

MINUTES OF THE SENATE COMMERCE COMMITTEE.

The meeting was called to order by Chairperson Karin Brownlee at 8:30 a.m. on February 7, 2003 in Room 123-S of the Capitol.

All members were present except: Senator Brungardt, absent
 Senator Steineger, absent
 Senator Wagle, absent

Committee staff present: April Holman, Legislative Research
 Norman Furse, Revisor of Statutes
 Mitch Rice, Revisor of Statutes
 Jodie Anspaugh, Secretary

Conferees appearing before the committee: Sandy Braden, TIAK
 Allie Devine, Kansas Livestock Association
 Peter Obetz, Kansas Trial Lawyers Association

Others attending: See attached list.

Chairperson Brownlee asked Senator Jordan to chair the meeting, as he is especially interested in tourism issues. Chairperson Jordan welcomed Sandy Braden on behalf of the Travel Industry Association of Kansas. Ms. Braden testified as a proponent to SB 134, because it would limit liability of people who allow the public on their land. (Attachment 1) The Travel Industry Association of America predicts that leisure travel will increase, while business travel will decrease. Many of these travelers are increasingly interested in highway travel, and in visiting small towns and rural areas. Ecotourism allows farmers and ranchers to earn higher profits by replacing and supplementing traditional farm operations with innovative, sustainable on-farm or on-ranch ventures. Ms. Braden referred to the written testimony of Marci Penner, Director of the Kansas Sampler Foundation. (Attachment 2) Ms. Penner is also a proponent of SB 134. She gave many examples of tourist areas in Kansas that are negatively impacted by liability concerns.

Chairperson Jordan welcomed Allie Devine from the Kansas Livestock Association to the committee. Ms. Devine is a proponent of SB 134, but believes that it may be unnecessary, and that the current law already protects farmers. (Attachment 3) She is opposed to any amendments to the bill. Ms. Devine answered questions about her testimony. She explained that farmers are not concerned because they believe that the current law makes them liable, but they are concerned because the insurance companies will not give them a clear answer as to what is covered.

Chairperson Jordan welcomed Peter Obetz from the Kansas Trial Lawyers Association. Mr. Obetz testified in opposition to SB 134. He stressed that he is not opposed to agritourism, but he cannot support

CONTINUATION SHEET

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this bill and the existing law is sufficient. (Attachment 4) KTLA opposes SB 134 as written because it expands immunity to persons who engage in for-profit horseback riding and other recreational “farming and ranching activities” and who, through their negligence may injure third persons and children. Mr. Obetz answered questions about the issue of negligence.

The meeting was adjourned at 9:25 a.m.

The next meeting is scheduled for February 11, 2003 in room 123-S at 8:30 a.m.