

SESSION OF 2013

SUPPLEMENTAL NOTE ON SENATE BILL NO. 120

As Amended by House Committee on
Agriculture and Natural Resources

Brief*

SB 120 would enact the Kansas Farmers' Market Promotion Act. The bill would establish a central registration of farmers' markets in Kansas, maintained by the Kansas Department of Agriculture (KDA). The registration would be used to encourage and promote farmers' markets across Kansas and assist KDA in promoting Kansas agriculture by more efficiently connecting producers with consumers. The bill would allow farmers' market operators to voluntarily register with the Secretary of Agriculture on forms provided by the Secretary. There would be no charge for registration. The bill would require the Secretary to maintain a list of all registered entities for dissemination to the public.

The bill would designate the Secretary of Agriculture as the registration authority for all farmers' markets in Kansas. The bill would allow the Secretary to apply for any federal, state, local, or private grants or funding opportunities that would assist in the creation or promotion of farmers' markets in Kansas.

The bill also would provide limited liability for farmers' markets by stating any participant would assume the inherent risk of attending, participating, or selling goods at a registered farmers' market, when the participant would take part in any activity in conjunction with the farmers' market. The bill would allow a registered farmers' market to plead the affirmative defense of assumption of risk by the participant in any action for damages against the farmers' market. The bill would not

*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>

prevent or limit the liability of a registered farmers' market operator if:

- The registered farmers' market operator injures the participant by intentional or willful misconduct; or
- The registered farmers' market operator has actual knowledge of: a dangerous condition in the land, facilities, or equipment used in the farmers' market activity; or the dangerous propensity of a particular animal used in such activity, and does not make the dangerous condition known to the participant and the dangerous condition causes injuries to the participant.

In addition, the bill would define various terms used in the Act, including "department," "farmers' market," "farmers' market operator," "participant," and "secretary."

Background

The bill was introduced by the Senate Committee on Agriculture at the request of the KDA.

At the Senate Committee hearing, a KDA representative testified in support of the bill, saying that farmers' markets provide the KDA with an opportunity to support local agricultural producers and Kansas agriculture. The representative testified that farmers' markets play an important role in agricultural advocacy and rural economic growth. The representative also testified the bill would provide farmers' markets with access to marketing, outreach, and advocacy efforts through the *From the Land of Kansas* state trademark program. The representative further testified that 93 percent of Kansas farmers' markets contacted about the legislation were in favor of the bill.

There was no opponent or neutral testimony at the Senate Committee hearing.

The Senate Committee amended the bill to allow farmers' markets to register with the KDA, but not requiring registration. The Senate Committee further amended the bill by removing entities that sell merchandise or crafts directly to consumers from the definition of a farmers' market.

At the House Committee hearing on the bill the only conferee was a spokesperson from the Kansas Department of Agriculture. Written testimony in support of the bill was provided by the American Heart Association. There were no other conferees.

The House Committee on Agriculture and Natural Resources amended the bill to clarify that the market operators were the ones to register, not the markets. The other amendment was technical.

The Division of the Budget fiscal note on the original bill indicated the passage of the bill would have no fiscal effect on the KDA.