

**Agriculture Committee February 5, 2019**

**HALLORAN:** Good afternoon. My apologies. The Exec Committee went a little bit beyond our intended schedule. Welcome to the Agriculture Committee. I'm Senator Steve Halloran. I'm from Hastings, Nebraska, and represent District 33. I serve as the Chair of this committee. The committee will now take up the bills in the order posted on the agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. The committee members might come and go during the hearing. This is just part of the process as we have bills to introduce in other committees. I ask that you abide by the following procedures to better facilitate today's proceedings. Please silence or turn off your cell phones or other electronic - electronic devices. Please move to the reserved chairs on either side of the aisle in the front row when you anticipate testifying. Introducers will make initial statements followed by proponents, opponents, and neutral testimony. Closing remarks are reserved for the introducing senator only. If you are planning to testify, please pick up a green sign-in-- sign-in sheet that it is on the table at the back of the room. Please fill out the green sheet, the sign-in sheet, before you testify. Please print, and it's important to complete the form in its entirety. When it is your turn to testify, give the sign-in sheet to a page or to the committee clerk. This will help us make a more accurate public record. If you do not wish to testify today but would like to record your name as being present at the hearing, there is a separate white page, white sheet, on the tables that you can sign for that purpose. This will be part of the official record of the hearing. If you have handouts, please make sure you have 12 copies. And give them to the page when you come up to testify, and they will be distributed to those on the committee. If you do not have enough copies, the pages will make sufficient copies for you. When you come up to testify, please speak clearly into the microphone. Tell us your name, and please spell your first and last name to ensure that we have an accurate record. We will begin today-- let me first ask, how many are here to testify on LB660? OK. We will be using the light system for all testifiers. You'll have five minutes to make your initial remarks to the committee. When you see the yellow light come on, that means you have one minute remaining, and the red light indicates your time has ended. Questions from the committee may follow. No displays of support or opposition to a bill, vocal or otherwise, is allowed in-- at the public hearing. Committee members who are with us today will

introduce themselves starting on my far, far left. Senator Moser.

**MOSER:** Mike Moser, District 22.

**SLAMA:** And which covers Platte--

**MOSER:** Platte County, Stanton County, and part of Colfax County.

**SLAMA:** Got to quiz them from time to time. Julie Slama, District 1 covering Otoe County, Nemaha, Johnson, Pawnee and Richardson Counties in southeast Nebraska.

**LATHROP:** Steve Lathrop, District 12 which is in Douglas County. It includes Ralston and parts of southwest Omaha.

**BLOOD:** Senator Carol Blood. I represent western Bellevue and southeastern Papillion.

**HALLORAN:** And to my far right.

**B. HANSEN:** Senator Ben Hansen, District 16 which is Washington, Burt, and Cuming Counties.

**BRANDT:** Senator Tom Brandt, District 32, Jefferson, Saline, Fillmore, Thayer, and southwestern Lancaster Counties.

**HALLORAN:** And Senator Brandt-- Brandt is our Vice Chair. To my right is committee research analyst, Rick Leonard, and to my far left is committee clerk, Rod Krogh. Our pages for the committee are Brigita Rasmussen, she is a sophomore at UNL with a major in ag education, and Katie Anderson. And she is a senior at UNL with a double major in English and political science. With that, we will begin our hearing with LB660. Welcome, Senator Brewer.

**BREWER:** Thank you, Chairman Halloran. And good afternoon, fellow senators of the Ag Committee. I'm Senator Tom Brewer. For the record that is T-o-m B-r-e-w-e-r. I represent 13 counties, which I won't go over, of western Nebraska. I'm here to introduce LB660. Under current law, the executive director of the Brand Committee wears two hats. This person is the boss of the Brand Committee and is the committee's chief investigator. Because of this requirement, the executive director of the Brand Committee has to be law enforcement certified. The Law Enforcement Academy at Grand Island is 16 weeks. The older one gets the less likely of being able to complete this rigorous course. And because of that, it limits those who would be available to put in the

position of executive director. Very experienced people who have spent a lifetime in the cattle business are discouraged from throwing their hat into the ring for the job of executive director of the Brand Committee for this reason. This bill does away with the requirement for the executive director to be the law enforcement-- this bill does away with the requirement for the executive director to be law enforcement certified and creates a new position on the Brand Committee for chief investigator, the chief investigator who answers to the executive director and is law enforcement certified. This way we attract the best-qualified person for the job. I think it is important to have someone with life experience in the cattle industry running the board. Whether or not they are graduate law enforcement academy or not does not become a positive factor for this position. There is a fiscal note, but understand that the money to fund this comes from fees generated by the Brand Committee and not from the General Fund. This concludes my remarks. I will be followed by representatives from both the Brand Committee and the Nebraska Cattlemen's Association. And with that said, are there any questions?

**HALLORAN:** Thank you, Senator Brewer. Any questions from the committee?

**BREWER:** I will stick around for closing.

**HALLORAN:** Thank you. All right. Are there any proponents for LB660? Good afternoon.

**DAVE HORTON:** Good afternoon. Good afternoon, Senators. It's a pleasure to be here to testify before you. My name is Dave Horton, H-o-r-t-o-n. I'm curtain-- currently the interim executive director for the Nebraska Brand Committee. I'll be testifying in support of LB660. As a 44-year employee of the Nebraska Brand Committee, having held the positions of brand inspector, criminal investigator, area supervisor, and interim executive director, I have witnessed the evolution of the executive director position from a manager's role to that of a CEO or a CFO role. To keep up with the changes in the livestock industry, the next executive director must have talents and capabilities to oversee and direct present policies, procedures, and the demands of today's financial, political, technological needs, and the livestock issues facing the Brand Committee. Also understand long-range planning, being able to forecast trends, the future needs of the Nebraska Brand Committee by evaluating and projecting the future directing-- direction of the livestock industry. Also, the executive director must have the ability to

communicate and work with other agencies, both state and federal, directing the needed changes that will be integrated and implemented into the Nebraska Brand Committee's duties and responsibilities involving ownership, animal disease traceability, the use of electronic identification devices known as EID, and other technologies and demands of government and industry partners. The executive director needs the authority and the ability to oversee the workings of the Nebraska Brand Committee as directed by the Brand Committee members that are appointed by the Governor but-- but-- but does not need to be directly involved in day-to-day operations, issues, investigations of the field staff. This can be accomplished by the position of chief investigator, chief inspector, chief of field operations, who will report directly to the executive director. The exacting-- the executive director being required to be out of the office, unavailable, and away from the Brand Committee business for 16 weeks plus the cost to attend the Nebraska Law Enforcement Training Center and continue in education every year to keep that certification will-- will be an unnecessary burden placed upon the new executive director and the agency. Once certified, they will be very limited in their involvement with law enforcement issues due to other job duty requirements. The executive director will receive regular updates from the chief investigator/inspector pertaining to field staff and law enforcement matters. For the Nebraska Brand Committee to remain viable, valuable, and sustainable as an agency well into the future, the new executive director, as in other departments and agencies-- agency, must not be tied down to day-to-day management but be able to manage their time as needed for the overall good and the advancement of the Nebraska Brand Committee. The law enforcement certification is a definite limiting factor in finding and recruiting-- recruiting talented, capable individuals who will fill this very important leader and face of the Nebraska Brand Committee. As the interim executive director, I support this change made by LB660. Thank you.

**HALLORAN:** Thank you, Mr. Horton. You-- you got a reprieve from the lights. You could have gone on for 20, 30 minutes. I appreciate your--

**DAVE HORTON:** It's probably-- it's probably best.

**HALLORAN:** --your brief testimony. Any questions for Mr. Horton from the committee? No? Thank you so much.

**DAVE HORTON:** Thank you.

**HALLORAN:** Any other proponents for LB3-- or LB660, excuse me? Good afternoon. Welcome.

**JOHN WIDDOWSON:** Good afternoon. Thank you, Chairman Halloran and senators. My name is John Widdowson, J-o-h-n W-i-d-d-o-w-s-o-n, and I'm currently the chairman of the Nebraska Brand Committee. Senator Brewer and Mr. Horton have done a great job explaining to you the reasons why we brought LB660 to you. I won't go through that again. But as the chairman of the Brand Committee, I can give you some insight. Sitting on the committee and doing interviews for the executive director, it is a large concern for all those candidates, even the candidates that have filed the application process and have made interviews with us, even-- even those people have big concerns about that. So it is definitely a topic that we as a committee have been dealing with. And so removing that requirement will allow us to basically open up our pool of candidates. It's been historically that the executive director has been within the agency, and we've been looking outside the agency for potential people that fits the skill set that we need. We need to have this requirement removed. We are in the process right now of looking for a full-time executive director as Mr. Horton is now the interim. So this process-- we're kind of waiting on the process to see the results of this bill. But without question, the removal of this requirement will definitely open up the pool of candidates that we can put the best person in place to run the Nebraska Brand Committee. So that's all I have. Thank you very much for your time.

**HALLORAN:** Thank you, Mr. Widdowson. Any questions from the committee? Seeing none, thank you very much.

**JOHN WIDDOWSON:** Thank you, again.

**HALLORAN:** Any other proponents of LB660? Good afternoon.

**MIKE DRINNIN:** Good afternoon, Chairman Halloran and also to all the committee members. Appreciate this opportunity. My name is Mike Drinnin, M-i-k-e D-r-i-n-n-i-n, and I'm a cattle feeder with feedlots in Columbus and Palmer. And I currently also serve as president of the Nebraska Cattlemen. And I appear before you today in support of LB660. On behalf of Nebraska Cattlemen, I want to thank-- thank the Senator Brewer for introducing this legislation. I have also been asked to offer support on behalf of Nebraska Farm Bureau. As John Widdowson has said, there's a lot of things that's been already explained, and I'll kind of briefly go through this. But the executive director of Nebraska

Brand Committee should focus on leadership and staff management and organizational processes to help the committee run efficiently-- efficiently. His or her duties are primarily managerial and include budget management, employee relations, including compensation time and mileage cost, and managing future direction of the committee. This current committee has implemented a more efficient organizational chart which includes a chief investigator position. This person is required to be law enforcement trained and reports directly to the executive director. Since investigations are just one aspect of the committee's duties, this structure allows a chief investigator to have the primary responsibility for this task and keep the-- in-- the executive director informed of cases. There are currently other state agencies with law enforcement divisions that do not require the director to be-- to be trained, including the Departments of Ag, Motor Vehicles, and Insurance. Nebraska Cattlemen supports this modification to result in even more efficiency for the Nebraska Brand Committee, encourages the committee support in the passage of LB660. Thank you very much for your time.

**HALLORAN:** Thank you, Mr. Drinnin. Any questions from the committee for Mr. Drinnin? Seeing none, I thank you for your testimony.

**MIKE DRINNIN:** Thank you, Senator.

**HALLORAN:** Any more proponents? Any-- anyone in opposition for LB660? Anyone in opposition? Anyone in the neutral capacity? Seeing none, Senator Brewer, if you'd like to close that would be fine.

**BREWER:** This is a very simple bill. We're simply taking the executive director position and dividing responsibilities, taking away that of the requirement to be law enforcement certified. So I think anybody who has been in a position like that could understand the difficulties of doing both jobs correctly. And it's a common sense bill. And there's not an A bill with it for the state. So with that said, any questions?

**HALLORAN:** Any questions for Senator Brewer? Seeing none--

**BREWER:** I want to come back to this committee more. [LAUGHTER]

**HALLORAN:** Senator Brewer, you're always welcome. I am going to turn the chair over to Senator Brandt because he's the Vice Chair and because I've got other things I need to attend to.

**BRANDT:** Thank you, Chairman Halloran. With that, we will open the hearing on LB344, and Rick Leonard will be reading the bill.

**RICK LEONARD:** All right. Thank you. Thank you, Senator Halloran, Vice Chairman Brandt. My name is Rick Leonard, that's R-i-c-k L-e-o-n-a-r-d. I'm the research analyst for the Agriculture Committee. I want to give a brief introduction to the bill and, pages, if I could, I want to provide a handout of an amendment proposing a series of primarily nonsubstantive, minor substantive cleanups and changes to the bill. LB344 is brought at the request of the Department of Agriculture. The bill would consolidate under a new Animal Health Disease and Control Act a number of specific livestock disease program statutes, the Animal Import Act, and other provisions of Chapter 54, Article VII that are often referred to as general power authorities. General power provisions endow the department with nondisease specific generic powers such as quarantine, right of entry, inspection, and disease surveillance authorities and also include provisions regarding duties of the department in the livestock community for carcass disposal, disease reporting, animal identification, testing, and disease incident response. Through LB344, the Department of Agriculture is seeking to eliminate duplicate provisions of existing law and outright repeal outdated statutes that the department will explain to believe to no longer supported by current veterinary science and current practice. Additionally, the disease specific acts that are repealed by this bill were enacted at a time to coordinate with state and federal eradication efforts. And now that we have reached disease-free status, these provisions are mostly outdated. I will defer to the department to go into more detail about how they believe this modernization of disease authorities enables the department to remain consistent with existing federal disease response surveillance and prevention regulations as well as position the department to carry out general animal disease responsibilities. This bill is complex, very complexly drafted. It's difficult to provide a direct comparison between existing authorities and the department and how these are repeals-- repeal-- replicated or modified or expanded under LB344. At our request, the department has provided a detailed section-by-section summary that explains each section and cites sources of existing law that are replicated under the act. A perhaps more useful reference is a one-page summary of significant changes in the existing authority that the department is seeking. Most of these items were distributed to you yes-- to you and your staff yesterday via e-mail and are included in briefing items behind LB344 tab in your binder. I'll conclude the opening by-- by presenting the amendment. AM146

contains a series of staff and department revisions that are largely nonsubstantive, that correct some drafting errors, relocate provisions for better context, and some changes for clarity, clarification, or consistency. In addition-- in addition to the actual copy of the amendment, my handout includes a point-by-point explanation of the amendment. Thank you. If you have any questions.

**BRANDT:** Seeing none, thank you, Rick. We'll ask for proponents. Is anybody else going to testify on this bill? I don't see any hands, so I don't think we'll need the light system.

**STEVE WELLMAN:** Well, good afternoon, Senators. My name is Steve Wellman, S-t-e-v-e W-e-l-l-m-a-n. I'm the director of the Nebraska Department of Agriculture. I'm here to testify in favor of LB344. I thank Senator Halloran for introducing this bill on behalf of the department. I have additional written testimony, and I ask that it be placed in the-- in the record for this bill. This act protects producers and consumers as well as the health of livestock in Nebraska. LB344 creates the Animal Health and Disease Control Act. This bill consolidates-- consolidates animal health and disease control authorities, eliminates duplication of provisions across multiple acts, and provides for repeal of outdated or obsolete provisions no longer supported by science or veterinary practice. The purpose of consolidating these authorities is to protect Nebraska's livestock industry in the most effective and efficient manner. This is a comprehensive approach to provide clear, transparent, and customer-focused state government to our livestock producers and consumers. The original animal disease specific acts are repealed by this act. They were enacted to assist the department in meeting the United States Department of Agriculture Animal Plant Health Inspection Service veterinary services' goal of controlling and eradicating transmissible animal diseases. Nebraska is currently free of the animal program diseases of bovine brucellosis, bovine tuberculosis, swine brucellosis, pseudorabies in swine, and scrapie in sheep and goats. The department works closely with farmers, ranchers, industry, and their associations, to continually conduct program disease control and eradication programs through monitoring, testing, and surveillance of Nebraska livestock. LB344 expressly provides the department to be consistent with USDA's program disease regulations, uniform methods and rules, standards, and guidelines. LB344 also provides the department flexibility for sustained mitigation of animal disease impacts, such as controlled movements, to allow for continuity of business while still protecting Nebraska's livestock health. USDA has moved toward a model allowing states

to establish geographical components or zones for such a purpose. LB344 provides authority for administrative hearings and for the assessment of administrative fines for specific types of violations for which there are currently no effective remedies. By far, most of our farmers and ranchers follow current statutes to protect their livestock and their neighbors' livestock. When the department has found violations, the enforcement tools to address the violations have not been effective. This act provides enforcement tools that are fair to the violator while supporting our farmers and ranchers that are following the laws, protecting the livestock. I ask for your support in enacting this bill and would be happy to answer your questions.

**BRANDT:** Thank you, Director Wellman. Are there any questions from the committee? The committee has a set of questions here--

**STEVE WELLMAN:** OK.

**BRANDT:** --and I'll go ahead and ask these. This bill repeals a number of acts that assign duties and authorities to the department to address specific program diseases, for example swine pseudorabies, bovine tuberculosis. You've explained that these acts are outdated and obsolete, and that future enforcement, if an outbreak would occur, are governed by federal regulations and USDA direction. Can you elaborate on that more? In other words, can you generally describe what types of federal programs or regulations govern disease response, responsibilities of the department and the livestock industry, how current statutes are outdated or conflicting, and how the bill preserves or enhances the department's ability to carry out its responsibilities?

**STEVE WELLMAN:** Sure. Thanks. Thank you for that question. So the department has a legislative mandated duty to protect the livestock, the health of Nebraska's livestock. LB344 provides authority for NDA to adopt USDA program disease requirements for diseases now eradicated in Nebraska such as pseudorabies and brucellosis. So this act repeals several statutes that are specific to certain diseases and that language is outdated and the protocols followed for the diseases are also outdated. The Bovine Brucellosis Act [SIC] is one example. There is no testing for brucellosis at livestock markets anymore. This has been the case for many years, but we still have statutes in the books that require us to-- that call for these tests. Another example is testing for pseudorabies as a part of the Pseudorabies Control and Eradication Act. All states are free of

pseudorabies, but language still exists in Nebraska law calling for things like random herd sampling and testing, protocols which are no longer used. So since these diseases are not currently found in Nebraska, our enforcement and future of-- any future outbreaks here-- of those diseases here in Nebraska, will be carried out in conjunction with USDA and follow-- work with them closely and the guidance within-- from them-- from the United States Department of Agriculture Animal Plant and Health Inspection Service and their veterinary services.

**BRANDT:** OK. Any-- does the committee have any questions concerning that question because we've got two more committee questions? OK. Question number two-- oh, I'm sorry, Senator Blood.

**BLOOD:** Senator Brandt, I just have a question about the questions.

**BRANDT:** OK. Yes.

**BLOOD:** So he seems to have the answers written down. Were these like prearranged?

**BRANDT:** I honestly can't answer that because unfortunately, Chairman Halloran, you know.

**BLOOD:** But his staff should be able to.

**RICK LEONARD:** Yeah, Senator, we were anticipating using the light system of four minutes, and to help provide the ability to get everything in, Senator, well, Senator Halloran had asked me to prepare a couple of questions. And yeah, so and-- and we did share those questions with-- with Steve. But the idea was to be able to ask questions in a way that would probe what they're doing with the bill deeper.

**BLOOD:** Well, with all due respect, I feel that the memo you gave was very comprehensive. I do feel that the bill is clear. I don't know if this is-- I don't question your methods. But I'm not sure that this is necessarily productive when you had an opportunity to speak already. I mean, preplanning questions, I'm not sure that that's what the hearings are about. But that's just my personal opinion. Feel free to do whatever.

**BRANDT:** OK. Thank you, Senator Blood. Any other comments? Senator Moser.

**MOSER:** I'm willing to listen to whatever discussion we have. I mean, yes, we've read the bill, but if they feel that there may be other questions that pop up to us, you know, I don't have any objection. I don't know how the rest of the committee feels but.

**BRANDT:** OK.

**SLAMA:** I checked with Mike. It's a bigger bill. There's additional questions that Chairman Halloran wanted to make sure we're asked.

**BRANDT:** If it's alright with the committee, I'll just go ahead and ask the questions. OK?

**LATHROP:** I don't care one way or the other.

**BRANDT:** OK. Yeah. Here we go.

**LATHROP:** You know, if this-- if this room were full of people, I might feel different.

**BRANDT:** Yeah. Absolutely. Yeah. And that's-- that's why I asked how many testifiers there were going to be on this bill. So Section 42 assigns a number of duties and-- duties and authorities to the department. There appears to be some items that were not included in the department's authorities under current general powers or specific disease statutes, for example, controlled feedlots and establishments of compartments or zones. Could you identify those provisions of Section 42 that are not found in current law and explain the purpose for including them here?

**STEVE WELLMAN:** Sure. So as you mentioned, the controlled feedlots is one of those examples and several of our neighboring states already have what they term and all-- the term as controlled feedlots, and this LB344 would give authority to the Department of Agriculture to-- to have a controlled feedlot. And those are, for example, the operation of a controlled feedlot is a feedlot that ensures appropriate biosecurity measures around the feedlot so if a-- if an animal is possibly exposed to a disease, the testing maybe hasn't been done yet. So we're not sure. But the animals could go to this feedlot that's already been searched out by the department, already been made sure that the biosecurity levels and the fencing and those types of things are in place, that we could-- the industry-- the owners could move livestock to those types of facilities. They could be secure. They wouldn't expose other animals to the disease that

they may have been exposed to. And then again, I think it just helps Nebraska be competitive with our neighboring states already offer that type of a feedlot structure. And again, that's-- that-- that is in-- in line with USDA regulations.

**BRANDT:** OK. Senator Moser.

**MOSER:** Is that a type of like quarantine so that the disease doesn't spread?

**STEVE WELLMAN:** So-- so these-- it's actually could be in play in-- in conjunction with a quarantine. Or it could be in place of a quarantine. These-- if-- if the animals are moved to the controlled feedlot, the purpose of that is that they will not be moved from that feedlot. They'll be fed and then moved to harvest. So they will be out of-- out of circulation, out of ex- - ex-- away from exposing other animals to any possible disease. Similar to what a quarantine does, but this actually lets the producer-- you know, if we have a quarantine that's imposed on a producer, those cattle or-- or livestock stay on that premises. If we can move them someplace else, feed them, make sure they're going to go straight to harvest, it allows that previous producer to-- to clean out his structures, do whatever types of things are necessary to rid his area of that disease so he can go ahead and continue his business.

**MOSER:** Thank you.

**BRANDT:** One last question. The bill asserts authority for the department to impose administrative fines. Can you explain the need for this? This is the first of a two-part question.

**STEVE WELLMAN:** Sure. The administrative fines are-- are similar to what we have in our other department-- in-- in our other programs within the Department of Agriculture. So at times, we do have-- I mean, by and-- by and large, our producers are very good at following the regulations. They understand the importance of not getting infected animals in their herd, not getting infected animals that-- that may actually infect other people's herd, and protecting everybody's interest along the way. Once in a while, we have some-- something that might pop up like transportation of animals that come into the state are required to have certain vaccinations. They're also required to have a certified vet inspection certificate along with them. If animals come into the state, they don't have the required documentation, we really haven't had any effective way to enforce that part of it even though it's actually already in

statute. So the statutory part of it is very similar. We're asking for the process of administrative hearing and fine-- fines that would be set up through a regulatory framework that would set the formula on how the fines would be actually determined.

**BRANDT:** OK. I guess, the last-- last part of that question. Are there any other material changes in the department's overall enforcement authorities from current law?

**STEVE WELLMAN:** So in general, no. The authorities that we're talking about in this-- in the LB344, our existing authorities and other aspects through-- scattered throughout the different disease acts that are out there, this consolidates them. It actually asked for a-- if we are denied access to an owner's property, that actually requires us to get a search warrant. That is-- that is new. Currently we do not have to ask for a search warrant. We can still go on the property with law enforcement. And we do have special investigators within the Department of Agriculture that have the same authority as a law enforcement official do. LB344 actually gives more protection to the owner. If they-- if-- if they deny us access, then we are required to go get a search warrant and go through proper statutory legal requirements to have access to the property.

**BRANDT:** OK. Thank you, Director Wellman. Questions from the committee?

**B. HANSEN:** I just have one.

**BRANDT:** Senator Hansen.

**B. HANSEN:** It may be a semantics question. I think it's on page 23 when you're talking about how you can promulgate the rules, how you can actually adopt them, carry them out, the rules. You talk about, you know, being able to control herds, control animals, establish fines, record-keeping requirements. But in Section (f), I don't know if this is broad-- or if it's broad or if it's just necessary or if it's something you've always had. Under (f) it says, "Any other provisions the department deems necessary for carrying out its duties under the act." Is there-- like I don't know for sure what that means.

**STEVE WELLMAN:** That's on page-- which page?

**B. HANSEN:** Page 23. Again, it might just be a total semantics question, mean nothing. But it seems a little broad. Or it might

just be one of those things that is necessary and should be in there. So you--

**STEVE WELLMAN:** Fair enough.

**B. HANSEN:** --find-- you find diseased animal and-- and does it fall into any of these additions, I don't know.

**STEVE WELLMAN:** And so-- so my thought on that is that we do have-- we will follow and be coordinated with USDA and APHIS and their regulations. I believe that this provision gives us the authority to, if it isn't in the statute but it is in USDA provisions and the regulat-- and the standard regulatory operating procedures, that we would implement those process-- that process.

**B. HANSEN:** OK. Thanks.

**BRANDT:** OK. Other questions? OK. Thank you, Director Wellman.

**STEVE WELLMAN:** Thank you.

**BRANDT:** Other proponents? Opponents? Anyone to testify in the neutral capacity? Are there letters to be read in? Letters to be entered into the record, proponent letters: Jim Douglas from Game and Parks Commission; and Kevin Cooksley from the Nebraska State Grange. A copy of these letters is included in the bill binders of all the-- all the senators on the committee, OK? And I guess we can conclude, right?

**RICK LEONARD:** Yeah. Staff can't close.

**BRANDT:** There won't be a closing because the staff can't close. So with that, the hearing for LB344 is closed, and we will move on to our next one which is LB320. Good afternoon, Senator Albrecht.

**ALBRECHT:** Good afternoon. Ready?

**BRANDT:** Is everybody ready?

**ALBRECHT:** Good afternoon, Vice Chair Brandt and members of the Agriculture Committee. My name is Senator Joni Albrecht, that's J-o-n-i A-l-b-r-e-c-h-t, and I proud-- proudly represent Legislative District 17 including Wayne, Thurston, and Dakota Counties. Today, excuse me, I'm presenting LB320 which I

introduce on behalf of the Nebraska Department of Agriculture. LB320 updates the Pesticide Act to align with federal regulations for the certification of applicators who apply restricted use pesticides. States like Nebraska which enforce pesticide regulations under a cooperative agreement with the U.S. Environmental Protection Agency must submit updated applicator certification plans to the EPA by March of 2020. LB320 would provide the Department of Agriculture the authority to have a certification plan in line, excuse me, with the federal regulations. LB320 also includes small cleanup provisions. The Department of Agriculture Director Steve Wellman is here and will follow me with testimony to discuss specifics of the bill. And I'd ask that you support LB320, and I'd be happy to answer any questions you might have.

**BRANDT:** Questions? Will you be closing?

**ALBRECHT:** Yes.

**BRANDT:** OK. Thank you, Senator Albrecht. We'll ask for proponents.

**STEVE WELLMAN:** Good afternoon, again.

**BRANDT:** Good afternoon.

**STEVE WELLMAN:** My name is Steve Wellman, S-t-e-v-e W-e-l-l-m-a-n. I'm the director of the Nebraska Department of Agriculture. I'm here to testify in favor of LB320. Thank you, Senator Albrecht, for introducing this bill on our behalf. Written testimony is being passed around, and I'm ask that will be placed in record for this bill. LB320 amends the Pesticide Act. The primary purpose of this bill is to implement changes to federal regulations relating to pesticide applicator certification. These changes add certification categories for private applicators, specify recordkeeping requirements regarding the supervision and training of uncertified applicators, and set 18 as the minimum age for licensing applicators who use restricted use pesticides. There is an exception, however, for an applicator who is at least 16 working under the supervision of a licensed private applicator who is an immediate family member making agricultural applications on their own farm. This requirement is also consistent with EPA's updated agricultural worker protection standard rules for pesticide handlers. NDA must submit to the-- the Environmental Protection Agency, by March of 2020, an updated certification plan complying with the new federal certification rules. NDA has

been granted primary enforcement responsibility for pesticides because EPA has deemed that our state law adequately complies with the Federal Insecticide, Fungicide, and Rodenticide Act. Updating the Pesticide Act will keep it in compliance with the federal regulations. If NDA has deemed-- was deemed not to be in compliance with the new federal requirements for the certification of applicators, EPA could potentially implement the federal provisions itself here in Nebraska. LB320 also clarifies product registration requirements, addresses issues regarding persons not residing in the state, and cleans up some provisions relating to definitions and reorganization. LB320 is crucial to NDA's ability to conduct the applicator certification program in Nebraska. And I ask for your support enacting this bill and would be happy to answer your questions.

**BRANDT:** OK. Committee questions? OK. Thank you, Director Wellman.

**STEVE WELLMAN:** Thank you.

**BRANDT:** Other proponents? Are there opponents? Is there anybody testifying in the neutral capacity? Senator Albrecht, you're welcome to close. She waives closing. So are there any letters to be read into the record? Proponent letters signed by Robert Evnen, Secretary of State and a copy of these letters is included in your bill binders. And with that, we will close the hearing. No, she waived closing. And with that, we'll close the hearing on LB320. And thank you, everybody, for coming today.