

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 Efir, 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.