

SENATE BILL No. 134

AN ACT concerning land and water recreational areas; relating to limited liability; agritourism and ecotourism; amending K.S.A. 58-3201 and 58-3202 and repealing the existing sections.

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

Section 1. K.S.A. 58-3201 is hereby amended to read as follows: 58-3201. The purpose of this act is to encourage owners of land to make land and water areas available to the public for recreational purposes *and to encourage the development of agritourism and ecotourism opportunities in this state* by limiting their liability toward persons entering ~~thereon~~ *on such land* for such purposes.

Sec. 2. K.S.A. 58-3202 is hereby amended to read as follows: 58-3202. As used in this act: (a) “Land” means land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty and includes agricultural and nonagricultural land.

(b) “Owner” means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.

(c) “Recreational purpose” includes, but is not limited to, any of the following, or any combination thereof: Hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, ~~winter sports~~, and *winter sports*; viewing or enjoying historical, archaeological, scenic, or scientific sites; *and equine riding, recreational farming activities and recreational ranching activities provided as agritourism activities. Recreational farming activities shall include all activities of farming identified in subsection (f) when performed on a recreational basis, except that recreational farming activities shall not include operation of agricultural equipment by a person who is a member of the public on the land for recreational purposes.*

(d) “Charge” means the admission price or fee asked in return for invitation or permission to enter or go upon the land.

(e) “Agricultural land” means land suitable for use in farming and includes roads, water, watercourses and private ways located upon or within the boundaries of such agricultural land and buildings, structures and machinery or equipment when attached to such agricultural land.

(f) “Farming” means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock.

(g) “Nonagricultural land” means all land other than agricultural land.

(h) “Agricultural equipment” *includes, but is not limited to, tractors, trailers, combines, tillage implements, balers and other equipment used in planting, cultivating, irrigating or harvesting agricultural products, excluding self-propelled machines designed primarily for the transportation of persons or property on a street or highway.*

Sec. 3. K.S.A. 58-3201 and 58-3202 are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.