

**ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010**  
**COMMITTEE STATEMENT**  
**LB865**

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**Hearing Date:** Tuesday February 02, 2010  
**Committee On:** Agriculture  
**Introducer:** Fischer  
**One Liner:** Adopt the Livestock Animal Welfare Act

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

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**Vote Results:**

**Aye:** 8 Senators Carlson, Council, Dierks, Dubas, Karpisek, Price, Schilz, Wallman

**Nay:**

**Absent:**

**Present Not Voting:**

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**Proponents:**

Deb Fischer  
Larry E. Sitzman  
Michael Kelsey  
Kevin Peterson

Judy Varner  
Hank Cerny  
Ed Woeppel

**Representing:**

Introducer  
Nebraska Pork Producers, Nebraska Poultry Industries  
Nebraska Cattlemen, Nebraska State Dairy Association  
Nebraska Farm Bureau, Nebraska Corn Growers  
Association, Nebraska Soybean Association, Nebraska  
Wheat Growers Association, Nebraska Chamber of  
Commerce  
Nebraska Humane Society  
Nebraska Veterinarian Medical Association  
Nebraska Cooperative Council

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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

LB 865 reassigns criminal prohibitions pertaining to animal cruelty applicable to livestock to a new livestock welfare article in Chapter 54. Simultaneously, the bill would insert various clarifications in certain provisions of Chapter 28, Article 10 of the criminal code defining crimes against animals to exclude applicability to livestock.

The animal cruelty provisions that LB 865 would place into Chapter 54 closely replicate those provisions of Chapter 28, Article 10 of the criminal code defining crimes against animals and other prohibited conduct involving animals, as well as those prescribing associated criminal sanction. Definitions of abandonment, cruel mistreatment, and cruel neglect as well as enumerated exclusions from these terms are replicated except as necessarily modified to confine their application to livestock. Other prohibited acts including indecency with an animal and certain activities involving tripping of horses or cattle for sport or entertainment, are retained as well. The bill further carries over provisions assigning a duty for animal health professionals to report suspected animal cruelty.

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**Explanation of amendments:**

The Committee amendments (AM 1739) are technical in nature and include the following revisions to the bill:

\*Confines the defined term "euthanasia" in Section 2 of the bill to mean the destruction of livestock animal by accepted veterinary practices. The bill as introduced qualifies the defined term to mean euthanasia performed by an animal owner or veterinarian at the owner's request. This is unnecessarily duplicative with the employment of the defined term under Section 7, subsection 2 which limits exclusion of euthanasia from prohibited acts of animal cruelty to euthanasia performed by an animal owner or custodian or a veterinarian at the owner's request

\*Updates a citation to regulations governing research facilities under the federal Animal Welfare Act to the act as it existed on January 1, 2010 where the citation occurs in the new Livestock Animal Welfare Act and in Section 28-1013 of the existing animal cruelty provisions of the criminal code.

\*Corrects an internal citation in Section 8 of the bill.

\*Corrects a drafting omission by transferring into Section 7 of the bill an exclusion of commonly accepted practices occurring in conjunction with rodeos, and animal pulling or racing contests from certain prohibited acts of animal cruelty defined elsewhere within the Livestock Animal Welfare Act.

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Tom Carlson, Chairperson