

January 8, 1981

LB 36

Mr. President, the Education Committee would like to meet for an organizational meeting in Room 1570 immediately after recess this morning. That is signed by Senator Koch. That is the Education Committee in Room 1570 upon recess.

Read LB 36 by title for the first time as found on page 84 of the Journal.

PRESIDENT: Are there any further bills to be brought in? To be brought to the desk? All right, the Chair will recognize Speaker Marvel.

SPEAKER MARVEL: I move that we recess until one-thirty.

PRESIDENT: Just a moment. Hands are flying. Senator Carsten.

SENATOR CARSTEN: Mr. President, the Revenue Committee will be meeting at eleven-thirty in our hearing room downstairs next to my office this morning.

PRESIDENT: All right, that is the Revenue Committee. Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I would like to announce that the Judiciary Committee will have an organizational meeting as soon as we adjourn here, probably at eleven o'clock at the Judiciary office, in other words, my office, Room 1107.

PRESIDENT: All right, Senator Maresh.

SENATOR MARESH: Mr. President, the Business and Labor Committee will meet at eleven under the North balcony to organize. Thank you.

PRESIDENT: Senator Kahle.

SENATOR KAHLE: Mr. Chairman, Government and Military Affairs Committee plans to meet this afternoon after we adjourn.

PRESIDENT: Thank you, Senator Kahle. Any other committee chairmen want to announce any committee meetings? If not, the Chair once again recognizes Speaker Marvel. The motion is to recess until one-thirty. Senator Warner.

SENATOR WARNER: Mr. President, the Appropriations Committee I think could have an organizational meeting at eleven-thirty also in our regular hearing room.

Mr. President, I have a lobby registration report for the interim period covered by April 19, 1980, through January 6, 1981. That will be inserted in the Legislative Journal. (See page 94 of the Journal.)

Mr. President, I have a reference report from the Executive Board referring legislative bills 1-36. That is signed by Senator Lamb as Chairman. (See pages 94-95 of the Legislative Journal.)

Mr. President, I have in my possession proposed lease renewals as supplied us by the State Building Division. Those will be on file in my office. I also have a report from the Nemaha Natural Resources Districts regarding payment of attorney fees. (See page 95 of the Journal.)

Mr. President, Senator Hefner would like to announce that Senator Barrett has been elected as vice chairman of the Miscellaneous Subjects Committee.

Mr. President, Senator Labeledz would like to announce that Senator Pirsch has been elected vice chairman of the Constitutional Revision and Recreation Committee.

Mr. President, Senator Marvel would once again like to announce a meeting or a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520. It is a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520.

PRESIDENT: The Chair will recognize Speaker Marvel once more for additional announcement concerning procedure.

SPEAKER MARVEL: I think, Mr. President, the first thing we need to note is the fact that we are using valuable time that we may wish we had at the end of this session. I guess I am going to repeat this every day for a while and so would you please put on the Clerk's desk whatever legislation you have so that we can once again begin processing this legislation which means that the Exec Board needs to meet and refer the bills as soon as they have been processed by the Clerk and, therefore, I remind you first of all, get the bills in and, secondly, that the Exec Board then will have to meet to refer the bills. Now this process has to go on even if we may only meet until noon. Now, Mr. President, is that the... Pat, is there anything else to say about the reference of bills?

CLERK: No, sir, not that I am aware of. I think Senator Lamb might want to make a...

April 6, 1981

LB 412, 36, 213, 483, 486

have real problems with any kind of delinquent interest on this category whatsoever. Six is a heck of a lot closer to zero than eight. I am not so sure six isn't the compromise. I am going to reject the eight percent.

SENATOR CLARK: The question before the House is the adoption of the Koch-DeCamp amendment. Senator Koch, did you want to close? All those in favor vote aye, all those opposed vote nay. Have you all voted? Once more, have you all voted? Record the vote.

CLERK: 13 ayes, 17 nays, Mr. President, on the motion.

SENATOR CLARK: Motion failed. Now we are on the bill. Do you have another motion on the desk?

CLERK: Yes, sir, I do. Senator Newell moves to lay the bill over.

SENATOR CLARK: Unanimous consent to lay the bill over, is there any objection? If not, so ordered. We go to LB 486. It was already ordered to be laid over, Senator Schmit.

CLERK: Mr. President, if I may, Senator Labeledz would like to print amendments to LB 483.

Committee on Ag reports LB 36 to General File with amendments.

Explanation of vote from Senator Nichol.

Miscellaneous Subjects offers confirmation of gubernatorial appointments report.

Committee on Judiciary reports 213 to General File with amendments.

Mr. President, LB 486 (Read title). The bill was first read on January 20, referred to Revenue. The bill was advanced to General File. There are committee amendments pending by the Revenue Committee, Mr. President.

SENATOR CLARK: Who is going to take the bill? Senator Carsten, committee amendments.

SENATOR CARSTEN: Mr. President, members of the Legislature, I move for the adoption of the committee amendments. The committee amendments really basically become the bill, Mr. President. Much of the original bill was deleted. The original bill called for a seventy percent based on traffic density. The real substance of the committee

January 15, 1982

LP 208, 210A, 335, 824,
846, 36

education, they are accredited, or other kinds of things, they are still accredited. So when that parent goes to move, he is going to have to prove there is indeed a very special needs that they can prove in order to get that favorable decision to do that job. And this is very specific, Senator Remmers. I would be happy, and Mr. Siefkes, we will be happy to sit down and visit with you. Move the bill, as Senator Beutler said. If there is some things that we feel reasonable, we will make those changes and I assure you of that. Thank you. That is my closing. I would move for the advancement of LB 208 as amended to E & R initial.

SENATOR CLARK: The question is the advancement of LB 208 to Initial. All those in favor vote aye, all those opposed vote nay. Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. Next order of business is 36E. The Clerk would like to read in.

CLERK: Mr. President, Senator Marsh would like to print amendments to LB 335 in the Journal.

Mr. President, I have an announcement from the Speaker moving LB 359 from Passed Over to General File.

Mr. President, a new bill, LB 210A (read title); a new bill, LB 846 (read title). (See pages 307, 308, Journal.)

Your committee on Miscellaneous Subjects gives notice of hearing in Room 2230 for February 18 and 19. Signed by Senator Hefner as Chairman.

Mr. President, Senator Kilgarin asks unanimous consent to add her name to LB 824 as coinstructor.

SENATOR CLARK: No objection, so ordered.

CLERK: Mr. President, LB 36 was a bill introduced by the committee on Agriculture and Environment. (Title read.) The bill was first read on January 8 of last year. It was referred to the Ag and Environment Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Ag and Environment Committee.

SENATOR CLARK: Senator Schmit, on the committee amendments.

SENATOR SCHMIT: Mr. President and members of the Legislature, the committee amendments to LB 36 are basically to provide for the Department of Agriculture to contract with other entities for the testing of swine for pseudorabies. They can contract either with a private laboratory within the state or out of the state or with other state laboratories. It provides for a broadening of the quarantines to include swine that move through concentration points, such as, gathering points, auction markets, et cetera, and provides for the movement of swine through and between quarantined premises, and provides a timetable for follow-up contact by the Bureau of Animal Industry on those areas of quarantine involvement. I just want to say very briefly that this bill has perhaps been the subject of more intensive discussion and debate and a broader exposure to the public than most bills that we have heard before the Ag and Environment Committee, and I will not go into the bill at this time but I think that these committee amendments are vital to the bill and I would move for their adoption, and then I will be happy, of course, to explain them further as I would with the bill.

SENATOR CLARK: Senator Vickers, do you want to talk on the amendments? Senator Kahle, you want to talk on the bill? Is there any further discussion? Senator Nichol, do you want to talk on the amendment? The question before the House is the adoption of the committee amendments. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SENATOR CLARK: Committee amendments are adopted. Senator Schmit, on the bill itself.

SENATOR SCHMIT: Mr. President, members of the Legislature, I will just briefly outline the reasons why the bill is introduced and then I notice Senator Kahle, who has an interest in the bill, and other Senators here would like to comment on it, and then I will come back later on and fill in where they have left off and also to answer any questions. Pseudorabies is a disease of swine which has been around for many, many years. It also infects other species of livestock, cattle to a lesser extent, dogs and cats can be infected by it, and as we know, the swine industry has taken on a new dimension of importance in

Nebraska. In the last few years we have increased the production of swine tremendously. The quality of the swine and the impact upon Nebraska agriculture and the Nebraska economy has become increasingly important and so, therefore, the swine producers of the state and through their organizations came to the committee and ask there be a bill introduced which would provide for the control and eventual elimination of that disease. Some of you will recall that a number of years ago we used to be plagued with hog cholera and it was a very serious disease for the swine producer. It was determined that the disease could be eradicated, and although it was a long drawn out process, we were able to eradicate the disease and today we have no incidence of hog cholera to my knowledge that exists in the United States. There has been a divergence of opinion relative to whether or not the disease can be wiped out. I would just like to point out that some states have reached the point now where the disease has spread so far that they have given up on trying to control it. We feel here in Nebraska that there is still an excellent chance of controlling the disease. We had an unofficial survey taken at the State Fair. All of the swine that were brought in to the State Fair were blood tested and the samples were checked for positive titer for pseudorabies. Of the 487 samples that were drawn, two were found to be unreadable for various reasons and only one, only one contained a positive indication of the disease of pseudorabies. So although there are what they call "hot spots" of the disease in the state, we still feel that perhaps the disease is not nearly as widespread as some persons feel it might be and, therefore, that it is controllable and it is controllable now at a cost that is manageable and is acceptable whereas otherwise it would not be so if it were allowed to spread. I recognize that we have tried to determine what the cost might be to the state of a control program. At this point we do not have an A bill on LB 36. We have visited with the State Veterinarian. We have visited with other states. We feel that the cost will not be as severe as we had earlier indicated. There was a time when we thought the cost might exceed \$500,000 annually. I am sure it will not be anywhere near that, and at this time if I were to be asked to place an annual appropriation figure on it, I would say certainly less than \$100,000, maybe even less than fifty, and hopefully the cost would be even less. In most instances the swine producers will bear the cost. There are some provisions if we require mandatory testing of another individual's herd where the state has to pick up the cost, and so for that reason we would have to recognize that there may be some fiscal impact. I know again that other members here

have some concern about the bill. I would be glad to go through it section by section but I think it would be better if Senator Kahle and others spoke to the bill and then I took those parts of the bill that had not been addressed or would answer questions that you might have in specific areas on the bill.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President and members, before someone accuses me of having a conflict of interest, I would like to set you straight. While I do have a son that has been prominent in the hog business and you know that we honored him last year for being...with a resolution for being the outstanding hog producer as established by Hog Farm Magazine, a national circulation, but I never have and do not own any hogs at the present time. I shouldn't say I never have, I have, but not in his operation but I have been cognizant of what has been going on in the hog industry, perhaps through him and perhaps through my other interests. Pseudorabies for those of you that may not understand the disease is a strange and unique disease. You can buy serum today and vaccinate your stock and your hogs, and if a test were taken later, it may show that they are immune or do not have pseudorabies and yet they can carry the disease. It covers it up is what happens and, of course, that is our only solution right now is to vaccinate to stop the loss. The loss is with baby pigs. The first few hours and days they are born, if the pseudorabies outbreak, they die like flies. It is a terrible economic loss to the pork producer. This, I guess some of the things that I have been confronted with is some hog raisers, pork producers have called me and said they didn't know there was such a bill existing. The bill, of course, as Senator Schmit has said, was introduced last year and I think they had two hearings while we were in session last year. They have had three over the state at least this summer and fall and so most pork producers should certainly have known about it. To my knowledge, and I wish we had this documented, the veterinarians at one time were divided on how we should handle this situation. I understand now at their meetings they have decided to support the bill and perhaps think it should even be stronger than what we have in LE 36. And the pork producers, I know a lot of you especially in the rural areas have had calls pro and con on this issue but there, as I mentioned yesterday when we crowned...when we acknowledged and honored the Pork Queen, there are twenty-four different pork production associations in the State of Nebraska. They meet separately. They have their own officers. They work in their own area. They also, of course, have board members

on the Nebraska Pork Council. The Nebraska Pork Council, if my information is correct and again I wish I had the documentation, of the twenty-four units of pork producers in Nebraska, there is one unit that may be opposed to this bill, I am not even sure about that, but they voted unanimously to support LB 36. We know it is not a perfect solution. There is no perfect solution and Senator Schmit mentioned hog cholera. I at one time thought they were absolutely nuts when we couldn't vaccinate our hogs any more but we were bringing the disease on the place with the virus...

SENATOR CLARK: You have one minute.

SENATOR KAHLE: ...we were bringing the disease on the place with the virus and then we were giving them serum to combat that. So it was pretty hard to really eradicate hog cholera and it did destroy some swine, it did destroy some herds to get rid of the hog cholera when it did show up, but as Senator Schmit mentioned, we think we have that situation conquered in the United States, not only in Nebraska. So we do have some concerns for the sale barns and the sale barns have been very good to the hog producers with their checkoff program and the last thing they want to do is hurt the sale barns but it is a tough situation because some feeder pigs do go through the sale barns. I am sure that others will bring you up-to-date on a few more things but I think my time has run out so thank you.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President, members, I guess I am going to have to be a little bit different than Senator Kahle. I am not going to be able to stand up here and say that I don't have any conflict of interest here at all because I do raise hogs for my source of income but I think maybe the fact that a conflict of interest exists perhaps just means that maybe I know a little bit about this subject. But I have been trying very hard, and Senator Kahle also indicated that the pork producers have known this bill was around for a couple of years, I have been trying very hard the last few days to understand myself what it does. Now if the average pork producer out there understands this bill, I will eat your hat. I consider myself an average pork producer and I don't understand everything in this bill and I don't think they have the opportunities that I do. But I would commend the Agriculture Committee and Senator Schmit in particular for the work that they have done on this bill, and it seems to me that they have gone to great extremes to try to get compromises in effect in this bill that Senator Kahle pointed out both sides of the industry are not quite

too happy with. The disease of pseudorabies is a little bit different than many other diseases that we discuss or that we have got programs to try to eradicate. Senator Kahle and Senator Schmit both mentioned hog cholera. There is a slight difference, however, in the eradication programs for hog cholera. Hog cholera was simply a disease of swine and it was pretty well known how it came about, where it came from, what started it, what caused it, and, of course, that is a lot of the problems with pseudorabies is we don't know exactly what causes it, we don't know exactly where it comes from and it can be brought to your place by many other animals other than swine. It can spread from, as Senator Kahle pointed out, from one species to another which is rather a unique characteristic of this disease as opposed to brucellosis that we attempt to treat in this state very similar to the program that is being set up here for pseudorabies. In cattle brucellosis, although you can have that disease in both species, it is a separate disease and cannot be transmitted back and forth so there is a problem with trying to quarantine or trying to eradicate a disease that nobody knows exactly how it is spread, nobody knows exactly how it starts. There are some other concerns that I have with this bill. One of the ones is in the committee amendments that we just adopted and I recognize it is probably because of some political pressures put on the committee, but what it says in that committee amendment is that animals are going to be quarantined to slaughter that go through concentration points and concentration points are defined as being auction markets, livestock markets and shipping yards...

SENATOR CLARK: You have one minute left, Senator.

SENATOR VICKERS: ...except that such terms shall not include livestock shows and state or local fairs. Now Senator Schmit pointed out there was 487 some hogs up here at the State Fair but there was one positive animal, and if you were a seed stock producer and had one of your prize boars that were shown at that fair and got infected by that one animal, you wouldn't be too happy when you got back to your place so I do have a concern about that area and I think many other people do, too. Many diseases are spread at these shows and fairs. As an individual who used to take horses to rodeos, I know that if you don't protect that horse, you are going to have a lot of troubles later on and the same thing is true with any time you concentrate animals in a small area. I guess the end result of this is that I am going to support this bill very weakly on General File and try to understand a little bit more about what it is doing, but I am wondering if Senator Schmit would

respond to one question right quick like before the end. Senator Schmit, would you respond to a question, please?

SENATOR SCHMIT: Yes, Senator Vickers.

SENATOR VICKERS: Senator Schmit, as you know, I don't understand as much as I should know about this bill. I visited with you about that but you mentioned the cost of the bill, and if I read the committee amendments correctly, the language on page 10 that talks about the cost, where it says "All testing costs shall be at the expense of the bureau, as long as funds are available for such purpose" was stricken, isn't that correct?

SENATOR CLARK: Your time is up, Senator Vickers.

SENATOR VICKERS: You could perhaps answer that in your closing then, Senator Schmit, if you will. Thank you.

SENATOR SCHMIT: Yes, I will try to answer that.

SENATOR CLARK: I would like to introduce to you before they leave 27 fifth graders from the Merle Beattie Elementary School. Mrs. Kubr is their teacher and they have several sponsors. Will you hold your hands up and be recognized? Welcome to the Legislature. The next speaker is Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, Senator Vickers, if Senator Schmit would answer your question, I would be happy to give you the amount of time if you want to do so.

SENATOR SCHMIT: Now what was the question?

SENATOR NICHOL: I don't know. Senator Vickers had asked you a question. You were about ready to answer it and if...

SENATOR SCHMIT: I have forgotten the question.

SENATOR NICHOL: I didn't hear what the question was. Well, nevertheless, I will go ahead. Mr. Chairman, members of the Legislature, some of said they have had a conflict of interest over this particular bill. I don't have a conflict of interest because I haven't raised pigs for about thirty some years, but at that time we hadn't even heard of pseudorabies, and as I listened to the proponents of the bill, I could believe that there was a need for the bill. Then as I listened to the opponents of the bill, I was convinced we didn't need the bill. Now it seems

that the proponents of this bill are people who do not have the disease such as former Senator Waldo who is for the bill and so forth, but as Attorney Whelan out at Hastings says the reason he doesn't want the bill or the reason he does want the bill is because his pigs don't get sick and this might be true. On the other hand those farmers who are out there raising pigs and who have herds that would be done away with are not carried away with this particular bill. The state of the art, as I understand those who talked on the bill, is at the place where we have a vaccine that will cure pigs of the disease. However, when we are wondering whether we have the disease on a particular farm, if you are going to vaccinate them all, you give them a slight case of the disease itself and then give them an antitoxin to do away with it so that your pigs will not become infected with the disease further and die of the disease. Most of the time, as I understand it, the disease, the pigs do not die with this disease. They get sick, they lose weight, they lose their appetite but with medication they will get over it and become healthy pigs. Now regardless of whether the pig is sick or not with the disease, they are edible and we do eat them and we don't know whether they have had it or not and there is no carrying of the disease to human beings. In addition to the state of the art, as those who were speaking about it say that we are on the threshold of accomplishing something more useful, more sensible in handling the disease. Well, the feedlots can be rid of the disease if they want to do away with their herd and allow the lot to become dry and sit in the sun for several days and this will do away with the disease entirely. That is what they told us at the hearing. So I think that perhaps we are a little early with this bill. I am not going to vote for it and I don't think we are ready for it. I don't think the bill is drafted or in shape to be passed at this time. I visited with the hog growers in my area and they are not carried away with it at this time and they feel that at such time as other states and other areas around us wish to cooperate, we are just treading water or wasting our money on this particular type of legislation. So I would urge you to have a thorough look at this before you push the green button. Even though you may not be interested in the hog business in any way, I think we should look carefully before we place this on farmers who are not carried away with it.

SENATOR CLARK: Senator Remmers.

SENATOR REMMERS: I hesitate to oppose this bill. I gave it weak support in committee, and like Senator Nichol said, we heard both sides of it for many hours and I can certainly feel it is an important issue that we need to address some-

where down along the line but I don't believe we are quite ready for this type of bill today. I have raised hogs not too many years ago under the SPF program. I know the problems that the SPF producers have with controls. One of the big problems, of course, is the vaccines that we have today, if you blood-test the hogs afterward, it is difficult to tell. They will all test positive if they have been vaccinated so you don't know whether they have the disease or not, whether they are carriers or not. The national organizations have not been in agreement. I don't believe they are still in agreement. The disease is an old disease. It has been around for years in Europe. It is quite rampant in some states. True in Nebraska it may not be so prevalent that it would still be a good time to control but we don't know how to control it. If I am going to protect myself from a flood, I usually know what to do. I could build a dam or I could build a dike to keep the water out. If I want to keep the neighbors kids out of my yard, I can build a big fence around it. I know how I can keep those kids out. But in the case of pseudorabies, we don't know how it gets in. We have had suggestions that all herds within a mile radius of a diseased herd should be tested but generally there are no herds within a mile radius that have the disease, and these people that pick it up have no idea where they get it. I have got a SPF producer in my area had established a new herd. This pseudorabies hit him. He was here at the first hearing feeling very strongly that we just absolutely had to do something to control it. I talked to him just recently. He has reestablished his herd. He cleaned out, sold everything out and since pseudorabies is sort of a virus type thing which does not live outside the body, the lots will soon be cleared up. The virus will die and you can restock. He has done this but again now he is beginning to see the danger, the impossibility of really controlling it. How do we control something that we don't know how it is spread? I think there is a new development though that I think I would like to call your attention to. I just had this sent to me by a pork producer from my area. In the first quarter of the Purebred Press, 1982, which is a purebred service organization that records swine records and all major national associations are members of it and receive this Press and they state that preliminary work at Iowa State on a subunit vaccine for pseudorabies looks very promising. The vaccine would allow differentiation between animals that have been vaccinated and those with the field virus, something we are presently incapable of doing. Although the vaccine could be more costly than those presently available, the advantages particularly for purebred breeders far outweigh the disadvantages. The present SM test will not work in conjunction

with the subunit vaccine. However, the ELISA test which has the potential to be much faster and less expensive will work well. Experts feel we are two or three years off from seeing commercial production of this vaccine but it is the first encouraging news we have had since PRV became a problem. We have no answers to the problems at all. The things that are being suggested are going to create some problems for people. It is going to create problems for sale barns. It is going to create problems for a lot of people with no guarantee to the purebred breeders that it is going to solve their problem. Like I say, it is almost like talking against motherhood and apple pie but I do not feel that at this time we are ready to proceed with the control program and I would have to oppose it at this time. Thank you.

SENATOR CLARK: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, I think this has been one of the more unusual bills that I have ever been engaged with and the reason I say that is that it is the only bill that I know that has had a double hearing. We had a hearing on January 30th of 1981 and the reason we had the second one because some people had indicated that the committee didn't give proper notice, we went back on March 19th and had the second hearing. This is a difficult issue and it is also a real problem. We have had people in on both sides of this issue. We have tried to kind of like look at a logical thing or reasonably so to try to resolve a problem. The problem exists more in the southeast part of the State of Nebraska. Senator Nichol indicated he doesn't have a problem. He is right because the western end of the State of Nebraska really doesn't have the problem yet but there is no doubt in my mind that problem is spreading and it is going to spread worse. It might be kind of like the situation in my area that when we went back to thistles, originally thistles kind of came in and nobody really paid attention to them and they really got to be a severe problem, anyway in my particular area and my point being is that if we had done something early on, we might have eliminated a problem that we have got living with us now and will have for many years and we are spending a great amount of bucks. I would kind of encourage you to take a look at this bill. I think maybe if we'd just move it across to Select File, in the meantime, see if we could work out some of the problems if some have some problems with it and see if we can't do something to kind of help the pseudorabies problem in the State of Nebraska.

SENATOR CLARK: Senator Cope.

SENATOR COPE: Mr. President, I have a question of Senator Schmit. Senator Schmit, I may have missed this in the amendment but what will this do to sale barns? Now is that amended out?

SENATOR SCHMIT: No, we have provided that...there has been a lot of discussion about that. The auction markets have been concerned about whether or not they could move the swine back to the farm. At various times we have had proposals that would allow a movement once through the sale barn and the auction market representatives were concerned that it might not be sufficiently flexible. On the other hand as Senator Remmers has pointed out, that points of concentration are natural areas for dissemination of the disease and for the spreading of the disease and, therefore, there needs to be some kind of control. If you move the animals to slaughter, of course, there is no problem, but when you move animals through a concentration point...I should check that once more...but there needs to be a procedure followed that will allow or will assure that noncontaminated, noninfected animals are going to go back to the country.

SENATOR COPE: I have had a call or two, of course, from feeder pig auctions where they do sell a lot of pigs and their understanding is that they have to be quarantined which is almost impossible. If they also have to get out of the business and clear up the problem, that really puts them out of business because if they miss, I don't know how many, several auctions people get out of the habit of coming and I understand their problem, and yet I certainly understand the problem of pseudorabies, too, and I just wanted to be sure I understood.

SENATOR SCHMIT: Could I add one comment, Senator?

SENATOR COPE: Yes, I would like you to.

SENATOR SCHMIT: The auction market people are very concerned that they not become disseminators of disease. They have really leaned over backward, and I can say this very honestly and sincerely, they have leaned over backward to assure the farmer customer that, both the seller and the purchaser, that the disease will not be spread through their premises, and although as you have pointed out they are concerned about business also, there is perhaps good evidence to indicate that less disease is spread through a regulated supervised auction market than might be spread from my farm sale to your farm sale and so we have good cooperation from the auction market people and they are serious about trying to do something that will guarantee as much as possible that

the disease not be spread through a point of concentration.

SENATOR COPE: Thank you.

SENATOR CLARK: Senator Kremer.

SENATOR KREMER: Mr. Chairman, members, of course it has been indicated that it is difficult to understand this disease, which it is. The fact of the matter is it is difficult to understand a hog. Senator Kahle, the Bible says it is wrong to swear but someone said it is no sin to swear when you are loading hogs. That's all forgiven later. Seriously, I would like to ask Senator Kahle or Senator Schmit two questions. First of all, is the purpose of the bill to eradicate or to control? They are about the same I guess.

SENATOR KAHLE: Well, you have to start a step at a time and as some of the things that were said here, there is certainly a lot of things in the works that we hope will work. And Iowa has some ideas that are different from Nebraska's, there is no question about it. But the longer we wait the harder it will be to eradicate.

SENATOR KREMER: Okay, Senator Kahle, under this bill, will you to the best of your ability and as simply as possible explain to all of us, under the bill what will be the step by step procedure to eradicate or to control and how would the cost be assessed? What would be the producer's responsibility, what would be the state's responsibility? We won't talk about the total figure but what will be the responsibility of the producer and the state? What is the step by step procedure to eradicate in this program or to control?

SENATOR KAHLE: I am not sure I can give you exactly everything that you want but I will make an attempt. For one thing, of course, it is expensive not to do anything because the death losses in the state are considerable. I am not sure we can even give you that figure but if it hits a herd it does devastate that producer. No question about it. One of the problems that I have heard mentioned in our particular area, there are three confinement hog producers in one section in the area where I live and it would help them even to know whether the other herds were infected or not because you can be much more cautious if you know that there is the disease within a mile or a half a mile of where your operation is. The Department of Animal Science out at the University is doing an enormous amount of testing right now and it is not a simple matter. You can't just go out and draw a little blood and put it on a blotter or something and

tell whether that animal has pseudorabies. It has to be sent to the laboratory. It has to be handled in a specific way so that it is kept the right temperature and a few other things that I am not really sure about and then it is run through a machine to determine whether that is a positive or negative reaction. So it is a tough situation to determine the disease and it is expensive, and a lot of that expense right now is going to the hog producer and, of course, the University and we've alloted some money in the past to do some of that, so they are in that process. The sale barns that are concerned, if I read the bill right, if you bought pigs from a sale barn you would have to isolate them for thirty days and that may or may not be a problem. If you have a number of pens and they are not too adjacent to each other, you certainly could get by. I guess the disease is so serious that I just feel that if we don't do anything, it is just going to get worse. The solutions we have now are not all that great. There is no question about it. The breeding stock, of course, the breeders are the ones that are really concerned about it because if you bring a boar on your place that is infected, you certainly are going to get the disease and so Ron, my son, that does that, he brings the new boars on the place, they are put in isolation for a period of time, and then they are tested before they go in with the rest of the herd. So the pork producers that are on the ball are really trying to keep the disease in control.

SENATOR CLARK: You have one minute left.

SENATOR KAHLE: Now I know I haven't answered everything you have asked me, I am not sure I can. The cost, as Senator Schmit said, I guess we can't even give you a figure.

SENATOR KREMER: Who pays for the testing under the bill if you want your herd tested?

SENATOR KAHLE: I think Senator Schmit can answer that better than I can and I won't attempt to make a mistake here. If I understand it right, part of the cost would be born by the Department of Agriculture out here.

SENATOR KREMER: Under this bill?

SENATOR KAHLE: Yes. Senator Schmit, did you want to...?

SENATOR SCHMIT: The bill allows a discretionary authority for some of the costs to be born by the Department. Generally the cost of bleeding the swine is a farmer expense. The Department could pay for part of the expense for testing

and there is a discussion that has been going on, Senator, as to whether or not we can get the cost of the fee down. Some areas have said the cost of testing a sample is as low as a dollar and a half per sample. The diagnostic lab has been charging four dollars a sample and there is some concern about that. But the one area where the state would be required to pay for the testing is where the provision that requires mandatory testing. For example, if my herd became infected and your premises were located within one mile of my farm, then the state would demand that you test your herd, and under those conditions, the state, of course, would have to pay for that cost. Now if we wanted to make that discretionary...

SENATOR CLARK: Your time is up. I think you can cover that in your closing. Senator Rumery.

SENATOR RUMERY: Mr. President, members of the Legislature, I want to set the record straight, I have no conflict of interest. It has been a long time since I have owned a pig but I have sympathy with the people who own them now. First of all, a couple of the Senators emphasized the fact that we should wait, it is not the time to move, and that is absolutely wrong as near as I can tell. When there is agriculture research, scientific agriculture research involved, we have got to move now and these two Senators, Senator Nichol and Senator Remmers, said we don't know the answers to these things. They admitted that and we don't and the only place we have hopes of getting it is through scientific research and we have got to provide that if we are going to save an industry that certainly would affect every person in the state, whether you are on a farm or not. Agriculture research is a long, long drawn out affair. You get weary with trying to get to the bottom of it and these two men admitted that we don't know the answers but we cannot get the answers by sitting still and doing nothing. I would like to ask Senator Schmit a question or two.

SENATOR SCHMIT: Yes, Senator.

SENATOR RUMERY: Senator, does this bill provide for any agriculture research at all?

SENATOR SCHMIT: Of course, Senator, the participation of the staff at the diagnostic lab is going to continue research plus, of course, the very fact that we are attempting to control the disease is going to bring about some research development. We are going to learn a lot about the control of the disease and the spread of the disease through the passage of this bill.

SENATOR RUMERY: You have heard the answer there. It does support research work and we really ought to get on with the business. As near as I can tell, time is wasting.

SENATOR CLARK: Senator Barrett. Will you repeat it please?

SENATOR BARRETT: A question of Senator Schmit, please.

SENATOR CLARK: Senator Schmit.

SENATOR BARRETT: Senator Schmit, the question of the fiscal note, this was alluded to earlier, perhaps it was Senator Vickers, I am not sure, but I am troubled with Section 38 of the bill, I think it is on page 14 which indicates that the pseudorabies test shall be at the expense of the Department so long as funds are still available. What is the impact and upon whom at the point in which the funds are no longer available? What are we saying in that section?

SENATOR SCHMIT: We are saying, Senator, that we first of all do not know the incidence of the disease, whether it will be widespread or not, and in order to begin the program, the Department is willing to spend some money on the testing program. If on the other hand the Legislature in its wisdom chooses not to provide, you know, maybe in excess of \$50,000 or \$100,000 for the disease or less, and we run out of that money, the Department, of course, would not pay for those testing procedures but it does not affect the bill. The farmer would then have to pay for it. You know it is sort of parallel to some of the other procedures we have had in the past that when we stamped out cholera and, of course, TB in livestock required a testing procedure, Bang's required a testing procedure and condemnation, we were able to do some things with those diseases but there is, and I would have to say this, I am not sure, but I believe the Department can be discretionary as to paying a part of the cost if they choose to do so rather than the full cost and I think that probably is the route they will go insofar as the blood test is concerned. The bleeding will always be the responsibility of swine producer.

SENATOR BARRETT: The impact of the testing then would fall directly on the farmer at that point?

SENATOR SCHMIT: That is right.

SENATOR BARRETT: Okay, thank you. I, like some other speakers, Mr. Chairman, have some reservations about the bill. It has been pretty well established that the eradication of pseudorabies in the opinion of a lot of well informed people including some speakers here this morning

is almost impossible at the present time. We simply don't know how the disease is transmitted and I am inclined to agree with the comments made by Senator Rumery a few moments ago that it perhaps might be best if we were to use this kind of money in the area of research at the present time to find the cause of the disease. So I again repeat, I have certain reservations with the bill at this time. Thank you, Mr. Chairman.

SENATOR CLARK: Senator Koch. Is Senator Koch in the Chamber? Senator R. Peterson.

SENATOR R. PETERSON: Yes, Mr. Speaker and fellow colleagues, I guess I have got to rise I think to oppose this bill. I sat on the Ag Committee. I have reservations about this bill, costwise and everything. Herpesvirus disease, there has never been a herpesvirus disease that I ever heard of that really has been eradicated in the history of medicine. Our experience today with eradication programs for PRV has been disastrous. A township in Michigan and one in Missouri were selected for experiment by Federal bureaucrats. They blew about five million right out of the federal deficit. The Missouri state veterinarians said they eradicated producers instead of PRV. At that spending rate it would cost a half billion dollars to eradicate a lot of swine producers and possibly pseudorabies from Nebraska. If this bill does pass and an accompanying appropriation of \$500,000, I feel it would not be controlled and the proponents will come back and next year and say the problem can only be solved by more funds. I can't see that there is much eradication written into it. It looks to me as if the bill is aimed chiefly at three groups of swine producers; first, the seed stock producers; second, the producers who vaccinate; and the good honest producer who consults his veterinarian when trouble rises and doesn't try to hide his operation. I guess you know eradication of this disease out of existence by law has worked in very few instances. There seems to be a growing suspicion among a number of producers that we have some Nebraskans who want Nebraska to be one of the first in the nation to be on the books with a control bill even if the bill is only barely workable and hardly fair. To me it seems like a portion of these funds should be more research and I think like Senator Remmers, I think we are coming in a little bit too early with this. I realize there is problems out there but really at this time I can't see where we really need it.

SENATOR CLARK: Senator Vickers, for the second time.

SENATOR VICKERS: Mr. President and members, this issue is

a very serious issue to many people in the State of Nebraska as I am sure we are all aware. Again I would like to point out that pseudorabies is a different disease than some of the other diseases that we have through attempts of this nature to try to eradicate or to control. The fact that pseudorabies, it is not known how it spreads is one of those big reasons and also the fact that it is transmitted from species to species in the animal kingdom. Let me tell you exactly how it seems to me it would affect my business. As a commercial producer, farrow to finish operation, the only time my swine leave my place is when they go to market to become pork chops, ham and so forth, which I hope you all eat regularly. On the first page, in the definition section, it is talking about "exposed" and it says, "Exposed shall, in the case of swine, mean swine that have had a reasonable opportunity to have been in contact with an infected animal." Now recognize that swine can be infected by other animals, cats, dogs and so forth. The next sentence it says, "In the case of animals other than swine, exposed shall mean animals that have had a reasonable opportunity to be in contact with an infected animal within the preceding twenty-one days." Now if you have got a dog, as my son does, that rides in his pickup with him when he goes to town. He gets out and runs around a little bit. He has got a reasonable expectation to perhaps be infected by other animals it would seem to me. Now in Section 31 on page 9, it says, "Any person selling infected, exposed", the key word is "exposed, or vaccinated swine from the farm of origin directly to an inspected slaughtering establishment", which is what we do, take them directly to a slaughter market, "or to a slaughter market, shall execute and distribute an owner-shipper statement covering the swine so sold. A duplicate of such statement shall be sent to the bureau immediately upon delivery. It shall be a violation of this act to knowingly provide false information on an owner-shipper statement." Now I am not sure I can sell any hogs and really say that I don't know that they haven't been exposed. Now that seems to me to be some sort of a problem. I agree that it is an economic disaster to those people who get pseudorabies. It is also an economic disaster to those people who get TGE. I know, I have had that in the past. Pseudorabies is much like TGE though. TGE, your animals once you have got it on the place, then they become self-vaccinated. They have got a built-in immunity to it. Pseudorabies is the same way. As long as you stay in the business on a continual basis, then if you have it once, the chances of getting it again are very minimal, absolutely almost none. On the other hand, we have many other diseases we have to vaccinate for all the time on a regular basis because you can have it this year.

Next year you can have the same disease all over again if you don't vaccinate and so forth. So it seems to me that the potential for disaster from pseudorabies for the individual business is a one-time thing, and as I say, I have had it with TGE, I know what it is like. It hurts like heck but it feels pretty good to know that you have got a little bit of a built-in immunity from then on out and this is much the same way. So I really question the ability to eradicate a disease when we don't know exactly where it comes from. Also we do have some great strides, at Norden Laboratories right here in Lincoln has come up with a modified live virus vaccine for pseudorabies which I am told is very, very good. It is very similar to the brucellosis vaccine that we have used in the cattle industry for years and years and years and it also is very, very good and has done a good job in controlling the spread of that disease. So it seems to me that the individual that really wants to protect himself should probably vaccinate with this modified live virus. Now as a commercial producer that is buying seed stock, I think it is incumbent of me to insist that the seed stock producers that I buy those breeding animals from...

SENATOR CLARK: You have one minute.

SENATOR VICKERS: ...have those animals bloodtested so that I feel some sort of protection and I certainly agree with the conceptions in the bill in that regard. As I said earlier, this bill is going to get my soft yes vote on General File. As to what I am going to do from there on out, I really don't know but I do think, again, that the committee has done a lot of effort in this area but it also leaves a lot of questions unanswered.

SENATOR CLARK: Senator Koch. Senator Kahle.

SENATOR KAHLE: Mr. President, members, I think this has been discussed quite well. I guess the only thing that I would say is that who do we depend on for information on this? We depend on the veterinarians who are now supporting the bill. I think we should depend on the hog producers that have been active in their organization and tried to better their industry and these two groups both support the bill. Thank you.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Just briefly, Mr. Speaker. Here we are, we are trying to solve a problem for the farmers. Now the farmers I spoke to in my area, some of them have it. They

handled the problem themselves. They don't see any need for us to solve it for them. They know the state of the art. They, like the rest of us, have no objection to further research, as Senator Remmers set out. They know how to test their herd. They bring in large quantities of animals from Kansas and other states, and until such time as we get together with other states, I don't think we are going to handle this problem. Until such time as the state of the arts gets to the place where we can tell the difference between a hog who has had pseudorabies and a hog who has merely been vaccinated, I think we are just whistling in the dark and I think until such time I don't think we need legislation.

SENATOR CLARK: Senator Cope. Senator Wagner.

SENATOR WAGNER: Mr. Speaker, members, I have a question of Senator Peterson.

SENATOR CLARK: You want to ask Senator Peterson a question?

SENATOR WAGNER: Yes, please.

SENATOR R. PETERSON: Yes.

SENATOR WAGNER: Senator Peterson, do you have a sale barn in your area I was trying to go through my notes but I thought it was in the Norfolk area that there is a sales barn that moves a lot of pigs and cattle and so forth, is this true?

SENATOR R. PETERSON: Yes, I do.

SENATOR WAGNER: Okay, that was kind of my question. I think if I recall right and during the committee hearings it was indicated there was a lot of swine that go through this area. Some of them are sows and so forth like that. I think it is one of the areas that I have kind of had a concern about because it is an area to me that could very definitely create a real problem, and I think possibly these people there at the sale barn was concerned about if we did something like this it might harm them in that area but really it is points like this that create some of the problems that we have got with pseudorabies or will have. So, again, I guess I would encourage the body here to give it some consideration and move this bill on to Select File. I also say that we had a heck of a thistle problem in our area. This is kind of a parallel to it. Had we worked a little harder earlier on we certainly could have saved a lot of the dollars that we are expending now. Thank you.

SENATOR CLARK: Senator Schmit, would you like to close?

SENATOR SCHMIT: Mr. President and members of the Legislature, I want to thank Senator Vickers. You know a soft vote, Senator Vickers, is just as good as an enthusiastic one and they count the same on the board. It is kind of like an enthusiastic veto. It isn't any more death threatening than a reluctant veto, I guess. But I would like to suggest that you listen very carefully, if you will, because there is no doubt in our mind, and the committee probably heard more hours of testimony on this than we have any other bill that we have heard in the last several years. In addition we held, during the first session, we held a second hearing. That has only occurred once or twice in all of the time that I have been in this body on an individual bill. We held the bill over and we, during the interim, held a series of hearings in four different locations across the state, one of them in the Bloomfield, Nebraska, area which is not too far from Senator Peterson's area. There is a very active, a very aggressive group of swine producers up there who were very strongly in favor of the bill. We held a hearing at Beatrice, Nebraska, where there is a large amount of concentration of swine. We held one in Hastings, Nebraska, where we have a tremendously large swine producing operation. By the way, as I understand it, and I may be wrong, but as I understand it, the swine testing station at Clay Center has pseudorabies. As I said, there is a large commercial organization there that has pseudorabies but the average farmer, the average swine producer is going to be, in my opinion, benefited from the bill and there is going to be some problems, that is true, and we have tried to address those problems. When we talk about not knowing enough about it, it is sort of like not knowing enough about smallpox and so we don't do anything. I think that we can live with the bill and we can also live with the disease but which is going to be the lesser cost? The swine industry is a multimillion dollar industry in the State of Nebraska. It is an extremely important industry. We talk about the cost of the bill. The cost to the producers, and I think in fairness to some members of my committee, Senator Nichol and Senator Remmers and Senator Peterson who are concerned about the bill, that is one of their concerns. It is a tremendous cost in some instances to the producer. It is an expensive process to bleed livestock and you can be absolutely certain from the standpoint of a legislator, you are probably not going to get very much flak if you don't pass the bill. You are going to get some disappointed people. The industry will go ahead and do the best they can and you are going to probably have an extremely costly process at some point

down the road. If we pass the bill, you are going to have some irate persons, one or two auction market operators out of several hundred is not bad, a few, three or four, a half a dozen farmers out of thirty-five or forty thousand swine producers is not bad. I am going to say this that we have done the very best we can to make this bill effective without making it offensive. Now unfortunately you cannot make it totally effective without having some limitations and some expense in it. I just want to say this that I will spend any amount of time with any member of this body that they want to spend and so will my staff to further explain the bill, but if I were to ask members of this body what the vital sections of the bill were, I don't think you could identify them. But if we were to do nothing more, if we were to do nothing more, there are some sections of this bill that can be passed with minimal cost and maximum benefit to the producer and at all cost we should do that. At the present time I am suggesting that we advance the bill to Select File. I will meet with any individual and a group of individuals in the body or out of the body to give them whatever answers they desire relative to this program which I can provide, and if that doesn't meet with your approval, you can kill the bill on Select File or you can amend it on Select File.

SENATOR CLARK: You have about forty-five seconds.

SENATOR SCHMIT: I believe that the industry in Nebraska is important. I believe that disease control is important. The pork producer has enough difficulty now making money with the swine business being as unprofitable as it is without causing them any more problems. You have a one-half billion dollar industry here in Nebraska. Do you want to try to protect it and control the disease with the possibility of moving toward eradication or do you want to just throw up your hands and say we can't afford it. I say we can afford it. I say it is best for the industry, it is best for the individual producer and it is a responsible pattern for the Legislature to follow. I ask your support for the bill and I would move, Mr. President, that it be advanced to Select File.

SENATOR CLARK: The question before the House is the advancement of 36E to E & R. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Record the vote.

January 15, 1982

LB 36, 547, 402

CLERK: 26 ayes, 10 nays, 9 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. The next bill is 547 by the Agriculture Committee.

CLERK: Mr. President, I think Senator Schmit would like to pass over 547.

SENATOR SCHMIT: (Mike not on)...is a bill which is presently in litigation and a piece of legislation we advanced last year and we would like to pass over that bill at this time to see if there might be a decision on the bill in several weeks time, and if not, we will come back and deal with it at that time. If the bill is resolved in the courts, then we won't need the bill. If it is not resolved, then we will need the bill. Thank you very much.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: You are asking unanimous consent to pass over 547. Okay. So ordered. What is the next one? LB 402.

CLERK: Mr. President, LB 402 offered by Senator Nichol. (Read title.) The bill was read on January 20, referred to the Judiciary Committee for public hearing. The bill was advanced to General File. Mr. President, there are Judiciary Committee amendments pending.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, the Judiciary Committee considered several amendments to LB 402. The amendments are essentially technical in nature in that they supply procedural standards for the bill. I would ask for the adoption of the committee amendments and I will discuss them in more detail within the context of the bill.

SPEAKER MARVEL: Your motion is the adoption of the committee amendments. Are there any other discussion? All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

SPEAKER MARVEL: Senator Nichol, do you wish to explain the bill?

January 20, 1982

LB 448 and recommend that same be placed on Select File with amendments; LB 449 Select File with amendments; LB 450 Select File with amendments; LB 263 Select File with amendments; LB 212 Select File with amendments; LB 370 Select File with amendments; LB 335 Select File with amendments; LB 353 Select File; LB 208 Select File with amendments; LB 36 Select File; LB 402 Select File; LB 525 Select File with amendments, all signed by Senator Kilgarin. (See pages 388-391 of the Legislative Journal.)

SENATOR CLARK: We are now ready for item #5, LB 267.

CLERK: Mr. President, LB 267 introduced by Senator Richard Peterson. (Read title.) The bill was read on January 16 of last year, referred to the Public Health and Welfare Committee for public hearing. The bill was advanced to General File with committee amendments attached, Mr. President.

SENATOR CLARK: Senator Wesely, do you want the committee amendments?

SENATOR WESELY: Yes, Mr. President, members of the Legislature, this bill was referred to the Public Health Committee, was heard last year and there was a concern at that time about the fact that it applied only to Dental Review Committee and the feeling was that by just limiting it to the Dental Review Committee there might be some special legislation constitutionality problems and so we thought that the concept was worthy of application across the board to all peer review committees and so the committee amendment would strike the fact that this is specifically dealing with the Dental Review Committee and make it applicable to all Nebraska peer review committees and again the concept is this in LB 267 that proceedings before a peer review committee would still take place and function as they have before. The question comes when court action is taken and some action is taken before a dentist or anybody associated with a peer review committee. They cannot then go to the committee records and use the committee action against the person or for the person for that matter who is being brought to court and being contested in court. So that you could still use materials and all that that would be brought before this peer review committee but the actual work of the committee would be kept out of the court process and decided that would be separated from the court action. That is what we are trying to do and we thought if it was applicable to dentists it ought to be applicable to others. So that is what the committee amendment does, Mr. President.

February 24, 1982

LB 36

SENATOR CLARK: All right we will pass over for five minutes. The next bill is 208 and Senator Koch asked to pass over that one. No objection, so ordered.
LB 36.

CLERK: Mr. President, I have no E & R amendments. I do have a motion from Senator Haberman to indefinitely postpone the bill. That will lay it over unless, you wish to withdraw, Senator?

SENATOR CLARK: It is withdrawn.

CLERK: In that case, Mr. President, I have nothing on the bill.

SENATOR CLARK: Senator Kilgarin. Senator Schmit, did you wish to move the bill?

SENATOR SCHMIT: Mr. President, I move the bill be advanced.

SENATOR CLARK: You have heard the motion, all those in favor....Senator Koch.

SENATOR KOCH: I would have a machine vote on this to advance.

SENATOR CLARK: Machine vote has been requested. All those in favor of advancing 36 will vote aye....Senator Haberman.

SENATOR HABERMAN: Could we have a little debate?

SENATOR CLARK: Fine, if you would like. Your light was not on, did you want to talk on it? Senator Haberman, did you want to talk on the bill? Go ahead.

SENATOR HABERMAN: Mr. President and members of the Legislature, I wish to stand and rise to oppose the bill. My mail, my phone calls have been overwhelmingly opposed to LB 36. Some of the reasons is that they are talking about PVR or disease, pseudorabies. It can be spread by hogs, dogs, cattle, cats, wild animals. As I understand it the people from Iowa will be able to bring their pigs over here and they won't have to inoculate them and go through all of this rigamarole. Also, the people who have 1200 sows, it is going to cost them thousands of dollars to vaccinate and quarantine. For those people who only have say a hundred head, they can afford to pay it.

These people that have talked to me have said that the majority of the people that are in the industry are opposed to this pseudorabies control act. They really see no need for it, and I have a note here that this was discussed at the South Central Nebraska Pork Producers Meeting and they voted 23 to 2 to oppose it. So it seems to me that from the information that I can gather that I get there is just a few people who are favoring this bill. It looks to me like it is a \$600,000 cost to the state because the fees are not collected. The state pays the cost. I don't know whether we can afford to have a \$600,000 bill added this year, or not. They are going to hire a field veterinarian and ag inspector and clerks, and maybe we should wait on this. We had 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19, 20 some opponents and about as many for it. It looks like a pretty heavy issue. So I think we should have some discussion and as I say, the input that I have, well, we shouldn't advance the bill. So I would like to hear some more discussion at this time.

SENATOR CLARK: I have three more speakers. Senator Vickers, Senator Kahle and Senator Barrett, Senator Nichol and Senator Schmit after that.

SENATOR VICKERS: Mr. President and members, when LB 36 was discussed on General File, I indicated at that time that I had not thoroughly made up my mind on the issue. Since that time I have done a little more studying, have attempted to understand it a little better and have decided that it is not in the best interests of the majority of the pork producers of this state. Now I need to clarify that probably I should be in favor of this bill since I have a son that is a veterinarian. I have heard comments on this floor before about various pieces of legislation and how perhaps it might be an attorney's retirement bill, I would suggest to you that LB 36 might be a veterinarians's retirement bill. I happen to be in the pork industry. I happen to know a little bit about it and as I understand the demands of LB 36, if I want to have a vaccinated or a qualified herd, it is going to have to be inspected every 80 to 105 days, all the animals over 6 months of age, it seems to me that would be a real good thing for the veterinarians. I think the issue is really one of we are fumbling yet at this point in time as to whether or not a vaccine is the way to do it or whether we want to eradicate it through getting rid of those infected animals. But to allow both procedures to take place at the same time seems

rather ridiculous to me. We need to make up our mind to go either one way or the other, but to say that you can vaccinate but only 90 percent of them, now I would suggest that if we had done that with brucellosis in cattle I don't think too many members of this body would have liked to have left 10 percent of their cow herds unvaccinated. I can't afford, quite frankly, to risk 10 percent of my sow herd either if I decide in my judgment that they should be vaccinated. I can also tell you that pseudorabies is not one of the most feared diseases at least as I view it. There are several others that I think are far more serious. But there is also a provision right now by the Bureau obviously to require quarantines of infected herds and veterinarians and other people who find out about infected herds do have penalties that can be imposed on them if they don't report those infected animals or those infected herds. Obviously, nobody wants people going around selling infected animals all over the place. But with that quarantine provision that is there right now and being enforced by the Bureau right now, I don't think we need anything more. The difference, of course, is that one-mile radius and whether or not we are going to require people to have their animals tested within that one-mile radius. I suggest to you that if a veterinarian finds an infected herd, he is pretty apt to look around, he is probably the veterinarian that services many others in that area or his colleagues that he also communicates with, I suggest to you that they are going to be on the alert for other areas of infection in that general area trying to find out where the infection did come from. As far as being protected in buying of breeding stock, I don't particularly care whether LB 36 passes or not. I buy a little breeding stock, as most producers do....

SENATOR CLARK: One minute left, Senator Vickers.

SENATOR VICKERS:but I think that is my right and it is my responsibility to make certain that those animals are clean when I buy them. I don't think it is the state's right to necessarily watch out for me, if you will. I think LB 36 is an example of trying to kill a mosquito with a sledge. If I ever saw an example of overkill, I think that is what this is. I would urge the body's rejection of LB 36. I need to make one more comment as far as research is concerned, and Senator Rumery brought this up on General File, we need to put more dollars into research, that is true, but the dollars allocated to LB 36 could well be used more toward research, in my opinion, than they could running around

paying the veterinarians to test peoples' hogs.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President and members, I guess this is an interesting aspect this morning to determine what we need to do with LB 36. First of all, the king pins of the pork industry are the ones that have brought forth this bill. It didn't come up overnight. It came up over a period of years. It wasn't a shot in the hand sort of thing. They worked within their industry. They worked with the veterinarians. They worked with other states, and in the beginning when this was discussed, the pork producers industry and organization was nearly if not entirely a hundred percent in favor of going with LB 36. The veterinarians were not all that pleased with it. They didn't think it went far enough and finally though in their meeting as I understand it this last fall or spring have supported the bill and would hope that it could be strengthened rather than weakened. I know that all of you received visits from both sides of the issue from people that are involved. I know that the anti-36 people have hired lobbyists and paid them large amounts of money, lobbyists who know nothing about the industry but are now trying to tell us how to operate it. The industry itself has not spent any money. They have been down here in person. There are some around this morning and I am sure there is some of the opposition. The only thing that I could go by, this group that developed the bill are the ones that have been behind the pork industry for the last great number of years, probably 20 years. I have a letter that all of you got, I am sure, that was signed by Carson Rogers, who is a pork producer in the Ord area and has been on the national board the last few years, and he...part of his letter says this: "As concerned producers we are looking at the total swine industry in the state and not just how LB 36 will affect our individual operations. Nebraska has long been recognized as the leading agriculture and livestock state. With your help and support on Senator Schmit's LB 36 we can retain that standing and move forward to first control and then in the future radication of PRV for our swine population in Nebraska." I would like to say a little bit about the population of swine in Nebraska. We received a....I think all of you probably did, an agriculture report a week or two ago stating that, of course, Nebraska now is number one or a close number two, at least, in livestock production of livestock and calves. We are number five in pork production. There are 4,100,000

head of hogs in the State of Nebraska with a total valuation of some \$350 million, and, of course, you are talking about \$600,000 or whatever this bill calls for which is really a drop in the bucket when you think of the size of the industry. It is awful easy to complain about legislation that everybody isn't happy with and they are not ever going to be happy with. I remember the hog cholera situation. I was one that opposed the proposition when it came up....

SENATOR CLARK: You have one minute left, Senator Kahle.

SENATOR KAHLE:that the state came up with. I thought they were silly to try to eliminate the use of serum and vaccine. Now a lot of you are going to say, well, this is a different disease and it certainly is. I don't know what chance LB 36 has this morning because a lot of people have been around talking to you and you have gotten a lot of letters and a lot of signatures, but all I can say is that the industry, the people that are the backbone of the industry, the ones that have gotten the price of pork up and put pork on every menu practically in the United States, or at least in Nebraska, at our restaurants and have shown the women of our country how to produce pork, or how to cook pork, and how to use it on the table, are the ones that are supporting this bill. They are the backbone of the pork industry. Thank you.

SENATOR CLARK: Senator Barrett.

SENATOR BARRETT: Thank you, Mr. President and members. I continue to have concerns on LB 36 on Select File as I did on General File, and I expressed some of those concerns at the time. I rise in some trepidation because colleagues like Senators Kahle and Schmit probably have forgotten more about pseudorabies than I will ever know, so I do not claim to be an expert on the matter. But I agreed with Senator Rumery at the time and I reiterate today, I think education is the ultimate answer. We don't know the cause. That has been very well substantiated. I think only in our laboratories are we going to find the ultimate answer to PVR. I also had some real concerns about the fiscal impact of the bill and continue to have these concerns. I believe the original fiscal note called for \$618,000. It is possible that that fiscal note has been amended downward at the present time. When the bill was introduced it was suggested that it would take a half a million dollars to implement the bill. The opponents at that time I believe agreed that that might be a very

conservative figure. I understand now that the figure of \$50,000 is being mentioned to implement the bill. Something is the matter. I have a very uneasy feeling about the potential fiscal impact of this bill, and I note that we don't have an A bill coming along with LB 36. Do we? I'm sorry, I stand corrected. Is that next? Okay. But I still have a real concern about the amount of money that it is going to take to fund this bill. I have wondered since General File why we couldn't cash fund this bill. Why couldn't the producers themselves pay for the expense of the vaccination much the same as health inspections are in our livestock auctions now for swine, or brand inspections in sale barns? The bill as it is written now simply says that testing is to be paid at state expense. It is that simple. I wonder why the producers can't help. You have got a handout I believe on pseudorabies program showing on the left-hand side the regulations as now promulgated by the agricultural department, on the righthand side the proposed legislation under LB 36. If you will take a moment to look down the lefthand side of this handout, you will see that all of the suggestions made in LB 36 are now covered under ag department rules with the exception of Subsection (b) of number 5, which speaks to the matter of testing feeder swine and as I interpret it, it is now thrown out the window under LB 36. The out of state movement of hogs into the state has already been mentioned as being possibly in an unknown health status which could very well help spread PVR. So it doesn't make much sense to me to restrict the movement of breeding stock and then let the feeder pigs move in from out of state in an unknown health status without even knowing if they have PVR. So again I have an uneasy feeling about the bill today as I did a couple of weeks ago for the reasons mentioned, primarily the fiscal impact. I believe education is the answer and finally I believe that the Department of Agriculture can do pretty much now what is suggested under LB 36. I simply cannot support the bill at this time. Thank you.

SENATOR CLARK: For your information, there is no A bill but there is one on the desk to be introduced later. Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, as I understand the A bill it is in the amount of about \$400,000 and we'll call that a "Pig in the Poke" if that is okay with the Speaker. When I was listening to the presentation of this bill and those testifying for the bill, it sounded reasonable. Then came the ordinary

pig farmers, not the ones who have certified herds, not the ones who are going to be reaping the harvest from this bill, but the people that are out there trying to make a living by raising pigs. It was a different story when they started testifying and it is still a different story with them. They are not the ones who are reaping the harvest. As Senator Kahle pointed out, the king pins are presenting this bill, are pushing this bill and they will be the ones that are getting the benefit from this bill. Pseudorabies is not a disease that harms people. It is entirely different than some of the other diseases having to do with beef and pork. It is not injurious to people, doesn't hurt them. You can eat a pig with pseudorabies and it will not hurt you in any way. The state of the arts in this disease is on the come. It is not there yet. The people who know about pseudorabies tell us, we are not there yet, we expect it in the near future. Vaccine is handling the problem with the ordinary pig raiser right now. In my area I visited with the pig growers, and said, what do you think about this bill? They said, we are handling it with vaccine now. And as long as we allow the five states around us to be bringing in pigs at random, at will, without any restrictions whatsoever, we are not going to stop this pseudorabies problem. Unless we do go together with those states, we are just spinning our wheels whistling in the dark. So until such a time as we do something of this nature, we are not getting anywhere with this bill. There is a simple solution to this, extremely simple solution if you want to cure up your lots with pseudorabies disease. It is simply clean out the lots during the summertime, let the sun shine on them for six weeks and the disease is entirely gone. This is what the experts told us in hearings. So with this simple a problem, it would be reasonably simple for any ordinary pork producer to eradicate his lots of pseudorabies disease. Okay, what are we going to do with the \$400,000? We already are appropriating money to the University of Nebraska for research along this line. This is not what we are talking about either. So until such time as we want to really attack the problem, I think we are whistling in the dark with LB 36.

SENATOR CLARK: Senator Schmit. We have got Senator Schmit, Senator Remmers, Senator Hefner, Senator Burrows, Senator Wagner, Senator R. Peterson.

SENATOR SCHMIT: Mr. President, members of the Legislature, there have been a lot of comments here this morning. First of all, I want to say this, that this bill was the

subject of two public hearings during the 1981 session. It was the subject of three interim hearings, one at Bloomfield, Nebraska requested by pork producers; one at Beatrice also requested by pork producers; and one at Hastings, Nebraska requested by pork producers in the area where the bill is being opposed. Now with all respect to my colleagues on the committee, and I respect their right to dissent and I appreciate their comments, but I would have to point out to Senator Nichol that if he would check the record at those interim hearings that there were many pork producers at those hearings who supported the bill. There were a few who opposed the bill. There are some excellent pork producers who oppose the bill. I have never contended that they did not. As is the case with any type of legislation such as this, there is going to be opposition as well as support. The committee has attempted and I believe the Legislature has attempted, as Senator Kahle has pointed out, to meet with every possible person who has had anything at all to say about the bill. I and my staff have spent hundreds and hundreds of hours and I want to tell you that both the proponents and the opponents of this bill have conducted themselves in an exemplary manner. I don't think I have ever been involved in a controversial bill where the dissidents have been more gentlemanly and more considerate of each other and more in earnest to try to present the facts, and I say that in all sincerity and honesty. I would hope that we would continue that situation and that process here upon the floor. I would like to just.... Senator Barrett has said he is concerned, I am concerned. Let me tell you I am concerned as is Senator Kahle, as are other proponents of the bill. And let me correct a couple of misinterpretations. Number one, out of state movement of swine into the State of Nebraska is controlled by federal law. Breeding swine that come into Nebraska must be tested. Feeder pigs must go into quarantine when they come into the State of Nebraska. We have control at the present time. That control will be augmented by this bill, but you do not have indiscriminate movement of swine into the State of Nebraska from surrounding areas, fact number one. Fact number two. We don't know anything about the disease. We know a lot about the disease. I want to point out also. Senator Hefner refers to the cost of the bill. The A bill on this bill is \$408,457, a lot of money. I don't argue that point. Let me tell you also there are more than six million swine in the State of Nebraska, about a \$600 million industry. Not a bad investment to protect the \$600 million industry. Fact number three. The question was raised as to why the producer doesn't pay the bill. Let me point out to you that under the provisions

of the bill in those areas if I as a farmer happen to be raising swine and the disease is located within a mile of me, I am required by law to test. I must pay for the breeding of those animals, the expense of hiring a veterinarian to breed the animals. I pay that. The only expense born by the state under this bill is the actual cost of the test and the cost of administration. Those expenses I believe are nominal given the scope of the bill. Now let me tell you why I support the bill at this time. If we find upon implementation of LB 36 that the disease is widespread in the State of Nebraska so much so that this amount of money will not serve to control the disease, then I have no doubt but that the Legislature will in a succeeding session repeal the bill and allow the disease to run its course. I might add, run rampant, but I don't want to be overindulging in (interruption).

SENATOR CLARK: You have 30 seconds left, Senator Schmit.

SENATOR SCHMIT: If, on the other hand, we find that the disease is not rampant in the state and we have reason to believe that it is not because only one of 487 swine tested at the State Fair proved positive last year, then this is a good time to control the disease. I ask you to support the bill. I will answer any questions you have, but please let us stick to the facts and I share your concern as I am sure all of you have about this bill.

SENATOR CLARK: Senator Remmers.

SENATOR REMMERS: Mr. Speaker, members of the Legislature, I originally supported this bill and I thought it was the way we should go when I heard the testimony. I thought it was time that we did something. We're speaking to the fiscal impact. I am not concerned about the fiscal impact because the pork industry is certainly large enough that we shouldn't be concerned about the small fiscal impact. That isn't my concern. I know that we have people on both sides of this issue. The SPF breeders particularly, I sympathized with them. They have a very serious problem because it puts them out of business. The commercial breeder can vaccinate. That is no problem with him. I am concerned about the bill. As I say, I began to change my attitude on this bill as I heard the testimony, began to read more about the pseudorabies problem. It is true that we did eradicate some other diseases, but in all those cases we knew a little bit more about it than we do pseudorabies. We do know some things

about pseudorabies, but when it comes to control, we really don't know how it spreads. We don't know a lot of things about it. I have a person that lives right close to my home, has an SPF herd, a young fellow that was here for the first hearing, and was very much in support of the bill because he has SPF hogs. He bought his hogs from SPF herd and still ended up with pseudorabies. Well, he has cleaned out since then and started over and he is not quite as excited about the bill anymore today, although as an SPF breeder he would like to see something done. There is another SPF breeder in my neighborhood, sells hogs...breeding stock to South America, and he is very concerned. He is desperate because of what it would do to his sales, but I think he is groping for something to help him but something that I think he realizes is not going to solve his problem. As I say, we don't know how pseudorabies spreads. We don't know really what causes it. Checking all the hogs within a one-mile radius is not going to prove very much because in many cases you will find out within a one-mile radius the herds may be free but two miles out they may have them. Again I say that I am not objecting to this bill because of fiscal impact. The pork industry is certainly worth anything that we can put into it. But I am afraid we are going to cost the pork producers a great deal of inconvenience and a great deal of cost in this thing and we are still not going to arrive at any solution. From the standpoint of the SPF breeders, I sympathize with their position but I cannot see that this is going to help the situation in any way. So I oppose the bill because I feel we still do not know what causes it or how it is spread and that I don't think this is going to do the job. Thank you.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, this is a very interesting bill, and I think it is a very important bill because the pork producers do add a lot to our economy in our state. I have been to numerous hearings on this bill, the pseudorabies bill. I am not a member of the Ag Committee but I am very interested in this bill, LB 36. There was one hearing held and this was held by the request of some of the pork producers in my area. It was held in Bloomfield, Nebraska. Senator Schmit told you about that a little while ago. And we had quite a discussion. It was a long hearing and there was only one...there was only one person that testified against the bill and he happened to be the owner of a sale barn in that area. We even had some veterinarians

February 24, 1982

IB 36

testify and they thought that this was a step in the right direction. They thought that we needed to get started with something. Others expressed their opinion that they thought it ought to be a little tighter...the bill ought to be a little stronger. Personally, I don't think it should be. I think that this is a start. Let's pass this bill this year, give it a year or two to work and then see how we are getting along with it. I think there were only one or two county pork producer associations opposing this bill. All of those in my area are supporting the bill as it is written. The state association is supporting it and I think that they have done a lot of research on it. And so I would say to you today, let's go ahead with this bill. Let's try it out and see how it works and then go from there. So I am going to support the advancement of this bill.

SENATOR CLARK: It is with great pleasure that I present to you in the north balcony for those of you that like to eat steak, the Nebraska Stockgrowers Board of Directors and committee men from western Nebraska, the 47th District. Will you stand and be recognized please. Welcome to the Legislature. Next speaker is Senator Burrows.

SENATOR BURROWS: Mr. Chairman, members of the Legislature, I support the pseudorabies act, LB 36. I think it is time that Nebraska look at its swine industry and take some real serious concerns on this. Pseudorabies at the present time is a serious disease. It is not the worst by any factor of the imagination that we've got to deal with but the amount of pseudorabies in the state is not at an extremely high level. If we don't do something to curb the growth of pseudorabies now, any control program or measures to really handle the disease may very well be an impossible situation in another year or two. The amount of pseudorabies right now and it is rapidly growing is at a level where we can do something realistically I am sure to curb its growth. LB 36 is not supposed to stamp out pseudorabies. It is to stop the growth and the spread of pseudorabies in the State of Nebraska. Now it has been... some of the speakers have said we don't know anything about pseudorabies. We know a lot about it. The main carrier is hog to hog. It is spread from swine to swine. Sure, wild animals and pets can carry it from one farmstead to another but they don't carry it very long because generally and in most instances when a farmer gets pseudorabies his dog dies. The cats that get it die and they don't carry it very long so they are not much of a source in spreading the disease. Europe has a long history with pseudorabies and they went to a vaccination program. Right now in Nebraska our vaccination program in handling the disease is working very well but after years of handling it in Europe they have found problems with covering pseudorabies with vaccination. I think we ought to look at the history of the disease deeper than what we have looked at it right here in the State of Nebraska. It is a serious disease. The bill is reasonable. We worked in the Ag Committee a long time on this bill and I think to worry about \$600,000 on a bill, on an industry where pseudorabies is probably going to cost millions of dollars in the next few years I think is sheer folly. I think the State of Nebraska should take the lead and look out for the hog producers and pork industry of the state. \$600,000 related to the swine industry is a token and if this state is so cheap that it can't put up a token payment to help out the swine industry, we are going to have a lot of problems ahead of us. I don't think we can take the concerns of a point on the income tax, and six hundred thousand is one fortieth of what one percent on the income tax produces, to let the

swine industry go down the tube. If we wait and sit on our thumbs and wait we are going to have a situation where the state will not be able to stop the growth of pseudorabies. The question was raised why the farmer doesn't have to pay, why he shouldn't pay the whole tab. This is a consumer bill also...

SENATOR CLARK: You have one minute left, Senator Burrows.

SENATOR BURROWS: ...to have a healthy industry. It is extremely important to all the people of this state that we have a healthy swine industry and to write it off as a nothing disease when generally when it hits the farmer his pets all die, he goes through a lot of problems with it, I think it's totally unfair. The bill is a reasonable bill and most of the areas of the state where they have a minimal amount of it need the protection where we can have the potential in a few years of actually eliminating this disease. If we let it spread wild we will have to go to vaccination and that hasn't worked out all that well in Europe. We've got to look at what happened in the history of the disease in Europe when we make our plans here in Nebraska. We know a lot about pseudorabies. We're not working in a vacuum on it and I urge the body to pass LB 36 and take a look in the future and do something for the swine industry. Thank you.

SENATOR CLARK: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, again I would kind of remind the body this has been an exceptional bill in the sense it is one of the few bills I have ever seen that has had two public hearings. It has been discussed since last year. There was a lot of things we talked about what we could do. I think really here today we can either do one or two things. We can either kind of own up to it that we do have a problem and pass this bill in hopes of controlling the disease or we can just do nothing and let it go and I have seen some of these cases where you let stuff go and in the end you really pay. It is like a "pay me now or pay me later." But I think one thing that, I had a letter from Carson Roger who is chairman of the Swine and Health Committee. He is on the National Pork Producer's Council. He is the National Director for the Nebraska Pork Producers and his last comment in his letter goes like this: "Nebraska has long been recognized as a leader of agriculture and a livestock state. With your help in the support of LB 36 we can retain the standing and move toward to first control then eradicate in the future pseudorabies from the swine industry population in the State of Nebraska. I think this really gets down to the heart of it. We can do something

now to control the disease and I would urge your support in supporting LB 36. Thank you.

SENATOR CLARK: Senator R. Peterson.

SENATOR R. PETERSON: Mr. Speaker and fellow colleagues, I rise to oppose this bill. I have very much reservations about it as some of the other speakers. I realize there is a problem with our hog industry but I feel that the hog producers themselves are the ones that are going to have to work themselves out for another year or two and until we see what causes it, I feel that I cannot support it at this time. The fiscal impact I feel in several letters I have recieved and I've got to kind of agree with the letters. I have one letter here that says that the state will pay for official tests to some of the larger seed producers. This will amount to a savings of thousands of dollars every year. Why should we ask the Nebraska taxpayers to pay the cost of doing business for seed stock producers? I think this is a law to force the small producers out of business. I've had a number of letters from producers that state this. It is my feeling also. I have great concerns about the movement of hogs in and out of the state and that has been spoken to previously. So I would urge that you, fellow colleagues, that you do not move this bill right now. Thank you.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, members of the body, I have listened to LB 36 for quite some time. The first discussion I had I was virtually convinced that it indeed had solved a problem. I want to read to you excerpts from a letter that I received from a good friend of mine who is producer of about 16 thousand hogs a year. Here are some of his comments and when you say 16,000, I have a little trouble with Senator Kahle's figures. He stood up and said we have four and a half million hogs in the State of Nebraska worth X number of dollars. Senator Schmit stands up and says we have six million hogs in the State of Nebraska worth several million. There is a slight discrepancy. Let me quote to you a few points this gentleman makes to me in a written letter. "One, it has been said we have to do something to protect the herds that don't have pseudorabies. I say these herds can protect themselves by maintaining a closed herd and buying negative tested stock or by vaccination. Besides that LB 36 will not protect these herds and let me explain why. This bill has absolutely no chance at all of controlling PVR because it allows pigs infected with PVR to sell through the same facilities as feeder pigs and because it allows feeder pigs of unknown health status to continue

to be imported into our state. This continues to create new sources of infection and spreads PVR. The FDA states that PVR has been in the United States for over a hundred years. We have 269 cases now in quarantine in Nebraska and hundreds of other herds have PVR but are not tested for fear of being put on quarantine. Many other herds have PVR but they're not because the symptoms are so variable." He goes on to state, "When LB 36 was introduced to the committee they were asking for \$500,000 for an appropriation to cover this bill. \$500,000 will not begin to be enough money to finance the bill because PVR is much wider spread than most people realize. Why should we ask the Nebraska taxpayers to finance something that is not a public health problem and a majority of people actually raising hogs do not want this bill? I can assure you that there are many problems related to the production of pork. PVR is not a major one. Of all the diseases that can affect hogs PVR is one in which the vaccine works. I vaccinate my entire sow herd and have never had a loss because of PVR. To blood test a sow costs \$10 per head and there is no protection. To vaccinate costs .70 per sow which gives a sow and also the litter protection. The use of vaccine is the most practical economical way of controlling PVR." And I'll let this letter stand in the interest of the gentleman who has been raising hogs for a number of years and knows it inside and out. Thank you.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, with all this urging to call the question I will make one small point and not call the question. One of the main arguments I've heard and some of the people that came to see me said we don't know what causes pseudorabies, therefore, we shouldn't be doing anything like you are proposing and I guess I feel it is kind of a Catch 22. We don't know, therefore, we shouldn't be doing anything. Where the other side of the horn is maybe if we don't do something we're not going to find out. Now I can tell you a couple of other things, we don't know the cause of but we are doing something about. There is a disease that a lot of people are familiar with in this room and it is called cancer. Now I want to know, does anybody know the cause of cancer because if you do, if you've got the answers there is one heck of a bundle of dough and everything else waiting for you. You can retire. You see the reason we're doing the research, the reason we're trying to find out more, the reason we even take preventive measures is to try to make progress in the area, try to make that step forward to learn causes, to learn preventive measures, so on and so forth, to address the problem.

Now far fetched as it sounds, some of the things we're doing today for cancer may five years or ten years from now when we learn a little more turn out to be ludicrous and Senator Vard Johnson wants me to put in a quick commercial for cancer registry here and I think it is a good idea and so on. But anyway, it wasn't that many years ago, maybe even your grandfather is familiar with it, some of you, we used to bleed people. We used to do all kinds of things because we were trying to learn more. Now if we had stopped and said we don't know the causes, therefore, we can't do anything, we might never have found out that was the wrong solution. So I would urge you on the basis of the argument at least that we don't know the cause, therefore, we shouldn't look, kind of like, that that is not valid and at this point at eleven thirty-two or eleven thirty-three I am going to vote to advance the bill unless I hear some compelling arguments to the contrary.

SENATOR CLARK: I've got Senator Haberman, Senator Kahle and Senator Schmit.

SENATOR HABERMAN: Mr. President, members of the Legislature, Senator DeCamp, if you will listen just for a minute I might give you a compelling argument. I would like to commend you for tying pseudorabies to cancer. That is really good because you've got everybody scared to death. Well when you say we're going to get cancer if we don't pass this bill...well no but you indicated. Now, I would like to read you a letter, John. "I am writing in regards to LB 36. I am not a member of the Nebraska Pork Producers but I do raise a few hogs for my living. Now if this law passes it is going to put me out of the hog business. I don't think it is right that SPF breeders can force their methods of raising hogs on other producers. If this bill goes through SPF breeders will be able to name their price for breeding stock and it will force small producers like me out of business. I don't have the help to do all the blood testing which LB 36 would require and I can't take the risk of leaving my farrow herd unvaccinated." So, Senator DeCamp, there is a compelling reason right there. You are going to put some small people out of business. You are going to put them out of business because the SPF is pushing this and they want it done so I think that is a compelling reason. We've already shown it can come over here from Iowa in their hogs. We already know it doesn't hurt people, that it is in animals, it's in other things so I think that instead of panicking and pushing the panic button and then hollering cancer and hollering all these things, let's just defeat the bill and go on from there. Thank you, Mr. President.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President, members, I've talked before so I'm going to make this real short. A lot of things have been said here have been said by people who don't know what they are talking about. For one thing about the purebred breeders or the SPF breeders, they certainly are not the only ones who are pushing this bill. The only reason they are pushing it is because they have a keen interest in the industry. Senator Nichol mentioned earlier in the discussion that you could sell off and in a period of time why, the disease is gone and you can restock. What with? Some more infected hogs? We need to determine whether a herd and whether a producer of breeding stock is clean or whether he is not clean and that is not an easy process with pseudorabies. There is no question about it but I just can't see how you can promote the industry and not do even what Senator DeCamp just said. We don't know a lot about it. But just to turn your back and sweep it under the rug and say, well, let's just don't pay any attention to it, maybe it will go away, and Senator Burrows mentioned the problem they have had in Europe all these years. When we were over in Taiwan a year and a half ago they are also concerned about it. They were very careful that we didn't bring it along with us from the United States. But to say that the, to finish my point that I'm trying to make now, to say that the only people that are interested in this thing are the breeders of purebred livestock is pure folly. We need those people. Our operation, my son's operation, we sell absolutely no breeding stock and yet he has to buy breeding stock and expect that to be clean and that is where the issue is. Thank you.

SENATOR CLARK: Senator Schmit, on the advancement of the bill.

SENATOR SCHMIT: Mr. President and members of the Legislature, I think Senator Kahle has said some things here that I would have said so I won't repeat them but the bill is for the good of the entire swine industry, not just a few. Now I recognize that the swine producer that was mentioned by Senator Koch is a very capable and a very efficient producer. There are some additional swine producers, large swine producers, who have decided that they will vaccinate for the disease and attempt to operate their operation in that manner. I guess, and they have told me what a terrible burden it will be for them to test 10% of their swine if they want to prove a pseudorabies free herd. The argument being that it is easier for a small producer to prove a certified free herd than a large producer. Well 10% is 10%. 10% of a hundred is ten sows. 10% of a thousand is a hundred head. The percentage is the same and I suggest that perhaps the problem of the large producer is not any greater on the percentage basis than is that of a small producer. I recognize

the facilities that are utilized in the production of sixteen thousand hogs in the case of one producer and eighty thousand in the case of another, a hundred thousand in the case of another. Those facilities need to be extensive and they are expensive and they are difficult to operate this kind of a bill but let me point out to you also that at the hearing we held at Bloomfield, Nebraska, at the request of Senator Hefner, a large number of swine producers came to that hearing and they protested vigorously the shipment of swine into their area from one of these large producers without the knowledge of whether or not the swine were free from pseudorabies. I guess the question is and I don't know, you have to decide that in your own mind. Does a producer of swine, doing the best he can in the way of management to keep his herd free from disease, does he have any right to some kind of protection from a herd which may or may not be infected with a disease? Now if you think so then you must vote for the bill. If you think not, you think it is a free-for-all, then I guess you vote against the bill and that is not the only reason you would vote against the bill, I understand, but I'm pointing out that there are many members of the Nebraska Pork Producers Association who have come to this committee and have come to this Legislature. They have come singly, they have come by twos, by tens, by hundreds and they have supported the bill. I have taken that bill apart section by section, page by page, line by line and Senator Kahle and I and others have done every possible thing we can to attempt to satisfy the concerns of these producers who object to the bill. And we have not been able to do those things that they demand or that they would like to see done and still have a workable bill. Now as I have said on this floor hundreds of times, it easy to pass a bill in number only. If you want to strip the bill down to nothing and I'm not charging anyone with doing that but if you wanted to, if I wanted to go back home and tell the pork producers or tell the Pork Producers Association...

SENATOR CLARK: You have one minute left.

SENATOR SCHMIT: ...we passed a pseudorabies control bill for you, we could easily have gutted the bill, would have beer no problem, we could have passed a worthless meaningless bill, would have fit my criteria of not doing anything, helping anyone, hurting anyone or costing anything and we would have all gone home happy. On the other hand if you want to pass a bill which the Pork Producers Association of Nebraska have supported in the hopes that it will control the disease, then you have to vote for the advancement of this bill. The question is yours. The decision is yours.

I ask you to render that decision based upon the information we have given you knowing that none of us are experts in the control of this type of a disease. I ask you to support the bill.

SENATOR CLARK: The question before the House is the advancement of LB 36. We will take a machine vote. Have you all voted? Once more, have you all voted that wish to vote? Senator Kahle.

SENATOR KAHLE: This is an important issue for agriculture and I think we should have a Call of the House and a roll call vote so we're all recorded.

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call of the House will vote aye. Record the vote.

CLERK: 13 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All senators will take their seats please and check in. Will you all check in, please. Senator Hoagland, will you check in. You did? Thank you. Senator DeCamp, will you check in, please. Senator Cullan. We're looking for Chambers and Carsten. Did you want to continue with the roll call vote now? We're short two. Senator Apking.

SENATOR APKING: Reverse the order.

SENATOR CLARK: All right, fine. We will reverse the order. Senator Kahle, are you ready to start roll call?

SENATOR KAHLE: How many are missing?

SENATOR CLARK: Two, Senator Carsten and Senator Chambers. Senator Chambers is here. We're only short one. The Clerk will call the roll in a reverse order.

CLERK: (Read roll call vote in reverse order as found on pages 837-838 of the Legislative Journal.) 18 ayes, 24 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is not advanced. We will go back to 335 with a motion. We have some things to read in first.

CLERK: Mr. President, Senator Landis would like to print amendments to LB 410. Senator Lamb offers explanation of vote. There will be an Agriculture and Environment executive session at eleven fifty-five underneath the North balcony. That is Ag and Environment, North balcony, eleven fifty-five. (See pages 838-839 of the Legislative Journal.)

March 19, 1982

LB 870, 765, 36

Sergeant at Arms will find Senator Higgins and Senator Schmit and then we are ready to proceed. Senator Schmit is here so we just need to get him in his chair and then we will...Senator Higgins, we have to wait for Senator Higgins anyway. Senator Higgins is the only one. All right, Senator Stoney, shall we proceed? Senator Higgins is the only one. So if you are ready to proceed we shall proceed. Proceed with the roll call vote then. The question, Mr. Clerk, you might repeat the question for those who came in so they know what we are voting on.

CLERK: Mr. President, the motion before the membership is to reconsider the kill motion on LB 870. (Read the roll call vote as found on page 1306 of the Legislative Journal.) 30 ayes, 14 nays, Mr. President.

PRESIDENT: Motion carries, LB 870 is now to be reconsidered. All right, now it's back on General File, Senator Beyer, so it is ready to be dealt with in the future. It is now in a position to be brought up again. We will proceed then with the next agenda item 6, General File, priority bills Special Order, LB 816, Mr. Clerk. Ready for Select File. That's where we are, yes.

CLERK: Mr. President, while we are waiting I have amendments from Senator Landis to be printed in the Legislative Journal to LB 765. (See page 1306 of the Journal.)

PRESIDENT: I understand those have been taken care of so we are on Select File on the reverse side. We are ready for 36, is that it?

CLERK: Yes, sir.

PRESIDENT: All right, on Select File which is agenda item 7 with LB 36. Proceed, Mr. Clerk.

CLERK: Mr. President, I have no amendments to LB 36. The bill was considered by the Legislature on February 24th on Select File. At that time it failed to advance.

PRESIDENT: Senator Schmit, do you wish to move the advancement of the bill then?

SENATOR SCHMIT: Mr. President, I move that LB 36 be advanced to E & R.

PRESIDENT: Any discussion on the advancement of the bill? Senator Cullan, what did you...you request a machine vote? All right, machine vote has been requested. So the motion is

March 19, 1982

LB 36, 817

to advance LB 36. All those in favor vote aye, opposed nay. We will go to the board. Have you all voted? Technically, the House is still under Call, Senator Schmit. I just thought I had better bring that to your attention. I don't know whether they are all here, but technically the House is still under Call. So whatever you want to do. What do you wish to do? It looks like you are a little ways away from the votes to advance. The Sergeant at Arms will see that all members are here because the House is still under Call. Senator Schmit, what do you wish to do? Do you want to have....?

SENATOR SCHMIT: Could you have them report in, Mr. President?

PRESIDENT: All right.

SENATOR SCHMIT: Let's take call in votes.

PRESIDENT: Let's do that and then we will take in call in votes. Would all of you register since we have had people coming in and going out and we still are under Call, would you register your presence so that we can see if all are here as they should be. Barrett, Burrows, Haberman. Senator Fowler, are you there? Senator Wesely and Senator Fowler. Senator Hefner. Hefner and Fowler, Sergeant at Arms. Senators Hefner and Fowler. Senator Schmit, you are accepting call ins at this time. So the Chair will be able to accept call ins at this time.

CLERK: Senator Hefner voting yes.

PRESIDENT: Roll call vote has been requested. Are we all here now? I think we are all here. Senator Fowler is not here. That is the only one. Senator Fowler. Do you want to wait until Senator Fowler gets here? Senator Cullan. Senator Schmit, Senator Fowler is the only one not here. All right, proceed with the roll call on the advance of LB 36. Proceed, Mr. Clerk.

CLERK: (Read the roll call vote as found on page 1307 of the Legislative Journal.) 24 ayes, 18 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: The motion fails and the bill is not advanced. And, Senator Schmit, as I understand the rules, that means that the bill is indefinitely postponed pursuant to Rule 6, Section 5(1). So LB 36 is indefinitely postponed. Proceed then to the next bill on Select File, LB 817, Mr. Clerk.