

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015

COMMITTEE STATEMENT

LB329

Hearing Date: Thursday March 05, 2015
Committee On: Natural Resources
Introducer: Schilz
One Liner: Adopt the Nebraska Agritourism Promotion Act

Roll Call Vote - Final Committee Action:

Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor

Nay:

Absent:

Present Not Voting:

Verbal Testimony:

Proponents:

Senator Ken Schilz
Todd Kirshenbaum

Jessica Kolterman

Jarel Vinduska
Sarah Sortum
Scott Smathers
John Hansen
Carol Schlegel

Opponents:

Matt Lathrop
Roger Foster
John Lindsay

Neutral:

Korby Gilbertson
Michael Paulsen

Representing:

Introducer
Nebraska Travel Association; Nebraska Chamber of Commerce
Nebraska Farm Bureau Federation; Nebraska Cattlemen
Nebraska Wildlife Federation
Switzer Ranch; Calamus Outfitters
Nebraska Sportsmen's Foundation
Nebraska Farmers Union
McCook/Red Willow County Tourism

Representing:

Nebraska Association of Trial Attorneys
Self
Nebraska Association of Trial Attorneys

Representing:

Property Casualty Insurers Association of America
Self

Summary of purpose and/or changes:

LB 329 creates the Nebraska Agritourism Promotion Act to promote tourism and rural economic development by limiting a landowner's civil liability to encourage them to allow public access to their property for agricultural, historical, cultural, and other agritourism activities for a fee. Liability would be limited only for injuries occurring as a result of conditions or hazards that are an integral part of the land or waters used for agritourism activities on the landowner's property. Liability would not be limited if: a landowner knew of a dangerous condition or if a landowner reasonably should have known about a dangerous condition and didn't warn the agritourism participant; the landowner failed to properly train employees; or if a landowner willfully or wantonly committed an act or omission that disregarded the safety of a

participant, was grossly negligent, or was intentional.

A landowner who receives a fee for agritourism activity on his or her property is not shielded from liability if the landowner fails to post proper warnings and notices that the landowner is not liable for injury, damage to property or death of agritourism participants. The bill also clarifies that the bill does not limit an agritourism participant's obligation to exercise due care.

Explanation of amendments:

The committee amendment clarifies the language to reflect the intent of the bill and the agritourism activities that are to be included.

Ken Schilz, Chairperson