansas was consistent in best practices. (Attachment 14)

A balloon was provided that would amend the definition to change the charge for the Bingo card from \$1 to \$3; food for volunteers must be consumed on premises, pay-outs and the days allowed to play in a calendar month. (Attachment 15)

Senator Faust-Goudea moved to adopt the balloon and pass SB 107 out favorable as amended . Senator Owens seconded the motion. The motion failed.

Senator Owens moved to pass SB 107 out favorable. Senator Faust-Goudeau seconded the motion. The motion failed.

SB 116 - Private detectives; permit to carry a concealed firearm.

A balloon was provided that added clarification on bounty hunter and surety on pages 12 and 13. (Attachment 16)

Camille Nohe from the Attorney General's office responded to questions on non-residents able to carry a concealed weapon, based on A.G. Opinion from a Supreme Court Case from Connecticut .

Senator Owens moved a conceptual amendment to exclude non-citizens be allowed to carry concealed. Senator Reitz seconded the motion. The motion carried.

Senator Owens moved to pass SB 116 out favorable as amended . With no second the motion failed.

The next meeting is scheduled for February 12, 2009. The meeting was adjourned at 11:37 am.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

GUEST LIST

DATE 2-11-09

NAME	REPRESENTING
Kent LERNHARDT	Dodge County Amusement Authority Dodge County Amusement Company
Brad Schick	Sherman County Community Services Goodland KS
Steve Dwell	Sherman County Community Services Goodland Ks.
Judy Jacquet	LKM
Kari Presley	Kearney & Assoc.
John W. Ellis	KS Assoc. of Priv. Inv.,
Amy Campbell	KABR
Jim Snyder	KSHL
HERB HOLMBERG	KDOL IND SAFETY & HEALTH
Jeri Caulfield-Eye	AG's office
Carmel Mahr	AG office
Denny Koch	POLSIWELL LAW
Steve Zink	KDOL
AJ KOTCH	KDOL
Spencer Duncan	capitol connection ks
Leigh Keck	Hein Law Firm
Michelle Schroeder	Dawson Court Relations
Megan Thomire	KDOL
Kend Brate	KPBBA
Jeff Brandau	KBI
Erik Wood	KBI
Allen Askew	Federico Consulting
Doug Smith	Pinsor, Smith & Associates
Carmel Ann Lower	Whe Inst.



Kansas Association of Chiefs of Police
PO Box 780603, Wichita, KS 67278 (316)733-7301

Kansas Peace Officers Association
PO Box 2592, Wichita, KS 67201 (316)722-8433



February 10, 2009

Sen. Brungardt, Chair
Senate Federal and State Affairs Committee

Subject: SB 115 Firefighters temporarily closing highways

Sen Brungardt and committee members,

While the intention of the Kansas Association of Chiefs of Police and the Kansas Peace Officers Association was to not offer formal testimony on this bill, we certainly recognize the firefighter's need for the provisions it contains.

I am writing to answer some of the questions the committee raised at the hearing this morning.

The problem: The current law was passed in 1972 and has not been revised since its original enactment. This was a time prior to the fire departments across this state becoming first responders to medical and injury calls, including injury traffic accidents. Firefighters are also major responders to on roadway incidents involving natural disasters such as ice storms and wind damage resulting in downed trees and power lines; flooding; and tornados. The working climate has changed and this statute needs revised to reflect the firefighter's needs resulting from that change.

The solution: Amend KSA 31-145 as proposed in this bill.

The reason: Firefighters blocking any portion of a roadway during an emergency is critical to the safety of victims of medical or injury emergencies; all first responders including firefighters, law enforcement and medical personnel; and to the public. Fire vehicles are much more effective and create a much better safety zone than other emergency vehicles.

Response to committee question 1: Why do firefighters need arrest powers as authorized in this statute?

Answer: The arrest powers in this bill exist in current law. Very simply law enforcement does not respond to every call firefighters respond to. In addition, firefighters are frequently on the scene of emergencies prior to law enforcement. Firefighters need this limited arrest authority so they can legally detain a person who is interfering with their duties or otherwise endangering the firefighters or the public, for example by entering the closed areas. In reality, this arrest authority is rarely invoked. When it is invoked, the person arrested would typically be turned over to law enforcement.

The limited arrest authority provision is a necessary tool to allow firefighters to quickly control the scene. We are not aware of any problems caused by this long standing statutory provision.

Response to committee question 2: Why is there no provision for directing the traffic in another path?

Answer: That provision does exist and is found in K.S.A. 8- 1503, which includes traffic direction and control by law enforcement and firefighters.

We hope this information is helpful as the committee moves forward with this bill.

A handwritten signature in blue ink that reads "Ed Klumpp".

Ed Klumpp
Legislative Committee Chair-KACP
Legislative Committee Chair-KPOA
eklumpp@cox.net
(785)640-1102

Sn Fed & State
Attachment 1

2-11-09

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

RALPH OSTMEYER

SENATOR, 40TH DISTRICT

P.O. BOX 97

GRINNELL, KS 67738-0097

STATE CAPITOL

300 S.W. 10TH, ROOM 262-E

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ralph.ostmeyer@senate.ks.gov

COMMITTEE ASSIGNMENTS

VICE-CHAIR: AGRICULTURE

MEMBER: FEDERAL AND STATE AFFAIRS

LOCAL GOVERNMENT

JOINT COMMITTEE ON

ADMINISTRATIVE RULES

AND REGULATIONS

February 11, 2009

Chairman Brungardt and members of your Committee. Thank you for this opportunity to testify in support of SB 178, 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. Senate Bill 178, 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 dark ink and is positioned in the lower-left quadrant of the page.

Sn Fed & State
Attachment 2

2-11-09

SHERMAN COUNTY COMMUNITY SERVICES, INC.

Goodland, KS 67735

TESTIMONY

BEFORE THE FEDERAL AND STATE AFFAIRS COMMITTEE

IN SUPPORT OF SB 178

BRAD SCHICK, PRESIDENT

SHERMAN COUNTY COMMUNITY SERVICES

FEBRUARY 11, 2009

My name is Brad Schick, President of Sherman County Community Services in Goodland, Kansas. I'm here today representing the 13 "home-owned" carnivals in Western Kansas and showing our support for SB178.

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 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. At this point, 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 there 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 the community has always taken pride in.

By voting YES on Senate Bill 178, you will allow us to continue to provide this tradition to our local communities.

Thank you for your time and consideration in this manner.

Brad Schick, President

Sherman County Community Services

Senator Rahl

Sen Fed & State

Attachment 3
2-11-09

418 W. Diel

Otis, KS 67565

785-387-1846

Good morning Chairman and members of the committee. I am Kent Reinhardt and as a founding member of the Decatur County Amusement Authority (DCAA) and the Rush County Amusement Company (RCAC) I am providing written testimony in support of SB 178 and the provisions of K.S.A. 2008 Supp. 44-1601 through > 44-1612, and amendments thereto, shall not apply to home-owned amusement > rides, as defined in K.S.A. 2008 Supp. 44-1601, and amendments thereto.

I served as an advisor/member of the Decatur County Chamber of Commerce's 4-H and Fairgrounds Committee in August 1973 as it developed into the Decatur County Amusement Authority which has operated the Decatur County fair's carnival since 1974. I was young and single in 1974 when the DCAA was formed but through the late 70's and 80's our two oldest children grew up safely enjoying the rides of the DCAA. Our youngest son has grown up safely enjoying the rides operated by the RCAC. Our grandchildren now safely enjoy the rides provided by the RCAC.

The "home owned carnival" concept has allowed 15 counties in western Kansas to maintain carnivals for their county fairs. These are in general the lower population counties of Kansas that "commercial" carnivals cannot economically provide service to.

In my opinion the "home owned carnival" concept has provided safe carnival rides to the children in the participating counties because the rides are maintained and operated by the fathers, mothers, brothers, sisters, uncles, aunts, cousins, neighbors, ministers, law enforcement officials, local business owners, etc. of these children. These family members and extended community members are more concerned with safety of their families and their neighbors' families than any state regulation or regulator could ever be.

The fact that DCAA has provided safe carnival rides for 34 years along with carnivals in St Francis, Sharon Springs, Tribune and Leoti, to name a few, having provided safe rides for their fairs for almost 30 years speaks in support of SB 178 and it's amendments.

I appreciate the consideration this committee has given this testimony. I thank you for your public service.

Nelson K. (Kent) Reinhardt



**Kansas Farm Bureau
POLICY STATEMENT**

Senate Committee on Federal & State Affairs

SB 178

Re: Home Owned Amusement Rides

February 11, 2009

Chairman Brungardt and members of the Senate 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 SB 178. 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.

Written Testimony

From Tom Wallsmith on behalf of

Thomas County Amusement Association

Senate Bill 178

Federal and State Affairs Committee

February 11, 2009

Chairman Brungardt and members of the Federal and State Affairs Committee:

Our association appears today in favor of passage of Senate Bill 178.

Without passage of this Bill an undue hardship would be suffered by our organization as well as all of the Home Owned Carnivals operating in the State of Kansas.

To require volunteer operators to be certified would be counterproductive to our concept of Community involvement.

The concept of Home Owned is based on volunteerism. Local Businesses contribute help and financial resources to pay for the major expenses of maintaining our rides. Many of them act as sponsors for individual rides helping to provide and schedule volunteers from their organization to operate a ride for the 5 days we operate each year. They also provide help in the setting up and shutting down of the Carnival each year.

We maintain a core group of people from within our community who take care of the maintenance of the rides and act as trainers for our volunteers.

During the 5 days of operation each year these individuals are circulating about the carnival grounds observing the rides and their operators. On a daily basis each ride is inspected prior to operation.

Since our operators receive no compensation for their services it would be difficult if not impossible to get them to submit to a certification program.

Without passage of this Bill we would be put in the position of having to pay for operators which would work an undue hardship on our operation. In fact it would put us in the position of losing our not for profit concept and seriously damage the Community involvement through volunteerism as the attitude of hiring everything done would soon prevail.

Since we only operate once on an annual basis the financial burden of paying operators as well as the difficulty of finding operators for such short periods of employment would end up with the loss of this operation.

Thank you for your consideration of our comments today.

Respectfully,

Tom Wallsmith

Thomas County Amusement Association

TO: Committee on Federal and State Affairs

FROM: Jim Wesch, member Decatur Co Amusement Authority

DATE: Feb 11, 2009

RE: Support for Senate Bill No. 178

The Decatur County Amusement Authority supports Senate Bill No. 178

The Decatur County home owned carnival was one of the first home owned carnivals in NW Kansas and has served the community for over thirty years. It has provided safe, wholesome and economical entertainment for residents and visitors alike.

The volunteer operators have a vested interest in keeping the rides well maintained and safe. The patrons they serve are quite often their children, neighbor's children or even grandchildren. Many of our operators have 20 plus years experience operating the rides.

We believe the home owned carnivals provide a safe environment and are unaware of any accident records that would necessitate any changes to our present mode of operation. Failure to pass Senate Bill No. 178 will place an untenable burden on our home owned carnival and will ultimately result in the demise of the Decatur County home owned carnival.

We urge you to pass this bill through to the Senate as written.

Written Testimony

By Alvis Wade, President of Sheridan Co. Amusement Company

Hoxie, Kansas

Supporting SB 178

Dear Chairman and Committee Members, I am writing this testimony in support of SB 178 and the statute KSA 44-1601.

Our organization originated due to the fact that it was difficult to get a traveling carnival to commit to come to our rural community. After two years of no shows in 1979 and 1980 we decided to purchase our own equipment. A non profit organization was established to have our own Home Owned Carnival. Since that time it has been our greatest concern to provide a safe and secure carnival environment for the local community and surrounding counties. We have gone to great labor and expense to make our facility what it is today. We have been overwhelmed with rising liability insurance cost over the years but have kept the coverage to protect the riders and operators. We as a community organization are foremost concerned with safety because the patrons of our rides are our children, grandchildren and friends. Each year our rides are personally inspected as they are assembled. All of the operators have been doing so for years and even though they are not "professionally" trained, they have had more hands on experience than most operators on traveling carnivals.

The other point that should be greatly considered is our exposure is so limited. Most Home Owned Carnivals are limited to only three (3) to five (5) days of operation at one time and a maximum of twelve (12) days in any given year. That is less than any traveling carnival would have in a two week period. In the nearly thirty years of operation we have never had any serious injury or injury requiring more than a Band-Aid. I do not believe any Home Owned Carnival in Western Kansas has any less record.

Without your support of SB 178 the existence of rural home owned entities would be in grave danger. What a great disservice that would do to Rural Kansas.

Thank you for you time and attention to this issue and the consideration of our comments today.

Sincerely

Alvis Wade (Pres.)

Sheridan Co. Amusement Co.

Sen Fed & State

Attachment 8

2-11-09

Senator B...gardt, and committee members. Thank you for taking the time to read my testimony. My name is Robert Loftin. I am a vice-president of the Wallace Co. Amusement Assoc. A non-profit group that maintains, and operates a "Home owned" carnival, located on the Wallace Co. fairgrounds in Sharon Springs.

A little history of the organization; before 1976, the fair board in our county would bring in a traveling carnival for the fair. It is my understanding that the price for these carnivals was rising, as was the reluctance for many of them to return to our area leaving our fair with the possibility of not having a carnival at all.

Sometime in 1976 a group of farmers and local businessmen, formed a group that was to become Wallace Co. Amusement. The first year was mainly prize booths and games. Shortly afterward, the group acquired several "kiddie" rides, that were rescued from the Big Thompson Flood in Colorado, and that was the beginning of our "home-owned carnival"

We are completely volunteer run organization. I myself have been on the board of directors for about 10 years, with two of my colleagues serving longer. Our board has 7 members.

Our carnival consists of 12 rides. The "older kid", or adult rides are; The Round-Up, Tilt-A-Whirl, Ferris Wheel, Bullet, and Swing Ride. The juvenile rides are; Small Ferris Wheel, Boat Ride, Carousel, Helicopters, and Kiddie Cars. And the ride we are most proud of, (and makes us a lot of money), is our nearly 4000 foot, small gauge railroad that runs around the entire perimeter of the grounds. We also offer the usual games that one might see at any fair.

We have storage buildings for most of the "rolling" portions of all our rides.

We operate our rides for the 3 days of the Wallace County Fair, the last weekend in July each year. We have many organizations that have run the same ride since the beginning, which offers continuity to the experience that our operators have. The rides are inspected daily during the run for signs of normal wear, or anything major that might show up. If we have reports from operators of maintenance issues, those would be addressed immediately to determine the remedy. During dis-assembly, after the fair, any off-season or more major repair items are noted and done on a winter project basis. Most years, starting in May, the board will begin looking the grounds over, for anything that needs paint or repair. A metal fence, constructed of oil field up-set tubing and sucker rod that is painted white, encircles our immediate grounds, and several of the rides.

To the best of my knowledge, there has never been an injury requiring a Doctor's care, suffered on any of our rides. Of course there have been spills and falls on the grounds, but not from a problem with the rides.

It is my belief, that were we required to have all of our volunteers certified to operate each year, it would place our organization in peril of not being able to offer the kind of safe, clean, wholesome amusement, that our clientele, our friends and neighbors, have come to expect each year at our county fair. I wish that each of you could visit during the fair. You would see first hand what our little carnival means to all the residents of the area, and to the many families who plan vacations around "the fair" because of the safe environment and fun atmosphere afforded them.

Thank you very much for your consideration, and I would very much appreciate a vote in favor of this bill.

My name is Carol Laws and I am the treasurer of the Wichita County Amusement Association. I am writing as a proponent of SB 178.

As a home-owned carnival we are very cognizant of the safety issues involved in amusement rides. We understand the need to have the rides inspected as well as staffed by capable operators.

We have been in operation as a non-profit organization for almost 25 years. During that time we have had no accidents or injuries on our rides. We inspect the rides when we put them up as well as every day before the first ride is given. Every ride has a log with a check off list specific to the needs of that ride to be checked showing the inspection of the ride as well as the signature of the inspector. We have an appointed committee that is responsible for making sure this is done. We are more than willing to share with you copies of our safety logs if you would desire to see them.

Every ride we have has one person who is responsible for making sure that the operators are knowledgeable about the ride. They are instructed as to the safety issues such as weight, hair, arms, and behavior issues. Because our whole community is involved in this effort and these are our kids that are riding the rides safety is our number one concern.

While we understand the interest in wanting rides that are constantly being put up and down in different locations and run over and over again to be professionally inspected we do not feel that we fit into this category. We are a home owned carnival that puts our rides up once a year and runs them for 4 days before putting them back away for the next year. We have meetings throughout the year at which we discuss the needs of the rides and what we are doing to take care of those needs. Because we only run 4 days we certainly want our rides to be in top shape on day one so as to not have down time.

Because we are a non-profit and have been in operation for such a long period of time, with members who have been operating the rides for many years, we believe that the training is unnecessary in our situation, would be cost prohibitive, and could possibly take away the experience of the carnival from our children. Prior to us running our own carnival we were unable to consistently secure a traveling carnival due to the size of our community. Now we have people who come from hundreds of miles to bring their children because they know we are a clean safe place for their children.

Ladies & Gentlemen, February 9, 2009

My name is Janet Bean and I am the secretary/treasurer of the Tri County Amusement Association, a home owned amusement company in Oakley, Kansas. I also help organize meetings with the 13 home owned amusement companies of western Kansas.

I am writing in regard to the bill concerning the legislation of amusement rides. I represent the Tri County Amusement Association in Oakley, Kansas and would like to express our support of SB178. Our home owned amusement company has been operating since 1995.

We started our amusement company because the big name carnivals stopped coming. We would have a signed contract with them but there is a clause in their contracts that states if they get a better offer somewhere, they don't have to show up. After this happened twice and we had a community full of disappointed children and families, we began investing in an amusemer company of our own.

We have continued to operate this home owned amusement company because it provides a safe environment for family entertainment. We operate for five days in conjunction with the annual county fair.

Parents and grandparents plan for this event all year. They know that they can come and relax because not only are the rides safe but the area itself is safe and clean. The adults use it as a time to visit and catch up while the children enjoy the rides. There are benches all over the grounds expressly for this purpose. We have had people tell us that they plan their vacations around fair time and that their children are more excited about coming here than they are about going to the huge amusement parks. The kids know that the adults will let them go off on their own and kids love it when they don't have the adults hanging around.

Those who run the rides are careful and safety conscious for many reasons. It's just plain common sense. They're operating rides that have their own family, friends and acquaintances on board. The amusement board is passionate about safety for th very same reasons. We put our own children and grandchildren on those rides over and over again.

We inspect our rides on a regular basis. They are inspected daily during operation and annually or semi-annually by a professional company. The men on our amusement company board conduct routine maintenance and in the off season, take care of any repairs that become necessary.

We have never had a serious accident on our site. This is due, in large part, to the diligence and mechanical skills of our board members and those community members who support us with their time and expertise.

Cost is also a consideration. The big carnivals have gotten pretty pricey and in this tough economy, people will be looking even harder at ways to find some entertainment without spending a great deal of money. Our amusement company uses \$10 armbands for all you can ride on several nights. Organizations run games for sometimes as little as 35 cents per try. These folks don't mind spending their entertainment funds here because they know the money stays in town and it is a direct benefit to the community.

Thank you for your consideration of this bill. We will continue to take every precaution we can to maintain a safe and pleasant environment for the families and friends of the northwest Kansas area.

Sincerely,

Janet Bean, Secretary/Treasurer

Tri County Amusement Association

Oakley, Kansas

Sen Fed & State
Attachment 11
2-11-09

Testimony concerning 2009 Senate Bill 178
Senate Federal and State Affairs
Steve Zink, Director of Industrial Safety and Health
Kansas Department of Labor
11 February 2009

Chairman Brungardt and Members of the Committee:

Thank you for the opportunity to appear and provide testimony in regards to 2009 Senate Bill 178.

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 Senate Bill 178. 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 Senate Bill 178 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:

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.

SENATE BILL No. 53

By Committee on Federal and State Affairs

1-21

9 AN ACT concerning cereal malt beverages; relating to discretion by cities
10 in granting and suspending or revoking a retailer's license; amending
11 K.S.A. 2008 Supp. 41-2703 and 41-2708 and repealing the existing
12 sections.

13
14 Be it enacted by the Legislature of the State of Kansas:

15 Section 1. K.S.A. 2008 Supp. 41-2703 is hereby amended to read as
16 follows: 41-2703. (a) After examination of an application for a retailer's
17 license, the board of county commissioners or the director shall, if they
18 approve the same, issue a license to the applicant. [Except as provided in
19 subsection (b), the] governing body of the city shall, if the applicant is
20 qualified as provided by law, issue a license to such applicant.

The

21 (b) No retailer's license shall be issued [The board of county commis-
22 sions shall not be required to issue a retailer's license] to:

No retailer's license shall be issued

23 (1) A person who is not a resident of the county in which the place
24 of business covered by the license is located, has not been a resident of
25 such county for at least six months or has not been a resident in good
26 faith of the state of Kansas.

27 (2) A person who has not been a resident of this state for at least one
28 year immediately preceding application for a retailer's license.

29 (3) A person who is not of good character and reputation in the com-
30 munity in which the person resides.

31 (4) A person who is not a citizen of the United States.

32 (5) A person who, within two years immediately preceding the date
33 of application, has been convicted of a felony or any crime involving moral
34 turpitude, drunkenness, driving a motor vehicle while under the influence
35 of intoxicating liquor or violation of any other intoxicating liquor law of
36 any state or of the United States.

37 (6) A partnership, unless all the members of the partnership are oth-
38 erwise qualified to obtain a license.

39 (7) A corporation, if any manager, officer or director thereof, or any
40 stockholder owning in the aggregate more than 25% of the stock of such
41 corporation, would be ineligible to receive a license hereunder for any
42 reason other than the citizenship and residency requirements.

43 (8) [A corporation, if any manager, officer or director thereof, or any]

1 ~~stockholder owning in the aggregate more than 25% of the stock of such~~
 2 ~~corporation, has been an officer, manager or director, or a stockholder~~
 3 ~~owning in the aggregate more than 25% of the stock, of a corporation~~
 4 ~~which: (A) Has had a retailer's license revoked under K.S.A. 41-2708, and~~
 5 ~~amendments thereto; or (B) has been convicted of a violation of the drink-~~
 6 ~~ing establishment act or the cereal malt beverage laws of this state.~~

7 ~~(9)~~ A person whose place of business is conducted by a manager or
 8 agent unless the manager or agent possesses all the qualifications of a
 9 licensee.

10 ~~(10)~~ A person whose spouse would be ineligible to receive a retailer's
 11 license for any reason other than citizenship, residence requirements or
 12 age, except that this subsection (b)(10) shall not apply in determining
 13 eligibility for a renewal license.

14 ~~(11)~~ A person whose spouse has been convicted of a felony or other
 15 crime which would disqualify a person from licensure under this section
 16 and such felony or other crime was committed during the time that the
 17 spouse held a license under this act.

18 (c) Retailers' licenses shall be issued either on an annual basis or for
 19 the calendar year. If such licenses are issued on an annual basis, the board
 20 of county commissioners or the governing body of the city shall notify the
 21 distributors supplying the county or city on or before April 1 of the year
 22 if a retailer's license is not renewed.

23 Sec. 2. K.S.A. 2008 Supp. 41-2708 is hereby amended to read as
 24 follows: 41-2708. (a) The board of county commissioners or the governing
 25 body of any city, upon five days' notice to the persons holding a license,
 26 shall may revoke or suspend the license for any one of the following
 27 reasons:

- 28 (1) The licensee has fraudulently obtained the license by giving false
- 29 information in the application therefor;
- 30 (2) the licensee has violated any of the provisions of K.S.A. 41-2701
- 31 et seq., and amendments thereto, or any rules or regulations made by the
- 32 board or the city, as the case may be;
- 33 (3) the licensee has become ineligible to obtain a license under this
- 34 act;
- 35 (4) drunkenness of the licensee or permitting any intoxicated person
- 36 to remain in or upon the licensee's place of business;
- 37 (5) the sale of cereal malt beverages to any person under the legal
- 38 age for consumption of cereal malt beverage;
- 39 (6) the nonpayment of any license fees;
- 40 (7) permitting any gambling in or upon the licensee's place of
- 41 business;
- 42 (8) permitting any person to mix drinks with materials purchased in
- 43 or upon the place of business or brought in for that purpose;

(9)

(10)

After examination of an application for a retailer's license, the board of county commissioners or the governing body of a city may deny a license to a person, partnership or corporation if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, has been an officer, manager, director or a stockholder owning in the aggregate more than 25% of the stock, of a corporation which has:

- (1) Had a retailer's license revoked under KSA 41-2708, and amendments thereto; or
- (2) been convicted of a violation of the drinking establishment act or the cereal malt beverage laws of this state.

(d)

1 (9) the employment of persons under 18 years of age in dispensing
2 or selling cereal malt beverages;

3 (10) the employment or continuation in employment of a person in
4 connection with the sale, serving or dispensing of cereal malt beverages
5 if the licensee knows such person has been, within the preceding two
6 years, adjudged guilty of a felony or of any violation of the intoxicating
7 liquor laws of this state, another state or the United States;

8 (11) the sale or possession of, or permitting any person to use or
9 consume on the licensed premises, any alcoholic liquor as defined by
10 K.S.A. 41-102, and amendments thereto;

11 (12) the licensee has been convicted of a violation of the beer and
12 cereal malt beverage keg registration act; or

13 (13) there has been a violation of K.S.A. 21-4106 or 21-4107, and
14 amendments thereto, in or upon the licensee's place of business.

15 (b) The provisions of subsections (a)(8) and (11) shall not apply if the
16 place of business or premises also are currently licensed as a club or
17 drinking establishment pursuant to the club and drinking establishment
18 act.

19 (c) Within 20 days after the order of the board revoking or suspending
20 any license, the licensee may appeal to the district court and the district
21 court shall proceed to hear such appeal as though such court had original
22 jurisdiction of the matter. Any appeal taken from an order revoking or
23 suspending the license shall not suspend the order of revocation or sus-
24 pension during the pendency of any such appeal. ~~[In case of the revocation~~
25 ~~of the license of any licensee, no new license shall be issued to the former~~
26 ~~licensee, or to any person acting for or on the former licensee's behalf,~~
27 ~~for a period of six months thereafter.]~~

28 Sec. 3. K.S.A. 2008 Supp. 41-2703 and 41-2708 are hereby repealed.

29 Sec. 4. This act shall take effect and be in force from and after its
30 publication in the statute book.

BINGO LAW COMPARISON

KANSAS

Proposed bill S. 107

Prizes: \$100 per game
\$1000 aggregate per session
\$1000 per special bingo game
\$1000 per progressive bingo game

Frequency: 1 session per 24 hour period
3 sessions per week

Card price: repeals mandatory card price of \$1.00

Instant bingo: increases sales to 2 hours before and 2 hours after call bingo
Eliminates the cap of 3 event games per session

Door prizes: value of prize may not exceed \$500

MISSOURI

Prizes: \$500 per game (excludes progressive bingo games)
\$3600 aggregate per session

Frequency: 1 day per week
Not more than 62 games per day
Bingo is not allowed between the hours of 12:00am and 10:00am

Card Price: Not to exceed \$1.00
Special bingo cards not to exceed \$.50

Instant bingo: permitted during bingo session

Door Prizes: none listed

COLORADO

Prizes: no limit per game
\$2000 aggregate per session (excluding progressive bingo game)

\$15,000 progressive; not more than 3 progressive games per session

Frequency: Not more than 220 session per year
May hold more than one session per day
May hold sessions at more than one facility

Card Price: Cards must be sold for a set price established by organization
Not to exceed \$1.00 for progressive games

Instant bingo: Permitted at bingo sessions
Event games permitted; no limit

Door prizes: \$1000 maximum value

NEBRASKA

Prizes: \$1000 per game
\$4000 aggregate per session

Frequency: 10 sessions per month
6 hour limit per session
No session within 3 hours of another on the same premises

Card Price: not required by statute

Instant bingo: May be sold during the bingo session
May also be sold at other times and places under a separate "pickle card" license

Door prizes: \$100 maximum value

ARIZONA

Prizes: \$1000 per game
\$3000 per session
\$12,000 for a special bonus game held one day per week for consecutive weeks

Frequency: 5 sessions per week
12 hour limit per premises per day

Card Price: Not required by statute

Instant bingo: not permitted

Door prizes: \$250 maximum value

INDIANA

Prizes: \$1000 per game
\$6000 aggregate per session
\$10,000 for 2 events per year

Frequency: 3 session per week
1 session per day

Card price: Not required by statute

Instant bingo: Allowed at bingo sessions
Allowed at other locations under separate license

Door prizes: \$1500 maximum value

KENTUCKY

Prizes: No limit per game
\$5000 per session (includes progressive)

Frequency: 1 session per day not to exceed 5 hours
2 sessions per week
1 location within the same 24 hour period

Card price: Amount not required, but must be listed on bingo program

Instant bingo: permitted at bingo session
Permitted at other times and locations
No limit on number of event games

Door prizes: not listed

SENATE BILL No. 107

By Committee on Federal and State Affairs

1-26

9 AN ACT concerning bingo games; relating to operation thereof and
10 prizes awarded; amending K.S.A. 2008 Supp. 79-4701, 79-4706 and
11 79-4717 and repealing the existing sections.

12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2008 Supp. 79-4701 is hereby amended to read as
15 follows: 79-4701. As used in this act:

16 (a) "Act" means the bingo act.

17 (b) "Administrator" means the administrator of charitable gaming
18 designated by the secretary pursuant to K.S.A. 2008 Supp. 79-4717, and
19 amendments thereto.

20 (c) "Bingo" or "games of bingo" means the games of call bingo and
21 instant bingo.

22 (d) "Bingo card" or "card" means a reusable card which is marked
23 off into 25 squares arranged in five horizontal rows of five squares each
24 and five vertical rows of five squares each, with each square being des-
25 ignated by a number, letter or combination of numbers and letters. Only
26 the center square shall be designated with the word "free". No two cards
27 in the same game shall be identical.

28 (e) "Bingo face" or "face" means a piece of paper which is marked
29 off into 25 squares arranged in five horizontal rows of five squares each
30 and five vertical rows of five squares each, with each square being des-
31 ignated by a number, letter or combination of numbers and letters. Only
32 the center square shall be designated with the word "free". No two bingo
33 faces in the same game shall be identical. Faces shall be disposable and
34 shall not be reused after the game in which a player has used such face.

35 (f) "Call bingo" means a game in which: (1) Each player pays a
36 charge; (2) a prize or prizes are awarded to the winner or winners; (3)
37 each player receives one or more cards or faces; and (4) each player covers
38 the squares on each card or face as the operator of such game announces
39 a number, letter or combination of numbers and letters appearing on an
40 object selected by chance, either manually or mechanically from a recep-
41 tacle in which have been placed objects bearing numbers, letters or com-
42 binations of numbers and letters corresponding to the system used for
43 designating the squares. The winner of each game is the player or players

1 first covering properly a predetermined and announced pattern of squares
2 upon the card or face being used by such player or players.

3 "Call bingo" shall include any regular, special, mini and progressive
4 game of bingo.

5 "Call bingo" shall not include any game utilizing an electronic or com-
6 puterized card system.

7 (g) "Department" means the department of revenue.

8 (h) "Director" means the director of taxation.

9 (i) "Distributor" means any person or entity that sells or distributes
10 instant bingo tickets, bingo cards or bingo faces.

11 (j) "Instant bingo" means a game: (1) In which each player pays a
12 charge; (2) in which a prize or prizes are awarded to the winner or win-
13 ners; (3) in which each player receives one or more disposable pull-tab
14 or break-open tickets which accord a player an opportunity to win some-
15 thing of value by opening or detaching the paper covering from the back
16 of the ticket to reveal a set of numbers, letters, symbols or configurations,
17 or any combination thereof; (4) which is conducted by a licensee under
18 this act; (5) the conduct of which must be in the presence of the players;
19 and (6) which does not utilize any dice, normal playing cards, instant ticket
20 with a removable latex covering or slot machines. Winners of instant bingo
21 shall be determined either (1) by a combination of letters, numbers or
22 symbols determined and posted prior to the sale of instant bingo tickets
23 or (2) by matching a letter, number or symbol under a tab of an instant
24 bingo ticket with the winning letter, number or symbol in a designated
25 call game of bingo during the same session.

26 "Instant bingo" shall not include any game utilizing electronically gen-
27 erated or computer-generated tickets.

28 (k) "Lessor" means the owner, coowner, lessor or sublessor of prem-
29 ises upon which a licensee is permitted to manage, operate or conduct
30 games of bingo, whether or not a written lease has been entered into and
31 submitted to the administrator as required in subsection (c) of K.S.A. 79-
32 4703, and amendments thereto, and includes all political subdivisions and
33 other public agencies.

34 (l) "Licensee" means any nonprofit organization holding a license to
35 manage, operate or conduct games of bingo pursuant to K.S.A. 79-4701
36 et seq., and amendments thereto.

37 (m) "Mini bingo" means a game of call bingo in which the prizes
38 awarded are not less than 50% of the gross receipts derived from the sale
39 of cards or faces for participation in the game, but not more than \$50.

40 (n) "Net proceeds" means the gross receipts received by the licensee
41 from charges imposed on players for participation in games of bingo and
42 any admission fees or charges less amounts actually paid as prizes in
43 games of bingo and any tax payable by the licensee.

1 (o) "Nonprofit religious organization" means any organization,
2 church, body of communicants, or group, gathered in common member-
3 ship for mutual support and edification in piety, worship, and religious
4 observances, or a society of individuals united for religious purposes at a
5 definite place and of which no part of the net earnings inures to the
6 benefit of any private shareholder or individual member of such organi-
7 zation, and which religious organization maintains an established place of
8 worship within this state and has a regular schedule of services or meet-
9 ings at least on a weekly basis and has been determined by the adminis-
10 trator to be organized and created as a bona fide religious organization
11 and which has been exempted from the payment of federal income taxes
12 as provided by section 501(c)(3) or section 501(d) of the federal internal
13 revenue code of 1986, as amended, or determined to be organized and
14 operated as a bona fide nonprofit religious organization by the
15 administrator.

16 (p) "Nonprofit charitable organization" means any organization
17 which is organized and operated for:

18 (1) The relief of poverty, distress, or other condition of public con-
19 cern within this state; or

20 (2) for financially supporting the activities of a charitable organization
21 as defined in paragraph (1); or

22 (3) for conferring direct benefits on the community at large; and of
23 which no part of the net earnings inures to the benefit of any private
24 shareholder or individual member of such organization and has been de-
25 termined by the administrator to be organized and operated as a bona
26 fide charitable organization and which has been exempted from the pay-
27 ment of federal income taxes as provided by sections 501(c)(3), 501(c)(4),
28 501(c)(5), 501(c)(6) and 501(c)(7) of the federal internal revenue code of
29 1986, as amended, or determined to be organized and operated as a bona
30 fide nonprofit charitable organization by the administrator.

31 (q) "Nonprofit fraternal organization" means any organization within
32 this state which exists for the common benefit, brotherhood, or other
33 interests of its members and is authorized by its written constitution,
34 charter, articles of incorporation or bylaws to engage in a fraternal, civic
35 or service purpose within this state and has been determined by the ad-
36 ministrator to be organized and operated as a bona fide fraternal organ-
37 ization and which has been exempted from the payment of federal income
38 taxes as provided by section 501(c)(8) or section 501(c)(10) of the federal
39 internal revenue code of 1986, as amended, or determined to be organ-
40 ized and operated as a bona fide nonprofit fraternal organization by the
41 administrator.

42 (r) "Nonprofit educational organization" means any public or private
43 elementary or secondary school or institution of higher education which

1 has been determined by the administrator to be organized and operated
 2 as a bona fide educational organization and which has been exempted
 3 from the payment of federal income taxes as provided by section 501(c)(3)
 4 of the federal internal revenue code of 1986, as amended, or determined
 5 to be organized and operated as a bona fide nonprofit educational organ-
 6 ization by the administrator.

7 (s) "Nonprofit veterans' organization" means any organization within
 8 this state or any branch, lodge, or chapter of a national or state organi-
 9 zation within this state, the membership of which consists exclusively of
 10 individuals who qualify for membership because they were or are mem-
 11 bers of the armed services or forces of the United States, or an auxiliary
 12 unit or society of such a nonprofit veterans' organization the membership
 13 of which consists exclusively of individuals who were or are members of
 14 the armed services or forces of the United States, or are cadets, or are
 15 spouses, widows or widowers of individuals who were or are members of
 16 the armed services or forces of the United States, and of which no part
 17 of the net earnings inures to the benefit of any private shareholder or
 18 individual member of such organization, and has been determined by the
 19 administrator to be organized and operated as a bona fide veterans' or-
 20 ganization and which has been exempted from the payment of federal
 21 income taxes as provided by section 501(c)(4) or 501(c)(19) of the federal
 22 internal revenue code of 1986, as amended, or determined to be organ-
 23 ized and operated as a bona fide nonprofit veterans' organization by the
 24 administrator.

25 (t) "Person" means any natural person, corporation, partnership, trust
 26 or association.

27 (u) "Premises" means any room, hall, building, enclosure or outdoor
 28 area used for the management, operation or conduct of a game of bingo
 29 by a licensee.

30 (v) "Progressive bingo" means a game of call bingo in which either
 31 the established prize amount or number of bingo balls or objects called,
 32 or both, may be increased from one session to the next scheduled session
 33 if no player completes the required pattern within the specified number
 34 of bingo balls or objects drawn. The player's opportunity to win shall
 35 increase as the prize amount increases.

36 (w) "Regular game of bingo" means any game of bingo which is sub-
 37 ject to the 25 game limit, ~~\$50 [and \$100 prize limit] and the \$1 charge limit~~
 38 imposed under subsections (g), (h) and (j) of *by* K.S.A. 79-4706, and
 39 amendments thereto.

40 (x) "Secretary" means the secretary of revenue or the secretary's
 41 designee.

42 (y) "Session" means a day on which a licensee conducts games of
 43 bingo.

, \$100 prize limit and the \$3 charge limit

1 Sec. 2. K.S.A. 2008 Supp. 79-4706 is hereby amended to read as
2 follows: 79-4706. Games of bingo shall be managed, operated and con-
3 ducted in accordance with the bingo act and rules and regulations adopted
4 pursuant thereto and the following restrictions:

5 (a) The entire gross receipts received by any licensee from the op-
6 eration or conduct of games of bingo, except that portion utilized for the
7 payment of the cost of prizes and license fees and taxes on games of bingo
8 imposed under the provisions of this act, shall be used exclusively for the
9 lawful purposes of the licensee permitted to conduct that game.

10 (b) Games of bingo managed, conducted or operated by a licensee,
11 shall be managed, conducted or operated only by a bona fide member or
12 spouse of a bona fide member of the licensee or parent organization or
13 an auxiliary unit or society of such licensee *or of the beneficiary*
14 *organization.*

15 (c) No lessor, employee of such lessor or employee, officer or share-
16 holder of a for profit corporation which is the lessor shall play any game
17 of bingo or participate in any drawing on premises leased by any such
18 lessor nor shall such person be responsible for or assist in the manage-
19 ment, operation or conduct of any game of bingo or drawing on such
20 premises.

21 (d) No person may participate in the management, conduct or op-
22 eration of bingo games by a licensee if such person, within five years prior
23 to such participation, has been convicted of or pleaded guilty or *nolo*
24 *contendere* to any felony or illegal gambling activity or purchased a tax
25 stamp for wagering or gambling activity.

26 (e) No person may receive any remuneration or profit for participat-
27 ing in the management, conduct or operation of any game of bingo man-
28 aged, conducted or operated by a licensee. *Food offered in the course of*
29 *a volunteer duty shift shall not be considered remuneration.*

30 (f) The aggregate value of all prizes including the retail value of all
31 merchandise awarded or offered by a licensee in a single session to win-
32 ners of games of regular and special call bingo shall not exceed ~~\$1,200~~
33 ~~\$1,800~~. The value of a prize awarded in a progressive or mini bingo game
34 shall not be included when determining the limit imposed by this sub-
35 section. Any monetary prize of \$500 or more awarded in games of bingo
36 shall be paid by a check drawn on the bingo trust bank account of the
37 licensee. Any monetary prize awarded in games of bingo shall be paid by
38 a check on the bingo trust bank account of the licensee upon the request
39 of the winner of such award.

and consumed on the premises

\$1,500

40 (g) The total number of regular, special and progressive call bingo
41 games managed, operated or conducted by any licensee in any session
42 shall not exceed 25 and not more than five of such games shall be special
43 games. Not more than one licensee may conduct bingo games at a given

1 location or registered premises in any one session.

2 (h) The prize awarded by a licensee in any one regular call bingo
3 game shall not exceed ~~\$50~~ \$100. The prize in any one special call bingo
4 game shall not exceed ~~\$500~~ \$1,000.

5 (i) The retail value of any merchandise received by a winner of a
6 bingo game shall be considered as the cash value for the purposes of
7 determining the value of the prize.

8 ~~(j) The charge made by a licensee for a bingo card or equivalent
9 number of bingo faces to play in regular bingo games in any one session
10 shall not exceed \$1. Such bingo card or equivalent number of bingo faces
11 shall be valid for all such regular bingo games conducted or operated by
12 the licensee in any one session. The charge made by a licensee for a single
13 bingo card or bingo face to play in any single, mini or progressive special
14 game shall not exceed \$1. The charge made by a licensee for a single
15 instant bingo ticket shall not exceed \$1.~~

16 ~~(k)~~ (j) Games of bingo shall not be managed, operated or conducted
17 by any licensee on more than ~~two~~ three calendar days in any one week.

18 ~~(l)~~ (k) All licenses issued under the provisions of this act shall be
19 issued in the name of the organization licensed.

20 ~~(m)~~ (l) Each licensee shall keep a record of all games of bingo man-
21 aged, operated or conducted by it for a period of three years following
22 the date the game is managed, operated or conducted.

23 ~~(n)~~ (m) No person under the age of 18 years shall participate in the
24 management, operation or conduct of any game of bingo managed, op-
25 erated or conducted by a licensee under the provisions of this act and no
26 licensee shall sell any instant bingo ticket to a person under the age of 18
27 years.

28 ~~(o)~~ (n) A lessor of premises used for the management, operation or
29 conduct of games of bingo or a licensee may not advertise games of bingo
30 except to the extent and in the manner prescribed by the rules and reg-
31 ulations adopted pursuant to the bingo act. Any advertisement of any
32 game of bingo by or on behalf of such lessor or licensee shall specify the
33 organization which is managing, operating or conducting such game. The
34 announcement of the cancellation of a game of bingo shall not be con-
35 sidered to be an advertisement.

36 ~~(p)~~ (o) (1) Except as provided by paragraph (2) of this subsection, no
37 game of chance or contest where a prize is awarded, other than games of
38 bingo, shall be conducted on any premises where licensees are conducting
39 games of bingo, where the intent of such game of chance or contest is to
40 induce participation in such games of bingo.

41 (2) One drawing during a session may be conducted by the licensee
42 or the lessor of the premises. ~~Only~~ a nonmonetary prize having a value
43 not exceeding ~~\$25~~ ~~\$500~~ shall be awarded to the winner of such drawing.

(j) The charge made by a licensee for a bingo card or equivalent number of bingo faces to play in regular bingo games in any one session shall not exceed \$3. Such bingo card or equivalent number of bingo faces shall be valid for all such regular bingo games conducted or operated by the licensee in any one session. The charge made by a licensee for a single bingo card or bingo face to play in any single, mini or progressive special game shall not exceed \$3. The charge made by a licensee for a single instant bingo ticket shall not exceed \$3.

and reletter the remaining subsections accordingly

Except as otherwise provided, only

\$100

1 There shall be no charge for participation in such drawing. There shall
2 be no requirement to purchase anything of value in order to participate
3 in such drawing. No more than ~~four~~ ^{five} ~~six~~ drawings per month of such
4 drawings shall be conducted by each licensee or lessor during any cal-
5 endar year.

five

Each licensee may conduct two drawings within a licensed year with a nonmonetary prize having a value not exceeding \$500. Such drawings shall be included in the total number of drawings conducted for the month in which they are held.

6 ~~(q)~~ (p) No licensee shall manage, operate or conduct bingo on any
7 leased premises or with leased equipment unless all of the terms and
8 conditions of rental or use, including the rental of chairs, bingo equip-
9 ment, tables, security guards, janitor service or any other services, are set
10 forth in a lease submitted, approved and on file with the administrator.

11 ~~(r)~~ No premises shall be used for the management, operation or con-
12 duct of games of bingo by licensees on more than three calendar days in
13 any one week.

(r) No premises shall be used for the management, operation or conduct of games of bingo by licensees on more than four calendar days in any one week.

and reletter the remaining subsections accordingly

14 ~~(s)~~ (q) No premises shall be subdivided to provide multiple premises
15 where games of bingo are managed, operated or conducted by licensees,
16 whether or not the multiple premises have different addresses.

17 ~~(t)~~ (r) No game of bingo shall be managed, operated or conducted
18 by licensees on leased premises if at any time during the immediately
19 preceding 44 hours the premises, or any leased premises within 1,000
20 feet of them, have been used for the management, operation or conduct
21 of a game of bingo. A game of bingo shall be managed, operated or con-
22 ducted only once during any 24-hour period by a licensee or licensed
23 premises. No other game of bingo may operate within 1,000 feet of such
24 licensee or licensed premises that has been used for the management,
25 operation or conduct of a bingo game during the 24-hour period.

26 ~~(u)~~ (s) Every licensee who has gross receipts of \$1,000 or more re-
27 ceived from participation in games, admission fees or charges and from
28 any other source directly related to the operation or conduct of any games
29 of bingo in any calendar month shall maintain a bingo trust bank account
30 into which all such receipts are deposited daily and from which all pay-
31 ments are made relating to the management, operation or conduct of any
32 games of bingo, except payment of prizes of less than \$200. Having once
33 established such bingo trust bank account, the licensee shall continue to
34 make deposits of all receipts therein. Every licensee shall notify the ad-
35 ministrator of the name of the bank in which the bingo trust bank account
36 is maintained, together with the number and name of the account. Every
37 licensee who maintains a bingo trust bank account shall maintain a com-
38 plete record of all deposits and withdrawals from such bank account and
39 the same shall be available to the administrator to audit at any reasonable
40 time.

41 The records required under this subsection are in addition to all other
42 records required to be kept by the licensee. The records required by this
43 subsection shall be maintained in the same place as all other records

1 required to be kept by the licensee.

2 ~~(v)~~ (t) No instant bingo ticket shall be sold by a licensee more than
 3 ~~one hour~~ two hours prior to the start of the first regular or special game
 4 of call bingo of a session or after the termination of the last game of call
 5 bingo operated or conducted by the licensee for such session.

90 minutes

6 ~~(w)~~ (u) No licensee shall purchase or obtain bingo faces or instant
 7 bingo tickets from any person or entity other than a distributor registered
 8 pursuant to K.S.A. 79-4712a, and amendments thereto.

9 ~~(x)~~ (v) All instant bingo tickets sold or distributed to licensees shall
 10 bear on the face thereof a unique serial number which shall not be re-
 11 peated on the same manufacturer's form number less than every three
 12 years. All instant bingo tickets shall be sold or distributed in boxes. Each
 13 box shall be sealed by the manufacturer with a seal which includes a
 14 warning to the purchaser that the box may have been tampered with if
 15 the box was received by the purchaser with the seal broken. Each box of
 16 instant bingo tickets shall contain tickets printed in such a manner as to
 17 insure that at least 60% of the gross revenues generated by the ultimate
 18 sale of all tickets from such box shall be returned to the final purchasers
 19 of such tickets. No box of instant bingo tickets may be opened by a li-
 20 censee unless all tickets contained in a previously opened box with the
 21 same form number have been sold.

22 ~~(y)~~ (w) Each box of instant bingo tickets sold or distributed to li-
 23 censees shall be accompanied by a flare which contains the following
 24 information: (1) The name of the game; (2) the manufacturer's name or
 25 logo; (3) the game form number; (4) the ticket count in the game; (5) the
 26 prize structure for the game, which includes the number of winning tick-
 27 ets by denomination and their respective winning symbol or number com-
 28 binations; (6) the cost per ticket; (7) the game serial number; (8) the
 29 winning numbers or symbols for the top three winning tiers set out in
 30 such a manner that each prize may be marked off as the prize is won and
 31 awarded; (9) the business name of the distributor; and (10) if sold or
 32 distributed to a licensee under the bingo act, the Kansas bingo license
 33 number of the licensee to which the game is sold.

34 ~~(z)~~ (x) (1) No progressive game may exceed 20 consecutive sessions
 35 conducted by a licensee prior to the awarding of the established prize.

36 (2) No more than two progressive bingo games may be conducted in
 37 any one session.

38 (3) ~~A prize for a progressive game may start at an amount not to~~
 39 ~~exceed \$250 and may be increased by no more than \$100 for each session~~
 40 ~~during which the progressive game is continued.~~ The prize awarded at
 41 the end of any progressive game shall not exceed \$1,000.

42 (4) If the progressive bingo game prize is not awarded at a bingo
 43 session, the progressive bingo game shall be continued at a future occa-

1 sion until such time a winner is determined. The winning prize shall be
 2 the full amount. If there is no winner of a progressive bingo game at a
 3 session, a stated consolation prize in an amount not to exceed \$250 may
 4 be awarded. Any consolation prize shall be less than the value of the
 5 progressive bingo game prize amount.

6 (5) All progressive bingo games and rules for such games shall be
 7 described fully and posted in the house rules prior to the start of the
 8 session. Such games shall comply with requirements imposed under the
 9 bingo act and any rules and regulations adopted pursuant thereto.

10 (6) When a person achieves the first preannounced winning combi-
 11 nation, the game shall be completed and the next progressive bingo game
 12 and winning combination shall be commenced with a new bingo card or
 13 face and all objects or balls in the receptacle.

14 (7) The rules for a progressive bingo game shall remain in effect until
 15 the game ends and the winner is determined.

16 (8) Progressive bingo games may not be conducted in conjunction
 17 with a session of bingo conducted at a location other than that specified
 18 in the license as authorized by subsection (c) of 79-4703, and amendments
 19 thereto.

20 (9) A licensee shall not cease bingo operations unless all progressive
 21 bingo games are completed and prizes are awarded, unless prior approval
 22 has been received from the secretary.

23 ~~(aa)~~ (y) Except as specifically provided by rules and regulations
 24 adopted pursuant to the bingo act, the distribution, sale or use of bingo
 25 cards is prohibited from and after July 1, 2003, and thereafter, only bingo
 26 faces shall be distributed, sold or used in call bingo games operated and
 27 conducted by licensees.

28 ~~(bb)~~ (z) ~~Only three games of instant bingo in which the winner or~~
 29 ~~winners of such game is determined by matching a letter, number or~~
 30 ~~symbol under a tab of an instant bingo ticket with the winning letter,~~
 31 ~~number or symbol in a designated call game of bingo during the same~~
 32 ~~session shall be played in any one session.~~ There shall be no limit on the
 33 number of instant bingo tickets which may be sold for participation in
 34 any such game of instant bingo.

35 ~~(cc)~~ (aa) The total number of mini games of bingo managed, operated
 36 or conducted by a licensee during a session shall not exceed 20 games.
 37 No mini bingo game shall be conducted by a licensee more than ~~one hour~~
 38 ~~[two hours]~~ prior to, or ~~[two hours]~~ after the commencement of, the first
 39 regular or special game of call bingo operated or conducted by the li-
 40 censee for such session.

90 minutes

41 Sec. 3. K.S.A. 2008 Supp. 79-4717 is hereby amended to read as
 42 follows: 79-4717. (a) The secretary of revenue shall designate an admin-
 43 istrator of charitable gaming. Any person designated the administrator of

1 charitable gaming shall have at least five years' experience in the area of
2 charitable gaming regulation *or similar background*. The administrator of
3 charitable gaming shall be in the unclassified service and shall receive an
4 annual salary fixed by the secretary of revenue and approved by the
5 governor.

6 (b) Under the supervision of the secretary, the administrator of char-
7 itable gaming shall administer and enforce the provisions of the bingo act
8 and any rules and regulations adopted pursuant thereto. The administra-
9 tor's exclusive duties shall be the administration and enforcement of the
10 bingo act and any rules and regulations adopted pursuant thereto. The
11 administrator shall be solely accountable to and report to the secretary of
12 revenue.

13 Sec. 4. K.S.A. 2008 Supp. 79-4701, 79-4706 and 79-4717 are hereby
14 repealed.

15 Sec. 5. This act shall take effect and be in force from and after its
16 publication in the statute book.

SENATE BILL No. 116

By Committee on Federal and State Affairs

1-27

9 AN ACT concerning private detectives; relating to permits to carry concealed firearms; amending K.S.A. 2008 Supp. 12-4516, 21-4619, 75-7b01 and 75-7b17 and repealing the existing sections.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2008 Supp. 12-4516 is hereby amended to read as follows: 12-4516. (a) (1) Except as provided in subsection (b) or (c), any person who has been convicted of a violation of a city ordinance of this state may petition the convicting court for the expungement of such conviction and related arrest records if three or more years have elapsed since the person:

20 (A) Satisfied the sentence imposed; or
21 (B) was discharged from probation, parole or a suspended sentence.
22 (2) Except as provided in subsection (b) or (c), any person who has fulfilled the terms of a diversion agreement based on a violation of a city ordinance of this state may petition the court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.
27 (b) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute:

32 (1) Vehicular homicide, as defined by K.S.A. 21-3405, and amendments thereto;
34 (2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto;
37 (3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto;
39 (4) a violation of the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications;
41 (5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;
42 (6) failing to stop at the scene of an accident and perform the duties

1 tative by such agency and the application was submitted by the person
2 whose record has been expunged;

3 (14) the Kansas commission on peace officers' standards and training
4 and the request is accompanied by a statement that the request is being
5 made to aid in determining certification eligibility as a law enforcement
6 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

7 (15) a law enforcement agency and the request is accompanied by a
8 statement that the request is being made to aid in determining eligibility
9 for employment as a law enforcement officer as defined by K.S.A. 22-
10 2202, and amendments thereto; or

11 (16) the attorney general and the request is accompanied by a state-
12 ment that the request is being made to aid in determining qualifications
13 for a license to carry a concealed weapon pursuant to the personal and
14 family protection act, a *private detective license pursuant to K.S.A. 75-
15 7b04, and amendments thereto, a permit to carry a concealed firearm
16 pursuant to K.S.A. 75-7b17, and amendments thereto, and a certification
17 as a firearms trainer pursuant to K.S.A. 75-7b21, and amendments
18 thereto.*

19 Sec. 3. K.S.A. 2008 Supp. 75-7b01 is hereby amended to read as
20 follows: 75-7b01. As used in this act:

21 (a) "Detective business" means the furnishing of, making of or agree-
22 ing to make any investigation for the purpose of obtaining information
23 with reference to:

24 (1) Crime or wrongs done or threatened against the United States or
25 any state or territory of the United States, or any political subdivision
26 thereof when furnished or made by persons other than law enforcement
27 officers;

28 (2) the identity, habits, conduct, business, occupation, honesty, in-
29 tegrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity,
30 movement, whereabouts, affiliations, associations, transactions, acts, rep-
31 utation or character of any person, *including [the attempt to locate any
32 person who has been released on bail, commonly referred to as bounty
33 hunting]*

34 (3) the location, disposition or recovery of lost or stolen property;

35 (4) the cause or responsibility for fires, libels, losses, frauds, accidents
36 or damage or injury to persons or to property; or

37 (5) securing evidence to be used before any court, board, officer or
38 investigating committee.

39 (b) "Private detective" means any person who, for any consideration
40 whatsoever, engages in detective business.

41 (c) "Private detective agency" means a person who regularly employs
42 any other person, other than an organization, to engage in detective
43 business.

efforts by a bounty hunter to locate a defendant in a criminal case who failed to appear in court, in violation of an appearance bond, but excluding efforts by a surety to locate a defendant in a criminal case who failed to appear in court

16-2

16-3

1 (d) "Private patrol operator" means a person who, for any consider-
2 ation whatsoever, agrees to furnish or furnishes a watchman, guard, pa-
3 trolman or other person to protect persons or property or to prevent the
4 theft, unlawful taking, loss, embezzlement, misappropriation or conceal-
5 ment of any goods, wares, merchandise, money, bonds, stocks, notes,
6 documents, papers or property of any kind, or performs the service of
7 such watchman, guard, patrolman or other person for any such purposes.

8 (e) "Law enforcement officer" means a law enforcement officer as
9 defined by K.S.A. 21-3110, and amendments thereto.

10 (f) "Organization" means a corporation, trust, estate, partnership, co-
11 operative or association.

12 (g) "Person" means an individual or organization.

13 (h) "Firearm permit" means a permit for the limited authority to
14 carry a firearm concealed on or about the person by one licensed as a
15 private detective.

16 (i) "Firearm" means:

17 (1) A pistol or revolver which is designed to be fired by the use of a
18 single hand and which is designed to fire or capable of firing fixed car-
19 tridge ammunition; or

20 (2) any other weapon which will or is designed to expel a projectile
21 by the action of an explosive and which is designed to be fired by the use
22 of a single hand.

23 (j) "Client" means any person who engages the services of a private
24 detective.

25 (k) "Dishonesty or fraud" means, in addition to other acts not spe-
26 cifically enumerated herein:

27 (1) Knowingly making a false statement relating to evidence or in-
28 formation obtained in the course of employment, or knowingly publishing
29 a slander or a libel in the course of business;

30 (2) using illegal means in the collection or attempted collection of a
31 debt or obligation;

32 (3) manufacturing or producing any false evidence; and

33 (4) acceptance of employment adverse to a client or former client
34 relating to a matter with respect to which the licensee has obtained con-
35 fidential information by reason of or in the course of the licensee's em-
36 ployment by such client or former client.

37 Sec. 4. K.S.A. 2008 Supp. 75-7b17 is hereby amended to read as
38 follows: 75-7b17. (a) No licensee may carry a firearm concealed on or
39 about the licensee's person unless the licensee obtains a permit therefor,
40 upon application to the attorney general. No permit shall be issued to any
41 licensee unless such licensee:

42 (1) Demonstrates to the attorney general the need to carry a firearm
43 in order to protect the licensee's life or property or to protect the life or

(l)(1) "Bounty hunter" means a person engaged in the business of contracting with a surety to locate, arrest and surrender defendants who failed to appear in court as required by an appearance bond.
(2) "Bounty hunter" shall not include a surety, or any agents or employees thereof.
(m) "Surety" means a person or entity that has guaranteed a defendant's appearance in court by executing an appearance bond in accordance with K.S.A. 22-2802 or 12-4301, and amendments thereto.