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Transcriber's Office

Agriculture Committee
January 20, 2009

[LB99 LB100 LB101]

The Committee on Agriculture met at 1:30 p.m. on Tuesday, January 21, 2009, in Room 2102 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB99, LB100, and LB101. Senators present: Tom Carlson, Chairperson; Annette Dubas, Vice Chairperson; Merton "Cap" Dierks; Russ Karpisek; Scott Price; Ken Schilz; and Norm Wallman. Senators absent: Brenda Council. []

SENATOR CARLSON: (Recorder malfunction) Our committee clerk is Barb DeRiese. Our research analyst is Rick Leonard. And our page for the Ag Committee is Kim Weber. Kim is from Lincoln. To my right is Senator Cap Dierks of Ewing and Senator Norm Wallman from Cortland. And over here to my left, Senator Scott Price from Bellevue and Senator Ken Schilz from Ogallala. I think we'll be joined by Senator Karpisek and Senator Dubas. Senator Council is at the Inauguration celebration. I would ask you to turn off your silence...or either turn off or silence your cell phone. That includes me. Now those wishing to testify on a bill...and as we are starting here, this is Senator Dubas from Fullerton, Annette Dubas, and she's the Vice Chair of the committee. Those wishing to testify on a bill should come to the front of the room to be heard. As someone finishes testifying, the next testifier should be in the on-deck chair. And if we don't have it, Rick, move over one and you're in the on-deck chair. No, the other way. (Laughter) If you do not wish to testify but would like your name entered into the official record as being present at the hearing, there's a form by the door that you can sign. This will be made a part of the official record of the hearing. This year we're using a computerized transcription program and it's very important to complete the sign-in sheets for testifiers prior to testifying. They're on the table by the door and need to be completed by all people wishing to testify, including senators and staff introducing bills. If you are testifying on more than one bill, you need to submit a form for each one. When you come up to testify, place the form in the box by the committee clerk and do not turn the form in before you actually testify. Please print. It's important to complete the form in its entirety. If our transcribers have questions about your testimony, they use this information to contact you. As you begin your testimony, state your name and spell it for the record, even if it's an easy name, and sometimes I know this is forgotten and I'll try to interrupt you right away to ask you to spell your name if you haven't done that. Please keep your testimony concise and try not to repeat what someone else has covered. If there are a large number of people to testify, it may be necessary to place time limits. If you have handout material, give it to the page, Kim, and she'll circulate it to the committee. If you do not choose to testify, you may submit comments in writing and have them read into the official record; however, you will not be listed on the committee statement unless you come to the mike and actually testify, even just to state your name and position. No displays of support or opposition to a bill, vocal or otherwise, are allowed, and if you need a drink of water ask Page Kim and she will get it for you. With that, we'll open the hearing on LB99 and Rick Leonard will present the bill. []

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RICK LEONARD: (Exhibits 1, 2, and 3) Thank you, Chairman Carlson and members of the committee; my testifier sheet. My name is Rick Leonard again, research analyst for the Agriculture Committee. LB99 is brought at the request of the Department of Agriculture to update authorities of the department relating to the control of anthrax. Current provisions pertaining to anthrax are contained in Sections 54-754 through 54-763, which are outright repealed by the bill and replaced by Sections 1 to 18 of the bill, which are cited as the Anthrax Control Act. The department is requesting this update of authorities to bring its authorities in line with modern veterinary and epidemiological practices, and those statutory authorities supporting modern (inaudible) mechanisms. Current provisions were first placed in the statute in the 1930s and remain largely unrevised since then. LB99 would apply authorities to the control of anthrax that are common to other eradication programs. For your reference, you are provided with a comparison between existing statutes and corresponding provisions of LB99 the department was asked to prepare. A copy of that is in your books and I distributed a copy of that to you last Friday as well. I'll later enter a copy into the record. I wanted to quickly walk through the significant differences between the anthrax authorities today and the duties and authorities assigned by LB99. The current statute does not give the department express authority to cooperate with other entities, should that be necessary, such as a bioterror attack or a large outbreak which will require the department to work with the USDA or some other appropriate entity. The current statute identifies burial death at no less than four feet, and for anthrax-affected animals the depth should be at least six feet. The current statute does not expressly describe the length for a quarantine of premises. As anthrax spores can remain in the soil for lengthy periods of time, it might be necessary for the department to quarantine just the premise once the livestock on the premise have been vaccinated. Current statute does not require development of a herd plan. This is an essential element of a control program as it allows for flexibility in carrying out activities associated with vaccinating, testing, cleaning and disinfection, and disposal of carcasses. Current statute requires disinfection of property where animals were kept; however, disinfection, cleaning, or both are not always possible or reasonable due to the type or size of the premises involved. The department asked for flexibility in the bill to deal with each case as is epidemiologically feasible. The current statute does not specifically outline requirements associated with vaccination, such as those regulating the sale of vaccine, recordkeeping, and the type of vaccine, or control of the official determination of infection. Current statutes do not as clearly define responsibilities of livestock owners, including costs that are to be borne by producers. The assignments made in the bill removes expressed or implied liability of the state of Nebraska for costs incurred by owners of infected herds associated with treatment, quarantine, disposal, etcetera. This conforms with the fact that the state funding, indemnity, or eradication are seldom a mandatory feature of modern eradication programs. The bill does retain authority for the department to assume costs that may be associated with an instant if the Legislature to appropriate funds for that purpose. A section-by-section summary of the bill was provided in the briefing items, again distributed last Friday, and they'll be behind your

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tab in your books today, again. Let me quickly walk through the organization of the bill. Sections 1 to 3 cite the provisions, express the purpose of the bill, and sets out definition of terms used in the act. Section 4 of the bill is primarily bill setting forth general authorities and duties of the department to cooperate with local and state, national, and public/private entities, employ quarantine and other general powers available to the department, a right of entry or a right to exercise access to premises where affected animals are known or suspected to be present, authority to delegate certain responsibilities, and to promulgate rules and regulations. The department is further authorized in other parts of the bill to direct the disposition of infected animals, including supervision of disposal of carcasses, and to direct treatment of exposed and affected herds, to assess and collect payment for services and costs incurred by the department, and to carry out responsibility of herd owners if owners of the herd fail to carry it out, and also to collect reimbursement for those costs incurred. A cash fund is created by this, by the bill, for the receipt and expenditures that may occur. To seek...authorized to seek restraining orders and injunction of existing or impending violations. The bill further sets forth duties, responsibilities, or prohibited acts of livestock owners or custodians, including a duty to report known or suspected cases of anthrax, prohibition against harboring or selling diseased or exposed animals, prohibition against removal of animals contrary to quarantine, a duty to develop a herd plan, elements are defined, and that's in Section 8. Prohibition against interfering with testing and treatment, and duty of a livestock owner to facilitate and assist with testing and treatment, Section 9. Responsibility of owner to provide samples for laboratory analysis, Section 11. Prohibitions against transportation and utilization of carcasses of animals that have died of anthrax in Section 12. Clarification of the costs associated with control of anthrax within a herd are the responsibility of the owner. Expressed prohibition against violating the act or rules and regulations in Section 18. LB99 is a reintroduction of LB788, which was heard and advanced by the committee last session. The bill before you includes...incorporates committee amendments that were pending to LB99 (sic) last year and these include inserting a new subsection (3) into Section 4 authorizing the department to expend appropriated or available state funds to carry out duties under the act on behalf of affected herd owners. This language is present in other eradication programs and specifically modeled after existing authority of the department regarding pseudorabies. Adds new text to the quarantine provisions that make more explicit that placing animals under quarantine does not preclude removing animals from an infected...does not relocating animals from an infected premise. The amendment also make...as incorporated in the bill this year makes explicit that placing a herd under quarantine does not preclude that different quarantine restrictions can be applied to individual animals or groups of animals within a herd based on the exposure risk. A copy of the referenced items that I referenced in the opening are in your bill books and I'll provide a copy of those to the committee clerk and ask that she enter those into the hearing record. That will conclude the opening. [LB99]

SENATOR CARLSON: Okay. Thank you, Mr. Leonard. Any questions of the committee

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of Mr. Leonard? Hearing none, we'll proceed with our testifiers and those that are testifying in favor of the bill. [LB99]

GREG IBACH: (Exhibit 4) Senator Carlson and members of the Agriculture Committee, my name is Greg Ibach, G-r-e-g I-b-a-c-h. Based on Rick's thorough summary that he presented you, I hope not to be too redundant in the testimony that the department has, and mine is somewhat brief in nature. But if you have any questions, I'd be happy to address them at the end. I am the director of the Nebraska Department of Agriculture. I am here today to testify in favor of LB99. I would like to thank Senator Carlson for introducing this bill on behalf of the Department of Agriculture, and I have additional written testimony with a section-by-section attachment that I ask to be placed in the record for this bill. With me today is Dr. Dennis Hughes, the Nebraska State Veterinarian for the Bureau of Animal Industry, and he will be able to answer any very technical questions you might have about the disease or the bill that I am unable to. LB99 adopts the Anthrax Control Act in order to replace outdated statutes that are no longer...that no longer appropriately address this disease. To give you some background, I will briefly describe anthrax and how it is disseminated. Anthrax is a naturally occurring zoonotic disease caused by a spore-forming bacteria. A zoonotic disease is one which can be transmitted by and between livestock and wildlife to humans. Anthrax occurs primarily in cattle, sheep, and other plant-eating animals, and is typically contracted by grazing on pastures where the spores are present. Most anthrax cases occur on premises where animals have previously died of anthrax, as the spores can survive for years and are highly resistant to heat, cold, and chemical disinfectants. Outbreaks can occur after climatic changes, such as heavy rain, flooding, or drought. And in fact, we did have some cases in Nebraska a few years ago in the middle of our drought. Climatic changes bring the spores to the ground surface and concentrates the spores in the low-lying spots. In recent years, anthrax has been diagnosed in cattle and in some horses in North Dakota, South Dakota, and Minnesota. Humans may contract anthrax by breathing in the spores from infected animals; by handling infected animals or carcasses; by handling infected animal products such as unprocessed hides, fur, wool, and bones; or by examining infected carcasses. Therefore, LB99 includes restrictions for the handling of carcasses as well. There are several reasons to enact the Anthrax Control Act contained in LB99. They are, one, to update the outdated sections that were enacted, as Rick referred to, in 1933, and I am recommending that we...Sections 54-754 through 54-763 be repealed and replaced by the provisions in LB99. And in summary, these provisions reflect current veterinary and epidemiological practices. They provide appropriate regulatory authorities to the department to carry out anthrax control activities consistent with current veterinarian epidemiological practices, and they establish the responsibility for costs of testing, quarantine, vaccination, and cleanup. Such responsibility will be borne by livestock owners or custodians, which is consistent with other livestock disease control statutes. Because anthrax is a zoonotic disease which poses a threat to the health of livestock and humans in Nebraska, the department needs the necessary authorities to control the

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disease in and among livestock herds should an anthrax outbreak occur. That concludes my testimony and I'd be happy to answer any questions, if you would have them. [LB99]

SENATOR CARLSON: Okay. Any questions of the committee of Director Ibach? Senator Wallman. [LB99]

SENATOR WALLMAN: Thank you, Chairman Carlson. Yes, Mr. Ibach, I see this. Is this also related to, like, zoo animals and do we vaccinate those, do you know? [LB99]

GREG IBACH: The zoonotic disease is actually a term that refers to the ability for it to go back and forth between animals, but, yes, there are some animals that would exist in zoos that would...could contract the disease. You know, I don't think at this time we don't have a policy that requires vaccination. [LB99]

SENATOR WALLMAN: Okay. Thank you. [LB99]

GREG IBACH: Correct, Dr. Hughes? [LB99]

SENATOR CARLSON: Okay. Senator Price. [LB99]

SENATOR PRICE: Yes, Mr. Chairman, thank you. Mr. Ibach, a quick question: As I was looking at this, I notice it said that department needs the flexibility to deal with the cases as feasible with regards to...here it says: are not always possible/reasonable due to the type or size of the premise involved to be able to disinfect. When do we sit there and say what size we can no longer handle? [LB99]

GREG IBACH: Well, disinfecting is probably not...first of all, they're very resistant to disinfectants, but if you're talking about a ranch in the Sandhills or probably more likely in northeast Nebraska, is where anthrax seems to be more endemic in Nebraska, it's probably not realistic to think about disinfecting an entire ranch. If it was in a smaller, more contained...like a zoo, then it's probably possible to disinfect, you know, the place where the animal might reside in a zoo, where it's probably not reasonable to expect it to be...to disinfect an entire ranch. [LB99]

SENATOR PRICE: But could we say that if you can't disinfect it, at least you'd have the ability to remove the animals from that premise, to have them provided the medications they need, and then be vaccinated after that period? As I read through (inaudible) first thing you have to go through, you put those through those series, but you would remove the animals from there. But how again do we determine what's too big? [LB99]

GREG IBACH: Right. Maybe, you know, I'll let Dr. Hughes step in, if he wants to here, but I think that, you know, we have to really judge this on a case-by-case basis. You

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know, most of the time the animals that are diagnosed with anthrax, or the cases that we've had, have already died and so it's more of a carcass disposal and we, you know, the bill addresses the burial method and how we want to do that in a safe, consistent with current scientific knowledge. And so we're probably not going to be hauling an infected animal away from the premises. We're going to try to take care of it where it's at so that we don't spread the disease any farther than it already has been spread. I don't know if that really answers your question. Would you have anything to add, Dr. Hughes? [LB99]

DENNIS HUGHES: Yes. 1990... [LB99]

SENATOR CARLSON: Uh, I... [LB99]

DENNIS HUGHES: Dr. Dennis Hughes. [LB99]

GREG IBACH: Do you want to... [LB99]

DENNIS HUGHES: D-e-... [LB99]

GREG IBACH: And put your... [LB99]

RICK LEONARD: Why don't we...I suggest that we finish with Greg Ibach. [LB99]

SENATOR CARLSON: Yeah, let's...let's wait until Director Ibach is finished. Then we'll ask you to take the stand next. [LB99]

DENNIS HUGHES: Okay. [LB99]

GREG IBACH: Okay. That would be fine. [LB99]

DENNIS HUGHES: That would be fine. [LB99]

SENATOR CARLSON: Okay. Any other questions? Senator Schilz. [LB99]

SENATOR SCHILZ: Thank you, Senator Carlson. Secretary Ibach, I see Section 8 here says: Requires the herd owner or custodian to develop a herd plan in cooperation with the department. Do you have any idea of what that's going to look like? How extensive will that be and what will it look like? And maybe that's another question for... [LB99]

GREG IBACH: I think that would probably be another question for Dr. Hughes. [LB99]

SENATOR SCHILZ: Yeah, and that's fine. We can wait. [LB99]

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GREG IBACH: But I don't think that we're talking about any onerous recordkeeping or, you know, it's going to be fairly consistent with what we've done in the past... [LB99]

SENATOR SCHILZ: Okay. [LB99]

GREG IBACH: ...at those operations that have experienced a loss of an animal or...because of anthrax. [LB99]

SENATOR SCHILZ: Would that be the only place that it would be required, is where...is where you've had a case of anthrax in the past? [LB99]

GREG IBACH: To my understanding, that's correct, yes. [LB99]

SENATOR SCHILZ: Okay. Okay. [LB99]

GREG IBACH: We aren't going to require... [LB99]

SENATOR SCHILZ: Everyone. [LB99]

GREG IBACH: ...producers that haven't experienced the disease to have a plan, no. [LB99]

SENATOR SCHILZ: Very good. Thank you. [LB99]

SENATOR CARLSON: Okay. And before I get too much further, Senator Karpisek joined us in progress here, so I didn't want to leave him out. Any other questions of the committee of Director Ibach? Okay. Thank you. [LB99]

GREG IBACH: You can have the big chair. [LB99]

DENNIS HUGHES: Welcome...or thank you for allowing me to testify. My name is Dr. Dennis, D-e-n-n-i-s, Hughes, H-u-g-h-e-s, and I'm ready to field any questions that maybe I can answer. I believe, Senator Price, you had one. Could you rephrase the question or could you ask it again? [LB99]

SENATOR PRICE: Absolutely. In the words here we said that some areas may be too large or too difficult to carry out the actions of disinfecting and so my question came about to what's the criterion when we say this is too big? Is it 5,000 acres is a hecter? Is it a section? Is it mountainous terrain? What defines...not that we have a lot of that, but what defines that which would carry it over to being too big? [LB99]

DENNIS HUGHES: I guess the best way I could answer that would be if we've got a small herd sitting maybe in a dry lot, it would not be an expensive or too burdensome to

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disinfect. And typically what that involves is going in with a scraper and taking off maybe the top six inches of soil and applying a disinfectant, like ag lime. In 1999, I was the incident commander for our last outbreak and what we did there was over a large pasture situation where each carcass had laid, we actually spread about three inches of ag lime on each site, and we felt like we had a good control of the spore just on that tactic alone and not try to cover the whole pasture. Just...it would be financially burdensome to try to do a whole pasture. [LB99]

SENATOR PRICE: So it's a financial thing, not a site, an area that's going to (inaudible) define (inaudible). The costs would be the driver there... [LB99]

DENNIS HUGHES: Yeah. [LB99]

SENATOR PRICE: ...regardless of where it was. [LB99]

DENNIS HUGHES: Yeah. [LB99]

SENATOR PRICE: It's more of a cost issue. [LB99]

DENNIS HUGHES: Yeah, it would be...if you're talking about, you know, 100 acres or 1,000 acres, it would be a potential burden to try to disinfect the whole pasture. [LB99]

SENATOR PRICE: Okay. Thank you. [LB99]

DENNIS HUGHES: Yeah. [LB99]

SENATOR CARLSON: Any other questions of Dr. Hughes? Senator Dierks. [LB99]

SENATOR DIERKS: Thank you. Senator...or Dr. Hughes, do you have areas in the state designated as anthrax districts? [LB99]

DENNIS HUGHES: We don't have designated areas. We know where there's a high likelihood that we're going to have it. There's a history of problems in the past, going back to, you know, where the department has counties where there have been outbreaks in the past, going back to the 1920s and '30s, and so there's a good likelihood that we're going to have repeat problems again with the right weather conditions. [LB99]

SENATOR DIERKS: If I find anthrax on my ranch and I find a cow that's sick and I think that's what it is, is it too late to treat that cow with penicillin or is there still time for that to work? [LB99]

DENNIS HUGHES: If it's sick already. We went with...and that outbreak...I'm going by

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my experience. We usually have to go with intravenous antibiotics and we have to hit them with antibiotics that are much more effective than penicillin usually. [LB99]

SENATOR DIERKS: I was involved in an anthrax outbreak in South Dakota and they declared the entire West River of South Dakota an anthrax area now as a federal designation. The guy had lost 60 dead...60 cows dead when we got there. We vaccinated 600 more. That place had no wells. They had to haul water out from town. It also had sump ponds that had...that they then filled from rain water, but they had a drought up there so the pond had dried up. So these spores were all very active in where that pond was. When the cattle walked in there, they'd get it on their feet and that's how they got the disease. They recognize that whole area as being an anthrax district, so anybody that has cattle up there, they know they've got to vaccinate them before they go to grass, before they put them out there. [LB99]

DENNIS HUGHES: Yeah. [LB99]

SENATOR DIERKS: And as I recall, the State Veterinarian at the time required us to get permission to get the vaccine. They had four different kind of spore vaccines, number one, two, three, and four. Do they still have those categories of vaccine? [LB99]

DENNIS HUGHES: No, we've got one we call a stern strain vaccine. It's probably more refined probably than probably what you were using back then. [LB99]

SENATOR DIERKS: I remember the cowboys were all upset because they thought...they wanted to make sure they stayed far away from us with our syringes. They thought they might get a shot of it, you know? [LB99]

DENNIS HUGHES: It's dangerous. It is a dangerous vaccine to inject yourself with. That's why infected herds, you know, we want accredited veterinarians doing it. If a normal herd protocol, they can vaccinate their own. But we can't...we don't regulate that. We're looking at where we're looking at a true, infected herd. We want to make sure it's handled right. [LB99]

SENATOR DIERKS: So if I come up with an outbreak of anthrax and I want to vaccinate my cows, do I have to get permission from you to do that? [LB99]

DENNIS HUGHES: Not if...once it's infected then we basically...that's part of the herd plan that's required. Vaccination would be required if you're an infected herd. [LB99]

SENATOR DIERKS: So I can buy the vaccine from any pharmaceutical company. [LB99]

DENNIS HUGHES: No, you'll have to buy it through an accredited veterinarian. [LB99]

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SENATOR DIERKS: Well, I'm an accredited veterinarian. [LB99]

DENNIS HUGHES: Yeah, I know. [LB99]

SENATOR DIERKS: So I mean where do I get it? [LB99]

DENNIS HUGHES: Oh, well, Colorado Serum Company... [LB99]

SENATOR DIERKS: Okay. [LB99]

DENNIS HUGHES: ...is one of the... [LB99]

SENATOR DIERKS: That's what I mean, a pharmaceutical company (inaudible). [LB99]

DENNIS HUGHES: ...is one of the pharmaceutical companies that carries it. That's who... [LB99]

SENATOR DIERKS: Because you don't keep it as the State Veterinarian. [LB99]

DENNIS HUGHES: No. No. [LB99]

SENATOR DIERKS: I think we had to get that stuff from the State Veterinarian years ago. [LB99]

DENNIS HUGHES: Yeah. No, we order it through pharmaceutical companies and Colorado Serum has probably the vaccine that's most efficacious right now. [LB99]

SENATOR DIERKS: Okay. And you, according to the stuff I read, you're going to pause for these animals to be buried at least six feet. [LB99]

DENNIS HUGHES: Yes. [LB99]

SENATOR DIERKS: And then burned? [LB99]

DENNIS HUGHES: No, just buried. See, the Bacillus anthracis bacteria, if it's kept in the carcass it will deteriorate on its own through pH changes. It will die. It's when you open a carcass is when you expose it to oxygen and then its spore leaks and that makes it dangerous. So if we can get those carcasses buried right away six foot or deeper then we have a good control. [LB99]

SENATOR DIERKS: No...you don't allow for any carcasses to be taken to veterinarian's place. [LB99]

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DENNIS HUGHES: No. Now we can allow burning, we do allow burning, but for the most part you've got to have a lot of carbon source and fuel to burn many carcasses. So at least in Nebraska it's simpler and easier just to bury them. [LB99]

SENATOR DIERKS: And then spread the lime on it. [LB99]

DENNIS HUGHES: Yeah. [LB99]

SENATOR DIERKS: Thank you. [LB99]

DENNIS HUGHES: Yeah. [LB99]

SENATOR CARLSON: Any other questions? Senator Schilz. [LB99]

SENATOR SCHILZ: Yeah, back to you. Thank you, Senator Carlson. Dr. Hughes, as I asked Secretary Ibach before, as you're looking at the herd order or custodian to develop a herd plan in cooperation to that, that would only be triggered if there was a confirmed case of anthrax? [LB99]

DENNIS HUGHES: Exactly right. [LB99]

SENATOR SCHILZ: Okay. And then...and then, I guess as being a layman here, How do you confirm the disease if you can't cut the carcass open or if you don't want to? I'm just curious. [LB99]

DENNIS HUGHES: Two ways. The best way is actually just cut off an ear, send it to diagnostic lab. [LB99]

SENATOR SCHILZ: Sure. Okay. [LB99]

DENNIS HUGHES: Otherwise, you can take a whole blood sample of the jugular vein,... [LB99]

SENATOR SCHILZ: Gotcha. [LB99]

DENNIS HUGHES: ...you can take a cotton swab with blood and send it in. So there's ways to submit samples without opening the whole carcass. One of the problems we deal with is unfortunately it's maybe initially diagnosed as a lightning strike or black leg, which is a real common disease that they die suddenly. And so a veterinarian opens this carcass up, now we expose the spores. [LB99]

SENATOR SCHILZ: Or, for that matter, somebody at a feedlot that would... [LB99]

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DENNIS HUGHES: That's right. [LB99]

SENATOR SCHILZ: ...do the same thing,... [LB99]

DENNIS HUGHES: That's right. [LB99]

SENATOR SCHILZ: ...just considering it was something else, trying to figure out what killed it. Yeah. [LB99]

DENNIS HUGHES: Right. And a herd plan is a very...it's a basic part of any disease control program, is it's basically a sitting aside with the owner and explaining, here are your options. You know, there's certain options they, you know, they have to do. But it's a very detailed plan on how we will treat the herd, you know, to stop the infection from spreading, vaccinate the herd, how we're going to dispose of carcasses, those kind of things. [LB99]

SENATOR SCHILZ: And basically the department would hold that... [LB99]

DENNIS HUGHES: Right. [LB99]

SENATOR SCHILZ: ...producer's or owner's hand throughout the whole scenario. [LB99]

DENNIS HUGHES: Yeah, exactly right. That's right. [LB99]

SENATOR SCHILZ: Okay. Thank you. [LB99]

SENATOR CARLSON: Okay, Senator Price. [LB99]

SENATOR PRICE: Thank you, Senator Carlson. Just one quick question: I was reading in the material that there are multiple modes for contraction of the disease and my question came about with the airborne one. When you identify that there has been an anthrax outbreak and you determine how they received it, is your protocol any different for notification of authorities, far as priority if it's airborne versus cutaneous? [LB99]

DENNIS HUGHES: There's certain steps that we take as precaution. You know, we make sure that anybody involved in handling the animals or the carcasses are wearing double glove. At least that's what we did back in '99. As far as inhalation, it's kind of hard to confine that when you're outside in a pasture situation. In a controlled laboratory setting you see people wearing personal protective equipment with masks and this kind of stuff. We didn't do that. [LB99]

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SENATOR PRICE: But I mean more in the way of, excuse me, more in the way of when we notify other authorities that we have an outbreak... [LB99]

DENNIS HUGHES: Oh, yeah. [LB99]

SENATOR PRICE: ...and the type of outbreak it is. When we're talking Homeland Defense or who knows when we're talking food source, an airborne one seems to be much more problematic. And that's my question, is there a different prioritization within the plan for communicating to outside agencies the mode and method of which they contracted the disease? [LB99]

DENNIS HUGHES: Yes, notification is made, well, at least among federal regulatory veterinarians as well as Health and Human Services, to make them understand that we've got a problem with anthrax in such-and-such county. [LB99]

SENATOR PRICE: Okay. Thank you. [LB99]

DENNIS HUGHES: Yeah. [LB99]

SENATOR CARLSON: Okay. Any other questions? Okay, thank you, Dr. Hughes. [LB99]

DENNIS HUGHES: Thank you. [LB99]

SENATOR CARLSON: Next testifier. How many more testifiers testifying as proponents for the bill? Any more? Okay. [LB99]

PETE McClymont: Chairman Carlson, members of the committee, I'm Pete McClymont, P-e-t-e M-c-C-l-y-m-o-n-t. I am vice president of legislative affairs for the Nebraska Cattlemen. We're here in support of this bill. Last year I testified before this committee expressing concerns of what the duty was to the landowner and livestock owner in terms of the cleanup because that was not specified in the bill, and because those costs could be exorbitant it was our opinion that we needed to share that with this committee. So that's been expressed in the Anthrax Control Act Cash Fund, as a source of help for a landowner or livestock owner to remedy the solution. Another issue that I think is important is that if this were to happen and you would have a landowner that probably may or may not like all the things that would come down, this bill does allow for the local authorities, the sheriff, a judge to allow this to happen so there wouldn't be any impediment in terms of addressing the problem immediately. So I think we all don't want the government involved in our business, but if you're going to solve a critical problem like this you need to have the ability to address it immediately and so, thus, with this being stated and cleared up in this bill how officials can address it and get on the problem right away. So we appreciate the...this committee, the Department of Ag to

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addressing our concerns last year and so we're here in support of it. And I'd be happy to answer any questions. [LB99]

SENATOR CARLSON: Okay. Thank you. Any questions for Mr. McClymont? You did a good job. Thank you, Pete. [LB99]

PETE McCLYMONT: Thank you. [LB99]

SENATOR CARLSON: Any other testifiers for the bill? Anyone testifying in opposition to the bill? Anyone testifying in a position neutral to the bill? Hearing none, we'll declare the hearing on LB99 closed. And we'll proceed to LB100. Mr. Leonard. [LB99]

RICK LEONARD: Thank you, Chairman Carlson and, again, members of the committee. LB100 is, again, a bill brought to us at the request of the Department of Agriculture to insert a series of clarifying updates to the Nebraska Pesticide Act. A little background: The Nebraska Department of Agriculture acquired responsibility for pesticide enforcement with the enactment of LB588 in 1993, I believe. Senator Dierks was the Chairman at the time and carried that bill. LB588 enacted the Nebraska Pesticide Act, Sections 2-2622 through 2-2654, which endows the department with the regulatory and statutory authorities, duties, and abilities to qualify to carry on a certified state program, to assume enforcement of Federal Insecticide, Fungicide, and Rodenticide Act in Nebraska, and supplemental regulations specific to pesticide use in Nebraska which are prescribed or authorized under the Pesticide Act. It is typical for the department to periodically request revisions to the Pesticide Act to conform the authorities and duties assigned to the department to federal requirements, and to bring updates to address regulatory experience in administering the act. LB100 is one of these. Just quickly, the technically, LB100 inserts a number of clarifications of authorities available to the Department of Agriculture to implement and enforce the Nebraska Pesticide Act. First of all, it inserts new text into Section 2-2629. This section prescribes information to be provided to the Department of Agriculture as a precondition to register a pesticide product for sale and use within the state. Current law authorizes the department to request from the registrant a full description of tests and test results evaluating the product...evaluating the product for a registered product...for registered products. LB100 would add authorization for the department to request such information at any time, not necessarily limited to requesting as part of preregistration information; allow the department to request this information of products not necessarily limited to federal regs; and most importantly, authorizes the department to request additional testing or monitoring of the products used in Nebraska to verify assumptions of environmental interactions used in the federal registration and labeling are applicable to Nebraska conditions; amends Section 2-2636, which currently authorizes the department to issue reciprocal licenses and reciprocal Nebraska applicator licenses to nonresidents licensed by another state. LB100 clarifies this section to expressly provide that Nebraska residents are not eligible for reciprocal licensure. Sections 3 through 5 amend various

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sections of the act to require applicants for licensure as commercial, noncommercial, or private applicators to provide their date of birth; amends 2-2645 governing the department's response to claims by damage...claims of damage by third parties from pesticide applications. Current law allows the department some discretion in an investigation effort where the complaint is not timely or clearly frivolous, and allows the department discretion whether to pursue disciplinary action if a complaint fails to...complainant files a report. LB100 makes two revisions: adds that a complainant's refusal to cooperate with the department's investigation of a complaint is a factor the department may consider in its exercise of discretion in pursuing disciplinary action; removes the duty of complainant to allow access to a licensee to observe property allegedly to have been damaged; finally, amends 2-2646 which enumerates prohibited acts pertaining to the use of pesticides. Such prohibitions are not necessarily limited to apply only to licensed entities. Current subsection (9) states that it is unlawful to commit an act that would subject a licensee to licensure discipline, though such acts are enumerated in reference statutes. LB100 adds clarifying text to remove any ambiguity that subsection (9) prohibition applies regardless of whether the person committing the violation is licensed or not. That concludes my introduction. [LB100]

SENATOR CARLSON: Okay. Thank you. Any questions of Mr. Leonard? [LB100]

SENATOR PRICE: Senator Carlson. [LB100]

SENATOR CARLSON: Senator Price. [LB100]

SENATOR PRICE: Thank you. I had one question. We're talking about there, in Section 2645 there, and removes the duty of a complainant to allow a licensee to observe property alleged to have been damaged. Why are we doing that? Why are we saying that you're not going to let someone see something allegedly damaged? [LB100]

RICK LEONARD: In the section-by-section summary that I provided to you, in fact this was an item that I inquired with the department specifically why is this change being asked for. They did respond, provided us a response to that in their section-by-section analysis, and I would defer to the department to explain why that change is being sought. [LB100]

SENATOR PRICE: Thank you. [LB100]

SENATOR CARLSON: Okay. Any other questions? Okay, thank you. First testifier for LB100. [LB100]

GREG IBACH: (Exhibit 1) Senator Carlson and members of the Ag Committee, my name is Greg Ibach, G-r-e-g I-b-a-c-h. I am the director of the Nebraska Department of Agriculture, and I'm here today to testify in favor of LB100. I would like to thank Senator

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Carlson for introducing this bill on behalf of the department again, and I have additional written testimony with the section-by-section attachment that's been referenced earlier that I asked to be placed in record for this bill. I have with me today Rich Reiman, the administrator for the Bureau of Plant Industry, and he will be able to answer any technical questions that you might have about this bill. Mr. Leonard did a good job of pointing out the bullet points that are contained in the rest of my testimony and so, rather than be redundant and repeat those, I would open...make myself available for any questions that you might have. [LB100]

SENATOR CARLSON: Okay. Any questions of Director Ibach? Senator Schilz. [LB100]

SENATOR SCHILZ: Thank you, Senator Carlson. Secretary Ibach, in here it talks about the new language excluding Nebraska residents from being eligible for a Nebraska reciprocal license. Would this...would this law, if it's enacted as you would like it to be, would it provide that people from out of state could get a reciprocal Nebraska license? [LB100]

GREG IBACH: Yeah. What the intent is, is to keep Nebraskans from going to a neighboring state and rather than going through our requirements for obtaining a license, obtaining one in, say, Kansas and then coming and saying, give me a reciprocal license. [LB100]

SENATOR SCHILZ: Is Kansas that much easier than ours? [LB100]

GREG IBACH: I don't know that that's true, but evidently we have reason to believe we would like our Nebraska citizens to get Nebraska licenses. [LB100]

SENATOR SCHILZ: Okay. I just...I just...the question that I have is... [LB100]

GREG IBACH: There probably are some differences between states. Every state would have a little bit different rules and regulations for how their licenses are issued based on their state law, and where Nebraskans are probably more likely to be doing work in Nebraska, you know, we may have some border state people that are doing, you know, part of their work in Nebraska but they're probably mostly in another state, you know, that's why we're wanting Nebraskans to have a Nebraska license. [LB100]

SENATOR SCHILZ: Right. But you would still allow somebody from Kansas to obtain a reciprocal license. [LB100]

GREG IBACH: That's correct. Right, Rich? Yes. [LB100]

SENATOR SCHILZ: I guess...I guess my question is, beyond that then, is if it's good enough for a Kansas resident to pass in Kansas why would it be any different for a

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Nebraska resident? I understand what you're saying... [LB100]

GREG IBACH: Why, yeah... [LB100]

SENATOR SCHILZ: ...but I'm just looking at the... [LB100]

GREG IBACH: Why don't after...we'll have Rich come up and do a more technical answer to that question. [LB100]

SENATOR SCHILZ: Okay, that's fine. That's...I would...I'd appreciate that. Thank you, sir. [LB100]

SENATOR CARLSON: Any other questions? Senator Price. [LB100]

SENATOR PRICE: Thank you, Senator Carlson. Director, again coming back to my earlier question, and I'm reading the part where we have a section breakdown here about the idea where a person claiming damage from the use of a pesticide be allowed...allow the licensee to access the claimant property. And then it seems you just indicated down here that the current language could be misused and the department does not want to get involved in personal disputes. Is this something that happens a lot out in greater Nebraska where someone...? So whoever can answer the question, great. [LB100]

GREG IBACH: I'll give you a little summary... [LB100]

SENATOR PRICE: Great. [LB100]

GREG IBACH: ...of my answer and then I'll let Rich maybe be more technical with it. But I think that, you know, what we're looking to do is remove the parts that require people that are already in conflict to allow somebody on their property. We have...and so this removes that and it also then in the next section, it, you know, it says if somebody that has a complaint won't allow us on the property to review what they're complaining about, then it's not required. You know, we're going to drop their charges. So it still puts us in a place to be able to evaluate the conflict and make a determination, but we're not going to make, you know, make somebody that's already upset with somebody allow them on their property. [LB100]

SENATOR PRICE: But does allow for someone to go in and assess the issue... [LB100]

GREG IBACH: That's correct. [LB100]

SENATOR PRICE: A separate (inaudible). [LB100]

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GREG IBACH: And if they don't want to cooperate with the department in their assessment then... [LB100]

SENATOR PRICE: Great. [LB100]

GREG IBACH: ...we're going to feel that their complaint isn't that important to them. [LB100]

SENATOR PRICE: Thank you. [LB100]

SENATOR CARLSON: Any other questions? I have one on the reciprocal licensing. Is there a possibility that that could put some farmers here in a position where they need help quickly and there aren't enough licensed Nebraska people to handle it and they need somebody from Iowa or Kansas and that person can't come in because they're not licensed here? [LB100]

GREG IBACH: We'll let Rich explain that. I know in the case of a farmer with his employees, they can operate under his license. I don't know if that's necessarily true for a commercial permit or not, but we'll let Rich address that question. [LB100]

SENATOR CARLSON: Okay. All right. Any other questions of Director Ibach? Okay, thank you. [LB100]

RICHARD REIMAN: Senator Carlson, my name is Richard Reiman, that's R-i-c-h-a-r-d, last name is R-e-i-m-a-n. I'm willing to answer any questions you may have. [LB100]

SENATOR CARLSON: Okay, I'll take the prerogative to ask you to follow up on the one that I just asked about is there a possibility that that nonreciprocal licensing puts any of our farmers in a bind because they can't get help when they need it and it's a timing issue? [LB100]

RICHARD REIMAN: It shouldn't be as long as the individual would be licensed in the neighboring state. If they are licensed in Kansas or Colorado, all they would have to do is supply us with a copy of that license and they would automatically be issued the reciprocal license. [LB100]

SENATOR CARLSON: Okay. They'd show a copy. They didn't have to...they didn't have to get one. So that still just prevents people living in Nebraska from going to another state and getting an easy license and operate here. [LB100]

RICHARD REIMAN: That's correct. There's actually two reasons for that, Senator. One, currently it's not the case but at one time South Dakota was allowing applicators to take an open-book test and we felt that it was more important that people actually have to

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study a little bit and know what the responses to some of those are. And the other thing is we felt it was important that people be trained on conditions of what we have in Nebraska as far as our crops and our climates and so forth. An individual who would go to another state and become licensed, we're afraid that maybe they wouldn't know all those things. So those were the two reasons which really prompted us to request this change in the statute. [LB100]

SENATOR CARLSON: Okay. Good. Thank you. Senator Price. [LB100]

SENATOR PRICE: Thank you, Senator Carlson. I just had a quick question. It might be a little bit outside of the issue involved. Does, when the NDOR, when the Department of Roads, is spraying, they fall under your jurisdiction? [LB100]

RICHARD REIMAN: Those are considered to be, Senator, noncommercial applicators. They are required to be certified. They do have to take initially the test and then they would have to attend a recertification session. But they do come under this particular act and they do have to pass a test before they can apply any restricted use pesticide products. [LB100]

SENATOR PRICE: Thank you. [LB100]

SENATOR CARLSON: Okay. Any other questions? Okay, thank you, Mr. Reiman. [LB100]

RICHARD REIMAN: Thank you. [LB100]

SENATOR CARLSON: Next testifier? Seeing none, any to testify in opposition? Any in a neutral position? Hearing none, we'll close the hearing on LB100, and proceed to LB101. [LB100]

RICK LEONARD: Again, thank you, Chairman Carlson and members of the committee. LB101, again, is a piece of legislation brought at the request of the... [LB101]

SENATOR CARLSON: I'm going to make you state your name and spell it. [LB101]

RICK LEONARD: My name is Rick Leonard, research analyst for the Agriculture Committee, that's L-e-o-n-a-r-d. LB101 is brought at the request of the Department of Agriculture. The bill would repeal...basically repeals the sunset date of the Farm Mediation Act, Section 2 of the bill. That's accomplished in Section 2 of the bill which outright repeals Section 2-4816. This section currently establishes a sunset date of June 30, 2009, and for the act to continue then it will be necessary for the Legislature to either enact the bill as it is or to extend the sunset date again. Section 1 of the bill just simply conforms an internal reference with the act citation. I have provided in the

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briefing material some history of this program and where this began. Nebraska's mediation program, as authorized under this bill, is a certified state agriculture mediation program that's eligible for USDA cost-share assistance and also that the mediation network that's supervised and maintained by the department is eligible for receiving referred USDA cases. The act was originally enacted with a sunset date, as the original USDA program was at the time thought to be a temporary activity. The sunset date has been extended by the Legislature in 1991, '94, '97, and most recently by LB912 in 2002. The 1997 extension also expanded the types of disputes that could be accepted for mediation to conform with federal actions to extend mediation of disputes involving dispersed USDA programs. Previously they had been defined...confined to resolving creditor issues. LB108 enacted in 2007 authorized the mediation program to accept disputes involving division fences. Department's mediation program is funded through a combination of federal grants, state General Funds, and fees collected for mediation services provided. That would be the end of my testimony, if you have any questions. And I'll fill out a sheet and provide it to the clerk. [LB101]

SENATOR CARLSON: Okay. Any questions for Mr. Leonard? Hearing none, thank you. Okay, first testifier. [LB101]

GREG IBACH: (Exhibit 1) I had originally filled out one form with all three bills. Evidently, Chris thought I needed one for each bill, so (laugh) sorry. Senator Carlson and members of the Agriculture Committee, my name is Greg Ibach, G-r-e-g I-b-a-c-h, and I am the director for the Nebraska Department of Agriculture. I am here today to testify in favor of LB101. I would like to thank Senator Carlson for introducing this bill on behalf of the Department of Agriculture and I have additional written testimony and two pages of statistics on the farm mediation program and clinic caseload comparisons for the last five years that I ask be placed on record for this bill. Today with me is Marian Beethe, administrator for the department's Farm Mediation Act, and she will be able again to answer any technical questions that I may not be able to answer to the committee's satisfaction. As you already have been informed, this bill suggests that we would repeal the termination clause in the current act and basically would make the program an ongoing program in perpetuity, and that if a need...if the senator or if the body would decide that the Farm Mediation Act was no longer needed they would have to draft a bill and introduce it to repeal the Farm Mediation Act. It was initially passed in 1988 during the farm crisis as a way to provide a low-cost method of resolving disputes between farmers and their lenders or USDA agencies; is a program that operates in partnership, as Mr. Leonard referenced, with the federal government. Seventy percent of the state program costs are reimbursed with federal funds, so if those funds would ever become in jeopardy our program would be in jeopardy as well for the services that we deliver to the citizens of Nebraska. The program's purpose has grown throughout the years. The department added monthly workshops to the mediation program lineup several years ago. These workshops are held at seven sites across the state and allow farmers and ranchers the opportunity to become educated on financial management

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and legal issues, as well as work with experts in these two fields in hopes of avoiding formal disputes. During the federal fiscal year 2008, 591 individuals representing 401 operations attended a workshop, and 58 additional operations requested sessions with a mediator. Sixty-four percent of those requesting mediation reached an agreement in that mediation, and twenty-five percent settled prior to the mediation. Again, Mr. Leonard referenced that we added fence disputes several years ago. Through the mediation program, the department also has the ability to schedule additional clinics on specific issues if the need arises. Just a few weeks ago we exercised this option by scheduling three clinics on grain contracting and bankruptcy, a subject of current interest to farmers who sell grain to ethanol plants. About 200 farmers and ranchers attended these three clinics. And the department regularly receives favorable comments in support about the mediation program from various segments representing agricultural interests. This includes the farmers and ranchers themselves, but also public and private lenders and farm groups. As you were earlier told by Mr. Leonard, we have extended this act on four separate occasions--'91, '94, '97, and 2002. And we feel the farm mediation program is still needed in Nebraska as evidenced by the attendance at our workshops and ongoing requests for mediation. It is a valuable resource for our farmers and ranchers. Therefore, the Department of Agriculture respectfully requests the repeal of the program termination date to eliminate the time and expense involved with extending the program every few years. We also ask that this bill be enacted with an emergency clause so that this bill takes effect prior to the June 30, 2009, sunset date. That concludes my testimony and we would be happy to answer your questions. [LB101]

SENATOR CARLSON: Okay. Thank you. Any questions of Director Ibach? Senator Karpisek. [LB101]

SENATOR KARPISEK: Thank you, Senator Carlson. Director Ibach, I agree that we don't need the sunsets all the time. Does it do anything to have publicity on it, to say this is coming up and then the members...maybe I should ask someone else, but to have some publicity and people learn about it again? [LB101]

GREG IBACH: I think that Marian Beethe does an excellent job. She attends a vast majority of the Nebraska Farm Shows in her dual responsibility as...with the Beginning and Young Farmer Program that the state has, and so she has the materials for the mediation program out there. And so I think that that, between those clinics and then our special activities like the clinics we just had with the bankruptcy issues in north-central Nebraska, I think that we probably do a pretty good job and I don't think we would miss out on the extra publicity that the reauthorizing it every few years would...gives us. [LB101]

SENATOR KARPISEK: Thank you, Director. Thank you, Senator Carlson. [LB101]

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SENATOR CARLSON: Okay. Any other questions? Hearing none, thank you for your testimony. [LB101]

GREG IBACH: Thank you. [LB101]

SENATOR CARLSON: Next testifier. [LB101]

CRAIG HEAD: Good afternoon, Senator Carlson and members of the Ag Committee. My name is Craig Head, it's C-r-a-i-g H-e-a-d, and I'm the assistant director of government relations for the Nebraska Farm Bureau, and I appreciate the chance to testify before you this afternoon. We're here in support with a little bit of a caveat, and I'll try and explain that. I just want to start off by saying that we're very supportive of the farm mediation program's organization. We don't have any issues with the program. But having said that, we do have some longstanding policy in our organization that does support sunsets in programs of this nature to give the opportunity to revisit the programs for a number of reasons, one, financial reasons. You see in this program back in '97, when they relooked at the program, they added some new definitions to them. So there's some reasons why our members feel strongly that sunsets are okay so at least another pair of eyes get looked at on these programs. So with that, when we looked at this bill, there's three options: one, you pass the bill and the program continues on; or two, the bill doesn't pass and the program goes away, which we're not interested in that at all; or the third option would be to put a new sunset date in. And looking at the history of the program, we would encourage the committee to at least consider possibly putting a five-year extension on the program where there would be a time again to come back and look at the program. And with that, that would basically conclude my comments. I'd be glad to answer any questions that you might have. [LB101]

SENATOR CARLSON: Any questions of Mr. Head? Senator Wallman. [LB101]

SENATOR WALLMAN: Thank you, Senator Carlson. Yes, thank you for being here, Craig. [LB101]

CRAIG HEAD: Oh, you bet. Thank you. [LB101]

SENATOR WALLMAN: And so your membership you think feels very strong about five years, happy with that. [LB101]

CRAIG HEAD: I think they'd be willing to work on the date. I mean, it seemed like five years kind of worked in with where we've been in extension of the program. It's been three, it's been four. Five years would give some time to look at it. I don't think we're set on...and five years is just a date we kind of picked, looking at the history of the program. So longer would...you know, a little longer would probably be acceptable. [LB101]

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SENATOR WALLMAN: Thank you. [LB101]

SENATOR CARLSON: Any other questions? Okay, thank you for your testimony. [LB101]

CRAIG HEAD: All right. Thank you, guys, very much. Appreciate your time. [LB101]

BOB HALLSTROM: Chairman Carlson, members of the Agriculture Committee, my name is Bob Hallstrom, B-o-b H-a-l-l-s-t-r-o-m, and I'm here today representing the Nebraska Bankers Association in support of LB101, as their registered lobbyist. The NBA was actively engaged in the legislation that led up to the passage of the voluntary Mediation Act back in 1988 and we have supported the implementation and continuation of the program since that time. With regard to Mr. Head's suggestion that we go another five years for a sunset, we don't have any objections to either approach, either terminating the expiration date or providing another extension of five years or some other appropriate time frame. Senator Karpisek, I would note with regard to the promotion of the program, although it's on an individual basis, there is ongoing promotion of the act and the availability of mediation because there's a requirement in state law that lenders provide their ag borrowers with specific notification, prior to taking any legal enforcement action, of the availability and particular contact information regarding the farm mediation program, so it is brought home before any action can be taken for the enforcement of certain...there's a dollar limit that you have to give the notice for. So there is that type of promotion of the program, if you will, that does exist. With that, I'd be happy to address any questions that the committee may have. [LB101]

SENATOR CARLSON: Okay. Any questions of Mr. Hallstrom? Hearing none, thank you. [LB101]

BOB HALLSTROM: Thank you. [LB101]

PETE McClymont: Senator Carlson, members of the committee, I'm Pete McClymont, P-e-t-e M-c-C-l-y-m-o-n-t, vice president of legislative affairs for the Cattlemen, just simply here to say this is a great program. It does a lot of things for people who really need services at the time that they have problems and it's at a low cost from a state and Department of Ag perspective. So I think we're getting a lot for what the investment is for our state on this program, so we would be in support of terminating the sunset date. If the committee chose to make it a five-year program, we wouldn't have a problem with that either. So with that, I'll conclude my testimony and be happy to answer any questions. [LB101]

SENATOR CARLSON: Okay. Thank you. Any questions of Mr. McClymont? Then you did a good job. [LB101]

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PETE McCLYMONT: Thanks. [LB101]

SENATOR CARLSON: Thank you. [LB101]

KURT YOST: Chairman Carlson, members of the Ag Committee, my name is Kurt Yost, K-u-r-t Y-o-s-t. I am the registered lobbyist for the Nebraska Independent Community Bankers. We, too, were involved in 1988--that's kind of how far back Mr. Hallstrom and I go--when this legislation was initially created. We spent a great deal of time in meetings with the Department of Agriculture to craft something that was acceptable to all interested parties, and there were several interested parties at that time. I suspect they're still very interested. However, the program, as Mr. Ibach pointed out, has become quite successful, continues to be successful, and from a practical standpoint a successful program probably doesn't need to be revisited on a five-year basis or any basis since the director and those involved with the Department of Agriculture would certainly...are overseeing this operation and let's do away with the sunset. [LB101]

SENATOR CARLSON: Okay. That's the end of your testimony? [LB101]

KURT YOST: It certainly is, sir. [LB101]

SENATOR CARLSON: All right. Any questions of Mr. Yost? [LB101]

KURT YOST: You may or may not, Mr. Chairman, see me again this year. [LB101]

SENATOR CARLSON: Well, it's nice to have you. Thank you for your testimony. Any other testifiers? [LB101]

KATIE ZULKOSKI: Senator Carlson, members of the committee, my name is Katie Zulkoski, Z-u-l-k-o-s-k-i. I'm testifying on behalf of the Nebraska State Bar Association and we're here in support of LB101. [LB101]

BARB DeRIESE: Could you spell that again? [LB101]

KATIE ZULKOSKI: Yep, Z-u-l-k-o-s-k-i. [LB101]

BARB DeRIESE: Thank you. [LB101]

SENATOR CARLSON: And that was short and sweet. Any questions of...I'll have to say Katie, okay? [LB101]

KATIE ZULKOSKI: That's perfect. [LB101]

BARB DeRIESE: I have another. Is it K-a-t... [LB101]

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KATIE ZULKOSKI: I-e. [LB101]

BARB DeRIESE: ...i-e. Thank you. [LB101]

SENATOR CARLSON: Okay. Thank you for your testimony. Any other testifiers for the bill? Anyone testifying against? Or anyone in a neutral position? I'm going to do something a little bit different, since this is my first time through this. I want to call Director Ibach back to the table. And I suppose I'd ask you to sit down and spell your name again. [LB101]

GREG IBACH: I'm Greg Ibach, G-r-e-g I-b-a-c-h, and I'm director for the Nebraska Department of Agriculture. [LB101]

SENATOR CARLSON: In this discussion this question came up, and looking back at the sunset was extended in '91, '94, '97, and 2002, and here we are in 2009. How did we go seven years? [LB101]

GREG IBACH: Then we must have had a sunset of seven years the last time. [LB101]

SENATOR CARLSON: So it went from three, to five, to seven, and now we've got the request to do away with it, not do away with the program but do away with the sunset provision. Okay. Thank you. And with that, that closes our hearing on LB101. [LB101]

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Disposition of Bills:

LB99 - Placed on General File.
LB100 - Placed on General File.
LB101 - Placed on General File.

Chairperson

Committee Clerk