

**ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB344**

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**Hearing Date:** Tuesday February 05, 2019  
**Committee On:** Agriculture  
**Introducer:** Agriculture  
**One Liner:** Adopt the Animal Health and Disease Control Act, eliminate and provide duties for the Department of Agriculture, eliminate various acts, terminate and transfer certain funds, create a fund, and provide penalties

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

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**Vote Results:**

**Aye:** 8 Senators Brandt, Blood, Chambers, Halloran, Hansen, B., Lathrop, Moser, Slama  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Oral Testimony:**

**Proponents:**  
Rick Leonard  
Steve Wellman

**Representing:**  
Agriculture Committee  
Nebraska Department of Agriculture

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB344 is brought by the Nebraska Department of Agriculture (Department) to update and consolidate animal disease authorities of the Department under a single, comprehensive Animal Health and Disease Control Act (AH&DCA). LB344 bill outright repeals several disease specific acts, the Animal Import Act and various duties and other general animal health provisions of Chapter 54, Article 7. These repealed provisions grant the Department the authority to impose quarantine and other animal movement restrictions, perform disease surveillance activities, regulate carcass disposal, impose duties of the veterinary and livestock communities for the reporting and response to animal diseases, and other authorities to contain and prevent instances of livestock disease. Such authorities are in effect reassigned to the new AH&DCA, but eliminating duplication, eliminating or modifying provisions not currently supported by current veterinary practice, or provisions that are obsolete due to discontinuation of federal disease rules or outdated because such diseases have moved past eradication stages.

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**Explanation of amendments:**

The committee amendment (AM2486) is a white copy, which replaces the bill. The amendment consolidates related provisions for duties and authorities of the Department, duties for persons with disease affected animals, penalty provisions and unlawful acts, carcass disposal and other concepts. Other substantive revisions are noted in the section-by-section summary.

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Section-by-section summary:

Secs. 3-38. Definitions. AM2486 clarifies definitions, removes some substantive requirements that duplicate other provisions in the bill.

Sec. 39. Legislative intent. Replaces the legislative declarations contained in Section 41 of bill as introduced. AM2486 emphasizes purposes to support agricultural growth and also includes legislative intent that the Department utilize USDA/APHIS/VS program standards as available and appropriate to guide disease prevention and eradication. AM2486 omits introduced Section 50, which adopted by reference a number of federal animal disease regulations.

Sec. 40. Outlines duties of the Department to carry out control of disease outbreaks including authority for the Department to issue quarantines, regulate animal movement, require testing, treatment or euthanasia, perform inspections, allow controlled feedlots and other exemptions, and to adopt regulations for program disease standards in line with USDA/APHIS/VS protocols. General duties and authorities of the Department are contained in Section 42 as introduced. AM2486 consolidates duties and authorities under Section 40 that are scattered throughout the bill.

Sec. 41. Allows veterinary inspectors assigned by USDA/APHIS/VS to perform duties as authorized by the Department. This is identical to Section 56 of the introduced bill. In both cases, the text is identical to existing 54-704.

Sec. 42. Allows the Department to contract and cooperate with appropriate persons when carrying out animal disease control and eradication responsibilities. Consolidates original Section 49(1) and Section 53(7). Similar or identical provisions are contained in 54-701.02(7) and in animal disease specific acts.

Sec. 43. Requires the reimbursement of the Department's administrative costs due to owners or custodians of animals not complying with required program disease activities or responsibilities. Failing to reimburse the Department would result in late fees capped at 100% of the original amount. This provision is originally contained in Section 64(2) through (5) of LB344 as introduced. Both LB344 as introduced and AM2486 introduce the concept of a late fee if assessments are not timely paid. As introduced, LB344 required persons assessed administrative costs to reimburse the Department within 15 days before late fee assessments begin. AM2486 expands that to 30 days. Various disease specific acts currently authorize assessment for costs when a livestock owner is uncooperative in facilitating gathering and restraint of animals and the Department is required to obtain private services. AM2486 Section 43(3) retains additional provisions of Section 64 of LB344 as introduced that authorizes the Department may provide funds for herd specific disease program costs if funds are appropriated or federal funds are provided for that purpose except for costs expressly prohibited. This provision in both AM2486 and LB344 as introduced are contained in current law.

Sec. 44. Requires owners or custodians of affected animals or premises infected by a dangerous disease to develop a management plan as required by the Department. The Department may require cleanup of infected premises to prevent the spread of disease. The section also requires anyone who suspects an animal affected by a dangerous disease to report the information to the Department. AM2486 Section 44(1) and (2) consolidates comparable provisions in Sections 43 and 45 of LB344 authorizing the Department to require cleaning and disinfection of affected premises and a herd management plan to minimize potential for spread of dangerous diseases. Such authority is currently contained in disease specific acts. AM2486 Section 44(3) is identical to Section 58(1) of LB344 as introduced. The provision is brought within Section 44 of AM2486 for better context and grouping of duties of an animal owner having diseased animals. The reporting requirement is substantively identical to existing 54-742.

Sec. 45. Requires owners of beef or dairy breeding bulls suspected to be infected with bovine trichomoniasis not to sell or transport the animal except to a federally recognized slaughter facility and further outlines requirements for animals with a positive trichomoniasis test. This provision was originally contained in Section 58(3) and (4) of LB344 as introduced. The provisions regarding trichomoniasis reporting, notification and disposition of animals are identical to current law except that AM2486 retains a new authority of the Department to order trich-positive animals to go direct to slaughter. AM2486 redirects where funds recovered for administrative costs to perform notification are deposited.

Sec. 46. Requires and outlines proper procedures for disposal of dead animals within 36 hours unless a different

time-frame is outlined in a herd management plan. The section outlines the duties of the county sheriff regarding proper disposal of carcasses. It further details procedures for disposal of any animal that died due to anthrax infection. AM2486 Section 46 consolidates provisions regarding carcass disposal contained in Sections 59 and 60 of LB344 as introduced which includes most provisions for carcass disposal currently contained in 54-743 through 54-750. The amendment eliminates a provision of current law assigning a duty to a county sheriff to take responsibility for unburied carcasses at the expense of the county. Both LB344 as introduced and AM2486 revise the duty of the sheriff to act only upon notice by the Department of carcasses improperly disposed. AM2486 incorporates anthrax specific disposal requirements and eliminates a current authority for the Department to license experimental carcass disposal facilities (current authority has never been used). AM2486 also reinstates a provision of current law omitted in LB344 as introduced that allows animal carcasses to be buried on an adjacent property to where the animal died if the property is owned by the livestock owner.

Sec. 47. Requires all animals have a certificate of veterinary inspection (CVI) upon entering Nebraska with exceptions outlined in the section. AM2486 retains provisions of LB344 found in Section 52 requiring animals brought into the state to be accompanied by a pre-entry certificate or veterinary inspection, except for listed exemptions. The requirement and exceptions are consistent with current provisions of the Animal Import Act and Department regulations. AM2486 Section 47(3) through (5) retain existing text from Section 52(6) through (8) defining unlawful acts with respect to imports of animals.

Sec. 48. Requires livestock imported to Nebraska comply with federal animal disease traceability requirements. AM2486 Section 48 retains a new requirement introduced by LB344, Section 54(1) and (2) that animals entering the state be ID'd in compliance with federal animal disease traceability rules. Subsection 54(3), which specifies that it is unlawful to import livestock not in compliance, is moved to Section 56 of AM2486 which consolidates unlawful acts under that section.

Sec. 49. Protects premises and owner information shared in compliance with animal disease traceability provisions from public records disclosure and gives exceptions as outlined. AM2486 Section 49 is identical to Section 51 of LB344 as introduced. Both AM2486 and LB344 as introduced are identical to existing general law of the Department to perform services such as premise registration that support certain animal ID protocols but protects confidentiality of provided information.

Sec. 50. Requires persons subject to the Act to keep records for five years regarding vaccination, diagnostic testing, and animal movement for animals infected, suspected or exposed to program diseases. AM2486 Section 50 is identical to LB344 Section 48. This section is a general application of requirements of a number of disease specific acts.

Sec. 51. Allows the State Veterinarian to restrict the sale and use of vaccines and outlines guidance for vaccination or infected animals. AM2486 Section 51 retains portions of Section 44 pertaining to the sale and use of vaccines. AM2486 retains existing general law authorities, but omits a provision regarding recordkeeping that were specific to only two disease-specific programs which is unnecessary duplication with record keeping provisions elsewhere. AM2486 corrects a reference to the name of the agency for vaccination license and approvals.

Sec. 52. Disallows the feeding of waste animal products with exceptions outlined in the section.

Sec. 53. Allows the Department to issue cease and desist orders and assess administrative fines up to \$5,000 for any violation of the Act, any rule or regulation adopted and promulgated under the Act or any order of the Director. The section outlines the factors considered for fines. AM2486 Section 53 contains the administrative sanction procedures in the event of violations of the Act found in Section 65 of LB344 as introduced. AM2486 retains procedural concepts including the right to hearing and administrative remedies of cease and desist and the ability to seek injunctions in the event a person is found in violation. AM2486 retains new authority proposed in LB344 for administrative fines. The amendment provides that administrative fines assessed shall be per violation, eliminating an original provision that if the violation involved a load of animals, each animal was a separate violation. Adds express authority for the Department to report non-payment of administrative fines to the Attorney General to pursue judicial action to recover the fine, replacing Section 66.

Sec. 54. Defines law enforcement and special investigator and outlines duties of said officers to execute the orders of the Department and arrest violators of the Act. AM2486 Section 54 is identical to Section 57 of LB344 as introduced.

Sec. 55. Outlines penalties for importing livestock in violation of an embargo or importation order. AM2486 consolidates penalty provisions for violations of the Act. It retains that violation of an embargo or import order is a Class IV felony, which is the current penalty under the Animal Import Act. All other violations are a Class II misdemeanor unless otherwise specified in the Act.

Sec. 56. Outlines actions that are unlawful. AM2486 consolidates specific acts that are deemed unlawful that are otherwise designated throughout the Act by LB 344 as introduced.

Sec. 57. Creates the Animal Disease Control Act Cash Fund. AM2486 is identical to Section 67 of LB344 as introduced.

Sec. 58 - 78. Strikes obsolete provisions and harmonizes language with new sections of the Act, including the termination of cash funds associated with existing disease specific acts and transfer of any residual funds to the Animal Health and Disease Control Act Cash Fund. These sections are contained in Sections 68 through 88 of LB344 as introduced with one additional affected section inadvertently omitted in LB344 as introduced. These are non-substantive harmonizations in other sections of law, including external references in those sections the Animal Health and Disease Control Act.

Sec. 79. Adds definition and duties of the State Veterinarian. This is the same as Section 88 of LB344 as introduced.

Sec. 80. Inserts instruction for the statutory assignment of Sections 1 through 57 of the bill.

Sec. 81. Repealers

Sec. 82. Sections outright repealed.

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Steve Halloran, Chairperson