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### Federal and State Affairs

#### D-1 Amusement Parks

##### History of Amusement Parks

The modern amusement park can trace its roots back to early county fairs and carnivals. In Kansas, the first state fair was held in 1913 in Hutchinson. However, county fairs had been held at that location since 1873. The origin of traveling carnivals can be traced back to the 1893 Columbian Exposition in Chicago. The Columbian Exposition, also known as the World's Fair, introduced many new inventions, including the Ferris wheel.

Although the Ferris wheel was introduced in 1893, the first amusement rides are thought to have been built in the 1870s. As for roller coasters, the world's first coaster opened in 1884 at Coney Island, New York. It was there in 1895 where the first permanent amusement park was constructed. Previously, rides were operated individually. Ten years later, in 1905, the first amusement park in Kansas was constructed in Wichita when Wonderland Amusement Park was built on a sandbar in the Arkansas River. The park was in operation until 1918.

Other amusement parks were eventually developed in the state, including Joyland Amusement Park in Wichita, which operated from 1949 until 2004. Today, traveling carnivals continue to operate in the state, in addition to the Kansas State Fair, which is held each September. In addition, water parks and municipal pools are regulated by state law, provided their attractions fall within established definitions.

##### Regulation in Kansas

Since 1977, 21 bills, outlined in the following table, have been introduced to either establish new regulations or amend current laws concerning amusement parks. Four of those bills have been enacted.

<b>Bill Number</b>	<b>General Subject</b>	<b>Outcome</b>
1976 SB 842	Amusement Park Insurance	Died on Senate Calendar
1976 HB 2933	Amusement Safety Act	Died in Committee
1983 SB 198	Automatic Amusement Devices	Died in Committee
1983 HB 2547	Automatic Amusement Devices	Died in Committee
1986 SB 597	Amusement Park Regulation	Died in Committee
1993 HB 2401	Amusement Park Insurance	Be Not Passed Committee
1997 HB 2024	Amusement Park Permits, Inspections	Died in Committee
1998 HB 2722	Amusement Park Licensing	Died in Committee
1999 HB 2040	Amusement Park Regulation	Died in Conference Committee
1999 HB 2005	Amusement Park Insurance	Enacted
2001 HB 2120	Amusement Park Regulation	Died in Committee
2005 HB 2510	Coin Operated Machines	Died in Committee
2005 HB 2524	Coin Operated Machines	Died in Committee
2007 SB 193	Amusement Park Regulation	Added to HB 2504
2008 Senate Sub. for HB 2504	Amusement Park Regulation	Enacted
2008 HB 2616	Amusement Park Regulation	Added to HB 2504
2017 HB 2389	Amusement Park Regulation	Died in Committee (Contents inserted into 2017 House Sub. for SB 70)
2017 House Sub. for SB 70	Amusement Park Regulation	Enacted
2017 House Sub. for SB 86	Amusement Park Regulation	Enacted (Repealed House Sub. for SB 70)
2018 House Sub. for SB 307	Amusement Park Regulation	Enacted
2018 SB 310	Amusement Park Regulation	Enacted (Repealed SB 307)

Many of the bills in the table concerned establishing baseline regulations and insurance requirements. However, no insurance requirements were created in statute until 2000. Furthermore, no statutes regarding regulation of amusement rides were enacted until 2008 with the passage of the Kansas Amusement Ride Act (Act). During the 2017 Session, the Act was further amended and expanded.

### **2000 HB 2005—Kansas Amusement Ride Insurance Act**

This bill established that amusement rides shall not be operated in the state unless the owner has a liability insurance policy that provides for coverage of up to \$1.0 million in the aggregate. If the owner of the ride was a subdivision of the State, or a nonprofit organization, that individual would not be required to carry such insurance. In addition, city or county governments could establish and enforce safety standards for amusement rides and could establish higher amounts of required insurance.

During the 1999 Legislative Session, HB 2040 was introduced, which would have established statutory regulations over amusement rides and established permit and inspection provisions. However, the bill died in Conference Committee.

### **2008 Senate Sub. for HB 2504—Kansas Amusement Ride Act**

The contents of 2008 Senate Sub. for HB 2504 (previously 2008 HB 2616) were drafted after a 2007 Interim study by the Special Committee on Federal and State Affairs. After enactment, the provisions became the first oversight of amusement rides in Kansas law. Under the new law, amusement ride owners would be required to inspect rides set up at a permanent location yearly and to conduct nondestructive testing. Inspections could be conducted by park employees, provided they held a National Association of Amusement Ride Safety Officials (NAARSO) Level I certification. Additionally, rides at a temporary location would be required to be inspected every 30 days.

The bill also provided that injuries of patrons must be reported to the park. If a serious injury occurred, operation of the ride would cease until the ride was re-inspected. Further, criminal penalties were established for knowing operation in violation of the statute. The bill also provided rule and regulation authority to the Secretary of Labor (Secretary) and also directed the Secretary to develop an inspection checklist and to conduct random inspections of rides.

### **2017 House Sub. for SB 70**

The bill, prior to repeal and replacement by passage of 2017 House Sub. for SB 86, addressed regulation of amusement rides through many different categories, including the following:

- Permits;
- Registration;
- Amusement Ride Safety Fund;
- Injury reporting;
- Liability insurance;
- Definitions;
- Qualified inspectors;
- Inspections;
- Records;
- Standards for ride construction;
- Nondestructive testing;
- Criminal penalties; and
- Rule and regulation authority.

### **2017 House Sub. for SB 86**

The bill, as enacted, repealed the provisions of 2017 House Sub. for SB 70. The bill included the same provisions of House Sub. for SB 70, as described above, and made further amendments. The amendments included:

- Directing the Secretary to promulgate rules and regulations before January 1, 2018;
- Requiring the Secretary to give owners a reasonable amount of time to comply with the Act;

- Removing language regarding liability insurance requirements for home-owned amusement rides;
- Requiring a certificate of inspection for permit issuance;
- Adding commercial zip lines to the definition of “amusement ride”;
- Amending the definition of “serious injury” to include other injuries that require immediate medical treatment; and
- Requiring the Secretary to conduct compliance audits in place of random inspections.

### **2018 House Sub. for SB 307**

The bill, prior to repeal and replacement by passage of 2018 SB 310, addressed regulation

of amusement rides through many different categories, including the following:

- Permits;
- Permit applications;
- Registration;
- Insurance requirements;
- Inflatables; and
- Slide attendants.

### **2018 SB 310**

The bill, as enacted, repealed the provisions of 2018 House Sub. for SB 307. The bill included the same provisions of House Sub. for SB 307, as described prior, and made further amendments. The amendments included a change of effective date and an additional reference to “antique amusement rides.”

For more information, please contact:

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