

Approved April 1, 1988
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Representative Clifford Campbell at
Chairperson

9:09 a.m./~~pm~~ on March 28, 1988 in room 423-S of the Capitol.

All members were present except: Representatives Teagarden and Wells.

Committee staff present: Raney Gilliland, Legislative Research Department
Norman Furse, Revisor of Statutes Office
Marjorie Brownlee, Committee Secretary

Conferees appearing before the committee:

On Thursday, March 24, 1988, the Chairman appointed a sub-committee to work on SB 529 and to report back their findings to Committee members. The sub-committee was chaired by Representative Roenbaugh, along with Representatives Freeman and Solbach, Revisor Norman Furse, and in conference with other interested parties.

Chairman Campbell called on Representative Roenbaugh to report on the sub-committee actions. Representative Roenbaugh informed the Committee that they had met on Thursday afternoon and asked Norman Furse, Revisor, to explain their changes and amendments as per the balloon which was passed out to the members of the Committee. (ATTACHMENT I)

The sub-committee inserted the words ".....agricultural and nonagricultural land" in several places and clarified definitions of "Charge", "Agricultural land", "Farming", and "Nonagricultural land." On page two, line 0049, a new paragraph "(b)" was inserted. In brief, the inserts and modifications to the bill would allow landowners to charge a fee for hunting and/or recreational purposes and would limit liability by reducing the duty of care.

Representative Roenbaugh moved that the amendments to SB 529 as presented be accepted. Representative Solbach seconded the motion. The motion carried.

A motion that the Committee pass SB 529 as amended was made by Representative Freeman. The motion was seconded by Representative Solbach. The motion passed.

There being no further business to come before the Committee, Chairman Campbell adjourned the meeting at 9:20 a.m.

SENATE BILL No. 529

By Committee on Agriculture

1-27

ATTACHMENT I

0016 AN ACT concerning land recreational areas; relating to invitees
0017 or permittees; liabilities; amending K.S.A. 58-3202, 58-3204
0018 and 58-3206 and repealing the existing sections.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. K.S.A. 58-3202 is hereby amended to read as fol-
0021 lows: 58-3202. As used in this act: (a) "Land" means land, roads,
0022 water, watercourses, private ways and buildings, structures, and
0023 machinery or equipment when attached to the realty.

[and includes agricultural and nonagricultural land

0024 (b) "Owner" means the possessor of a fee interest, a tenant,
0025 lessee, occupant or person in control of the premises.

0026 (c) "Recreational purpose" includes, but is not limited to,
0027 any of the following, or any combination thereof: Hunting, fish-
0028 ing, swimming, boating, camping, picnicking, hiking, pleasure
0029 driving, nature study, water skiing, winter sports, and viewing or
0030 enjoying historical, archaeological, scenic, or scientific sites.

0031 (d) "Charge" means the admission price or fee asked in
0032 return for invitation or permission to enter or go upon the land.

[see attached

0033 Sec. 2. K.S.A. 58-3204 is hereby amended to read as follows:

0034 58-3204. Except as specifically recognized by or provided in
0035 K.S.A. 58-3206, and amendments thereto, an owner of land who
0036 either directly or indirectly invites or permits without charge any
0037 person to use such property for recreational purposes does not

[agricultural

[or an owner of nonagricultural land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes

0038 thereby: (a) Extend any assurance that the premises are safe for
0039 any purpose.

0040 (b) Confer upon such person the legal status of an invitee or
0041 licensee to whom a duty of care is owed.

0042 (c) Assume responsibility for or incur liability for any injury
0043 to person or property caused by an act of omission of such
0044 persons.

(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" shall have the meaning ascribed to such term under K.S.A. 17-5903 and amendments thereto.

(g) "Nonagricultural land" means all land other than agricultural land.

0045 Sec. 3. K.S.A. 58-3206 is hereby amended to read as follows:
 0046 58-3206. Nothing in this act limits in any way any liability which
 0047 otherwise exists (a) for willful or malicious failure to guard or
 0048 warn against a dangerous condition, use, structure, or activity.

0049 (b) For injury suffered in any case where the owner of land
 0050 charges the person or persons who enter or go on the land for the
 0051 recreational use thereof, except that in the case of land leased to
 0052 the state or a subdivision thereof, any consideration received by
 0053 the owner for such lease shall not be deemed a charge within the
 0054 meaning of this section.

0055 Sec. 4. K.S.A. 58-3202, 58-3204 and 58-3206 are hereby re-
 0056 pealed.

0057 Sec. 5. This act shall take effect and be in force from and
 0058 after its publication in the statute book.

□ : (a) For

□ (b) For injury suffered in any case where the owner of nonagricultural land charges the person or persons who enter or go on the nonagricultural land for the recreational use thereof, except that in the case of nonagricultural land leased to the state or a subdivision thereof, any consideration received by the owner for such lease shall not be deemed a charge within the meaning of this section.