

SESSION OF 2002

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 607**

As Amended by Senate Committee on  
Agriculture

**Brief\***

SB 607 would amend provisions of law dealing with liability for owners of land who make land and water areas available to the public for recreational purposes. The bill would amend the purpose section of the law to specifically encourage the development of agritourism and ecotourism opportunities in Kansas.

In addition, the bill would modify the definition of "recreational purpose" to specifically include horseback riding and the viewing or enjoying of farming or ranching activities.

Further, the bill would amend KSA 58-3206 to provide that nothing in the law limits in any way any liability which otherwise exists for injury received on agricultural land incidental to the use of the land on which a commercial or business enterprise of any description is being carried on, except that leasing agricultural land for recreational purposes would not be considered to be a business or commercial enterprise.

**Background**

At the hearing on the original bill, proponents included representatives of the Department of Commerce and the Department of Wildlife and Parks. Written testimony in support of the bill was provided by the Travel Industry Association of Kansas. A conferee from the Kansas Trial Lawyers Association appeared in opposition. This conferee stated that his Association opposed this bill because it expanded immunity to persons who engage in for-profit horseback riding and other recreation "farming and ranching activities" and who, through their negligence

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/cgi-bin/fulltext/bills.cgi>

injure third persons and children. The Chairperson formed a working group to meet with the interested parties to see if language could be developed which was acceptable to all parties.

The Senate Committee on Agriculture amended the definition of the term "recreational purpose" to include the viewing or enjoying of farming or ranching activities. In addition, the Committee amended KSA 58-3206 as outlined above.

The fiscal note on the bill states that the impact cannot be determined. The notes indicates that the extent of any fiscal effect would depend on the number of additional landowners who take advantage of the protections provided by this bill, and if such protections would result in additional local tourism revenue.