

Approved: 3-31-95  
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES.

The meeting was called to order by Chairperson Don Sallee at 8:00 a.m. on March 29, 1995 in Room 254-E- of the Capitol.

All members were present except:

Senator Emert, Excused  
Senator Lawrence, Excused  
Senator Martin, Excused

Committee staff present: Raney Gilliland, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Mike Corrigan, Revisor of Statutes  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Representative Doug Lawrence

Others attending: See attached list

**HB 2546: An act concerning certain recreational areas; relating to liability of owners of such areas**

Representative Doug Lawrence appeared before the committee in support of **HB 2546** explaining the bill stemmed from discussions surrounding the possibility of opening the lake at Wolf Creek for fishing. However, the bill is written to cover a problem which developed under the the Kansas Recreational Use Act resulting in a court case involving a drowning in the lake at the LaCygne Power Plant. The incident resulted in a ruling that, because it took place in a portion of the lake to which access had been barred, the liability protection under the Kansas Recreational Use Act did not apply. This ruling meant that such area would come under trespass statutes.

Representative Lawrence told the committee that under present statutes, an owner of land is not obligated to keep premises safe or warn individuals of dangers to individuals entering or using the land for recreational purposes. **House Bill 2546** would clarify that this provision extends to all or any part of land if the owner makes land available to the public for recreational purposes. In addition, the bill would extend the same liability protection to owners who have taken action to keep their premises or parts of their premises safe or to warn individuals of dangerous conditions concerning the use of their properties, as well as owners who have not taken any action.

Representative Lawrence further stated that under present statute, an owner of land who invites or permits anyone to use the property for recreational purposes or an owner of non-agricultural land who invites or permits anyone, without charge, to use the property for recreational purposes is afforded certain liability protection such as not assuming responsibility for, or incur liability for, any injury. **House Bill 2546** would extend the same liability protections to the owner of any part of the property as well as to the whole property.

Senator Hardenburger moved to report **HB 2546** favorable for passage. Senator Morris seconded the motion and the motion carried.

The meeting adjourned at 8:20 a.m.

No further meetings are scheduled.

