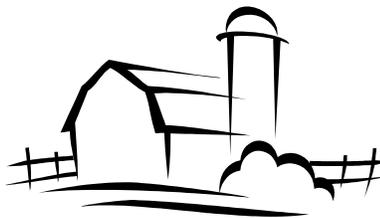


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# COMMITTEE ON AGRICULTURE

ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION - 2011



## SUMMARY AND REPORT OF DISPOSITION OF LEGISLATION REFERRED TO THE COMMITTEE

### Agriculture Committee Members

Senator Tom Carlson, Chair  
Senator Norm Wallman, Vice-Chair  
Senator Dave Bloomfield  
Senator Lydia Brasch  
Senator Burke Harr  
Senator Russ Karpisek  
Senator Tyson Larson  
Senator Steve Lathrop

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## STATUS REPORT BY BILL NUMBER

### Bills read first time in 2011 session

LB #	Primary Introducer	Description	Hearing Date	Disposition	Amends Adopted	Amends Pending	Comment
LB 91	Price	Increase the minimum horsepower of tractors subject to a permit requirement	2/15/11	Held			
LB107e	Carlson	Change Grain Sorghum Development, Utilization, and Marketing Board provisions	2/15/11	Enacted	AM1369		
LB 108	Carlson	Change provisions relating to division fences	1/25/11	Enacted	AM223 AM308 ER24		
LB 109	Carlson	Eliminate a registration requirement under the Agricultural Liming Materials Act	1/18/11	lpp'd			
LB 110	Carlson	Eliminate a registration requirement under the Fertilizer and Soil Conditioners Act	1/18/11	lpp'd			
Lb 114	Dubas	Provide a standard and labeling restrictions for honey	1/25/11	Enacted	AM199 AM491 ER25		
LB 126	Avery	Adopt the Children's Health and Responsible Corporate Marketing Act	2/01/11	lpp'd			
LB 160	Campbell	Eliminate a duty of county assessors relating to trusts owning agricultural land	2/01/11	Enacted			
LB 181	Hansen	Authorize a mileage surcharge for brand inspection	1/25/11	Enacted	AM81		Senator personal priority bill
LB 200	Council	Adopt the Nebraska Healthy Food Financing Initiative Act	3/01/11	Veto Sustained	AM645 AM1303 ER78		Ag Committee 2 <sup>nd</sup> priority bill
LB 305	Larson	Expand uses of the Commercial Feed Administrative Fund and direct a report regarding implementation of state meat inspection	2/08/11	Enacted	AM1039 ER75		Ag Committee 1 <sup>st</sup> priority bill

<b>LB #</b>	<b>Primary Introducer</b>	<b>Description</b>	<b>Hearing Date</b>	<b>Disposition</b>	<b>Amends Adopted</b>	<b>Amends Pending</b>	<b>Comment</b>
LB 306	Larson	Require certain entities to provide care and shelter to equines	2/08/11	Held			AM282 filed
LB 354	Carlson	Change funding provisions for the Weights and Measures Act	2/22/11	Held			LR542 (2010 interim) budget reduction item
LB 355	Carlson	Provide for an Agricultural Trade Representative and state funding intent	2/22/01	Held			LR542 (2010 interim) budget reduction item
LB 356	Carlson	State intent to seek authorization to utilize Rural Rehabilitation Trust assets and income for Beginning Farmer program administrative expense	2/22/01	Held			LR542 (2010 interim) budget reduction item
LB 394e	Schilz	Change provisions for nominating members of the Dry Bean Commission	2/15/11	Enacted	AM872		
LB 427	Cornett	Change requirements for dog breeders under the Commercial Dog and Cat Operator Inspection Act	2/08/11	Gen File		AM1576	
LB 459	Schilz	Limit adoption of law by local governments that conflict with legal status of animals as property	3/01/11	Gen File		AM720	
LB 473	Louden	Adopt the Black Tailed Prairie Dog Management Act	2/15/11	Gen File		AM782	
LB 592	Carlson	Adopt the Nebraska Commodity Industry Development Act		Withdrawn			Bill withdrawn prior to hearing
LB 698	Christensen	Eliminate a dispenser labeling requirement relating ethanol fuels	3/01/11	Select File	AM650 ER58		Bill laid over on IPP motion

# BILLS ENACTED AND SIGNED BY THE GOVERNOR

## LB 107e (Carlson) Change Grain Sorghum Development, Utilization and Marketing Act provisions

Date of Public Hearing: 2/15/11

Date Reported from Committee: 2/23/11

Committee Amendment:

Other Adopted Amendments: AM1369

Effective/Operative Date: May 18, 2011

LB 107 amends the Grain Sorghum Resources Act (§§2-4001 to 2-4020) to revise the composition of the Grain Sorghum Development, Marketing and Utilization Board (Sorghum Board) and to change the process for nomination of persons to serve on the Board. Current law provides for a nine member board, six of whom are growers appointed by the Governor to represent each of six grower districts, and one grower member appointed by the Board to represent the state at-large. The Act currently provides for a process of self-nomination for appointment to Board positions whereby qualified resident growers who submit a petition signed by at least 50 growers in the district are eligible for appointment by district, or by petition signed by 50 growers in the state submitted by candidates for at-large appointment. Eligible growers are persons 21 or older who have been actively engaged in growing sorghum in the previous five years and who derive a substantial portion of their income from the production of grain sorghum.

The primary substantive provisions of LB 107 are contained in sections 1 & 2. §2-4004 as revised by Section 1 would retain a seven grower member board but reduce the number of grower districts to four and increase the number of at-large appointments to three. Appointments for district and at-large appointment are to be made to achieve an equitable representation of the geographic distribution of sorghum production in the state. Section 2 amends §2-4005 by eliminating the petition process for nominating candidates for open board positions. As revised by LB 107, growers would place themselves in nomination for appointment by submitting to the Board a gubernatorial appointment form, two letters of endorsement by fellow growers, a statement of interest in serving, and documentation of qualification to serve. Section 2 further authorizes the Board to publish guidelines regarding materials to substantiate qualification to serve. All names submitting application for district seats and 2 of 3 at-large appointments would be forward to the governor. The Board would continue to appoint one at-large member.

Other harmonizing and statutory reorganization and clean up changes made necessary by the primary substantive changes contained in sections 1 & 2 are made elsewhere in the Act in the remainder of LB 107. These include:

- The definition of Board member grower districts is reassigned from its current location in §2-4005 to §2-4004. Provisions of §2-4006 defining terms as three years are also reassigned to §2-4004.
- Obsolete provisions pertaining to the Board's initial organization are stricken from §§2-4005, 2-4006 and 2-4007 by sections 2-4 of the bill.
- Transitional provisions are placed into §2-4006 to reassign current board members to the new district and at-large seats as revised by the bill.

LB 107 makes three other related secondary substantive changes as follows:

- Section 4 inserts new text in §2-4007 to enable revision of Board composition by rule and regulation of the Board as appropriate to maintain an equitable representation of sorghum producers if the board finds the composition of the board as defined by LB 107 is incompatible with equitable representation of sorghum producers due to changing geographic distribution of sorghum production and marketing patterns. Certain parameters for Board size and number of districts are prescribed.
- A requirement that a producer shall have been actively engaged in production for five years is stricken as a qualification to serve on the board by section 1 of the bill.
- Board members terms are clarified to continue until a successor is appointed and qualified.

AM1369 adopted during select file debate made technical clarifications to make internal references consistent and to clarify that certain procedures applied to qualifying grower members of the board.

LB 107 was introduced and enacted with the emergency clause.

### **LB 108 (Carlson) Change provisions relating to division fences**

Date of Public Hearing: 1/25/11

Date Reported from Committee: 2/03/11

Committee Amendment: AM223

Other Adopted Amendments: AM308, ER24

Effective Date: Aug. 27, 2011

LB 108 proposed revision to the law of division fences to clarify responsibilities of adjacent landowners with respect to management of conflicting vegetation. As introduced, section 1 of LB 108 inserted a wholly new section of statute with the following express declarations:

- The responsibility for a division fence includes the duty to maintain the fence in good repair, and provides that such duty includes the necessary management of encroaching vegetation causing damage or dislocation of the fence.
- The occurrence of encroaching vegetation causing damage or dislocation to a fence constitutes a private nuisance to the adjacent landowner's possessory interests.

Section 2 of LB 108 as introduced proposed revision to existing section §34-112.01 to strike an existing express exclusion to a limited right of entry onto adjacent property for purpose of performing fencing. The deleted exclusion provided that the limited right of entry did not encompass removal of trees or personal property absent consent or court order. §34-112.01 is a statutory restatement of common law. The striking of the portion of the statute containing express exclusion with respect to vegetation and other items contained within the introduced version was intended to restore the fencelaw's silence on entries for purposes of conflicting vegetation management and thereby defer entirely to the common law's trespass regulation of encroachments for that purposes.

The committee amendment adopted on general file struck section 2 thereby retaining only the declarations of adjacent landowner duties regarding management of conflicting vegetation and

express declaration of recourse to nuisance remedies if a landowner's failure in that duty results in damage or dislocation of a fence. AM308 also adopted on general file limited the application to trees and other woody vegetation.

**LB 114** (Dubas) Provide a standard and labeling restrictions for honey

Date of Public Hearing: 1/25/11  
Date Reported from Committee: 2/03/11  
Committee Amendment: AM199  
Other Adopted Amendments: AM491, ER25  
Effective Date: Aug. 27, 2011

LB 114 would insert a new section of statute that would provide for the promulgation of an identity standard for honey, and for related prohibitions and private civil remedy. The bill assigns a duty to the Department of Agriculture to promulgate rulemaking to declare an identity standard for honey consistent with a cited international standard contained in the Codex Alimentarius Commission of the Food and Agriculture Organization of the World Health Organization. Products could not be labelled as honey unless conforming to such identity. Finally, the bill declares a cause of action to persons damaged by violations of the section to recover damages in the amount the greater of actual damages or \$1000 plus reasonable attorney's fees.

The adopted committee amendment (AM199) inserts a legislative intent statement as new subsection (1). The amendment also replaces original subsection (3) with a substitute provision that declares a violation of the labeling prohibition to constitute a violation of the Deceptive Trade Practices Act and subject to remedies available under that act. As further amended by select file amendment (AM491), the enacted version struck requirement that the standard conform to the Codex Alimentarius and instructs only that in developing a standard, the Department may use as a guideline available authoritative reference to the composition and grades of honey.

**LB 160** (Campbell) Eliminate a duty of county assessors relating to trusts owning agricultural land

Date of Public Hearing: 2/01/11  
Date Reported from Committee: 2/08/11  
Committee Amendment: none  
Other Adopted Amendments: none  
Effective Date: Aug. 27, 2011

LB 160 outright repeals §76-1517 which assigns a duty to county assessors to annually forward to the Secretary of State the name and address of every trust owning agricultural land within the county based on assessment rolls. Harmonizing revisions are made to §§76-1507 and 76-1516 to correct internal references accordingly.

The bill further amends §76-1523 to strike a related duty of the Secretary of State to utilize the reports of trust holdings to assist in identification of trusts engaged in farming and ranching as

defined by Article XII, Section 8 of the state constitution (popularly referred to as the I-300 corporate farming restrictions). Revisions to this section also include a Reviser's amendment, unrelated to the primary purposes of the bill, to clarify disposition of fines assessed for failure of corporate trustees to file a report required by §76-1520.

**LB 181 (Hansen) Authorize a mileage surcharge for brand inspection**

Date of Public Hearing: 1/25/11  
Date Reported from Committee: 2/03/11  
Committee Amendment: AM81  
Other Adopted Amendments:  
Effective Date: Aug. 27, 2011

The primary substantive section of LB 181 as introduced is found in Section 1 of the bill amending section §54-1,108 of the Nebraska Brand Law which currently establishes a brand inspection fee not to exceed 75 cents per head inspected. LB 181 would amend this section by inserting new subsection (2)(b) to direct the Brand Committee to impose an additional surcharge not to exceed \$20 for each round trip to recover travel expenses of brand inspectors. The surcharge would be paid by the person requesting inspection or required to submit to inspection by law. Parallel imposition of the surcharge is incorporated by reference in §§ 54-1,121, 54-1,122, and 54-1,122.02 for inspections performed upon movements of cattle to and from registered feedlots and dairies not accompanied by an inspection certificate issued by another state's inspecting entity or by a shipping certificate.

The committee amendment (AM81) substitutes an alternative version of new subsection (2)(b) to provide that a travel surcharge as established by the Brand Committee "may" be charged to recover travel expense per location. The amendment retains that the surcharge is to be paid by the person requesting inspection or required to submit to inspection by law.

**LB 305 (Larson) Authorize additional use of the Commercial Feed Administrative Fund and direct a report regarding implementation of a state meat inspection program**

Date of Public Hearing: 2/08/11  
Date Reported from Committee: 2/23/11  
Committee Amendment: none  
Other Adopted Amendments: AM1039, ER75  
Effective Date: Aug. 27, 2011

LB 305 as introduced stated legislative intent, and assigned corresponding duties and authorizations to the Director of Agriculture, to implement a state cooperative meat and poultry inspection program as authorized under cited provisions of the Federal Meat Inspection Act and the federal Poultry Products Inspection Act. Specifically, section 3 would have inserted a new section of statute that would:

- State legislative intent that on or before January 1, 2013, the Director shall implement program of inspection at establishments that process meat and poultry for human consumption;
- Authorize the Department to employ a program administrator responsible for carrying out actions necessary to prepare such program, including necessary consultation with USDA and the preparation of a state performance plan that implements inspection program standards at least equal to those imposed under federal meat and poultry inspection; and,
- Assign a duty to the Director to provide a report to the Legislature identifying statutory and regulatory changes and resources required to implement the inspection program. The report is to include recommended licensure and inspection fees, including fee-for-service charges, sufficient to cash fund the program.

Section 4 establishes the Cooperative State Meat and Poultry Inspection Cash Fund as a repository of appropriated funds, and other funds that may be acquired or designated, and authorizes expenditure for purposes of carrying out section 3 of the bill. Sections 3 and 4 of the bill as introduced would have been incorporated into the Nebraska Meat and Poultry Inspection Law by section 2 of the bill. Section 1 of the bill as introduced would have amended §54-857 of the Commercial Feed Act to direct the transfer of \$100,000 annually in each year of the upcoming biennium from the Commercial Feed Administration Cash Fund to the new cash fund.

As amended by adoption of AM1039 during general file, LB 305 was enacted without intent to begin state meat inspection but retains a duty of the Director of Agriculture to provide a report to the Legislature detailing statutory changes and budgetary authorities necessary to implement a cooperative meat inspection program. This provision is reassigned to section 2 of the enacted bill. The enacted version omits related implementing authority of the Department of Agriculture to employ a program administrator and to enter cooperative consultations and agreements with federal agencies. The enacted bill also omits section 4 of the bill as introduced and thus does not create a separate cash fund and also omits express incorporation of retained provisions of the bill into the Nebraska Meat and Poultry Inspection Law.

AM1039 also revised the bill's amendment of §54-857 of the Commercial Feed Act to eliminate specified transfers out of the Commercial Feed Administrative Fund. The bill as enacted expands authorized uses of the fund to include expenditures to support cooperative agreements with the USDA market news reporting program and to produce the meat inspection study. The accompanying appropriations bill (LB 305A) authorizes \$65,000 for FY2011-12 and \$30,000 for FY2012-13 additional expenditure authority from the fund to accommodate these activities.

#### **LB 394e (Schilz) Change Dry Bean Commission membership provisions**

Date of Public Hearing: 2/15/11

Date Reported from Committee: 3/23/11

Committee Amendment: AM872

Other Adopted Amendments:

Effective Date: May 18, 2011

LB 394 changes provisions of the Nebraska Dry Bean Resources Act to revise procedures for nominating grower candidates for appointment to the Nebraska Dry Bean Commission. §2-3747 currently provides that eligible persons may place themselves as candidates for appointment to one

of four grower districts or one-of two at-large districts, by submitting a petition to the Commission signed by twenty-five resident bean growers of the district they seek to represent.

The primary substantive provision of the bill is found in section 3. As introduced, LB 394 would have revised §2-3747 to eliminate the petition procedure for qualifying for nomination for appointment with one requiring that growers submit to the Commission a gubernatorial appointment application, two letters of endorsement signed by other growers, and documentation substantiating the grower's qualification to serve on the Board. The Commission would review candidate submissions for purposes of advising the governor on the candidate's qualification, and submit all applications to the Governor. The Board is authorized to publish guidelines regarding forms of documentation to assist with substantiating eligibility for appointment.

Other harmonizing or statutory reorganization and cleanup implicated by the primary substantive change contained in section 3 is accomplished elsewhere in the bill as follows:

- Obsolete provisions of the act found in sections §2-3747 and §2-3748 pertaining to the initial organization of the Dry Bean Commission are eliminated by sections 3 and 4 of the bill.
- A provision defining at large membership currently contained in §2-3747 is reassigned to new subsection (2) inserted in to §2-3746 by section 2 to consolidate all provisions pertaining to the composition of the Commission in one statute. The revision to §2-3746 clarifies that existing at-large members upon the effective date shall continue as members through the remainder of their current terms and until a successor is appointed and qualified. Such members will continue to be eligible for reappointment unless they would be otherwise disqualified by having exceeded the three consecutive term limitation of §2-3748.
- Specification that appointments shall be made on a non-partisan basis found in §2-3747 are reassigned to §2-3745 under section 1 of the bill.
- A minor substantive revision is made in §2-3748 of the bill by section 4 to insert clarification that commission terms are three years and until a successor is appointed and qualified.

The committee amendment (AM872) adopted on general file eliminates the nomination procedure proposed in the original bill and reinserts a self-nomination by petition process but lowers the signature threshold to 10 growers. The reinsertion includes Revisor's clarifications regarding collection of signatures and conforms internal citations as necessary to provisions of the Act as reassigned by the bill. The enacted version retains statutory cleanup contained in the original bill. LB 394 was both introduced and enacted with the emergency clause.

# BILLS ADVANCED BUT NOT ENACTED

## LB 200 (Council) Adopt the Nebraska Healthy Foods Financing Initiative Act

Date of Public Hearing: 2/01/11 -- rehearing 3/01/11

Date Reported from Committee: 3/10/11

Committee Amendment: AM645

Other Adopted Amendments: AM1303, ER78

LB 200 would have inserted the Nebraska Healthy Food Financing Initiative Act as distinct statutory sections. The bill states legislative findings and intent tying the purposes and mechanisms of the bill to public health concerns associated with lack of healthy food access and articulated public welfare objectives in stimulating financing for retail grocery and other food sourcing in underserved communities.

The primary substantive provisions were contained in sections 4 – 6 which assign specific duties and authorizations to the Rural Development Commission relating to implementation of the Nebraska Healthy Food Financing Initiative Act. Section 8 of the introduced bill inserted harmonizing assignment of implementation of the Act within §81-3603 which enumerates duties assigned to the Rural Development Commission. Specifically, LB 200 would have vested the Commission with the following duties and authorities:

- In consultation with the Departments of Agriculture and Health, and to the extent of available funding, establish a financing program to stimulate grocery retail and other types of food sourcing establishments in underserved communities. An underserved community is defined by section 3 of the bill as a geographic area located in a lower-income or high poverty area having limited access to healthy food retailers. Section 4, subsection (3) set forth the following detail regarding the elements of such financing program, as follows:
  - Directs that the Rural Development Commission shall contract with one or more certified development entities as defined by cited reference to the New Market Tax Credit provisions of the Internal Revenue Code, to develop and administer the financing program.
  - Projects eligible are identified to include new construction of grocery retail structures, grocery store renovation, expansion and infrastructure upgrades, establishment of farmers markets, community gardens, mobile markets and delivery projects that increase capacity of food retailers to obtain fresh produce, and other projects consistent with the purposes of the Act.
  - Specific expenditures for which funding obtained through the mechanisms of the Act are enumerated to include site acquisition, construction costs, purchase of equipment and furnishing, workforce training, and predevelopment costs such as market studies and working capital for initial inventory and start-up-costs.
  - State general criteria for projects to be eligible for financing products including that the project shall serve an underserved community, demonstrate a commitment to provide regular offerings of fruits and vegetables, and accept Supplemental Nutrition Assistance Program and WIC program benefits.

- States specific criteria to evaluate applicants for funding, including the applicant's capacity to successfully implement the project, ability to repay debt, the extent of public funding required, and extent to which the project will provide new markets for Nebraska grown food items and a positive economic impact on the community served.

The Nebraska Healthy Foods Financing Initiative Cash Fund is created under section 5 of the bill as a repository of any appropriated funds, and other funds acquired through gifts or grants, and transfers to the fund. The State Treasurer would have been directed by revisions to §2-5424 found in section 7 of the bill to annually transfer \$100,000 from the Agricultural Opportunities and Value-Added Partnerships cash fund over the upcoming biennium.

Section 6 directs the Commission, utilizing funds available in the Nebraska Healthy Foods Financing Initiative Cash Fund, to contract with the UNL Public Policy Research Center to prepare a research report relative to food deserts and provide the report to the Legislature no later than November 1, 2012. The introduced bill set forth various elements to be included in such research project and limits the Commission's expenditure for the commissioned report to \$60,000. Utilizing information from the report, the Commission is to provide recommendations for funding to achieve the purposes of the Act and to identify non-state sources of funding that may be available to capitalize the program.

The adopted committee amendment (AM 645) struck sections 6 & 7 of the bill as introduced and inserts new sections 6 and 7. (A harmonizing deletion of an internal reference to the transfers from the Value Added fund is made in section 5 of the bill) New section 6 as inserted by AM645 stated legislative intent to appropriate \$150,000 general funds annually to fund the Healthy Foods Financing Initiative Act. New section 7 inserts a corresponding revision to §13-208 of the Community Development Assistance Act lowering the maximum annual total tax expenditure for credits awarded under the Community Development Act from \$350,000 to \$200,000.

AM1303 adopted on select file struck the original provisions as amended by the committee amendment and became the bill. However, the amended retained the bill in each substantive element except to clarify the forms of financial assistance to include grants, interest buy-downs and loan participation with private lenders. The amendment further required ultimate beneficiary food source outlets to accept federal food benefits where applicable.

While LB 200 was passed on final reading, the Legislature failed to override the governor's veto.

## **LB 427 (Cornett) Change provisions of the Commercial Dog and Cat Operator Inspection Act**

Date of Public Hearing: 2/08/11

Date Reported from Committee: 5/25/11

Pending Committee Amendment: AM1576

LB 427 amends the Commercial Dog & Cat Operator Inspection Act (§§54-625 – 56-643) by inserting certain new minimum statutory standards of care, housing and operating procedures that would apply to commercial dog breeders. The bill as introduced further proposes to create a designation of outstanding breeder for facilities that meet both the minimum standards and additional performance standards.

The primary substantive provisions of the bill are found in sections 7 – 10 which are incorporated within the Commercial Dog and Cat Operator Inspection Act by section 2 of the bill. Sections 9 and 10 define standards applicable to all commercial dog breeders as follows:

Section 9 -- Enumerates a series of health care standards including that breeders shall meet the following:

- Provide responsible medical care including the keeping of accurate breeding records
- Perform regular health assessment not less frequently than every sixty days, and that observed body condition and functional characteristics are noted in health records
- Identify breeding animals by microchip with identification coding maintained with health records
- Provide veterinary examination, including a dental exam, of each dog over six months of age at least once every three years (breeders are to maintain a health plan prepared on forms provided by the Department with each animal's health records)
- Regular inspections by the department shall include examination of random sampling of at least 5% of health records of breeding dogs for compliance with health records and accurate correspondence to microchip identification
- Breeding females may not be bred more frequently than once a year and not prior to 12 months of age or beyond 8 years of age unless by written exception by a licensed veterinarian after examination
- A veterinarian shall be consulted without delay for serious or life threatening injury or medical condition, and treated as prescribed
- Ear cropping, and surgical births and other surgical procedures may be performed only by a veterinarian -- tail docking and claw removal shall be performed within the first five days and dates of such procedures noted in health records
- Euthanasia are performed by a licensed veterinarian
- Each dog is groomed at least monthly.

Section 10 – Enumerates a series of standards for primary enclosures as follows:

- Prescribes minimal solid surface floor size to enable space for dogs to lay down and turn about without touching another dog. Any solid surface shall be constructed not to sag and be readily cleanable. Non solid portions of a primary enclosure floor are required to be of a material that does not allow dogs' feet to fall through.
- Primary enclosures shall permit free access to an exercise area of at least 10 times the size of the primary enclosure. Access may only be restricted as directed by a veterinarian or for inclement weather. Such access area and surface material shall also comply with minimal floor area and construction specifications.
- Each dog shall be provided at least twice daily exercise program outside its primary enclosure. Such program may be suspended due to inclement weather unless such suspension is in conflict with the veterinary care plan for the animal. Exercise areas are to be kept clean, in repair and free of defects that could cause injury.
- Expectant or nursing females may be exercised separately from other dogs.
- Tethering or chaining is not permitted in lieu of a primary enclosure.
- The breeder's facility shall have a heating and cooling system and not exceed prescribed extremes of temperature,

As introduced, LB 427 provided that existing breeder facilities shall have until July 1, 2016 to comply with the minimal requirement that primary enclosures have access to exercise areas and to provide an exercise program.

Sections 7 & 8 would have created an “outstanding breeder” designation program. Section 7 directs that the Department shall publish online designated breeders and present such breeders with appropriate written certification of the designation. Section 8 prescribes standards for breeders to meet the outstanding designation, as follows:

- Successfully pass all inspection components and comply with all health recordkeeping and exercise requirements as prescribed by section 10
- Females are not bred more frequently than once in an 18-month period unless the dog is given a veterinary examination and the veterinarian gives written approval
- Dogs are housed in a primary enclosure that is twice the minimal floor space requirement and meets other space and flooring specifications
- Each dog is provided mental stimulation to include interaction with humans and other dogs, and toys or other environmental enrichment
- All flooring of exercise areas shall be ground or solid surface
- Ammonia orders are controlled to not exceed 4 parts per million
- Each dog is bathed at least twice per year and matting is minimal.

The definition of a commercial breeder found in §54-626 is revised by Section 2 of the bill to distinguish commercial dog from commercial cat breeders. The new minimal facility and care standards and requisites for meeting outstanding breeder designation set forth in sections 7 – 10 apply only to commercial dog breeders. Existing statutory facility and care standards prescribed in section §54-640 and §54-641 of the Act are clarified as necessary to apply only to cat breeders where more stringent standards for dog breeders are prescribed elsewhere in the bill. Because of the definitional distinction now made between dog and cat breeders, non-substantive harmonization is inserted into sections §54-627, pertaining to requirements for licensure, and §54-637, pertaining to duties of breeders to provide spaying and neutering information, as well as in §54-645 and §54-646 of the Pet Purchase Protection Act to continue duties that apply to both dog and cat breeders. The bill also contains revisors removal of superfluous listings of various licensure categories throughout the act that are not related to the substantive purpose of the bill.

#### Committee Amendment:

The pending committee amendment (AM1576) strikes the original provisions and becomes the bill. A number of the substantive elements of the original bill are omitted, altered or rearranged as indicated below.

The primary revisions relate to veterinary and exercise standards applicable to commercial dog breeders. The bill retains applicability of facility and care standards of §54-640 and §54-641 to commercial dog breeders, with conforming revisions as necessary to changes elsewhere in the bill. The amendment would not require individual animal vet care plans and omits various associated recording duties contained in the original bill. However, the amendment sets forth statutory standards for vet care plans required under §54-640 for commercial dog breeders to include the following statutory elements:

- Codifies existing regulation that requires maintenance of individual health records for each dog (except that litter health records may be maintained where applicable).

- Codifies existing regulation that vet care plans include a health maintenance program including elements of disease and parasite control, nutrition, and euthanasia, etc. supervised by attending veterinarian. Such program shall include regularly scheduled visits to facility by attending veterinarian. Current law requires health maintenance programs to be updated annually. The amendment specifies that such program be updated annually at the time of on-site visit with walk-through and observation of dogs by the attending vet.
- A basic physical and dental examination by a veterinarian of each breeding dog is to be performed no less frequently than once every three years. Such exam may exclude lab analysis unless directed by veterinarian.

The amendment makes other secondary revisions to the care standards of the original bill, including:

- Sets forth a standard for identification as a separate section under what becomes section 10. Identification by microchip is established as the standard dogs identified by other approved means on effective date and existing licensee's continued utilization of other approved means are grandfathered. The ID is to be recorded in dog's corresponding health record.
- Omits ear cropping as a procedure that must be performed by a vet and extends the period for performing dew claw removal and tail docking to 7 days.
- Replaces a requirement for monthly grooming with a performance standard that matting not exceed 10%.
- Requires euthanasia to be performed by a veterinarian according to humane recommendations of the American Veterinary Medical Association.
- Breeding frequency restrictions are omitted.

The amendment sets forth those provisions pertaining to construction and design of primary enclosures relating to the purpose of assuring dogs have exercise opportunity as a separate section. As amended, section 8 of the bill would set forth requirements for commercial dog breeders essentially replacing exercise standard currently located in §54-640. Section 8 inserts a facility standard that new construction of primary enclosure facilities provide free access to an exercise area at least three times the size of a primary enclosure. Existing housing facilities would be grandfathered for the life of the facility but provides that dogs not housed in a primary enclosure that allows free access to an exercise area shall be provided opportunity for exercise as prescribed.

The amendment makes other secondary revisions to the facility standards contained in the original bill, including:

- Eliminates any requirement for solid surface area of primary enclosures. AM1576 retains applicability of §54-641 prescribing size and structural standards of primary enclosures. Sections 5-6 of the amendment revise §54-640 and §54-641 to consolidate provisions of §54-640 regarding primary enclosures into §54-641. Existing size and structural standards for primary enclosures are retained except to add specification that enclosures allow sufficient size to enable movements without touching another dog.
- Eliminates requirements for minimal solid surface area of exercise area but replicates standards of primary enclosures found in §54-641 that any non-solid surface area conform to flooring surface material and structural standards to protect dogs feet from injury. Retains that dogs in exercise area be provided protection from weather elements but clarifying that access to primary enclosure satisfies this requirement.
- Enumerates exemptions from housing or alternative exercise opportunity for pregnant and nursing females, puppies under six weeks and dogs showing signs of illness.

- Omits specific reference to tethering and omits temperature standards, essentially deferring to existing regulatory standards.

The committee amendment deletes the outstanding breeder certification program contained in original sections 7 and 8.

Finally, AM1576 inserts a new section amending §54-630 by inserting a bad actor provision modeled after bad actor provision of Livestock Waste Management Act. Specifically, AM1576 authorizes the Department to deny an application for licensure if the applicant has been convicted of an animal cruelty/neglect offense in any jurisdiction, has held license in any jurisdiction that has been subject to license discipline, or falsifies or withholds any information on the application or supporting documentation.

The amendment establishes an operative date of October 1, 2012 for the changes in the bill.

**LB 459 (Schilz) Limit adoption of law by local governments that conflict with the legal status of animals as personal property**

Date of Public Hearing: 3/01/11  
Date Reported from Committee: 3/10/11  
Committee Amendment: AM720

Section 1 of LB 459 as introduced would insert a new section of statute prohibiting political subdivisions from enacting local ordinances, rules or proclamations that describe the relationship between humans and animals or that change the legal status of an animal. The bill enumerates entities included in the definition of political subdivision for purposes of the bill. Section 2 of the bill instructs the Revisor of Statutes to assign section 1 to Chapter 13, Article 4.

The pending committee amendment (AM720) strikes original section 1 and inserts a new section 1 of the bill. The section restates the prohibition of the original bill that political subdivisions may not assign or define a legal status of animals that is inconsistent with animal's status as personal property.

**LB 473 (Louden) Adopt the Black-Tailed Prairie Dog Management Act**

Date of Public Hearing: 2/15/11  
Date Reported from Committee: 3/15/11  
Committee Amendment: AM782

LB 473 imposes an affirmative duty upon certain landowners and managers to prevent uncontrolled spread of colonies of black-tailed prairie dogs. The bill further assigns duties and authorities upon county boards of counties where black-tailed prairie dogs are present to carry out a program of black-tailed prairie dog management modeled closely after the Noxious Weed Control Act.

Designation and definitions:

Section 1 names sections 1 to 12 the Black-Tailed Prairie Dog Management Act

Section 2 defines key or recurring terms used throughout the act.

Duties of landowners and authorities of counties:

Landowners:

Section 4 imposes an affirmative duty upon persons owning or controlling land within a county that has adopted a prairie dog management program to prevent the spread of prairie dog colonies onto neighboring property.

Section 10 assigns the cost for managing prairie dogs on land owned or controlled by the state and political subdivisions to the governmental entity out of funds appropriated to the state entity or budgeted by the subdivision.

County Governments:

Section 3 -- Authorizes any county to adopt by resolution a prairie dog management program consistent with the Act.

Section 5 -- Counties that have adopted a management plan assume authorities and duties prescribed in the remainder of the Act, including:

- Employ personnel and expend funds for purpose of carrying out the responsibilities of counties
- Cooperate with USDA/APHIS & other entities and to develop a prairie dog management program and to carry out such program
- Issue general and individual notices as provided in section 6
- Examine property in the county for the presence of prairie dog colonies.

Enforcement actions authorized:

Section 6 prescribes two types of notices, general and individual, that may be utilized by counties to notify landowners of prairie dog management responsibilities and provides additional authorities to secure landowner compliance, or to carry out control activities without the cooperation of a landowner.

Subsection 1(b) provides for newspaper publication of general notices on or before May 1 of each year. General notices serve the public with notice of duty to manage prairie dogs but lack of publication of general notice is expressly declared not to relieve landowners of the duty to manage prairie dogs

Subsection 1(c) authorizes counties to serve individual notices upon the owner of record of properties having a prairie dog colony that is expanding onto adjacent property when a county determines it is necessary to secure immediate management intervention on particular land. Two types of enforcement notices are authorized pursuant to subdivisions (i) and (ii) of subsection 1(d) of this subsection. The form and content of either type of notice is prescribed to include the following common terms and disclosures:

- The county has information that an unmanaged colony is present on specified property and expanding onto neighboring property
- The date of the notice
- Specific management actions to be taken
- That the landowner is to provide notice and evidence to the county board within sixty days of the notice that management action has occurred or have been arranged
- Notice of enforcement action that may be taken if the landowner fails to comply
- The landowner may, within 15 days of receiving individual notice, request a hearing before the county board to contest the notice.

The two types of individual notice that may be served as set forth in subsection 1(d) differ in the notice of enforcement action if a landowner fails to timely comply with the notice.

- That the landowner is subject to fine of \$100 / day for each day of non-compliance up to a maximum of \$1500, or
- That the county shall cause management activities to be performed upon the property and that the expense of such management action shall be at the cost of the property owner and becomes a lien against the property and collected as a special assessment levied upon the date of the management action.

The remaining portions of Section 6 assign duties and authorities to counties to implement enforcement actions specified in the individual notices, as follows:

Subsection (2) directs the county to hold an informal public hearing if timely request is received for hearing by a person served individual notice.

Subsection (3) authorizes counties to cause proper management methods to be performed upon properties whose owners have failed to timely comply with the corresponding individual notice and directs that the county notify the landowner of the cost of the control activity. The county board is directed to file notice of possible lien for unpaid assessments against the property with the register of deeds. If the landowner fails to reimburse the county board within two months, the county board shall certify the unpaid obligation, which becomes a lien against the property and collected as a special assessment levied upon the date of the management action.

Subsection (4) authorizes a county board to refer to the county attorney instances of non-compliance with the corresponding notice for prosecution as an infraction punishable by a fine of \$100 / day for each day of violation up to a maximum of 15 days.

Subsection (5) clarifies that counties may pursue any available civil remedy apart from levy collection to recover the obligation, but pursuit of alternative means of collecting debt does not preclude satisfaction by tax foreclosure. Any amounts collected are to be deposited in the county's prairie dog management fund, if one exists, or to the county general fund.

Section 7 requires county boards to receive timely filed protests by landowners contesting the amount of any charge assessed against them under the Act, and to conduct a hearing.

Section 8 limits liability of the county board or its agents to actions for trespass or damage while performing duties and powers conferred to counties that have adopted a management plan.

Section 9 authorizes counties to establish a separate black-tailed prairie dog management fund for receipts and disbursement in carrying out management activities.

Animal Damage Control:

§81-2,236 is amended by section 11 of the bill to specifically expressly authorize the Director of Agriculture to cooperate with APHIS for control and management of black-tailed prairie dogs and to expand existing authorization for cooperation with other entities for animal damage control to expressly include control of prairie dogs.

Committee Amendment:

The pending committee amendment (AM 648) would make the following revisions:

- Insert a new subsection (2) within section 3 that prescribes elements of the management plan to include a finding of necessity, a listing of methods of management, and to specify that such management plan shall not conflict with any state plan for the management of prairie dogs or the Non-Game and Endangered Species Act, or state or federal recovery plan for the endangered or threatened species.
- Insert a new subsection (3) of section 3 that reassigns an authority of counties in section 5 of the bill as introduced to cooperate and coordinate with state and federal wildlife and land management entities. The juxtaposition reinforces that consultation would occur in the plan development phase.
- Revises the defined term “person” in section 2 of the bill to exclude the federal government.

**LB 698 (Christensen) Change labeling requirements for alcohol blended fuels**

Date of Public Hearing: 3/01/11

Date Reported from Committee: 3/10/11

Committee Amendment: AM650

LB 698 amends sections of law that currently require labeling on fuel dispensers when the dispensing alcohol blended fuels. Specifically, the bill as introduced:

- Eliminates provision of §66-1214 that require such pump labeling when dispensing product containing 1% or more ethanol by volume
- Amends §89-186 of the Weights and Measures Act to exclude from incorporation by reference section 2.20 of the Uniform Regulation of the Method of Sale of Commodities of the National Conference of Weights and Measures. Section 2.20 of the Uniform Regulation similarly requires dispenser pump labeling of the oxygenate utilized in gasoline-oxygenate blends and requires suppliers to provide retailers with documentation of the oxygenate content of fuels upon delivery.

As revised by the adopted committee amendment (AM650), the bill retains the requirement in §66-1214 for pump labeling of alcohol-gasoline blends but only when the alcohol content exceeds 11% of product by volume. The amended version of the bill also narrows the exclusion of Section 2.20 of the Uniform Regulation of the Method of Sale of Commodities to only section 2.20.1. The amendment therefore retains section 2.20.2 of the Uniform Regulation which contains the requirement for suppliers to provide fuel retailers with documentation of alcohol content.

LB 698 stalled on select file debate as several procedural motions were offered to delay consideration of the bill. The bill was laid over on a motion by the introducer to indefinitely postpone the bill.

## **BILLS HELD BY THE COMMITTEE**

**LB 91** (Price) Change the definition of tractors subject to a permit requirement

Date of Public Hearing: 2/15/11

Under Nebraska law (Neb. Rev. Statutes §2-2701 et seq.) first enacted in 1919, only permitted tractor models may be sold in Nebraska. The law essentially requires the endorsement of the Nebraska Board of Tractor Test Engineers before a permanent permit is issued by the Nebraska Department of Agriculture. This endorsement is contingent upon required third party testing by the Board to measure certain performance characteristics. Manufacturers or others who obtain a temporary permit to sell a tractor model who fail to submit a current tractor model for testing are required to repurchase any tractors sold under the temporary permit. If a tested model fails to match advertised performance claims, the permit holder is required to notify purchasers and either modify the tractor to meet performance specifications or remedy the purchaser's injury by other means satisfactory to the purchaser.

LB 91 amends §2-2701 to redefine the term "tractor model" for purpose of identifying tractors subject to a permit requirement in order to be offered of sale in Nebraska. The bill would redefine the term to include only tractors of 100 horsepower or greater. Only tractor models of less than 40 horsepower are currently exempt.

**LB 306** (Larson) Require certain entities to provide care and shelter for equines

Date of Public Hearing: 2/08/11

LB 306 would incorporate a new section into the Livestock Animal Welfare Act to require an entity that represents itself as a humane society or an equine shelter or rescue operation to accept custody and provide care to any equine presented by its owner or a law enforcement officer. Failure to comply is declared a Class IV misdemeanor.

**LB 354** (Carlson) Change funding provisions for the Weights and Measures Act

Date of Public Hearing: 2/22/11

LB 354 directs a series of transfers from the Petroleum Release Remedial Action Cash Fund to the Weights and Measures Administrative Fund. Section 1 of the bill would direct the transfer of \$400,000 to occur on July 1, 2011, and \$200,000 on each of July 1, 2013, and July 1, 2014. A corresponding harmonization is inserted into §89-1,100 of the Weights and Measures Act by section 3 of the bill to include the transfers from the Petroleum Release Remedial Action Fund as deposited into the Weights and Measures Administrative Fund. Section 3 further directs that the transferred funds are to be used to conduct petroleum product dispenser licensing and inspection functions.

LB 354 also amends §89-187 of the Weights and Measure Act to reclassify as a late fee what is currently identified as a penalty for late filing of annual device registration and inspection fees. The revision clarifies that such late fee is for the purpose of defraying extra administrative costs associated with collecting late registration fees.

**LB 355 (Carlson)** Provide for an agricultural trade representative and state funding intent

Date of Public Hearing: 2/22/11

LB 355 amends §2-3815 of the Nebraska Agricultural Products Marketing Act (§§2-3801 to 2-3812) by inserting express authorization for the Department of Agriculture to employ an agricultural trade representative reporting to the Director. The revision further states legislative intent to fund the half of the salary and expenditure of the position with cooperator funding.

**LB 356 (Carlson)** Authorize funding for administration of the Beginning Farmer Tax Credit Act

Date of Public Hearing: 2/22/11

LB 356 amends §2-2103 state legislative intent that the Director of Agriculture seek necessary revisions of the trust agreement to authorize expenditure of assets of the former Nebraska Rural Rehabilitation Corporation for the Department's costs in administration of the Beginning Farmer Tax Credit Act.

## **BILLS INDEFINITELY POSTPONED BY THE COMMITTEE**

**LB 109** (Carlson) Eliminate a registration requirement under the Agricultural Liming Materials Act

Date of Public Hearing: 1/25/11

LB 109 was brought at the request of the Department of Agriculture to remove registration of liming materials as a requirement to distribute within the state. The primary substantive provision is found in section 1 which proposes revision to §2-4322 of the Agricultural Liming Materials Act by striking existing subsection (1) to eliminate a requirement for registering agricultural liming materials. A harmonizing deletion of reference to registration is made to §2-4323 by section 2 of the bill.

**LB 110** (Carlson) Eliminate a registration requirement under the Fertilizer and Soil Conditioners Act

Date of Public Hearing: 1/25/11

LB 110 was brought at the request of the Department of Agriculture to remove registration of soil conditioner products as a requirement to distribute within the state. The primary substantive provision is found in section 6 which outright repeals §81-2,162.03 to eliminate a requirement for registering soil conditioner products. Harmonizing deletion of reference to registration is made as necessary elsewhere in the Act. In addition to eliminating reference to product registrations made obsolete by the bill, section 2 amends §81-2,162.04 by inserting additional product labeling requirements to include the product name and manufacturing source.

**LB 126** (Avery) Adopt the Children's Health and Responsible Corporate Marketing Act

Date of Public Hearing: 2/01/11

LB 126 would have created the Children's Health and Responsible Corporate Marketing Act as wholly new and distinct sections of statute. The Act would have prohibited certain food service establishments from associating consumer incentive items with the purchase of packaged children's meals that do not meet prescribed nutritional standards.

- Section 16 of the bill provides that fast food restaurants, full-service restaurants, food establishments, and convenience stores shall not advertise, market, supply or sell consumer incentive items with the purchase of a packaged child's breakfast or child's meal unless such packaged breakfast or meal does not exceed prescribed limits for total calories, trans fats and sodium, contribution to total calories from added sugars and saturated fats. Additionally, child's breakfasts must include a serving of fruits and a child's meal must contain a serving of fruit or vegetables, and any grain items be at least 50% whole grain..
- Section 17 prohibits these food service entities from discounting packaged children's breakfasts and meals that do not meet applicable nutritional standards in order to offset the cost of consumer incentive items if sold separately.

The bill assigns administration and enforcement to the Director of Agriculture. Enforcement provisions are contained in sections 18 – 22. Specifically, the bill endows the director with the following duties and authorities:

- Section 18 – Assigns a duty to the director or designee to conduct periodic inspections.
- Section 19 – Authorizes the director to issue citations to be served personally or by certified mail. Such citation shall describe the nature of the violation and cite the statute, rule or regulation violated. An entity served a citation shall have seven working days to cure the violation after which the director may take additional action.
- Section 20 – Authorizes the director, after notice and hearing, to impose by order administrative fine not to exceed \$1000 per violation. Each separate activity or day of occurrence shall constitute a separate violation. The amount of fine shall take into consideration aggravating or mitigating conduct enumerated in this section. A violator may waive a right to hearing and consent to disciplinary action. The execution of this section is to be governed by the Administrative Procedures Act. The director shall remit administrative fines collected to the State Treasurer for distribution in accordance with Article VII, Section 5 of the state constitution.
- Section 21 – Declares a violation of the Act or final orders of the director to be a Class IV misdemeanor for each violation, and each separate activity or day of occurrence constitutes a separate violation. The county attorney of the county where the violation occurs shall institute proceedings when notified by the director.
- Section 22 – Assigns a duty to promulgate rules and regulations to carry out the Act.

Section 2 of the bill states legislative findings of the prevalence of childhood obesity and related chronic health conditions, linking these to public health care burdens and declaring a public welfare benefit in limiting advertising and marketing of consumer incentive items to children.

Defined terms utilized throughout the Act are set forth in Section 3 – 15.

# BILLS WITHDRAWN

## **LB 592** (Carlson) Adopt the Nebraska Commodity Industry Development Act

Date of Public Hearing: Bill withdrawn prior to hearing

LB 592 would have authorized the Director of Agriculture to establish programs of commodity promotion and development. Under the bill, the Director would have assumed the authority to carry out programs of promotion, research, market development and consumer information to strengthen a commodity industry, including the employment of personnel, collection and expenditure of checkoff fees, and promulgation of regulations. The bill contained many of the familiar features of promotional programs, including the enumeration and clarification of both permitted and prohibited expenditures of checkoff collections.

The bill provided that the Director would carry out its authorities under contract with producer-governed organizations formed for the purpose of commodity development. Such delegation would have occurred under specific authorities enabling the Director to exercise oversight and accountability.

The bill contained declarations of legislative intent regarding limitation of utilization of the director's authorities under the act; including:

- The authorities of the act were not to be employed to establish promotional programs for a listing of commodities having state promotional programs already established in statute
- The act did not mandate that the Director establish new promotional programs but was intended as providing a mechanism for producers of commodities to establish such programs

# REPORT ON THE PRIORTIZING OF INTERIM STUDY RESOLUTIONS

Pursuant to Rule 4, Section 3(c)

COMMITTEE: Agriculture

DATE: May 25, 2011

The following resolutions were referred to the Committee on Agriculture. The committee has prioritized the resolutions in the following order:

<u>Study Category</u>	<u>Resolution No.</u>	<u>Subject</u>
1	LR 278	Interim study to examine the implications of the emerging livestock disease traceability framework governing movements of animals in interstate commerce described in the Animal Disease Traceability Comprehensive Report
1	LR 297	Interim study to review the report of the Dept. of Agriculture pursuant to LB305, identifying authorities and resources necessary to carry out a cooperative program of state meat and poultry inspection
1	LR 322	Interim study to examine issues relating to the operation of the Nebraska Tractor Testing Laboratory
2	LR 276	Interim study to examine the methods and level of effort of the Division of Weights and Measures of the Dept. of Agriculture to monitor and enforce fuel dispenser labeling requirements relating to ethanol-blended fuel products
2	LR 277	Interim study to review the Dept. of Agriculture's inspection program under the Commercial Dog and Cat Operator Inspection Act
2	LR 295	Interim study to compile research relating to food safety, animal welfare, resource stewardship, and farm economy welfare, associated with restrictions of livestock husbandry practices promoted by animal welfare advocacy groups
2	LR 296	Interim study to examine potential structural models for commodity development programs to enhance flexibility, resources, and accountability to producers
3	LR 274	Interim study to examine the statutory protections for guide dogs
3	LR 324	Interim study to examine ways for the State of Nebraska to help facilitate an increase in the export of Nebraska's agricultural products

- 1 – Committee Priority – Staff prepare research report, interim hearings, task force or combination of committee activities
- 2. – Chairman Priority – Staff to compile information and prepare memoranda
- 3. – Senator Priority – Staff to assist individual senator's research of issue

## **2011 Session Interim Study Resolutions Referenced to the Agriculture Committee**

**LR 274** (Flood) **PURPOSE:** The purpose of this resolution is to study the statutory protections for guide dogs. This study would examine protections under current Nebraska law, including animal cruelty and dog bite statutes, justifications for additional statutory protections, and an analysis of other states' statutes regarding guide dogs.

**LR 276** (Carlson) **PURPOSE:** The purpose of this resolution is to examine the methods and level of effort of the Division of Weights and Measures of the Department of Agriculture to monitor and enforce fuel dispenser labeling requirements relating to ethanol-blended fuel products.

**LR 277** (Carlson) **PURPOSE:** The purpose of this resolution is to review the Department of Agriculture's inspection program under the Commercial Dog and Cat Operator Inspection Act. In particular, the study shall examine budgetary resources available to the department to carry out the inspection program resulting from the enactment of LB 910 (2010) in combination with state budgetary actions occurring during the 2011 legislative session. It is a further goal of this resolution to examine the feasibility of establishing an exemplary breeder certification program.

**LR 278** (Carlson) **PURPOSE:** It is the purpose of this resolution to examine the implications of the emerging livestock disease traceability framework governing movements of animals in interstate commerce as described in the Animal Disease Traceability Comprehensive Report and Implementation Plan recently published by the Animal and Plant Health Inspection Service of the United States Department of Agriculture. Specifically, the study shall examine the responsibilities assigned to states under the framework and seek to determine any revisions in authorities of the Department of Agriculture and the Nebraska Brand Committee, resource needs, and other actions necessary to enable the state to meet performance standards of the system and to facilitate the movement of Nebraska livestock in interstate commerce.

**LR 295** (Carlson) **PURPOSE:** The purpose of this resolution is to compile and synthesize available research and academic literature and solicit objective expert viewpoints regarding food safety, food security, animal welfare, resource stewardship, farm economy welfare, and other societal benefits and tradeoffs associated with various restrictions and regulations of livestock husbandry practices that have been promoted by animal welfare advocacy groups.

**LR 296** (Carlson) **PURPOSE:** The purpose of this resolution is to examine potential structural models for commodity development programs to enhance flexibility, resources, and accountability to producers. The study shall seek to develop data and comparisons of state commodity development programs with counterpart programs in other states and at the federal level in areas such as governance, resource allocations, and promotional effort in relation to commodity production and value.

**LR297** (Carlson) **PURPOSE:** The purpose of this resolution is to review the report of the Department of Agriculture pursuant to LB 305 (2011) identifying those authorities and resources necessary to carry out a cooperative program of state meat and poultry inspection. It shall be a goal of the study to supplement the department's report with information regarding potential utilization of state meat and poultry inspection and to identify associated economic benefits.

**LR 322** (Bloomfield, et. al) **PURPOSE:** The purpose of this resolution is to examine issues relating to the operation of the Nebraska Tractor Testing Laboratory. This study shall include, but not be limited to:

- (1) A tour of the Nebraska Tractor Testing Laboratory by the Agriculture Committee of the Legislature;
- (2) A review of the history and purpose of the Nebraska Tractor Testing Laboratory and its effect on agriculture today;
- (3) An examination of the definition of agricultural tractor;
- (4) An examination of the permitting process found in sections 2-2701 to 2-2711; and
- (5) A detailed study of issues that may place Nebraska equipment dealers at an economic disadvantage compared to their competitors in neighboring states.

**LR 324** (Pirsch) **PURPOSE:** The purpose of this resolution is to examine ways for the State of Nebraska to help facilitate an increase in the export of Nebraska's agricultural products.