

Approved February 2, 1988
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at
Chairperson

10:10 a.m. ~~XXX~~ on January 26, 1988 in room 423-S of the Capitol.

All members were present ~~except~~

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes Department

Conferees appearing before the committee: Sam Brownback, Secretary, State Board of Agriculture

Senator Allen called the committee to order and called attention to committee minutes. Senator Gordon made a motion the minutes be approved; Senator Warren seconded the motion; motion carried.

The Chairman called on Mr. Brownback to discuss SB 477.

Mr. Brownback expressed support for SB 477 which clarifies the name and some of the duties of the general manager of the state fair which in the past has been called executive director. Also this bill provides for the position of treasurer instead of a secretary-treasurer. During discussion it was stated the changes in position titles makes the State Fair Board conform to the officers of other fair boards. Mr. Brownback stated no one had expressed opposition to SB 477 and requested the committee recommend the bill favorable for passage.

Senator Doyen made a motion the committee recommend SB 477 favorable for passage. Senator Gordon seconded the motion. Motion carried.

Mr. Brownback then introduced the first lady to serve on the board of the State Board of Agriculture and now the first lady president of that board in the 117 year history of the Board of Agriculture, Lois Schlickau. Mrs. Schlickau expressed appreciation for support of the Agriculture Committee and encouraged continued support.

Mr. Brownback presented copies of requested legislation pertaining to Recreational Use Statutes Amendments (attachment 1).

Senator Norvell made a motion the committee introduce the requested Recreational Use Statute Amendments. Senator Warren seconded the motion. Motion carried.

The Chairman called attention to bills left in the Agriculture Committee from last session and requested committee action.

Senator Gordon made a motion that SB 181 and SB 222 be reported to the Senate adversely. Senator Gannon seconded the motion. Motion carried.

Senator Allen adjourned the committee at 10:27 a.m.

Proposed Recreational Use Statute Amendments

Section 1. 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.

(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 viewing or enjoying historical, archaeological, scenic, or scientific sites.

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

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

58-3204. Except as specifically recognized or provided in K.S.A. 58-3206, an owner of land who either directly or indirectly invites or permits ~~without charge~~ any person to use such property for recreational purposes does not thereby: (a) Extend any assurance that the premises are safe for any purpose.

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

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

Section 3. K.S.A. 58-3206 is hereby amended to read as follows:

58-3206. Nothing in this act limits in any way any liability which otherwise exists: ~~(a) - For~~ for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

attachment 1
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(b) For injury suffered in any case where the owner of land charges the person or persons who enter or go on the land for the recreational use thereof, except that in the case of 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.