



Ninety-Ninth Legislature - Second Session - 2006
Revised Committee Statement
LB 856

Hearing Date: January 31, 2006
Committee On: Agriculture

Introducer(s): (Kremer)
Title: Change poultry disease control provisions

Roll Call Vote – Final Committee Action:

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

Vote Results:

8	Yes	Burling, Chambers, Cunningham, Erdman, Fischer, Preister, Kremer, Wehrbein
0	No	
0	Present, not voting	
0	Absent	

Proponents:
Senator Bob Kremer
Cap Dierks
Tim Beebe
Greg Ibach
Dr. Del Wilmont

Representing:
Introducer
Nebraska Veterinary Medical Association
Michael Foods Egg Products Company
Nebraska Department of Agriculture
Nebraska Department of Agriculture

Opponents:
Neutral:

Representing:
Representing:

Summary of purpose and/or changes:

LB 856 amends the Nebraska Poultry Disease Control Act (§2-3001 to §2-3008) to reflect current avian influenza disease concerns. The purpose of the bill is to provide necessary authorities under the Act to enable the Department of Agriculture to carry out responsibilities consistent with existing and anticipated National Poultry Improvement Plan disease-free certification programs and to apply other regulatory interventions available under the Act to the detection and eradication of avian influenza.

As introduced, Section 2 of LB 856 amends §2-3005 to expand the State Veterinarian's authority under this section to promulgate regulations establishing standards for certain poultry disease monitoring programs carried out by poultry producers to include standards for monitoring for H5/H7 subtypes of low pathogenic avian influenza in both breeding and commercial flocks. Existing text that applies to the new avian influenza testing authorities

added by LB 856 provides that these standards are to be consistent with National Poultry Improvement Plan standards and thus compliance with the standards is an element of meeting disease free certification program participation. A definition of commercial flocks is added to §2-3002 by Section 1 of the bill since existing law pertains to standards that apply only to breeding flocks. Section 1 of the bill also contains a revisors' rearrangement of the definitions to put the definitions in alphabetical order.

Changes to other provisions of the Nebraska Poultry Disease Control Act made by Sections 2, 4 and 5 of the bill conform those provisions of the Act to reflect inclusion of avian influenza as a disease of poultry that triggers regulatory interventions that may be taken by the Department of Agriculture under those sections.

Explanation of amendments, if any:

The Committee amendment (AM2107) strikes the original sections and becomes the bill. However, the committee amendments retain the revisions to the Nebraska Poultry Disease Control Act contained in the introduced bill except as modified to incorporate the purposes of LB 873. The amendment also attaches the provisions/purposes of LB 855 and LB 916 also heard and advanced separately by the committee.

Sections 1 to 5 of the committee amendment are identical to the original provisions of the LB 856 except that §2-3005 is further modified by section 3 of the amendment to authorize and direct the state veterinarian to carry out a program of surveillance of non-commercial poultry for various subtypes of avian influenza or other communicable diseases (non-commercial poultry is added as a new defined term within §2-3002 by section 1 of the amendment). The Director is further specifically directed to carry out such surveillance program for fiscal year 2006-07 and is authorized to continue the program in subsequent years subject to the availability of funds for that purpose. The amendment requires that the program be conducted with voluntary cooperation of noncommercial bird owners.

Sections 6 - 18 incorporate the provisions of LB 855 as modified by the committee amendments to that bill and make the following specific changes to current law:

- Inserts legislative intent [Section 6] recognizing the need to more closely monitor exotic animal markets and stating purposes of bill to meet that goal
- Amends §54-701.03 [Section 11] by adding three new defined terms for purposes of referenced sections 6 – 9 of the amendment:
 - Exotic animals: defined to mean animals not commonly sold through livestock auction markets. The term is further defined to include a non-exclusive list of familiar non-livestock breeds of certain species and birds and poultry, and to exclude cats and dogs, bison and livestock breeds.
 - Exotic animal auction or swap meet: defined as an event or location, as further defined by Department regulation, other than a livestock auction market where exotic animal transactions occur
 - Exotic animal auction or swap meet organizer: defined as any person who arranges for third party private sales or trades, organizes or coordinates exotic animal auctions or swap meets, leases areas for exotic animal auctions or swap meets or otherwise coordinates similar arrangements to facilitate such events
- Assigns new duties applicable to exotic animal auction or swap meet organizers:

- Section 7 of the amendment creates a duty to notify the Department of the location, date, and time of an exotic animal auction and to provide the name and contact information of the event organizer at least 30 days prior to the event
 - Section 8 of the amendment creates a duty to maintain certain records of transactions that occur at auctions or swap meets and to allow the Department's reasonable access such records including access for enforcement of sections 6 - 9 or any regulations promulgated under authority of the bill.
 - Section 9 prohibits listed livestock and bison from being sold at an exotic animal auction or swap meet.
- Section 10 of the amendment expressly states that compliance with notification and recordkeeping provisions does not relieve organizers of exotic animal markets of the requirements of cited sections pertaining to sale of captive wildlife.
 - New sections 6 - 9 of the amendment are incorporated within the Department of Agriculture's general powers sections (Chapter 54-article 7) by sections 10 - 18 and thus made subject to the Department's existing general enforcement authorities by those sections. Certain penalty provisions of §§54-750, 54-751, and 54-753 that apply to violations of §54-701 to §54-753 and would also apply to sections 6-9 if enacted are modified to enhance the penalties for subsequent violations.

Sections 19 – 21 of the amendment incorporate the provisions of LB 916 to amend the Competitive Livestock Markets Act (§54-2601 et seq.) to define procedures and timeline for the Department of Agriculture to implement previously preempted existing price reporting provisions of state law in the event Congress fails to reauthorize federal mandatory price reporting in a timely manner. Specifically, the committee amendment contains the following provisions:

- Amends §54-2603 [Section 20] to expand the statement of legislative intent to reaffirm the value of mandatory price reporting and to reflect other purposes of the Act as amended.
- A new section [Section 21] is inserted within the Competitive Livestock Markets Act to clarify implementation of price reporting and other provisions of the act.
 - Acknowledges the express preemption of §54-2607 to §54-2631 by the federal Livestock Mandatory Reporting Act of 1999 when the Act is in effect;
 - if Congress fails to reauthorize the LMRA prior to December 1, 2006,
 - assigns a duty to the Director to prepare a budget request sufficient to carry out the Department's responsibilities under the Act as soon as practicable to that date; and
 - sections 54-2607 to 54-2627 become operative on October 1, 2007.
 - If Congress does reauthorize the Livestock Mandatory Reporting Act of 1999 Act after December 1,
 - the Director of Ag is required to prepare the budget request by a date that is 12 months after the date the act expires in the future; and
 - the provisions for price reporting are effective on the first date of a calendar quarter that is 18 months after expiration.

Senator Bob Kremer, Chairperson