



Hundredth Legislature - First Session - 2007
Committee Statement
LB 110

Hearing Date: January 23, 2007

Committee On: Agriculture

Introducer(s): (Erdman, 47)

Title: Adopt the Bovine Tuberculosis Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

- | | | |
|---|---------------------|---|
| 8 | Yes | Senators Dierks, Wallman, Preister, McDonald, Karpisek, Chambers, Dubas, Erdman |
| 0 | No | |
| 0 | Present, not voting | |
| 0 | Absent | |
-

Proponents:

Rick Leonard

Neil Moseman

Dr. Dennis Hughes

Duane Gangwish

Representing:

Introducer, Research Analyst, Agriculture Committee

Nebraska Department of Agriculture

Dept. of Agriculture/Bureau at Animal Industry

Nebraska Cattlemen

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 110 is a comprehensive rewrite of provisions providing duties and authorities of the Department of Agriculture pertaining to bovine tuberculosis to provide necessary statutory authorities to the Department of Agriculture to carry out TB prevention and eradication activities. Requirements for states and zones to advance to and retain TB accreditation stages are set forth in 9 CFR 77 and in the most recent publication of the Animal and Plant Health Inspection Service publication of Uniform Methods and Rules : Bovine Tuberculosis Eradication effective January 1, 2005. These include sufficient authorities for state animal health authorities to carry out surveillance, quarantine, depopulation and herd and premise cleanup procedures.

SECTION-BY-SECTION SUMMARY:

Sec. 1: Names the act the Bovine Tuberculosis Act

Sec. 2: States the purpose of the act is to maintain Nebraska's status as a tuberculosis accredited free state.

Sec. 3: Establishes definitions for use in the act, which include definitions in the federal regulations and Uniform Methods and Rules adopted by reference in Section 4.

Sec. 4: Incorporates by reference into the Bovine Tuberculosis Act 9 CFR part 77 and the Bovine Tuberculosis Eradication Uniform Methods and Rules, in effect on the effective date of the bill. This section also establishes a hierarchy of authority if any inconsistency between the act, the regulations, and the Uniform Methods and Rules exists.

Sec. 5: Provides authority to the Department of Agriculture in regard to cooperating and contracting with public and private entities, access to records of dealers and livestock markets, and access to premises where animals are for inspections and tests. It requires dealers and markets to maintain those records for five years.

Sec. 6: Imposes a duty on all persons to immediately report animals exhibiting signs of bovine tuberculosis. Also imposes a duty on owners or custodians of animals exhibiting such signs to submit such animals to be tested when ordered by the State Veterinarian.

Sec. 7: Grants authority to adopt regulations concerning the manner, method, and system of testing and any other regulations necessary to carry out the act. Also establishes who may conduct the tests and imposes a requirement of reporting the tests to the State Veterinarian.

Sec. 8: Grants authority to quarantine animals and premises and sets the quarantine restrictions.

Sec. 9: Establishes responsibility for cleaning and disinfecting premises due to a health hazard to animals because of bovine tuberculosis.

Sec. 10: Owner and custodian of an affected herd is required to assist in bovine tuberculosis examination and testing

Sec. 11: Grants authority to the Department of Agriculture to assess and collect payment for services provided and expenses incurred in performing duties under the act.

Sec. 12: Creates the Bovine Tuberculosis Cash Fund and provides that the fund shall be used to carry out the act.

Sec. 13: Permissive authority for the Department of Agriculture to utilize state funds appropriated for the benefit of herd owners. Such funds may be used to pay a portion of the costs of testing, but shall not be used to pay for:

1. Testing for change of ownership at private treaty or at concentration points;
2. Costs of gathering animals to test;
3. Herd accreditation testing to qualify for or maintain accreditation; or
4. Indemnity for destroyed bovine tuberculosis affected animals.

The department is not liable for costs incurred by a person due to departmental actions in enforcing the act.

Sec. 14: Prohibits any person other than an accredited veterinarian from injecting or applying tuberculin into an animal. Also prohibits any person, including a veterinarian, from injecting or applying tuberculin into an animal for the purpose of plugging, fraudulently concealing the presence of bovine tuberculosis, or preventing future reactions to tuberculin.

Sec. 15: Establishes authority for the department to obtain a restraining order or injunction for enforcement. The Attorney General or a county attorney is to institute appropriate proceedings when notified of the violation or threatened violation.

Sec. 16: Provides authority for administrative cease and desist order to obtain compliance with the act. The department may pursue remedies other than the cease and desist order when there is a violation of the act or regulations.

Sec. 17: Violations of the act or regulations constitute a Class II misdemeanor.

Sec. 18: An amendment to conform the Nebraska Manufacturing Milk Act with the changes in this bill. This change is consistent with the current Nebraska Pasteurized Milk Law and another proposed legislative bill on milk law changes.

Sec. 19: Repealer

Sec. 20: Outright repeals sections pertaining to tuberculosis eradication, many of which have remained unchanged since first enacted in 1927 found at §54-706 through §54-722 that become obsolete and superceded by sections 1 – 19 of the bill.

Explanation of amendments, if any:

The committee amendment changes from mandatory to permissive the authority of the Department found in subsection (2) of section 5 of the bill to cooperate and contract with appropriate local, state or national organizations for the performance of activities related to the bovine TB eradication authorities provided by the bill. The amendment also adds the emergency clause.

Senator Philip Erdman, Chairperson