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Agriculture Committee  
February 09, 2010

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[LB910]

The Committee on Agriculture met at 1:30 p.m. on Tuesday, February 9, 2010, in Room 1524 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB910. Senators present: Tom Carlson, Chairperson; Annette Dubas, Vice Chairperson; Brenda Council; Merton "Cap" Dierks; Russ Karpisek; Scott Price; Ken Schilz; and Norman Wallman. Senators absent: None.

SENATOR DUBAS: Good afternoon. Welcome to the Ag Committee. This afternoon's hearing will be on LB910. We've got a little bit of a change in seating chart today. I am the Vice Chair of the Ag Committee, Senator Annette Dubas from District 34. Senator Carlson will be introducing LB910 today so I will be chairing the meeting. So I'll begin with introductions. To my far right is Senator Brenda Council from Omaha; next to Brenda is Senator Tom Carlson, who is the Chair of the Ag Committee. He's from Holdrege; Senator Norm Wallman from Cortland; Senator "Cap" Dierks from Ewing. Our research analyst for the committee is Rick Leonard. To my immediate left will be, at some time during the hearing, Senator Russ Karpisek from Wilber. Next to Senator Karpisek is Senator Scott Price from Bellevue; and Senator Ken Schilz from Ogallala. Our committee clerk is Barb DeRiese. We are served today by J. T. Trauernicht from Pickrell. He's our page so if you need any help with passing out papers or anything like that, he'll help you with that. If you have copies that you want the committee to have, we would request that you have I think about a dozen copies. If you don't have enough, you can hand them to the page and he can get enough copies made for you. We ask that you do either turn off your cell phones or turn them to silence so that we don't interrupt the hearing or the recording equipment. When you come forward to testify, we ask that you please state your name and then spell it. That spelling is for the record so should at any time the committee clerk need to clarify something or we need to go back and go over something with you, we have the correct spelling and are able to reach you. Let's see. If you are here but you don't want to testify, there are sign-up sheets by both doors as you come in. You can put your name and pertinent information on there and check whether you are in support or opposition or in a neutral position to the bill. We ask that if you come forward to testify that you fill out the testifier's sheet and then hand that sheet to the clerk before you testify. Let's see. I think maybe I've covered most everything. We do use the lights. And the green light means you have five minutes; the yellow light will come on when you have one minute left or you've used up four minutes; and then the red light is your time is up. We ask, you know, you to try to wrap it up as soon as possible after that red light comes on. That time does not include questions that the committee asks you so it's more than likely that we'll have questions to ask you that will allow you to further explain some of the things that maybe you didn't get to in your testimony. So we ask that you try to respect the lights as much as possible. We also ask that there's no visible signs of displays of support or opposition. We want everybody to feel welcome and that their particular position is respected and what they're bringing forward so we ask those displays to not be demonstrated during the course of the

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hearing. I think I've covered all the pertinent information. With that, we will invite Senator Carlson to introduce his bill. I introduced you when you weren't here. Senator Karpisek has now joined us from Wilber (laugh).

TOM CARLSON: (Exhibits 1 and 1A) Thank you, Senator Dubas and members of the Agriculture Committee. I am Tom Carlson, spelled C-a-r-l-s-o-n, senator from District 38. It's my pleasure to introduce LB910. The primary goal of this legislation is to diversify cash funding sources supporting the Department of Ag's inspection program under the Commercial Dog and Cat Operator Inspection Act. The program is currently funded by a combination of license fees and General Funds. I'm providing a table from the annual report of the Department for 2008 and 2009 which indicates a total expenditure of \$368,000 of which two-thirds was funded by General Funds and one-third from the Cash Fund derived almost exclusively from license fee revenue. And you should have a table indicating those figures. The current inspection and enforcement activity and, consequently, costs of the inspection program are largely driven by the passage of LB12 in 2007. Among other changes, LB12 amended the act to require the department to inspect all licensees at least once every two years and to perform prelicense inspection of all new license applicants. Previous to LB12, the department's inspection program operated primarily on a complaint-only basis with one inspector funded entirely by Cash Funds. With the enactment of LB12, inspection activity jumped from an average of about 100 to 125 inspections annually to 750 to 800 inspections. To meet this increased inspection burden, the department added additional inspectors and increased administrative support. The program went from 1.2 FTEs to 5.5 FTEs. To pay for this inspection activity, LB12 revised the license fee schedule to increase Cash Fund revenues and for the first time provided state General Funds to pay a portion of the cost of the program. The license fee changes that continue in place today approximately doubled annual license fee revenue at the time. However, the majority of the increase in program costs have been funded through General Funds. As you recall, during the special session I introduced LB6 which would have removed the specific mandate for inspection activity inserted by LB12. The intent of that legislation was to restore statutory flexibility to inspection program to enable the department to adjust its inspection program to be in line with resources available, given the state's deteriorating budget outlook. Since jumping into this issue, I have become aware that there is consensus on all sides on the importance of maintaining a strong inspection program. There is a strong interest in maintaining the current effort that is shared by individuals with deeply held concerns for animal welfare, but also among commercial breeders as well, which I anticipate will be confirmed in the testimony to follow. I want to add that I support the program as well and I also do not want to see the program go backward. However, I continue to believe my concerns are valid that meeting the statutory mandated inspection program will be increasingly difficult with the foreseeable budget situation. And that meeting this inspection mandate has the potential to absorb resources from other Department of Ag responsibilities. During the regular session last year, the state budget had already reduced General Fund appropriations to the

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department by \$57,000 or approximately the cost of employing one inspector. As a result of special session actions, the department will be asked to absorb another \$480,000 in General Fund reductions with the prospect for further erosion of General Fund support. We would not be able to continue this program by simply increasing license fees to replace General Funds. Just to reverse the Cash/General Fund mix to two-thirds Cash and one-third General Fund would require a doubling of license fees. And if it became entirely Cash Fund, it would cause tripling of license fees. Additionally, in the current economy we've seen an attrition in the number of licensees, reducing the Cash Fund the current license fee schedule will generate. Adjusting fees to the current maximum fee authority available under existing law would approximately replace the \$57,000 General Funds cut during the regular session. Now since the special session, we've been working with a number of interests to explore alternatives to diversify funding for the program to increase resiliency to further General Fund reductions. As a result, we have explored means for other beneficiaries of the program, including pet consumers, to share in the burden of the program. LB910, as introduced, proposes a \$10 fee that would be paid by consumers when acquiring a dog from a licensee. While I have encountered general agreement with the concept of consumer beneficiaries contributing to the cost of the program, after a number of meetings with stakeholders over the past several weeks, I am presenting an alternative to the fee that those who have participated in this process have reached consensus, hopefully. AM1789 would replace Section 8 with a \$1 fee collected at the time of licensure of pets. Additionally, the amendment would add additional stratifications in fee categories based on size. Currently, the license fee schedule is graduated based on a daily average number of dogs and cats housed by the facility. The existing fee categories include less than 10, 10-50, and over 50. AM1789 would not affect the smaller fee categories up to 100 daily average housing of pet animals. The amendment does add additional fee categories in 50 animal increments up to 500 animals. Above 500, the amendment would impose a fee of \$2,000. The remaining element of LB910, as introduced, would remain the same. The bill would also add a new license category for animal rescues and defines foster homes and makes the clarification in the definition of commercial breeder as explained in briefing materials provided. I want to conclude by expressing my appreciation to the groups that have come together and worked with us on this issue. This concludes my introduction to LB910, and I would be happy to try to address any questions the committee might have. [LB910]

SENATOR DUBAS: Thank you, Senator Carlson. Questions? Senator Wallman. [LB910]

SENATOR WALLMAN: Thank you, Senator Dubas. Thank you, Senator Carlson. This will go into the General Fund treasury, these fees then, for the animals? [LB910]

SENATOR CARLSON: No, it goes into the Cash Fund... [LB910]

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SENATOR WALLMAN: Cash fund. [LB910]

SENATOR CARLSON: ...for the inspection program. [LB910]

SENATOR WALLMAN: Okay, thank you. [LB910]

SENATOR DUBAS: Other questions? Seeing none. We have our first testifier in support of LB910. [LB910]

JUDY VARNER: (Exhibit 2) My name is Judy Varner, V-a-r-n-e-r. I am president/CEO of the Nebraska Humane Society. I would like to thank Senator Carlson for introducing LB910 and continuing to work with passionate people on both sides. It wasn't always easy. I would also like to thank Rick Leonard for his continuing support as well as the Agriculture Committee for allowing us to testify. We join Senator Carlson in recognizing the financial position of the state and at the same time understanding the importance of a statewide dog inspection act. We still have horrible abuse and neglect of dogs at the hands of unscrupulous breeders: dogs suffering from disease and starvation, dogs with scalded skin from lying in their own waste, dogs terrified of humans as their only contact with humans was painful, dogs with rotting gums, dogs with knees and hips needing immediate surgery to relieve their excruciating pain, dogs barely able to move due to living their lives in horribly overcrowded, small cages, and every other condition and ailment imaginary. We recently took in 30 such dogs. It happens all the time. It was and continues to be horrific. Without the inspection program, this is guaranteed to only get worse. Based on the action of the Appropriations Committee, it is clear that one inspector will be removed this coming July. That cuts the program by one-third, a program that already has trouble keeping up with demand with the existing number of inspectors. We all know that unless some drastic action is taken this program will be gone. With more and more states applying limits to the number of breeding dogs a kennel may have, breeders are already looking at relocation possibilities. If there's no state inspection program in Nebraska, it makes our state a very promising option. Senator Carlson has a creative solution to save this program by replacing General Fund dollars with cash funding by expanding the funding for the program to everyone who licenses their pet. There may be some concern that the proposed 3 percent licensing fee is not enough, but it will pay the cost the Nebraska Humane Society will incur in collecting the dollar fee and submitting it to the state once a year. We are the biggest licensing agency in the state for companion animals. Because we are the entity responsible for pet licensing in Omaha and will be the agency incurring the cost, I would like to suggest the amendment be changed to ensure that the collection fee, the 3 percent, will go to the agency or entity responsible for collecting the license fees, not as a matter of course, the general fund for the city. This will allow all municipalities and counties who have a pet licensing program to tailor that payment to their own unique situation. The definition of a rescue is also added to LB910 to clarify the work of rescues from that as a shelter, which is currently the only way they can be licensed and there is

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some confusion. We had that this summer with a rescue group down southeast that shut down. You may hear from people who represent themselves as a dog rescue who are in opposition to LB910 and the program in general. It would be valuable for you to ask if those people currently hold a license with the state and if not, why not. The second part of Senator Carlson's amendment will move all licensed entities except rescues to a graduated fee. It is simply not fair for a small shelter to pay the same fee that we do or a breeder of 50 dogs to pay the same fee as a breeder with 400. Not only is this amendment equitable but it will generate more cash funds. Please pass this amendment as presented by Senator Carlson with the change relating to the payment of the processing fee. This amendment is a reasonable solution to a tough problem. [LB910]

SENATOR DUBAS: Thank you, Ms. Varner. Questions? Seeing none, next proponent for LB910. Welcome. [LB910]

LAURIE FORAL: (Exhibits 3 and 3A) Good morning. My name is Laurie Foral, it's F-o-r-a-l. I'm the director of the Nebraska Voters for Companion Animals, a group formed in March 2009 for the purpose of protecting companion animals through legislation, education, and advocacy. Our primary function is to keep Nebraska voters informed of all aspects of legislation related to the protection of companion animals in Nebraska and to raise awareness of irresponsible breeding operations that exist in Nebraska and throughout the country. I would like to extend my gratitude towards Senator Carlson and all others who took the time to recognize and examine this critical issue and for their willingness to generate a viable solution to the problem. My purpose here today is to support the amended bill before you in order to keep our dog and cat inspection program functioning in Nebraska. As I'm sure you're aware, recent national media attention to puppy mills has created a surge of public awareness and the impetus to challenge lawmakers in many states to address this national disgrace. Some recent examples include Ohio, Oregon, Tennessee, Washington, Wisconsin, Indiana, Arizona, Pennsylvania, Virginia, and even our neighbor, Missouri, a state with one of the highest numbers of both licensed and unlicensed facilities, is proposing a puppy mill bill this year. Nebraska's current laws are better than some states and our state inspection program puts Nebraska a cut above many. But even with our current program, nationally we are still referred to as one of seven puppy mill states in the U.S. It would be a great accomplishment to be dropped from this list and known instead as a state that does not accept irresponsible breeding and is willing to take the steps to prevent it. At the present time, I believe most Nebraskans are oblivious to the horrendous condition of the dogs that come from some of the Nebraska puppy mills or what goes on behind the scenes of these operations. You've heard many times over that these dogs suffer from a long range of illnesses, injuries, neglect, lack of social interaction, which in any other venue would be considered animal abuse or at the very least severe neglect. I say this not as a reflection of our current inspectors because they do the best they can with the resources they have. I say this to illustrate the seriousness of the problem we

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now have in spite of our current inspection program. I do not want to imagine what our situation will be without them. The truth is, although we are better than in some states, we are still far from where we should be in terms of assuring proper care for breeding dogs in all Nebraska facilities, and we can't afford to take this step backwards. Responsible breeders agree that animal abuse and neglect is unacceptable and what goes on in a puppy mill is morally and fundamentally wrong. Without regular inspections and oversight, Nebraska could well become inundated with puppy mills from other states placing an unfair burden on responsible breeders who have to compete with them. These issues are real and unacceptable to the citizens of Nebraska so I ask that you carefully consider passing the amendments to LB910. Our program protects the animals, it protects responsible breeders, and it shows that Nebraska is willing to do what is necessary to protect companion animals in our state. Thank you for your willingness to find a solution to this problem and allowing me to speak on behalf of Nebraska Voters. [LB910]

SENATOR DUBAS: Thank you, Ms. Foral. Do we have questions? Seeing none, thank you very much for your testimony. Next testifier in support. Good afternoon. [LB910]

CAROL WHEELER: (Exhibit 4) Good afternoon. I am Carol Wheeler, W-h-e-e-l-e-r, founder and director of Hearts United for Animals, speaking in favor of LB910. Several weeks ago, shelters and rescue groups of Nebraska were asked if they would favor a legislative bill that would help fund the dog and cat licensing and inspection program. At that time, the bill would have required that shelters and rescues collect and remit funds. The responses from the groups were extremely positive, expressing the importance that they place on the inspection program and their absolute willingness to help. For the record, I wish to submit the names of the groups who strongly support the dog and cat licensing and inspection program. They are: Nebraska Voters for Companion Animals, Nebraska Humane Society, Hearts United for Animals, Nebraska Border Collie Rescue, Nebraska Dachshund Rescue, Nebraska Italian Greyhound Rescue, Little White Dog Rescue of Omaha, Nebraska Samoyed Rescue, Richardson County Humane Society, Dogs Deserve Better of Nebraska, K9Haven Rescue of Broken Bow, JRT Rescue, Basset/Beagle Rescue of the Heartland, Papillion 911 Rescue and Adoption, 12 Hills Dog Rescue of Walthill, American Brittany Rescue of Omaha, Borders without Boundaries of Valentine, Bright Futures Pet Adoption and Rescue of Columbus, Midwest Wheaten Rescue, North Platte Animal Shelter, York Adopt-A-Pet, The Cat House, Nebraska Regional Internet Miniature Pinscher Service, Welcome Waggin' Rescue of Burwell, Golden Retriever Rescue of Nebraska, Great Plains Pointer Rescue, Midwest Dog Rescue, MidAmerica Boston Terrier Rescue, and Feline Friends of Nebraska. There is a strong sense of community among people working in animal welfare, especially since the power of Internet has made communication very simple. I personally know many people in these shelters and rescue groups. One characteristic that they all share is that of kindness. They are caring and compassionate people which is why they have chosen the work that they do. They face the daunting task every day

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of accepting unwanted animals, often those that have been neglected and abused. The number of these animals is simply overwhelming. Pet overpopulation in Nebraska has been oppressive for many years. The recent downturn of the economy has caused floods of excess animals requiring enormous efforts to give the care needed and raise the funds for all the expenses involved. The dog and cat licensing and inspection program is vitally important to the rescue community of Nebraska. Without it, there is nowhere to turn, no one to call. And we are the people who receive the eyewitness reports from the public asking us to do something. I speak on behalf of animal welfare leaders from every corner of Nebraska in thanking Senator Carlson and Mr. Leonard for all the work they have done to achieve the funding for the inspection program, hopefully making it increasingly independent of appropriations. On behalf of these groups, I ask you to favor LB910. Thank you for the opportunity of speaking today. [LB910]

SENATOR DUBAS: Thank you, Ms. Wheeler. Questions? Senator Dierks. [LB910]

SENATOR DIERKS: Thank you, Senator Dubas. Carol, these organizations that you mentioned earlier on in your testimony, generally speaking how do they get homes for the dogs that they...they must have a tremendous number of dogs and cats that they bring into their shelters. How do they find homes for them? [LB910]

CAROL WHEELER: Well, you know, I think it is very difficult. There isn't really a totally good answer on the receiving end of overpopulation. I'm certain, you know, that some are put down, yes. I think many breed rescue groups have networks all over the United States for finding homes, and that would be extremely helpful. The organization that I represent really uses the entire United States to place animals, and it may take us quite a while to find the right home, especially if it's a special needs animal--it's been abused, it has health problems, it's elderly. Those are extremely difficult to place. [LB910]

SENATOR DIERKS: Does it ever get to the point where it's overwhelming and they just can't take care of the volume? Is that a problem? [LB910]

CAROL WHEELER: Certainly they cannot...the shelters probably cannot take in all the animals that they wish they could help, yes. [LB910]

SENATOR DIERKS: Thank you. [LB910]

CAROL WHEELER: Yes. [LB910]

SENATOR DUBAS: Other questions? I would have one, Ms. Wheeler. [LB910]

CAROL WHEELER: Yes. [LB910]

SENATOR DUBAS: When you have people that come forward and want to take one of

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these animals, do you have any kinds of criteria that they have to meet? Do they have to have an understanding of the special needs that this animal may have so that you aren't putting the animal into another potentially hazardous situation? [LB910]

CAROL WHEELER: Yes. That is extremely important to us. We need to know the dog and we need to make sure it's a good situation for both adopter and the dog successful. [LB910]

SENATOR DUBAS: So you do have some type of education that's available to the... [LB910]

CAROL WHEELER: Yes. [LB910]

SENATOR DUBAS: ...homes that you place the dog in. [LB910]

CAROL WHEELER: We're extremely elaborate in those respects. [LB910]

SENATOR DUBAS: All right. Thank you. [LB910]

CAROL WHEELER: Yes. [LB910]

SENATOR DUBAS: Any other questions? Seeing none, thank you very much for your testimony. [LB910]

CAROL WHEELER: Yes. [LB910]

SENATOR DUBAS: Next testifier in support of LB910. [LB910]

CLEM DISTERHAUPT: Good afternoon. My name is Clem Disterhaupt and that's spelled D-i-s-t-e-r-h-a-u-p-t. I'm from Stuart, Nebraska, currently the president of Nebraska Professional Pet Breeders Association. I personally played a large role in putting together the original Nebraska dog and cat licensing program, working with Senator Dierks and Senator Marian Price, and feel it's a very professional and effective program. We must now try to work to provide funding to save this program. The things we must not do is allow Nebraska to become states like Missouri and Minnesota, who have large kennels who are unstable and unprofessional. We need to take steps to prevent those things from happening. I believe the process defined in LB910 does this. I also believe the newly proposed fee schedule is far overdue and will be effective for the following reasons. (1) The original schedule was terribly unfair. For example, the person that has 10 dogs was paying \$15 per dog and the person that has 250 dogs is only paying \$1 per dog. This way the small breeders are paying far more per dog than the large breeders, and the current schedule leaves an open end by having a maximum fee of \$250 for any number over 50 dogs. (2) This encourages large breeders since it says



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the more you have the less you pay. I do not want to allow Nebraska to become a haven for large, unwanted, substandard kennels nor do I want to encourage people who are being pushed out of other states to come into Nebraska with their large kennels to do this. (3) The new fee schedule will help in a fair way to fund the program. Therefore, I ask you to support funding our state program by voting for LB910 and its amendment. Thank you. [LB910]

SENATOR DUBAS: Thank you very much. Do we have questions? Seeing none, thank you very much for your time. [LB910]

DON WESELY: Senator Dubas, members of the Ag Committee, I'm Don Wesely, here representing the Humane Society of the United States and the Capitol Humane Society here in Lincoln, Nebraska. We come in support of LB910 with the amendment offered by Senator Carlson. We appreciate very much his willingness to work with us and all the other groups in trying to achieve some compromise on this. The original bill had some concerns, and those were addressed by this amendment. And we feel that it's a reasonable effort to try and raise more money to cover the costs of this program. I will also tell you that my firm represents the city of Lincoln, and initially they were concerned about this amendment and proposal to have the \$1 fee on the licenses that they issue as well as others across the state. The city of Lincoln is now neutral on the bill after reviewing it and so it allows me to come forward and testify in support on behalf of the Humane Society. So thank you very much and urge your support for the bill. [LB910]

SENATOR DUBAS: Thank you very much, Mr. Wesely. Questions? Seeing none, thank you. [LB910]

DON WESELY: Thank you. [LB910]

SENATOR DUBAS: Welcome. [LB910]

AMY LAMBRECHT: (Exhibits 5 and 5A) Thank you. Chairman Carlson, Vice Chairman Dubas, and senators of the Agriculture Committee, my name is Amy Lambrecht, L-a-m-b-r-e-c-h-t. I am a dog breeder, handler, and groomer from Pierce, Nebraska. Today I represent the Nebraska Dog Breeders Association and the United Pet Professionals Association, both professional pet breeding organizations based in northern and southern Nebraska respectively. One thing was clear: When we became aware of the budget shortfall in late 2009, the NDBA and the UPPA were concerned about maintaining funding for the Commercial Dog and Cat Operators Inspection Act, a program that both organizations support. What wasn't evident was the solution for the funding. Today, the NDBA and the UPPA ask you to support LB910 with the addition of AM1789. Representatives met with Senator Carlson in early January to discuss the options and the amount of constituents that had contacted the Agriculture Committee about cutbacks to this program. At that time, we did not have the research that we do as

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we stand before you today, research that has been presented to Senator Carlson and "subsequently" in part led to AM1789, both organizations support here today. When LB910 was introduced, the organizations became concerned about the ratio of licensed breeders to nonlicensed, illegal, or out-of-state breeders that would not be liable for collection of the funds needed to help support the Commercial Dog and Cat Operators Inspection Act. In addition, USDA and state licensed breeders numbers have been steadily in decline which added to our concerns that the fees would need to be raised from \$10 to \$25 in a very short period to sustain program funding. Based on figures from 2008 to 2009, USDA licensed breeders were down from 146 in 2008 to 105 in 2009, a decline of 28 percent. State licensed numbers have also dropped from 480 to 390 within the same period, a 19 percent decline. Concerns were voiced that the imposed fees could drive sales away from licensed facilities to backyard breeders, illegal breeders, or out-of-state breeders, especially if the fees were raised to \$25. In addition, Nebraska licensed breeders are to collect state and local sales tax on all in-state puppy sales, unlike unlicensed breeders who cannot be traced to be held accountable for these taxes. The alternative was for breeders to absorb the fees which would add additional financial hardship in a bad economy. If sales resulted in a nonlicensed or out-of-state transaction, several laws that were designed to help protect the pets and the pet industry would either not be valid or the consumers be informed of their rights. Last year's passage of the Dog and Cat Purchase Protection Act is not valid if the consumer goes to another state to purchase a puppy or kitten. Furthermore, as an unregulated breeder may not be aware of the law, thus not providing the rights under this act to the purchaser. Other laws that may be invalidated by an out-of-state purchase or purchase from a nonlicensed breeder include the eight-week puppy placement law, the statutes of the Commercial Dog and Cat Operators Inspection Act, and the requirement of the spay and neuter information. Thus, research began and we targeted local advertising, the newspapers. Initially we began with the Sunday World-Herald, presumably the largest advertising venue for the state, with the largest delivery basis and the most read day of the week. After several processes of elimination, a trip to Dr. Boucher's office for additional verification, and hours later, we were able to determine that only 4 of the 81 ads, 5 percent, were "verifiably" licensed breeders, therefore responsible for collecting the \$10 fee. The same elimination procedure was repeated with other size newspapers throughout the state between a breeder in that area and myself with very similar results. In addition, members began to canvass the state, calling local city offices, animal control, or the city's police to determine how many dogs or cats were licensed under city ordinances and collecting those fees under Nebraska Statute and Revised Statute 54-603. The NDBA and the UPPA also showed their support for a fair increase in the licensing structure, which for facilities over 51 dogs or cats was equivalent per dog or cat that the amendment is asking the general public to contribute to this program. It appears the funding sources provided in AM1789 will be sufficient to help support the Commercial Dog and Cat Operators Inspection Program and provide relief to the General Fund. In closing, it was clear: The public, the animal welfare organizations, and the professional pet industry

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agreed that this program is essential to Nebraska, its residents, and our pets. The NDBA and the UPPA feel that LB910 with the amendment, AM1789, is a fair and balanced compromise to ensure the continuance of a program that we all value. Thank you. [LB910]

SENATOR DUBAS: Thank you very much, Ms. Lambrecht. Any questions? Senator Price. [LB910]

SENATOR PRICE: Thank you very much, Senator Dubas. Ma'am, numbers level. I'm looking at the handout here, how is it that, and you're familiar with this handout? [LB910]

AMY LAMBRECHT: Yes, yes. [LB910]

SENATOR PRICE: Great. How is it that you determine a population of pets? [LB910]

AMY LAMBRECHT: What we started with is we found on-line, we took sampled cities. I had breeders from across the state, we all took cities roughly in our area, took the population of that community, listed a tier, then we started calling all the city offices basically where they were licensing, and listed basically the number of licenses sold, most of them are a one-year period. Then we took the pet licenses divided by the population to come out with a percentage that we can base, you flip it over, it will have a state population based roughly 8.92 percent of the population in ratio with the number of pets and that gave us the 159,082 pets. [LB910]

SENATOR PRICE: Great. But this doesn't really talk to the universe of unlicensed pets. [LB910]

AMY LAMBRECHT: Correct. And that was one of the variables that I have listed there is that we could not find the population that we have is the Nebraska population and so there wasn't anywhere we could find just the city populations... [LB910]

SENATOR PRICE: Um-hum. [LB910]

AMY LAMBRECHT: ...without literally just totaling them all up. So this is based on the entire population of Nebraska at that 9 percent, roughly 9 percent. [LB910]

SENATOR PRICE: Thank you. [LB910]

SENATOR DUBAS: Other questions? Senator Dierks. [LB910]

SENATOR DIERKS: Yeah. Amy, I was looking at those figures too. And I guess I'm a little bit surprised at the difference in percentage. Here, one of the smaller towns in Nebraska has a percentage of 44.58 percent... [LB910]

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AMY LAMBRECHT: That is correct. [LB910]

SENATOR DIERKS: ...on percentage of licensed pets by population. And yet some of them have only maybe 3 percent or 2.4 percent. That seems kind of like a pretty stark difference. I wonder if there's...if we have some way of knowing. Do these cities all require licensing of dogs and cats? Do you know that? [LB910]

AMY LAMBRECHT: Thank you, Senator Dierks. Actually they don't. During this sampling of this sampling sheet for this report, there were two cities that did not offer city licensing so they're just not in this particular report. A majority of the cities are going to have licensing. For instance, I'm from Pierce and we show 1.86 percent of the population license in that ratio. When I talked to the city offices, they just don't really enforce that. If you look at some of the higher numbers, Hershey has the highest population of 572 with 255 dogs licensed. I am guessing, and this is just a guess, that possibly a kennel is within the city limits, but that is a correct percentage of the 44 percent. [LB910]

SENATOR DIERKS: You know, we have a law in the state that requires a mandatory rabies vaccination of all dogs and cats. And as I recall when I brought that legislation, I had to accept an amendment that exempted barn cats because they didn't think they could catch them. But that's still a part of our statutes. And I know that when I was still active in the practice, I would go to the communities up there and do a rabies clinic. We always did it at the same time that the people came in and registered their dogs and cats for that year. I just wonder if people still try to do it that way or how they...I wonder do you know anything about how they manage their registering their cats and dogs? [LB910]

AMY LAMBRECHT: Actually it varies. There were some fairly interesting ones. Hadar, Nebraska, which is not on this sheet here, I didn't get the chance to call them, but I know that they have one day a year where you go in and take out your licensing on your pets. Some cities offer one- to two-year licenses and so you go in at that time. South Sioux City actually has a really good program that I think every city should take a page out of their book. Instead of issuing tags, you go to the city, you license your pet and you're provided a microchip, and that number is for the life of your dog. So you register your dog, you take the microchip to your vet and have it inserted, and you basically license your dog for the entire year, or excuse me, their entire lifetime. Thus, they don't have as high of numbers, but they also license them for their entire lifetime. Most cities that we had talked to, and this is all based on the ones that are listed here that we have talked to, basically have it when you purchase the pet you have until the pet is spayed or neutered at four months of age, then you must go in and obtain a license. And here in Nebraska the vaccine for rabies can't be given until four months of age. So they usually require at that four months of age after you have the rabies shot then you need to go in

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and license your pet. [LB910]

SENATOR DIERKS: Thanks for that, Amy. [LB910]

SENATOR DUBAS: Other questions? Senator Wallman. [LB910]

SENATOR WALLMAN: Thank you, Senator Dubas. Yeah, thank you for coming here, Amy. And in regards to farm pets, you know, you include farm pets in this also? [LB910]

AMY LAMBRECHT: No, no. They are not included in this strictly because I know in Pierce...now there is one county, Sarpy County, that does require, and this is on a countywide basis, that they be licensed. Generally you do not see farm animals being licensed under a city licensing program. So that is one of the variables that we have to take into account. [LB910]

SENATOR WALLMAN: I know our dog always has his shots and everything, but I hope other people do too. I don't know. Thanks. [LB910]

SENATOR DUBAS: Other questions? Senator Price. [LB910]

SENATOR PRICE: Senator Dubas, thank you. And, Senator Dierks, thank you because you've helped me flush out there what I was trying to get to. Do we know the disparity of the number of licenses to rabies shots in a year? Because I have this feeling...I'm trying to understand what this is driving. How many families have pets or how many pets are licensed? And I don't think you get to where pets are licensed at a percentage of the total if we don't have something else to base line against, like say in something easy for me, if we go to the city of Atkinson where we have a population of 1,244 people and we have 37 pet licenses, we give...was it like you said sometimes they do cats and dogs together. [LB910]

AMY LAMBRECHT: Correct. [LB910]

SENATOR PRICE: Right. But do we only have 37 licensed pets meaning that there's only 40 in that whole town? [LB910]

AMY LAMBRECHT: No. [LB910]

SENATOR PRICE: Or are there 120 rabies shots given out in a period of time? I'm trying to figure that out. [LB910]

AMY LAMBRECHT: Actually, this number does not correlate with rabies shots whatsoever. Most cities require you show proof of rabies shot. So in Atkinson where we're showing 37 licenses, there could be 500 dogs but only 37 of those dogs are being

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licensed under city ordinances. [LB910]

SENATOR PRICE: And is that not a concern? [LB910]

AMY LAMBRECHT: It should be, you know, and it varies per town. The statute is out there for them to be able to collect these fees and to create the laws within their communities. Some communities don't see it as a problem. Wayne, for example, when I had called them, they're a large college town, and years ago I had participated in a dog...there was a dog fighting ring and I was called to help with some Rottweilers. They are very strict. Wayne is very strict with their pet licenses because college town, things tend to happen, and the owners probably are not as responsible. So it just depends on the enforcement, and that all has to go back with local law enforcement and the cities. I also wanted to mention that one of the thoughts that we had had when coming up with the city license fee was why don't we add this on when you're at the vet office and get your rabies shot and thus possibly covering more? I did check into this with Dr. Boucher's office, and was referred on to Health and Human Services. And I gave them a call and they do not require copies, basically, coming into the state or have a clearinghouse for that, so there is no program currently unless there is a problem or someone is bitten by an animal, there is no clearinghouse for a rabies vaccine unless there is one set up. This program utilizes programs that are already set up within the cities to handle this. [LB910]

SENATOR PRICE: Thank you. [LB910]

SENATOR DUBAS: Other questions? Seeing none, thank you very much for your testimony today. [LB910]

AMY LAMBRECHT: Thank you. [LB910]

SENATOR DUBAS: Other proponents for LB910? Good afternoon. [LB910]

KATIE ZULKOSKI: Good afternoon, Senator Dubas, members of the Agriculture Committee. My name is Katie Zulkoski, Z-u-l-k-o-s-k-i. I'm testifying today on behalf of the Nebraska Veterinary Medical Association in support of LB910. We would like to thank Senator Carlson and members of this committee and the people in the room behind me that have worked very hard on this issue over the last few years. We would like to offer our assistance in this area. Specifically, I would direct your attention to page 14 of the green copy of the bill, starting on line 21. The NVMA would like to offer their support and be among the groups that are providing the important materials that include information on the benefits of spaying and neutering and recommendations on establishing a relationship with the veterinarian. We do feel that is an area we would have some valuable information, and we would be very willing to help with those materials. Other than that, I would be happy to answer any questions. [LB910]

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SENATOR DUBAS: Thank you very much, Katie. Questions? Senator Price. [LB910]

SENATOR PRICE: Thank you, Senator Dubas. You said page 14, line 21? [LB910]

KATIE ZULKOSKI: Starting in line 21 in Section 2 right there. Currently there are model materials that are prepared by the Pet Industry Joint Advisory Council or the Nebraska Humane Society. We would just like to be included in that group of people providing that information. [LB910]

SENATOR PRICE: All right. Thank you. [LB910]

SENATOR DUBAS: Other questions? Seeing none, thank you very much. [LB910]

KATIE ZULKOSKI: Thank you. [LB910]

SENATOR DUBAS: Other proponents for LB910. Proponents. We will go to opponents. Welcome. [LB910]

MICHAEL NOLAN: (Exhibit 6) Reluctantly, Senator. (Laugh) Senator Dubas, members of the committee, my name is Michael Nolan, you spell it M-i-c-h-a-e-l N-o-l-a-n. I actually am the executive director of the League Association of Risk Management, but I was asked to provide this testimony today, I think, although I'm not sure that one of the reasons why I was asked is because nobody else particularly wants to be publicly identified as being opposed to anything that the Humane Society wants to do. So having said that, I want to tell you that I'm not opposed to the Humane Society nor is anybody else at the League. We're not really dealing with a response here to the bill on the merits of it as much as we are with the demographics of our members. And I think you can tell from what I handed out to you, which is incomplete, it is by no means a comprehensive survey of what animal control policies are or what the sentiments of our members are or how effective this program would be if it was implemented. But I think I can tell you from what we have there that what is being proposed in the bill probably is more effective in Lincoln or Omaha than it is in some of the cities of the first class and smaller. And quite honestly, we have a couple of cities, and I don't exactly know how this will scour with you, that don't even have an animal control program. And that's because obviously they've decided that from the standpoint of how they're using their budgets that that isn't a priority to their communities. You'll see who they are, and I don't particularly want to identify them here publicly, but they're in that group of cities from the e-mails. Others, depending on how effective they are at collecting or on re-upping on licensing, indicate that it won't be cost-effective for them to collect the fees. So my two contingents that I want to leave with you are that it won't be, if the bill is enacted, applied uniformly because we have a whole lot of differences in the way that cities are experiencing the whole effectiveness of their animal control programs. For 28 years, I

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was the city administrator of Norfolk, and while I told you early on that I'm very sympathetic with what the Humane Society tries to do, for years we tried to get a functioning Humane Society in Norfolk. We had one. We actually went out and tried to do, on several occasions, a public subscription to get a facility so that the Humane Society could take over. We really tried to do the whole adoption process in the process of where they have to interface with the police and what happens to the animal when no one wants it adopted. That's done on a private basis now with a contractor. And quite honestly, if you look at animal control the way a police officer does, their first interest in animal control is making sure that any animals that are running at large, whether they're licensed or not, or whether they've had rabies shots or not, that we have some kind of an effective response when the dog either hurts somebody else's property or hurts another animal or hurts a person. And we've had that problem like a lot of communities have had. I wouldn't offer anything else to you for wisdom except that it may be that this would be good for an interim study and that perhaps the League could cooperate with you in some distribution of some kind of a questionnaire where we could get a little better data than what we've given you. But what I've given you there would certainly not indicate that at least in cities of the first class and smaller that you're going to generate a whole lot of revenue from adopting this plan. And I think if I could just leave two philosophical things that I would recap and conclude with would be that it needs to be...whatever else it is, the program needs to be done in a way that it's going to be effective for what your intended purpose is, and it needs to be done in a uniform way for it not to be construed as being arbitrary to the cities that have a lot of licensing success as compared to those that do not. And what Senator Price said earlier about there being some disconnect between the number of animals that the community has and the licensing and the vaccination programs is absolutely true. Usually where you try to make some connection that's effective is when the animal is picked up on the street and either put into a city pound or into a Humane Society or someplace for further processing, which includes adoption and includes that the owner wants to come back and get the animal, a requirement that it be vaccinated and proof that it's been vaccinated. That's all that I really have to offer, and I hope I, again, didn't say anything that was critical of the Humane Society because that's the last thing in the world that I want to have anybody infer that I did. [LB910]

SENATOR DUBAS: Thank you, Mr. Nolan. Questions? Senator Price. [LB910]

SENATOR PRICE: Senator Dubas, thank you very much. Mr. Nolan, first and foremost did the people who sent all these e-mails know that they'd be packeted and provided to us? [LB910]

MICHAEL NOLAN: Well, it's public information, Senator, so I don't know whether they did or not. I'm a little sensitive about what the difference between public information is and what it's not, as you well know, so (laugh). [LB910]



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SENATOR PRICE: Well, that was well played. [LB910]

MICHAEL NOLAN: It was the easiest way for us in a short amount of time to respond to your...to basically the context of this hearing. And I think it's important that you understand that whatever they said in those e-mails, whether it's complete or not, is not very comprehensive. We obviously didn't hear from a whole lot of them. [LB910]

SENATOR PRICE: Okay, thank you. [LB910]

MICHAEL NOLAN: You bet. [LB910]

SENATOR DUBAS: Other questions? Seeing none, thank you, Mr. Nolan. [LB910]

MICHAEL NOLAN: Thank you. [LB910]

SENATOR DUBAS: Next opponent. Further opposition? Welcome. [LB910]

TRACIE JORDAN: Thank you, Senators, for allowing me to speak. My name is Tracie Jordan and for the last 18 years I have run Mid West Rottweiler Rescue in Nebraska. We are a multistate rescue. My questions and my opposition to this is that the adding attachments to licensing fees isn't going to get very many people, as the one gal added the research as to the numbers and the population. It would be better considering today's economy and the amount of people that are giving up their dogs, the amount of homes that are being foreclosed on and people just dumping their animals out on our gravel roads, that my thoughts have always been, and every other state that surrounds us, for a commercial dog and cat program it is mainly breeder supported. Rescues in other states do not pay fees or animal shelters don't pay fees for cleaning up the mess. My idea is that it would be better to add a dollar to the rabies shots. And as Senator Dierks brought up, the state law requiring rabies shots, there pretty much is not a dog in this state that isn't in a commercial breeding facility that has vaccinations. And the comment was brought up about Health and Human Services. I'll pull up my sleeve here, the two little dots in my scar and on this backside of my arm I received while doing a transport being bit by a Westheimer white terrier out of one of a state and federally licensed mill in this state. After being on antibiotics doing the standard, oh, well, you know, dog bite, no big deal, been there, done that, I ended up in the emergency room with a massive infection, my wrist swollen up three times its normal size, being infected from here to here. I showed up at Health and Human Services and asked to speak with the woman who was in charge of rabies shots. She never came out of her office. Her coworkers were appalled at the sight of my arm. I end up in the emergency room on Memorial Day weekend and she still, Annette, I don't remember her last name, to this day has not called me back, has made no effort to call me back. These dogs are not being vetted, the condition of the dogs that are coming in to rescues, and I run transport since being harassed since my last appearance here last year, we are in the process of,

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you know, retiring because we're all getting older. But nobody wants to make any mandates as to what will be the disposition of these dogs. None of these dogs are vaccinated. We've got to make sure that the breeders hold themselves accountable, that these dogs start getting vaccinated so that the laws are being adhered to because that is a major problem. No dog that is dumped on rescue that is, you know, approached for transport in to rescue has any vaccinations. There's no paperwork. It's just here you go, take this dog, it's this old, it doesn't have any shots. You know, I mean, over the years that I have done breed rescue in this state and in the surrounding states, no mill dog I've ever taken in has ever had a rabies vaccination. I mean none of them. And I have taken in over 18 years over 370 dogs. I have transported 7,000 to 8,000 dogs to rescuers in this state, in South Dakota and Iowa, and none of these dogs have rabies shots, which is, and we have quoted and said, where are the rabies vaccinations? Oh, they're mill dogs. They're up on wire. They don't need...no dog lives on wire and these dogs all need to be vaccinated. And it would much be better supported to add a dollar to our rabies shots. [LB910]

SENATOR DUBAS: Thank you. [LB910]

TRACIE JORDAN: You're welcome. [LB910]

SENATOR DUBAS: Questions for Ms. Jordan? Seeing none, thank you for coming forward. [LB910]

TRACIE JORDAN: Thank you very much for letting me. [LB910]

SENATOR DUBAS: Other opposition to LB910? [LB910]

MARY STICKNEY: Hello. My name is Mary Stickney, S-t-i-c-k-n-e-y. I'm not opposed per se of adding money to the license fee. The problem is getting people to adopt a dog that once looked like this and add on \$1, \$2, \$5, it's not going to happen. Adoptions are going to decline. Okay. These came out of a Nebraska puppy mill Wednesday. They are severely emaciated at my house today. People aren't going to pay it. That's my issue. And I don't think that the rescue should pay it. The breeders should pay it. They made the mess. We're cleaning it up. I spent \$27,000 last year cleaning this up. I think the breeders should pay it. It does need to be...the inspectors need to be there. They do. Okay, but it's all in who has to pay for it. Those who make the mess should pay for it, not the people trying to clean it up or the people you're trying to get them to adopt a dog and they don't want a dog that hides under the bed, pees on the floor because they don't know any better. That's all I have to say. [LB910]

SENATOR DUBAS: Thank you, Ms. Stickney. Questions? Next opposition to LB910. [LB910]

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LORRAINE REXROAT: I'm Lorraine Rexroat, R-e-x-r-o-a-t. I own Charlie's Angels Pet Center in Omaha, Nebraska. And my concern is I'm kind of neutral but yet opponent. If we could get a fee on the rabies vaccines and have the veterinarians report how many rabies they do a year, we would have a better number of how many pets are actually in Nebraska. I'm for keeping this inspection program going because it is the illegal breeders, backyard breeders that are causing the PM out there. If we could add the extra fees to the rabies vaccine, we would increase more money for the budget, which maybe we could actually hire another inspector to eliminate these illegal breeders and some of these rescue groups that really are not licensed and are doing it for the care of the animals. There are some wonderful programs, Nebraska Humane Society is one, but there are several rescue groups out there that are not licensed and are not taking care of their animals. They closed one up just recently in Auburn. But it's not fair to have 10 percent come from licensing when most of your small towns don't enforce their licensing programs. And like you said, it is a state law to have your dogs vaccinated against rabies. When the veterinarian does a rabies shot, there is three sheets of paper. One goes to prove that you gave the rabies shot, one stays at the doctor's office, and they throw the state copy away. How hard would that be to send it in to the state to get an actual number of how many people actually vaccinate their dogs? More people would vaccinate their dogs than get a license. That's even proven in the city of Omaha. People will get the rabies shot, but they won't license their dog. Unless somebody reports it, they don't get licensed. So that's kind of where I'm at--neutral yet opposed because I would like to see more money actually brought into the inspection program. [LB910]

SENATOR DUBAS: Thank you very much. [LB910]

LORRAINE REXROAT: Thank you. [LB910]

SENATOR DUBAS: Do we have questions? Seeing none, thank you for coming forward. [LB910]

LORRAINE REXROAT: Thank you. [LB910]

SENATOR DUBAS: Any other opposition to LB910? Anyone in the neutral position? Seeing none, Senator Carlson, would you like to close? [LB910]

SENATOR DIERKS: Senator Dubas. [LB910]

SENATOR DUBAS: Yes. [LB910]

SENATOR DIERKS: I wonder if there's somebody here from Department of Agriculture that would come up and give us some answers. [LB910]

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\_\_\_\_\_: I don't see anyone here. [LB910]

SENATOR DIERKS: Nobody here? [LB910]

SENATOR CARLSON: Thank you, Senator Dubas and members of the Ag Committee. I would also like to thank everyone who attended the hearing this afternoon and those who testified and those that attended because of an interest in this bill. In listening to the testifiers, one of the things that I did while sitting there was to take the information handed you by Michael Nolan and tried to interpret what each one of those responses were. And I'm not saying my interpretation here is accurate, but I think that about 53 percent of those were positive about this bill. I think that 13 percent of them were opposed to the bill, and then when you get in a neutral category it's a little bit difficult whether it's really neutral or perhaps semipositive or seminegative, but I think about 33 percent fell in that category. I actually expected a higher percentage of people opposed to the...in response to the e-mail that he sent out. It really wasn't that. And I thought reading through there that some of the communities a bill such as this might encourage them to attempt a little better enforcement and perhaps could bring about an increased percentage of registrations. So with that, again, I thank those who took part in the hearing today and would answer, try to answer any questions that any of you may have. [LB910]

SENATOR DUBAS: Any questions for Senator Carlson? Senator Karpisek. [LB910]

SENATOR KARPISEK: Thank you, Senator Dubas. Senator Carlson, I was thinking about the vets too. If we put an extra dollar on the veterinarian giving the shot, is that even a consideration? Was that a consideration or would you be willing to at least talk about that or what do you think? [LB910]

SENATOR CARLSON: Certainly. I'd be willing to talk about it. And I would say that as things evolve throughout this discussion the veterinarian association really was not one that we thought about or asked to be part of and probably should have and could have. So I think it's worth discussing. [LB910]

SENATOR KARPISEK: Well, I know that it puts a whole different twist on it, and I don't know without talking to the veterinary association how they would feel. They may not be...I don't know how they would feel, but I think that is a good idea or at least an idea to look into. But I appreciate your willingness to and we can shake it out a little bit. [LB910]

SENATOR CARLSON: Well, and if I can give a further response to what you asked... [LB910]

SENATOR KARPISEK: Sure. [LB910]

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SENATOR CARLSON: ...this whole process when we started with a \$10 fee on the final purchaser of a pet, I think that we determined that would involve the lowest percentage of people across the state who own a pet that would be paying a portion of the bill. And what we decided upon I'm confident brings in a larger percentage, doesn't bring in the majority. Whether or not through the veterinarians and these shots would bring in a higher percentage or not I don't know. But I'm not opposed to looking at it. [LB910]

SENATOR KARPISEK: I appreciate that. Thank you. Thank you, Senator Dubas. [LB910]

SENATOR DUBAS: Senator Price. [LB910]

SENATOR PRICE: Thank you, Senator Dubas. Thank you. Senator Carlson, just to piggyback off of what Senator Karpisek had to say, I would submit that the universe of pets is so much larger than what we really know. And that by sharing that burden across all the rabies vaccinations you'd probably find a pool of money that was significantly larger than what we're envisioning right now. And I, too, would champion that we look at that and see how we...do, maybe it could even be less than \$1 knowing that how many we have out there because I just...they way I look at this, I try to understand what the universe of pets is. And I think it's just significantly, probably even close to maybe even an order of magnitude larger statewide. [LB910]

SENATOR CARLSON: I agree with you. Whatever the approach might be, it has to be such that it doesn't add a burden of scouting or going out and searching for that additional population that's not being accounted for now because it's impractical. Theoretically, it's good, but it has to be something that's practical. And I think...so hopefully whatever we can decide upon we'll get a bigger percentage of the total population. [LB910]

SENATOR PRICE: Okay, thank you. [LB910]

SENATOR DUBAS: Other questions for Senator Carlson? Senator Dierks. [LB910]

SENATOR DIERKS: Well, maybe more of a suggestion. I think we've heard from some people who felt that the inspection system isn't all that great. But if it isn't all that great, maybe it's because we don't have enough inspectors to take care of it. That was one of the reasons for getting a dog and cat inspection fee in the first...or plan in place in the first place. We knew we had puppy mills out there. We knew that there were animals that were suffering there. And the reason for the puppy mill inspection thing through Department of Agriculture was to eliminate that problem. Evidently, we still have some of those problems out there. So this is why we're here today is try to find some way to fund the inspection program to eliminate those problems. I mean we just...it's kind of like we're going like the dog chasing its tail. We need to enforce the rabies, mandatory

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rabies vaccination, and I'm not sure how you do that. I think that...I know it's a state law. But it looks like the enforcement might be difficult. The reason for that is not only for the health of the dog, that's for the health of people. Rabies, the disease...when a person gets rabies, it's over with. I think I know of two cases nationally that people survived rabies after they got infected, very rare. But...so we're not just about protecting dogs and cats. We're about protecting people. That's one of the reasons for the rabies act in the first place. So if we're not getting enforcement of that, why something needs to be done there. I don't know if we go to the Department of Health or we go to the Department of Agriculture, but someplace we've got to find some way to enforce that act. And I thought that the fact that like up in our country the veterinarians around the country do these rabies vaccinations at the time that the communities call them in when they're going to register the dogs. I know we don't get them all, but we do get...I guess the ones that the people have a sense of responsibility and bring them in to have it done. So I just think we found out today maybe we have a continued need for some sort of support in the policing for puppy mills. And in order to do that, we have to find some way to fund it. The General Fund is not a good place to go. We just don't have dollars anymore. That's why the people that helped with this piece of legislation were actually dog breeders. They were willing to step up and pay the bill. So we have to do it in a manner that's fair to everybody, and that's what I thought you came up with. And if we are looking at some sort of an interim study, I'm willing to do that. And I know that the Veterinary Medical Association would be glad to be involved with that because it's in their ball game. So with that, I guess I don't have any more comments. I just thought that we ought to put that on the record as well. [LB910]

SENATOR CARLSON: Okay, and I'd like to respond to a couple of things that you said, Senator Dierks. In our discussions with the various groups that are interested, we have those breeders that are responsible and they see the value in the inspection program and they want it to continue. Then the other end of the spectrum we hear testifiers say that the inspectors aren't doing their job and the breeders are at fault and we need more strict enforcement. I don't think that it's unreasonable that the department would conduct itself in such a manner that they can announce and call ahead when they're going to inspect the facility because we had some concern on the part of the breeders that it almost can become harassment at times, come unannounced. Many of these breeders have other jobs. They get called away from their job and have to go out to their facility. And if they had a two- or three-hour warning that an inspector was going to come, that's not enough time to clean up a bad situation. So I think these kind of things need to be taken into consideration as well so that the breeders that want to be responsible have a chance of being responsible without an undue amount of pressure on them because sooner or later those that aren't taking care of their animals the way they should, they will be found out. [LB910]

SENATOR DUBAS: Senator Council. [LB910]

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SENATOR COUNCIL: Yes, thank you, Senator Dubas and thank you Senator Carlson and everyone who has testified today. With regard to the issue of connecting the fee with the rabies shot and those who have testified with regard to the communities where, in order to have your dog licensed, you need to have evidence of rabies shot. I can speak to you from personal experience, if you purchase or adopt a dog after the annual licensing period, you have the rabies shot, get your license, that rabies shot is valid beyond the next time you license the dog. So, for example, in my case I adopted a dog in August, his rabies shot was September, had his rabies shot, had him licensed, the renewal comes up in January, but his rabies shot is valid until September of this year. So I'll get a license for him even though I don't...I didn't have to get another rabies shot until nine months out. So there will be instances where there's going to be a gap between registration and licensing, just for information, so that the rabies shot may be the more consistent avenue for consideration. [LB910]

SENATOR DUBAS: Thank you. Any other questions? Senator Dierks. [LB910]

SENATOR DIERKS: Another comment. Senator Council reminded me I have not been active in the practice of veterinary medicine for a couple of years. But when I was there, we knew that the rabies shot was good for one year. And one company came out, oh, probably 15 years ago and said they had a rabies vaccine that was good for three years. And so we tried that and it didn't work. They couldn't stand the challenge so we had to take that back. And at this point, I think it's still an annual shot to be protected. Is that not right? [LB910]

AUDIENCE: Three years. (Inaudible) [LB910]

SENATOR DIERKS: I guess I'm wrong. (Laughter) [LB910]

SENATOR DUBAS: We'll get that clarified, Senator Dierks. [LB910]

SENATOR DIERKS: I know they tried to do a three-year shot at one time and it didn't stand the challenge. [LB910]

SENATOR DUBAS: Any other questions? Seeing none, I think that closes our hearing for today. Thank you to everyone who came and testified. (See also Exhibit 7) [LB910]