

Veto Message from the Governor

SB 134

I enthusiastically support expanding tourism in Kansas, including tourism tied to agriculture. However, Senate Bill 134 would endanger tourists and others seeking recreation by removing any duty of care for those who offer their lands for “agritourism” or “ecotourism,” even if it is for profit. This bill could actually make agritourism less attractive as a result. Therefore, I veto Senate Bill 134.

Under Senate Bill 134, an irresponsible individual could charge families to enter agricultural land, and then introduce them to dangerous conditions and equipment without having to observe even the slightest duty of care for these families’ safety. Even if that individual knew of an exceedingly dangerous condition on the land or that a piece of farm equipment were damaged and unsafe, this individual would have no responsibility whatsoever to warn his patrons or take any steps to protect them from harm. These patrons would only be protected against intentionally and maliciously caused injuries. If this bill became law, I fear we would regret it once the first child was injured while riding on unsafe farm equipment or playing in a dangerous area.

Some level of immunity may be appropriate for agritourism. But relieving the tourism industry from any duty of care simply makes no sense. I believe we can find a better balance between promoting tourism and protecting families who seek an educational and enjoyable experience on agricultural land.

Dated: April 14, 2003

Kathleen Sebelius
Governor