

MINUTES OF THE SENATE AGRICULTURE COMMITTEE.

The meeting was called to order by Chairperson Derek Schmidt at 8:30 a.m. on March 12, 2002 in Room 423-S of the Capitol.

All members were present except: Senators Huelskamp and Umbarger (both excused)

Committee staff present: Raney Gilliland, Legislative Research Department
Gordon Self, Revisor of Statutes
Betty Bomar, Secretary

Conferees appearing before the committee:
Steve Baccus, Minneapolis, Kansas
Janet McPherson, Assistant Director, Public Policy Division, Kansas Farm Bureau
Jeff Mercer, Kansas Department of Commerce and Housing
Clint Riley, Kansas Department of Wildlife and Parks
Tom Bruno, Travel Industry Association of Kansas
L. J. Leatherman, Kansas Trial Lawyers Association

Others attending: See attached list

HB 2818 - Creating the sunflower commodity commission

Steve Baccus, a sunflower producer, Minneapolis, Kansas, testified in support of **HB 2818**, stating the legislation enacts a procedure for a check-off for Kansas sunflower producers. Kansas is one of the largest sunflower producing states, planting 330,000 acres in 2001 and harvesting over 400 million pounds of seed valued at nearly \$40 million, who does not have a check-off. The proposed legislation limits the assessment to a maximum of \$.03 per cwt. The bill also extends the deadline date for submission of a petition to be on the commission election ballot from October 31 to November 30, to bring uniformity to legislation previously heard by the Committee.

Mr. Baccus stated the goal of any commodity check-off is to raise the funds necessary to increase the amount of research, sales and consumption associated with a particular commodity in order to increase net returns to producers. A Kansas funded and controlled check-off is vital to solving production and marketing problems unique to sunflowers produced in the high plains. The \$.03 per cwt will raise approximately \$123,000 per year. Mr. Baccus stated that presently, sunflowers are more profitable than wheat. (Attachment 1)

Janet McPherson, Assistant Director, Public Policy Division, Kansas Farm Bureau (KFB), testified in support of **HB 2818**, stating KFB has long been supportive of producer-led marketing, research and educational efforts to improve the production and sales of the commodities grown in the state. **HB 2818** establishes a new Sunflower Commission directed and managed by Kansas sunflower growers. KFB supports the creation of the Commission. (Attachment 2)

There being no other conferees present who wish to be heard, the hearing was closed.

SB 607 - Limiting liability of property owners to persons entering premises for agritourism and ecotourism purposes

Jeff Mercer, Kansas Department of Commerce & Housing, Division of Travel and Tourism, testified in support of **SB 607**, stating the Division feels amending the language in **SB 607** would allow for greater flexibility for any farmers and ranchers who want to diversify their farming activities to allow others onto their property for leisure or recreational purposes. Agri-tourism was recommended by the Tourism study completed four years ago, to be nourished and expanded. **SB 607** is important for the tourism industry to be able to expand their farm and ranch opportunities to travelers who might want to

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experience rural life. (Attachment 3)

Clint Riley, Kansas Department of Wildlife & Parks, testified in support of **SB 607**, stating the legislation specifies certain activities as within the scope of the existing statutes that limit liability for landowners who open their property for recreational purposes. The legislation adds encouragement for development of agritourism and ecotourism. **SB 607** adds horseback riding and recreational farming and ranching activities in the definition of “recreational purpose”. The current definition of “recreation purpose” states that it includes, but is not limited to, the listed activities; however, by specifying the additional activities, the bill could lend confidence to landowners who are interested in allowing these activities on their property. (Attachment 4)

Tom Bruno, Travel Industry Association of Kansas, stated the Association supports passage of **SB 607**, and submitted written testimony. (Attachment 5)

L. J. Leatherman, Kansas Trial Lawyers Association (KTLA), testified in opposition to **SB 607**, stating the bill expands immunity to persons who engage in for-profit horseback riding and other recreational “farming and ranching activities”. KTLA does not oppose the development of agritourism and ecotourism opportunities in the state, but does oppose expansion of these activities at the cost of allowing for-profit recreational enterprises to operate negligently without regard to the resulting injury to the citizens of Kansas. KTLA specifically opposes inclusion of new Section 2 (C) which provides that “horseback riding . . . and recreational farming and ranching activities” be added to the recreational use immunity.

Mr. Leatherman stated the modifications to **SB 607** significantly change the legislative intent of the original recreational use statute in which the immunity flows from the natural state of the land which is an appropriate and in fact codification of the common law. The introduction of commercial activities is a significant departure from the original purpose and existing common law. The modification to existing law complicates the issue of whether injury is caused by a condition of the land, or caused by the horses or other equipment provided by vendors. Mr. Leatherman stated this is a significant departure from the existing public policy and tort law. Tampering with expanding the original Kansas Recreational Use Statute which protected farmers from hunters and fishermen who they opened their land to for recreational purposes would cause the courts to re-examine the recreational use statute expansion into commercial enterprises and away from the land’s natural use. (Attachment 6)

The Chair stated, in light of the concerns raised at the hearing, he would make arrangements for a working group to meet on **SB 607** to make the necessary amendments for passage of the bill. The time and place will be announced by the Chair.

The meeting concluded at 9:30 a.m.

The next meeting is scheduled for March 13, 2002

