

ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016
COMMITTEE STATEMENT
LR378CA

Hearing Date: Tuesday February 23, 2016
Committee On: Agriculture
Introducer: Kuehn
One Liner: Constitutional amendment to guarantee the right to engage in certain farming and ranching practices

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Bloomfield, Kolterman, Larson, Riepe, Schilz
Nay:	2	Senators Chambers, Harr
Absent:		
Present Not Voting:	1	Senator Johnson

Verbal Testimony:

Proponents:

Sen. John Kuehn
Will Coggin
Dennis Fujan
Al Juhnke
Dave McCracken
Troy Bredenkamp
Larry Mussack
Greg Ibach

Representing:

Introducer
Center for Consumer Freedom
Nebraska Soybean Association
Nebraska Pork Producers Association
Nebraska Cattlemen
Nebraska Rural Electric Association
Nebraska Corn Growers Association
Nebraska Department of Agriculture

Opponents:

Vern Jantzen
Robert Bernt
Melissa Money-Beecher
Don Goebel
James Cavanaugh
Jim Knopik
Kevin Fulton
Gregory Lauby
John Hansen

Representing:

Self
Self
Joining Forces Saving Lives
Self
Nebraska Chapter, Sierra Club
Self
Self
Self
Nebraska Farmers Union

Neutral:

Scott Japp
Edward George
Mark McHargue

Representing:

Self
Self
Nebraska Farm Bureau

Summary of purpose and/or changes:

Section 1 of LR 378CA would submit a proposed amendment to the state's Constitution to the electors in the November 2016 general election. The proposed amendment would insert a new provision as Section 26 of Article XV.

Subsection (1) of the proposed amendment declares a guaranteed right of citizens and lawful residents of Nebraska to engage in farming and ranching practices and provides that the Legislature may not pass a law abridging the right of citizens and lawful residents to employ agricultural technology and livestock production and ranching practices, absent a compelling state interest. Subsection (2) of the proposed amendment provides that the section shall not be construed to modify provisions of law related to trespass, eminent domain, dominance of mineral interests, easements, rights of way, or any other property right.

Section 2 of LR 378CA directs that the proposed amendment be placed on the ballot as prescribed by law and prescribes ballot language.

Explanation of amendments:

The committee amendment would add an additional qualification in subsection (2) of the proposed amendment that the provision would not modify provisions of law pertaining to waters of the state, its beneficial use or diversion or appropriation, any statute or ordinance of a political subdivision enacted prior to December 31, 2015, or any statute to implement federally designated environmental protection programs.

Jerry Johnson, Chairperson