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Transcriber's Office

Agriculture Committee
February 20, 2018

[LB893 CONFIRMATION]

The Committee on Agriculture met at 1:30 p.m. on Tuesday, February 20, 2018, in Room 2102 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB893 and gubernatorial appointments. Senators present: Lydia Brasch, Chairperson; Carol Blood, Vice Chairperson; Joni Albrecht; Ernie Chambers; Steve Halloran; Bob Krist; John Lowe; and Theresa Thibodeau. Senators absent: None.

SENATOR BRASCH: I would like to welcome you to the Agricultural Committee this morning...this afternoon and we did move our room to here, so I'm wondering if some individuals may go upstairs first before they come down here. Here we have the rest of our committee joining us. So we did send out announcements that we did change the room, but it may be just a few minutes. Welcome once again. I am Chairman Lydia Brasch and before we begin on the committee's agenda today I would like to introduce members of the committee who are here and also those who are assisting us. First, I would like to introduce the Vice Chairwoman, and it is Senator Blood. And then I would also like to introduce, to my right is Rick Leonard, the research analyst for the committee. To my left at the end there is Courtney McClellan and she is the committee clerk. And with us assisting today is Joe Gruber from Omaha, he's a student at UNL. And also with him is Cadet Fowler who is from Lincoln and also a student at UNL. Before our bill is introduced today we will have two gubernatorial appointments. But for the audience here that we do ask that you are respectful testifiers and to each other. Please keep your conversations among yourselves to a minimum and if necessary to have a conversation, please take it out into the hallway. We're also asking that any expressions of support or objection be quiet and respectful to those who are testifying. No one that comes forward to testify may address the committee with questions; you are here to testify and the committee may have questions of those who are here to testify. Please turn off your cell phones and any other electrical devices that may be a distraction that may ring. Turn them off or put them on vibrate. If you must speak on the phone, please take your conversation out into the hallway. If you don't plan to testify on a bill but you would like to record your position on a bill, there's a yellow sheet located outside the door where you can do so. These will be part of the hearing record. However, only persons who testify will be included on the committee statement. And for the testifiers, we'll invite you to come forward and first we'll hear from the senator introducing a bill, but we ask that if you do plan to testify please fill out a green sheet before you come up to testify. They're located on the table by the door of the hearing room. Please when you come forward indicate your name and your contact information, whether you're here testifying in support, opposition, or neutral. Tell us if you are testifying as an individual or whether you are representing the position of an organization. When you come forward to testify, please give that green sheet to the page. When you begin, first state and spell your name, and that is for the benefit of the transcribers, and tell us if you are presenting testimony on behalf of yourself as an individual or that of an organization. The microphones before you are for the purposes of the

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transcribers, they are not amplifiers. So individuals who may be at the back of the room may not be able to hear the testimony, but it will be a part of the transcript. If you have any handouts, please gesture to the page and they will take any copies and distribute it to the committee. We need ten copies of any of the handouts. Today we are going to limit testimony. How many are here to testify? Can you raise your hands? Okay. We will limit testimony to five minutes. And you will see that the lights...when you testify there is a red light, a yellow light, and a green light. The green light means you have four minutes; the yellow light, you have one minute remaining; and the red light, you will need to stop your testimony. At that point, I will see if there are any questions from the committee that they may ask of you. If more individuals join this room that are planning on testifying...it looks like we have a group of observers at the back of the room--they're nodding yes. If we do get the room full, that we may want to have five proponents, five opponents, five in the neutral, and we'll rotate it to give a better balance of testimony. At this point, I see no need, but because of the room change and individuals that may come later I do want to leave that option open here. And at this point, we will begin our introductions of our committee, starting with Senator Thibodeau.

SENATOR THIBODEAU: Senator Theresa Thibodeau, Legislative District 6, Omaha.

SENATOR HALLORAN: Senator Steve Halloran, Legislative District 33, Adams and part of Hall County.

SENATOR ALBRECHT: Good afternoon. I'm Joni Albrecht from District 17, that's Thurston, Wayne, and Dakota Counties in northeast Nebraska.

SENATOR KRIST: Bob Krist, District 10.

SENATOR BRASCH: And I introduced our Vice Chair.

SENATOR BLOOD: She introduced me, so.

SENATOR CHAMBERS: Ernie Chambers, District 11 in Omaha.

SENATOR LOWE: John Lowe, District 37, southeast half of Buffalo County.

SENATOR BRASCH: And we'll start with our confirmation of Rick Rasby. Rick, are you here? Please come forward. Welcome. And, Rick, thank you for being here for this confirmation and you are being confirmed for the position of Climate Assessment Response Committee. Would

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you introduce yourself, state and spell your name and tell us a little bit about yourself?
[CONFIRMATION]

RICK RASBY: (Exhibit 1) Yeah. My name is Rick Rasby, R-a-s-b-y, Associate Dean of Extension, Ag Programming Leader. Prior to that I was Beef Cattle Specialist Extension, University of Nebraska for 31 years. [CONFIRMATION]

SENATOR BRASCH: Very good. And can you tell us a little bit about your appointment, what you believe you will be trying to do, your mission, your goals? [CONFIRMATION]

RICK RASBY: So on the committee I think there's an appointment from the University of Nebraska. I would be that appointment. As ag programming leader, I'm able to mobilize some extension staff that would be, I should say, trained in assessment in response to climate change and those kinds of things. [CONFIRMATION]

SENATOR BRASCH: Very good. I'm going to ask that a page take you a green testifier sheet. When you are done there, I would like you to please fill it out and give it to the page as well. [CONFIRMATION]

RICK RASBY: You bet. [CONFIRMATION]

SENATOR BRASCH: Is there anything else about your background that makes you confident and comfortable with your role? [CONFIRMATION]

RICK RASBY: I think being in Nebraska I've seen a lot of different changes in regards to climate. I think I'm prepared to mobilize our extension staff and faculty in case of emergency and those kinds of things. I think being on that committee brings another perspective in regards to how we would respond to these kinds of things. [CONFIRMATION]

SENATOR BRASCH: Very good. And you're also an associate dean with the university extension. [CONFIRMATION]

RICK RASBY: I am. [CONFIRMATION]

SENATOR BRASCH: And is this an area that has also been reviewed with your role there?
[CONFIRMATION]

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RICK RASBY: It has. Dean Hibberd basically has reviewed this and basically is corresponding to this group to have me as part of that committee. [CONFIRMATION]

SENATOR BRASCH: Very good. Are there any questions from the committee? Yes, Senator Albrecht. [CONFIRMATION]

SENATOR ALBRECHT: Thank you, Chairman Brasch. Thank you for considering this move. I certainly hope that the budget at UNL isn't going to preclude you from doing this or the job that you have, because the extension across the state of Nebraska has been a pretty interesting and most important part of the farmers' researching the things that we do. So thank you for considering that. Do you feel that there's a... [CONFIRMATION]

RICK RASBY: No, it's an important part of what we do and it's important that we be part of this committee, so it will not preclude. [CONFIRMATION]

SENATOR ALBRECHT: Great. Thank you. [CONFIRMATION]

SENATOR BRASCH: Are there any other questions from the committee? Yes, Senator Blood. [CONFIRMATION]

SENATOR BLOOD: Thank you, Chairwoman Brasch, and thank you for coming today. I want to ask you strictly your personal opinion. Do you believe that there's such a thing as climate change and who do you think is responsible if you believe that it exists? [CONFIRMATION]

RICK RASBY: Well, that's a really good question. [CONFIRMATION]

SENATOR BLOOD: Thank you. [CONFIRMATION]

RICK RASBY: You know, the thing is, is that there is indications that there is climate change going on. The challenge is, is to why. And I think there's a lot of research that would indicate reasons why. I'm not sure it's all definitive, but it does seem to be that there is climate change. It's hard to believe in February when we're 7 degrees below normal, but all indications are is that there is climate change going on. I think the data would suggest...it's hard to just determine what the cause is. [CONFIRMATION]

SENATOR BLOOD: If you were to pick one of the top causes, what would that be, based on the information that's available? [CONFIRMATION]

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RICK RASBY: Yeah. Well, that's a tough question because there's a lot of factors that figure into that. [CONFIRMATION]

SENATOR BLOOD: Do you believe it's man made? [CONFIRMATION]

RICK RASBY: I would say that part of it would be man made, yes. [CONFIRMATION]

SENATOR BLOOD: Thank you for being open and honest, I appreciate it. [CONFIRMATION]

SENATOR BRASCH: Any other questions from the committee? Seeing there are none, thank you again, Mr. Rasby, and we wish you great success in your new appointment. Thank you. [CONFIRMATION]

RICK RASBY: Thank you. Thank you. [CONFIRMATION]

SENATOR BRASCH: Would the next confirmation...oh, excuse me. I am...yes, you may be seated. And I think the change of the room here. Are there any proponents? Any opponents? Any neutral? I see there are none. Now we are ready to move to our next appointment. Carl Sousek, please come forward with your green sheet. Very good. Welcome. Please state and spell your name for the transcriber. [CONFIRMATION]

CARL SOUSEK: My name is Carl, C-a-r-l, Sousek, S-o-u-s-e-k. [CONFIRMATION]

SENATOR BRASCH: Very good. And could you also give us a little bit of background information, your interest in this appointment, items that you would like to see this committee address moving forward? [CONFIRMATION]

CARL SOUSEK: (Exhibit 1) Sure. Well, first of all, Chairman Brasch, I want to thank you for the consideration and the rest of the committee, thank you for being here today. And I'd like to thank Governor Ricketts also for his consideration of appointing me to this committee. A little background: I farm in northwest Saunders County, which is the little town of Prague. My wife and I have three children and all of them are out of college and they have rejoined the operation in varying degrees in some form or another. I farm in partnership with my brother and we raise corn, soybeans, wheat, we have a cow-calf operation, and recently my children have started viticulture or a vineyard and hop production so we're somewhat diversified. I've been farming since I got out of high school. I've been farming since 1980s and using a lot of different conservation. We're very conservation-minded in our operation. I am the past president of the Nebraska Corn Growers Association, so I've been involved in commodity organizations. I also

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am currently serving on a national action team, which is called Sustainability and Stewardship Action Team with National Corn Growers. And we are involved with not only sustainability but environmental issues, whether it's water quality, water quantity, air quality, and a lot of environmental issues kind of encompasses that. So this committee is kind of a good fit for what I have been working on most of my farming career and that is being responsible stewards of the resources that we have. And it kind of fits into...the climate is forefront of any farmer's concerns and, like I said, it's kind of a fit. So hopefully, that's a good background. And I would be willing to entertain any questions anyone has. [CONFIRMATION]

SENATOR BRASCH: Are there questions of the committee? Yes, Vice Chair Blood.
[CONFIRMATION]

SENATOR BLOOD: Thank you, Chair Brasch. I'm going to ask you the same question I asked Mr. Rasby. Do you believe there's such a thing as climate change and if so, what do you believe drives the climate change in the United States and the world? [CONFIRMATION]

CARL SOUSEK: I am a firm believer that there is climate change. I am not educated enough to make a determination on what's causing it, but having farmed for as many years as I have, I know we see cycles. And I think if we make decisions about how to respond to what we consider climate change, they'd better be well thought out and educated. I'll give you an example. The decisions we make need to take into consideration the outcomes of those decisions. And I'm kind of going in circles here, but I'll use the example: the age of our planet...we have records...climate records for roughly the last 100 years. And given the age of our planet, using 100 years of data is like making a decision based on one second out of 10,000 years. So to make drastic changes and decisions through regulations has to be very well thought out and considered. I am of the idea that I believe education is much better than regulation and if we can educate the public through our observing what's happening and the data that we can gather, I think we're better off through education and using...being better stewards of the resources that we have. [CONFIRMATION]

SENATOR BLOOD: I'm curious. Is this something that farmers, in general, talk about with each other in Nebraska? Is it something that comes up in general conversations? [CONFIRMATION]

CARL SOUSEK: Depending on which group you're hanging out with, yeah.
[CONFIRMATION]

SENATOR BLOOD: I hear you. [CONFIRMATION]

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CARL SOUSEK: I would have to say those farmers that are engaged in their groups or commodity organizations or their natural resource districts that are involved, they talk about this. [CONFIRMATION]

SENATOR BLOOD: But you're farming around a nice group of good Nebraska Czechs, so it can't be all bad, right? [CONFIRMATION]

CARL SOUSEK: Right, right, okay. [CONFIRMATION]

SENATOR BLOOD: All right. Thank you for answering that question. [CONFIRMATION]

SENATOR BRASCH: Are there any other questions? Yes, Senator Krist. [CONFIRMATION]

SENATOR KRIST: There aren't very many appointments...thanks for coming, by the way. There aren't very many appointments that are open-ended the way this one is. So you're a lifetime appointee to this committee. How long is too long? Well, how long is someone sitting on this committee moving on? It's their decision, right? [CONFIRMATION]

CARL SOUSEK: Correct. [CONFIRMATION]

SENATOR KRIST: Yeah. So what do you think? How many years are you going to stay? [CONFIRMATION]

CARL SOUSEK: I will stay as long as I believe I am effective and I can contribute and make an impact. [CONFIRMATION]

SENATOR KRIST: Good answer. Thank you. [CONFIRMATION]

CARL SOUSEK: You're welcome. [CONFIRMATION]

SENATOR BRASCH: Yes, Senator Albrecht. [CONFIRMATION]

SENATOR ALBRECHT: Thank you, Chairman Brasch. So how long have you served on the board, on this board, on this appointment? [CONFIRMATION]

CARL SOUSEK: This is my first-time appointment. [CONFIRMATION]

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SENATOR ALBRECHT: So this is your first appointment? Okay, very good. And what can you tell me that you know about the board? How often do they meet, what kind of questions usually come before them? Do you have any... [CONFIRMATION]

CARL SOUSEK: I believe it's three or four times a year. I found the minutes from three. I'm not sure. [CONFIRMATION]

SENATOR ALBRECHT: Okay. [CONFIRMATION]

CARL SOUSEK: The way I understand is they take data and observations I'll use the word "observations" but information and data from various agencies and groups from across the state and provide direction and input on matters that affect our climate, whether it's water use, air quality, water quality, response in crisis situations. We look back at 2012 or 2011 during the drought years and there were some restrictions put on. I served on a groundwater management advisory board in Lower Platte North NRD, which dealt with water quality issues. So I believe that there's some guidance and some help that we can provide in that. This is going to be a learning curve for me and I'm willing to learn. [CONFIRMATION]

SENATOR ALBRECHT: And just one other question. How important do you believe the extension groups are, the extension groups throughout our state, because it's going to be a part of this committee? [CONFIRMATION]

CARL SOUSEK: If I can answer this the right way, my view is a little slanted of extension, because for reasons that are irrelevant now I never made it to college after high school. So I had the opportunity to learn...to sit next to guys that had bachelor's and master's degrees in their fields and I was sitting next to them in extension programs with the same opportunity to learn what they were learning. I didn't envy what they'd learned in college. What I envied was their ability to learn. That's where I missed out. But as things changed and the applied technology or the applied research that was available to...it was available to me because of extension. So we are very lucky in Nebraska to have the extension program that we do, the quality that we have, because as I mentioned I serve on a national action team with others across the Corn Belt: Ohio, Indiana, Illinois, Kentucky, Missouri, and we are the envy of them because of the quality of our extension program in Nebraska. So I'll get off my soap box. [CONFIRMATION]

SENATOR ALBRECHT: I just appreciate you sharing that with us, because I think it's very important for Nebraska to know how important extension is to all of us. [CONFIRMATION]

CARL SOUSEK: I agree. I could not agree more, Senator. [CONFIRMATION]

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SENATOR ALBRECHT: Thanks for stepping up. [CONFIRMATION]

SENATOR BRASCH: Are there any other questions from the committee? Yes, Senator Chambers. [CONFIRMATION]

SENATOR CHAMBERS: Welcome. [CONFIRMATION]

CARL SOUSEK: Thank you. [CONFIRMATION]

SENATOR CHAMBERS: This position is called Climate Assessment Response Committee. Does that mean that the committee assesses the climate or they look at assessments made by others and then respond to that assessment? [CONFIRMATION]

CARL SOUSEK: I think that's what you had mentioned that we assess what others gather, the data that they gather, whether it's the NRDs, whether it's the Drought Mitigation Center, whether it's USGS and they bring that information to us and then we can help--if I understand correctly--we can help make decisions or guide decisions on how we respond to those trends or the crises or lack of crises that might be there because of the climate. [CONFIRMATION]

SENATOR CHAMBERS: And if a decision is made by the committee as to the appropriate response to a particular assessment, what does the committee...how does the committee function with regard to that? Let's say that an assessment has been made that there is climate change, that human beings contribute to it. What would this committee...what would the response of the committee be? You would say, okay, we agree or do they say, well, we disagree? Just what do they do, if you know? [CONFIRMATION]

CARL SOUSEK: I don't know if I have a solid answer for that, but I would--again, this is an assumption--being on...serving on other committees, you provide input. And if you can come on agreement you can strongly suggest action to the agencies or authorities that have the power. We're just a committee and usually committees bring information out or come to consensus or deliver information and strongly urge, maybe, because I believe we have no statutory authority whatsoever to make anything happen. But if we can provide knowledge or knowledge base to decision makers, then I believe we would serve our purpose, as with any committee. [CONFIRMATION]

SENATOR CHAMBERS: You said that you believe climate change is in evidence, if I understood you correctly. [CONFIRMATION]

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CARL SOUSEK: Yes. [CONFIRMATION]

SENATOR CHAMBERS: Is it the type of change which could reach a point of no return and there will be no way to rectify or reverse the changes that are occurring, if they are hurtful? Just an opinion. None of us knows for sure. [CONFIRMATION]

CARL SOUSEK: I appreciate that, Senator. I really appreciate that statement that no one is for sure about it. I guess I'm a little more optimistic. I don't think we've come to the point of no return. I don't think we're going to get to that point. I have enough confidence...I believe I have enough confidence in agriculture, in our technology, in our ability to learn and our ability to respond to change that we'll survive it. We can correct it. We can mitigate...if there has been damage done, we can mitigate that and we can correct it. [CONFIRMATION]

SENATOR CHAMBERS: Let's say the ice cap is melting. Is there a way to refreeze it? Humans can't build a gigantic refrigerator. And if, as a result of that, the environment in which polar bears and other creatures live is decimated and those animals can no longer survive, human beings cannot bring those animals back. [CONFIRMATION]

CARL SOUSEK: Correct. No. [CONFIRMATION]

SENATOR CHAMBERS: That would be a point of no return with reference to that aspect of it. Here's what I'm trying to get to, if the committee is of the opinion that climate change is occurring and they offer their reasons for believing that, they can be ignored, can't they, the committee? [CONFIRMATION]

CARL SOUSEK: I believe they could be, yes. I believe any committee can be ignored. [CONFIRMATION]

SENATOR CHAMBERS: Are you familiar with the yarn about Noah and the flood? [CONFIRMATION]

CARL SOUSEK: Yes, I am. [CONFIRMATION]

SENATOR CHAMBERS: A point was reached, after people had ridiculed Noah, where the flood came, the rains came. Well, a point of no return had been reached for everybody else and I guess every land creature would have been drowned out except the ones on the boat, if that's true. Well, what about the fish? [CONFIRMATION]

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CARL SOUSEK: They made it. [CONFIRMATION]

SENATOR CHAMBERS: They probably made it in, huh? They were okay? And here's what I'm getting at. I think there are a lot of powerful interests and they are self interested. I have read credible sources that big companies and political operatives have denied the existence of climate change. There have been scientists who are not supported in their work so...are you aware of the fact that other countries have offered to underwrite their research, like France? Had you been aware of that? If not... [CONFIRMATION]

CARL SOUSEK: Yes. Yes. [CONFIRMATION]

SENATOR CHAMBERS: Should that be somewhat of a...if we want to say red flag or at least an orange one that something is going on that other countries in the world can recognize but because of political considerations in this country, those things which are clear to scientists all over the world are not acknowledged in America? That's what it seems to me. And if that's true, then I think the people who see that there is climate change will acknowledge that human beings had something to do with it, you can see the kind of pollution that human beings create. You can look at what's happening in India, what had happened in China, the proliferation of automobile vehicles, the pollution. Human beings cause that. It can be denied, but that doesn't mean it's not so. I'm saying this to lead up to this comment: I think you're a sincere person. The fact that you even dare in a backward place like Nebraska to say you recognize that there's climate change, be ready for a rough ride, and I hope you're strong enough to stick by what you really believe. And if it means that they no longer will want you as a participant, it will not be so important to you to be a member of that group that you will feel the need to change what your mind, your understanding, and the facts as you see them, you will not change all that just to stay on this committee. That's what I'm hoping. You don't even have to respond to that, but you said something that really surprised me, to be honest, when you came here. And I wonder if the one who recommended you...I'm through. Thank you, that's all that I have. [CONFIRMATION]

CARL SOUSEK: Thank you, Senator, I appreciate that. [CONFIRMATION]

SENATOR BRASCH: Thank you, Senator Chambers. Are there...yes, Senator Halloran.
[CONFIRMATION]

SENATOR HALLORAN: Thank you, Madam Chair Brasch, and thank you for putting yourself forward for this appointment. Quick question and then I'll maybe do some interaction with you on it, but has there ever been a time in history that as we know...what we know of history of the earth that the climate has not changed? [CONFIRMATION]

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CARL SOUSEK: No, I don't believe there is a time that we know of it has not changed.
[CONFIRMATION]

SENATOR HALLORAN: The reason I asked that question, it wasn't meant to be...I wasn't trying to put you on the spot or make a leading question out of it, but people say there are two things that are sure in life, taxes and death. I would add a third to that, and that's climate change. The system is extremely complex and it's been put in motion--I know some that will cast disbelief on this--but put in motion by someone greater than man and that our ability to influence it plus or minus is rather limited. So I don't think that the data is that there's climate change. I think there's always been climate change. We have no real history during the Ice Age that there was much of a population, if any, of mankind and yet it's indicative of the largest, most significant climate change event we are aware of in history. There were no coal fires. There were really no man-made impact on the climate, yet the climate changed. And I guess the question would be, if we had mankind at that time, could we have stopped or mitigated the Ice Age? I doubt it. So I'm just a--how would you say--I'm a skeptic that it's man made. I do believe it exists, but I think it's rather egotistical that we think we, as mankind, can change it plus or minus. But I'll let you elaborate on that if you wish. [CONFIRMATION]

CARL SOUSEK: No, I would agree with that. It was described to me one time that weather is what you have on, climate is what you have in your closet. Climate cycles, it's a group. But if we pay attention and if we use the technology and the data gathering sources that we have, I believe--especially in agriculture--we can respond to changing cycles or if you want to call it climate change or...through education, that we can be better stewards with the resources that we have as they change. So I guess I'll just kind of leave it there. [CONFIRMATION]

SENATOR HALLORAN: As a farmer, I would say we've been doing that at some level--and this is just an example--but we have short-season corn, we have medium-season corn, we have long-season corn. And part of that is, because we have no control or no anticipation for sure how that season is going to be, cold spring, hot summer, early frost, we don't know what that's going to be. But we have some things we can't control, acknowledging the fact that we can't control climate but we do adapt to it. I understand that. Thanks again for putting your name forward.
[CONFIRMATION]

CARL SOUSEK: Thank you. I'll just close on that statement. And, Senator, we haven't always done everything right and we probably will never do everything right. But I look at my dad and the way he farmed 40, 50 years ago. In today's standards, he was doing it wrong, but he did it right based on the technology that was available to him at the time. And I believe that we have more knowledge and more information available to us now. And through groups and collaborative effects, like this committee, that we can make the right decision. Down the road it

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might prove that we were wrong, but I think by being involved in things like this we're doing the best we can with what we have and we're going to try to make the right decisions. With that, thank you. [CONFIRMATION]

SENATOR BRASCH: Senator Chambers. [CONFIRMATION]

SENATOR CHAMBERS: I think a lot can be done. First of all, I did not grow up on a farm, I've never lived in a rural area. All of my forebears did, obviously, but something as simple as contour plowing made a huge difference. Rotating crops made a huge difference. If people take a narrow view and think that this is the way that it's always been done, this is the way it must always be done and nothing can change it, then human beings continue in destructive behavior. And as soon as they cease that destructive behavior, ceasing it may not correct it, but at least it doesn't become worse. When it once slows and if it stops, then a look can be taken at how possible reversal can occur. As I said, I don't think there will be a giant refrigerator created, but they're recognizing the sea rising, they're recognizing the temperature of the ocean rising, they have seen that in certain parts of the Arctic it's almost like spring and summer. Those are things that I think human beings are responsible for. This is all I have to say. My colleagues are all religious, but I'm not. So I think in the same way that they deal with all these mass shootings by saying, you're in our thoughts and prayers, I guess climate change has to be handled through thoughts and prayers. But there are people like me who think much more can be done and this is what I'm going to say. Let's say there's a God, like people say. God isn't responsible for those shootings. It's not a problem for God to solve. Human beings need to solve it. The proliferation of guns is what does it. And I'm glad these young people have finally taken the bull by the horns. When they're 18 they can vote. I think they're going to vote politicians out of office and they're now hitting the nail on the head because the children are speaking who have watched their friends die and themselves have been injured and they're not listening to these simple-minded politicians who when the shooting occurs will say, this is not the time to talk about guns. Well, now we're in a flu epidemic. This is not the time to talk about flu. When there's cholera, that's not the time to talk about cholera. The nonsensical, insane things that grown people--especially politicians--have said have reached the young people now and they believe in action. A group of them are on a bus, they're going to ride it for eight hours or more to get to the capitol in Florida to talk to the politicians. And the politicians can be in denial all that they want to, but if it's not recognized that human beings engage in conduct, that conduct creates consequences, then I would say a point of no return has been reached already. If there cannot be a recognition that human beings are engaging in destructive conduct, that conduct will not change. And I think that's where the point has just about been reached now. But the young people with the approach they're taking, has caused me to feel a sense of optimism that I haven't felt in many years. And although I would have to cash my chips in, I would have to fold my hand, I'd have to have my ticket punched, I think what's going to have to happen is all of us older people are going to have to die out. We're going to have to get out of the way and let these young people do what they

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know ought to be done. But they have been squelched, they have been pushed in the background, and they're the ones who are dying. I'll tell you what will change these politicians. Let somebody decide, these young people or anybody else, the problem is the NRA. They're calling the shots. Somebody should pay a visit to the headquarters of the NRA and not to these classrooms. These children didn't do anything. And you let them do something to those people sitting in the NRA and then you'll see a change in the whole picture. Let them go into Congress and do in Congress what is happening in these schools and Congresspeople wouldn't say, the answer to guns is more guns. If there is a cholera epidemic, the answer is not to have more polluted water. If there is an outbreak of scarlet fever or any kind of disease...let's take a mosquito-borne disease. And somebody says, well, the answer to that is to produce more mosquitoes. As counterintuitive as it may seem, they're doing that with Zika but here's what they're doing. They are denaturing the males so that there cannot be any reproduction. So if they produced guns that didn't shoot, then you could say more guns. And I regret that I used you for a sounding board. I was not going to do it. But Senator Halloran and I don't see a lot of things eye to eye. Some things we do, believe it or not. But on this one, whenever I hear somebody suggest that human beings cannot undo what human beings are causing, then I cannot sit silently without giving my opinion. Frankly, I think you're going to do a good job. And because of what you said, I'm going to pay attention to what the Climate Assessment Response Committee does from now on. So I might be talking to you from time to time and I hope you don't mind. [CONFIRMATION]

CARL SOUSEK: You're welcome to. Thank you. [CONFIRMATION]

SENATOR CHAMBERS: Thank you. [CONFIRMATION]

SENATOR BRASCH: Thank you, Senator Chambers. Any other questions from the committee? Mr. Sousek, you have done an excellent job here. [CONFIRMATION]

CARL SOUSEK: Thank you. [CONFIRMATION]

SENATOR BRASCH: And I also expect that you will do that moving forward in your new appointment. Thank you for coming forward. [CONFIRMATION]

CARL SOUSEK: Thank you all very much. [CONFIRMATION]

SENATOR BRASCH: Thank you. Are there any proponents? Are there proponents? Are there any opponents? Anyone testifying in the neutral? Seeing there are none, that closes the portion of the gubernatorial appointments. We'd like to invite Senator Wishart to come forward and introduce LB893. Welcome, Senator Wishart. [CONFIRMATION LB893]

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SENATOR WISHART: Well, good afternoon, Chairwoman Brasch and members of the Agriculture Committee. My name is Anna Wishart, A-n-n-a W-i-s-h-a-r-t, and I represent the 27th District in west Lincoln and I'm here today to introduce LB893. LB893 amends the Dog and Cat Purchase Protection Act to prohibit retail pet stores from selling a dog or cat unless the animal was obtained from an animal control facility, animal shelter, or animal rescue. Additionally, retail pet stores would be required to keep records and provide information regarding each animal's source facility and to keep records regarding the animals for at least one year after the date of sale. Records would be available for inspection by the Department of Agriculture, but I want to make it clear that the Dog and Cat Purchase Protection Act does not fall under the Department of Agriculture's authority and violations would be taken up with the Attorney General. I introduce this bill first and foremost to protect the welfare of dogs and cats by cutting down on the financial support of large-scale breeding facilities where profit is given priority over the well-being of the animals and these facilities that mass produce dogs and cats for sale to the public through pet stores. This bill also seeks to protect consumers by adding transparency to the purchasing process of buying a dog or cat from a pet store. And, finally, this bill promotes the adoption of homeless animals, which saves tax dollars that are currently spent to house and euthanize unwanted animals. So anybody that knows me well knows that I just love animals, especially dogs. In fact, when I walked over 20,000 doors for two years, I brought my border collie, Finnegan along with me to every single door, which you can imagine then sparks a lot of conversations with people in District 27 about dogs. And we talked a lot about making sure that when I get elected I protect...I'm a voice for animals and protect the welfare of dogs and cats. And so that's why I'm before you today. I have nothing against responsible dog and cat breeders. There are many wonderful breeders in Nebraska and across this country that provide quality care to their animals. In fact, this legislation would potentially incentivize consumers to purchase purebred animals directly from these responsible breeders, where the consumer can research the breeder, the mother and father of their animal, and where the breeder can research the potential owner of their animal as well to make sure the animal is going to a good home. When I speak with pet owners who have purchased purebred dogs or cats through a breeder, they talk about the importance of visiting and researching the breeder to make sure their dog or cat came from a quality situation. Pet stores, on the other hand, are one or often two steps removed from the breeding of animals they sell, leaving store owners and consumers with less transparency about the breeding conditions of their animals. The federal Animal Welfare Act requires breeders who sell puppies to pet stores to be licensed and inspected by the U.S. Department of Agriculture. However, the standards that these breeders are required to meet by law are extremely minimal. For example, under the AWA a cage is required to be only six inches larger than the animal it houses and cleaned just once a week. Furthermore, the USDA recently removed all breeder licensing and inspection data from their Web site. It is now impossible for retailers and consumers to access any information about the facilities they obtain their animals from at the federal level, including histories of animal abuse. While many pet stores have worked to ensure their animals come from quality breeders, my concern is the pet stores that choose to

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obtain their animals from puppy and cat mills where animals exist in overcrowded and unsanitary conditions without adequate food, water, socialization, or veterinary care. As a result, animals bred in these facilities often face an array of health problems, including communicable diseases, behavioral issues, and genetic disorders. According to a 2013 Journal of Veterinarian Medicine study that compared the owner-reported prevalence of behavioral characteristics in dogs obtained as puppies from pet stores with that of dogs obtained as puppies from noncommercial breeders, the results concluded that pet store derived dogs received significantly less favorable scores than did breeder obtained dogs out of 12 of 14 of the behavioral variables metric. Pet store dogs did not score more favorably than breeder dogs in any behavioral category. Compared with dogs obtained as puppies from noncommercial breeders, dogs obtained as puppies from pet stores had significantly greater aggression towards human family members, unfamiliar people and other dogs, greater fear of other dogs, and nonsocial stimuli and greater separation-related problems in house soiling. According to the ASPCA, over 230 cities and counties across the country have enacted ordinances that achieve the same goal as LB893. And I met with the veterinarians in the Department of Agriculture about this legislation and discussed a potential compromise that would address some of their concerns while still accomplishing my goals of animal protection, consumer transparency, and disincentivizing pet stores from purchasing animals from irresponsible breeders. And the compromise would require a pet shop owner to post in a visible location on the cage or enclosure of each dog or cat a sign listing the name of the breeder, address, and contact information. This way the potential owner can research the animal's background to make sure they came from a good breeding situation and they know who to contact if any illness or genetic defects are found by their veterinarian. I'm happy to work with this committee on this legislation to find a way forward to support the welfare of dogs and cats in our state. And I would be happy to take any questions. [LB893]

SENATOR BRASCH: Thank you, Senator Wishart. Are there questions from the committee? Yes, Senator Krist. [LB893]

SENATOR KRIST: Thank you, Chair. Senator Wishart, on page 2, line 23, item (5) "Pet shop has the same meaning as in Section 54-626." We don't have 54-626 as part of this bill. Can you tell me what the definition of "pet shop" is? [LB893]

SENATOR WISHART: I can get that to you, I don't have it with me right now. But I believe we're talking about a retail pet store and there are six pet stores in this state that would be affected by this legislation. [LB893]

SENATOR KRIST: So what if I'm operating a pet shop by definition in front of my building and in the back of my building I have...I breed animals? If that were the livelihood of said pet shop and combination building, your restriction on page 5 says that "A pet shop owner shall not sell a

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pet unless it's provided to or obtained from an animal control facility, animal shelter, or animal rescue" and that again refers back to 54-626. So I'd be interested in seeing what the actual definition is, whether there's exclusions. If there are six bad apples, are we changing law because of the six bad apples? And I'm getting a lot of head nods from behind you, so I worry about legislation that tries to put people out of business if they don't need to be put out of business and, therefore, there's unintended consequences with it. So I'll make the comment and maybe you can get back to us with those definitions or legal counsel can so we can move forward. [LB893]

SENATOR WISHART: Yeah, we can get that for you. [LB893]

SENATOR BRASCH: Thank you, Senator Krist. Senator Thibodeau. [LB893]

SENATOR THIBODEAU: Thank you, Chairwoman Brasch. Do you think that your proposed amendment and if the committee works with you on your proposed amendment that could maybe alleviate Senator Krist's concerns, because again, yes, it would be nice if somebody owns a pet store but then behind is a good breeder, that obviously they would be able to show the people right there on site the breeding, but if they had the access to research the breeder themselves? [LB893]

SENATOR WISHART: Yeah. Yeah, I think it would. When I met with the veterinarians--and, again, I met with the Department of Agriculture--my goal is and my concern with pet stores--and this isn't to say that every pet store in the state, like you said, Senator Krist, is purchasing dogs from irresponsible breeders--but the concern I have is, it's very hard as an owner...a potential owner who walks into a pet store to know where that dog came from, especially when dogs are being purchased from outside of the state where we have no control over the breeder inspections. And so I thought understanding that this might be a tough bill to get through the Agriculture Committee, I thought ahead, is there a way that I can achieve the goals that I intended with transparency and making sure that consumers at least are able to research and see the welfare of the parents of the puppies that they are purchasing. And that amendment that I described would achieve that. And, again, it would be to require on the cage of the puppy or the cat a disclaimer about who the breeder is, their address, and their contact information. And then the potential owner, it's up to them to do their research. But I would hope also it would disincentivize pet stores from working with irresponsible breeders. [LB893]

SENATOR BRASCH: Any other questions from the committee? Senator Blood. [LB893]

SENATOR BLOOD: Thank you, Chairperson Brasch, and thank you for bringing this bill forward, Senator. I have a couple of questions. [LB893]

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SENATOR WISHART: Okay. [LB893]

SENATOR BLOOD: So in our packet we have a letter of support for LB893 and copied on the back of that are several pages that show municipalities in California and Florida that have enacted--and Georgia--that have enacted laws like this. So...and apparently several more. Can you tell me, did the state put something into place that gave the municipalities the option or did the municipalities just go ahead and do it each on their own? [LB893]

SENATOR WISHART: I believe--and I don't know in every scenario--but I believe the only state that has enacted similar legislation is California. Otherwise, it's been done at the local level and I believe it's just through local governance. [LB893]

SENATOR BLOOD: So this list of...when did California pass it, do you know? [LB893]

SENATOR WISHART: Last year. [LB893]

SENATOR BLOOD: Okay. So it looks like a lot of this was enacted prior to that, so they just kind of did it on their own kind of like when the circus comes to town and people don't allow elephants, they have that individual opportunity to say, no. Can you tell me how many Nebraska breeders would this affect? [LB893]

SENATOR WISHART: So currently, this would only affect six pet stores in the state. [LB893]

SENATOR BLOOD: How many pet stores are in Nebraska, just six? [LB893]

SENATOR WISHART: There are six pet stores that sell dogs and cats, six retail pet stores that sell dogs and cats. There are many other pet stores that sell pet food and pet supplies. And, frankly, most pet stores are moving in that direction. [LB893]

SENATOR BLOOD: Do they also sell things usually like lizards and fish? [LB893]

SENATOR WISHART: Yeah, you'll see like a PetSmart or a Petco that when you walk in that they'll sell some of the smaller animals, but cats and dogs they do not sell. And, in fact, PetSmart and Petco have been great about having days where they'll bring rescue dogs in for customers to come and potentially adopt. [LB893]

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SENATOR BLOOD: And then how many Nebraska breeders will this affect, the actual breeders, if indeed... [LB893]

SENATOR WISHART: Well, again, I see this as actually as positively affecting responsible breeders because it's going to shift the purchasing of purebred dogs directly to those breeders as opposed to from a third-party entity like a pet store. [LB893]

SENATOR BLOOD: Do you know how many breeders there are in Nebraska? [LB893]

SENATOR WISHART: I have that information here...over a hundred. [LB893]

SENATOR BLOOD: Over a hundred? [LB893]

SENATOR WISHART: Many. [LB893]

SENATOR BLOOD: A guesstimate is fine. Just give me...less than 200 do you think? [LB893]

SENATOR WISHART: I believe it would be less than 200 but over 100. [LB893]

SENATOR BLOOD: So out of those, we'll say meet at a half-way point, like 125? [LB893]

SENATOR WISHART: I have them all here, I'd have to count. But, yeah, probably around that. [LB893]

SENATOR BLOOD: So out of that group...this is my last question. Out of that group, have any of them been placed on...this is not the correct terminology but there's like a naughty list--I've seen that list before--of people who are not doing an effective job taking care of their animals. How many do we have on that list, that national list? [LB893]

SENATOR WISHART: I believe the Department of Agriculture will be here to speak and can get you that information. I can get you more updated information on that, too. There may be some other testifiers that can talk to that. [LB893]

SENATOR BLOOD: Do we have some on that list? [LB893]

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SENATOR WISHART: You know, I don't know that. I don't know that currently. I know that Nebraska is close to sort of what they call the beltway for puppy mills where we see the most prevalence, maybe because of the rural nature of being able to practice without a lot of people seeing the conditions of your animals, would be my guess. But I know that recently there was some great leadership here in the Legislature to address inspections for breeding facilities. I believe Senator Johnson, former Senator Jerry Johnson brought that legislation. I had a great meeting with the Department of Agriculture and feel really confident about the work that Nebraska is doing. But, again, this would allow for potential owners to be able to trace where their puppy came from outside of the state as well... [LB893]

SENATOR BLOOD: With the amended version. [LB893]

SENATOR WISHART: With the amended version, yes. [LB893]

SENATOR BLOOD: Thank you, Senator. [LB893]

SENATOR WISHART: Thank you. [LB893]

SENATOR BRASCH: Any other questions from the committee? Yes, Senator Chambers. [LB893]

SENATOR CHAMBERS: You don't love animals as much as I do. [LB893]

SENATOR WISHART: I would like to debate you on that. [LB893]

SENATOR CHAMBERS: Here's what I did. This was some years ago. I picked up a newspaper and I saw where a guy had a Burmese python and he would sleep with it. They determined it was a female. She bit him and he wanted her killed. So I did some research to find out where the animal had been taken and he took it to the Humane Society here. So I had the reporter find that guy and I purchased from him the animal and I took that slip to the Lincoln Humane Society to show that I am now the owner of this snake and I'm not authorizing you to kill the snake. And so what they did was found a home for it, either...I don't know that it was the Henry Doorly Zoo or someplace outside of Nebraska. But that's why I say my constituents, they have two legs, four legs, and no legs. But at any rate, here's the point I was going to get to, an analogy which is not perfect. But when the floods were coming, the hurricanes, they were warning people that tens of thousands of flooded vehicles are going to be on the market. So they were finding means so people could trace the origin of cars and they would know whether these were vehicles that had been flooded out. So if it comes to something like vehicles and people want to know the origin

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and source of a vehicle in order not to be taken to the cleaners, so to speak, I think it should apply doubly or triply when we're talking about living creatures. And I have seen some of the animals that were bred. They were bred until their innards were on the outside. They had no teeth, they were blind and all kind of horrendous conditions that I saw with my own eyes and these animals are still being bred because they were capable of breeding. And human beings are cruel. They will do almost anything to make money. And if they will sell children, it shouldn't be surprising that they will sell animals and mistreat them. I signed onto this bill. I'm glad that you brought it. And I'll do everything I can to help get it passed. And I think it is good to reach what you refer to as a compromise so that people will understand that there is a legitimate way to be involved in the breeding of animals, the selling of animals that it's not going to be like a long, slow slaughter of either the animals that are being bred or the offspring which would contract ailments that will not show up until later in the animal's life. But I wanted to mention those cars that had been flooded out. They're still talking about that now, by the way, because people didn't pay attention and they're getting these vehicles and finding a good amount of time later that it was one of those that was flooded out. But the deal they got was so good, they thought...and it looked good, but they didn't know where or how to look to find that kind of damage. I think it is essential that Nebraska not become, as it is increasingly becoming, known as a haven for puppy mills. And what ought to be done, you should go out to some of these places where they have these so-called puppy mills and look at them. They have found some people who had violated the rules of the law so much that they've gone to the sheriff. The sheriff wouldn't do anything. Ibach wouldn't do anything. Some of the inspectors would notify the wrongdoer that they're coming and when it came to everybody's attention that Ibach was going to get a federal appointment, they said, Ernie, I think with what you know you can stop that. I said, what do you mean? Well, mention how he made promises to the Legislature and to the Governor and then he violated those promises, which he did, and I brought it up to him when he came before us. I said, well, why would you want me to overturn that appointment when by his accepting it he'll be out of the state and I don't have to deal with him anymore? And that was my response. I'm glad that he's gone. And when the person or persons testify from the Department of Agriculture if they decide to speak to us, I'm sure that they can give more specific information on some of the problems, I hope they will mention, that they had in trying to perform inspections. Sometimes they had cooperation from local law enforcement, sometimes they didn't. So it is a serious issue and this might be the only committee that hears this kind of information. And that was not really a question, but if you see in there a question that you want to respond to, well, you're free to do so. [LB893]

SENATOR WISHART: No, that sums it up. [LB893]

SENATOR CHAMBERS: I told you how wise women are. [LB893]

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SENATOR BRASCH: Thank you, Senator Chambers. Any other questions? Senator Lowe.
[LB893]

SENATOR LOWE: Thank you, Chairwoman, and thank you for bringing the bill. I just looked up 25-626. A pet shop means a retail establishment which sells pet animals and related supplies. You say that there are six businesses that will be affected by this. I know of two businesses in Kearney that sell dogs, so I'm assuming those are two. There are several others that sell them seasonally. So I think it's probably more than six that this will affect. And I know Kearney is getting a new pet store, so I'm assuming they're also going to be selling animals. Can the animal shelters or animal rescue shelters sell the animals today? Could they have? [LB893]

SENATOR WISHART: Can animal rescues sell animals today? [LB893]

SENATOR LOWE: Yeah. [LB893]

SENATOR WISHART: Well, I don't know if I would call it sell, but when you go to... [LB893]

SENATOR LOWE: Well, they recoup their costs or whatever. They can find them a new home.
[LB893]

SENATOR WISHART: To some extent. Well, we do euthanize. I believe Omaha, in itself, euthanized 5,000 dogs in 2016...animals in 2016. [LB893]

SENATOR LOWE: If the animals are not purchased from the pet stores that they're transferred to, what will happen to those animals at the pet store then? [LB893]

SENATOR WISHART: So you mean if the rescue animal is... [LB893]

SENATOR LOWE: The rescue animal...if this law passes and the animal, the dog goes from the rescue shelter or the animal shelter to the pet store and that animal is not sold, what will happen to that animal. [LB893]

SENATOR WISHART: Well, I believe in Nebraska with the practice of the Humane Societies is that any dog that is up for adoption is not going to be euthanized, so I would anticipate that those dogs would wait until they got sold. [LB893]

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SENATOR LOWE: So they could still be for sale at the rescue shelter and not at the pet store?
[LB893]

SENATOR WISHART: Yes. Oh, yes. Yes. [LB893]

SENATOR LOWE: I have bought several pets or taken several pets from the Kearney Humane Society and they've been wonderful animals. I've also purchased animals from the pet store and they, too, have been wonderful animals. And the breeders are...I get a choice of the breed that way. At a rescue shelter I get what they have that day on hand. And I see a problem with...you're almost trying to put the store out of business because you can already acquire this animal at the rescue shelter. I believe we should all check the rescue shelter before we go to a pet store in the first place, because let's help those dogs out that are there. But if I'm looking for a border collie and the rescue shelter doesn't have one and the pet store is prohibited from carrying a qualified border collie, I think we might have a...and I don't want to travel halfway across the state or into another state to get a border collie when the pet store would say, I can bring that dog in. I can show you the papers where this dog comes from. It comes from a good farm and they have three pairs that breed, something like that. So I have a problem with that in that case. Also, according to the description, a Walmart or someplace that sells goldfish could be a pet store because they sell the animal and they sell the supplies. They also sell dog leashes, dog food, other supplies, so I believe there are lots of stores out there that could fall under this. And I just don't know, frankly. [LB893]

SENATOR WISHART: Well, there's many pet stores in the state that would fall under this, but wouldn't be affected since they don't sell dogs and cats. So that would be the distinction. With the current legislation that I introduced, yes, it...I don't believe it would put pet stores out of business, but I'm sure you'll hear from some pet stores today and they can walk you through that. But I'm sure you'll hear from pet stores today, too, who make money off of selling supplies for animals. So this would just be one portion of what they would be making a profit off of. [LB893]

SENATOR LOWE: I will listen. [LB893]

SENATOR WISHART: Yeah, good. [LB893]

SENATOR LOWE: Thanks, Senator. [LB893]

SENATOR BRASCH: Senator Krist. [LB893]

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SENATOR KRIST: Yeah, I just want to clarify my comment earlier. And thanks for looking up the definition. I was hoping nobody would do that until afterwards, so we could keep this going. But I think this reaches out and touches a lot more organizations, a lot more businesses than you think. I've said for a long time in Senator Chambers' absence, if we had a Department of Agriculture that was doing their job we wouldn't have some of the problems that we have. So if we've got six bad actors, then why isn't Department of Ag or somebody else taking action against the bad actors? There's always unintended consequence from saying, you have to buy five apples before you can buy five oranges, which is pretty much what this bill is telling me to do. And I do agree that tracking where the dog came from, so that...dog or cat, so that you could look at the pedigree--pedigree meaning where it came from, who the parents were, etcetera--I just think that this is going to be some unintended consequences. So I will listen, though, as well. [LB893]

SENATOR WISHART: Okay. [LB893]

SENATOR BRASCH: Thank you, Senator Krist. Senator Blood. [LB893]

SENATOR BLOOD: Thank you, Chairperson Brasch. And I do have more questions because I've heard the dialogue and that always brings up more questions. Do you have any concept of what the average kickback is to a pet store that sells one of these dogs that are, of course, not from the humane society? [LB893]

SENATOR WISHART: It varies. It varies. I mean, keeping cats and dogs is expensive, so it's an expensive product to maintain in your store. I would recommend asking the pet stores that follow me. [LB893]

SENATOR BLOOD: I always think back, we have always had rescues, but we did end up getting a Corgi that was not--and I think I talked to you about this before--that was not a rescue because I gave in to one of my children. And when we got the dog home we noticed that there were numbers tattooed on its belly and that that was standard practice and I was appalled that how somebody could think that that was possibly acceptable to tattoo a dog and give them a number, much like an inmate. And I'm guessing tattoos...I have none. I'm guessing it was probably painful, I don't know. I always think about that when we talk about bills like this. But I want to go back to your amendment. Talk one more time about your amendment, because I feel like that's going to resolve some of these issues and I'm not sure that we're clarifying that. [LB893]

SENATOR WISHART: Yeah. So, of course, I introduced this bill and after doing so, reaching out to the Department of Agriculture, talking to the veterinarians who I think will be here with some concerns about the bill I introduced, talking with other senators who had some initial concerns, and so I just one weekend was brainstorming, how can I figure out a way to solve

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some of the issues that I see are problematic in terms of consumer transparency and disincentivizing pet stores from purchasing dogs and cats from irresponsible breeders. And I thought, why not just require--which isn't required right now--on their cage to be the name of the breeder, their address, even if it's out of state, and the contact information. It's almost, if you think about it, like you would have on a package of food. And I almost hate to equate a living and breathing animal that you're purchasing to that, but we do expect as consumers to have some level of transparency from where what we are purchasing came from. So I see this as a good compromise. I spoke to the Department of Agriculture. We're going to work from my office to draft an amendment and run it by them. But I see this as a good compromise and a way forward and I'd be interested in seeing what some of the people following me in their testimony think about it as well. [LB893]

SENATOR BLOOD: And, again, that would allow the consumers then to...because I know if I go to a doctor or I have somebody that's going to do surgery on me, I immediately go to the state Web site to see if there's any charges pending against them. And I'm that type of consumer, so if I saw information about a breeder, the first thing I'd do to look to see if there's any charges against them and if they've always been good stewards, although I doubt I'll ever get a dog that's not from the shelter again. [LB893]

SENATOR WISHART: Yeah. [LB893]

SENATOR BLOOD: But as a consumer I think that's a positive thing and accomplishes much of what you're to do, which is to protect the animals and the public. [LB893]

SENATOR WISHART: Yes. And I understand there are many reasons why people get purebred dogs. One of my staff members just went through the process of purchasing a purebred dog because her husband is allergic and they contacted a bunch of breeders. Some breeders never responded to them, but those that did it was a pretty extensive interview process on both ends, because the breeders eventually that she identified wanted to make sure that their puppy was going to a good home as well. That's what I see in terms of a responsible breeder. [LB893]

SENATOR BLOOD: I have a brother who breeds bullmastiffs. [LB893]

SENATOR WISHART: Oh, yeah. Really big dogs. [LB893]

SENATOR BLOOD: Really big dogs, and they actually live in the house. They are not kept in kennels, they're not...they're part of the family. And they interview people before they are sold. They don't let them go to just whoever wants them. [LB893]

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SENATOR WISHART: Yeah. [LB893]

SENATOR BLOOD: And there's a waiting list because of that. Thank you. [LB893]

SENATOR BRASCH: Any other questions from the committee? Yes, Senator Albrecht. [LB893]

SENATOR ALBRECHT: Thank you, Chair Brasch. Question, where did Finnegan come from? [LB893]

SENATOR WISHART: I got Finnegan from a farmer in Iowa who was a breeder and I have his papers. [LB893]

SENATOR ALBRECHT: So this bill only is talking about the six folks that were...that have...were they on a list of having problems in the store? [LB893]

SENATOR WISHART: No, I'm not sure where that number...no. So when I say six facilities-- and I might be wrong in this--but when we did our research we found pet stores that sell...that currently sell dogs and cats. I'm not saying that these pet stores have done anything wrong, I'm just saying that there isn't the level of transparency that, as a consumer or as somebody who is in a place where we can establish laws to protect consumers, that I feel comfortable with. [LB893]

SENATOR ALBRECHT: And so is there anything within the bill I was looking at that has any type of penalty? If this were to pass today, what would happen? [LB893]

SENATOR WISHART: No. Currently, the issue would fall in front of the Attorney General's Office. [LB893]

SENATOR ALBRECHT: Okay. So if the cities and/or counties can have an ordinance and they have ordinance authority, if they had six people come into the city council meeting and say, this is ridiculous, this has happened, this has happened, and they should choose to enact their authority with an ordinance. But if we do this, we do it throughout our whole state, on everybody. [LB893]

SENATOR WISHART: Throughout the whole state, yes. [LB893]

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SENATOR ALBRECHT: So do the breeders...and you always talk about like just a pedigree of a particular type, but what if it's just a mutt and the farm dog had babies. I mean, do people have to register to be a breeder? Is there a registration list of whoever decides to do that? [LB893]

SENATOR WISHART: So I believe you have to be at a certain size in terms of the amount of dogs that you're breeding to achieve the level where you are licensed and inspected by the Department of Agriculture. But again, this is just specific to a retail pet store. [LB893]

SENATOR ALBRECHT: Retail only. So no one could ever have little puppies in the windows, because it has to be only rescue dogs or... [LB893]

SENATOR WISHART: Yeah, the puppies would be...they would be rescue puppies. They'd have been homeless. [LB893]

SENATOR ALBRECHT: So they could have those in their shop but they could not have somebody coming as a breeder to give them for sale? [LB893]

SENATOR WISHART: Yes. Yes, it would only be homeless animals. Yeah, rescue animals. [LB893]

SENATOR ALBRECHT: Okay. And how would we know that those rescue animals are healthy and...we don't know any of their background, but you're wanting to make sure that they don't do away with those animals over a period of time or retire them. [LB893]

SENATOR WISHART: Yeah. I mean, that's a really good question, Senator, and actually that's probably what the veterinarians are going to talk to you about today. When they came and talked to me about that it did make me realize that that was a flaw in this legislation, because there are certain rescue organizations, I'd imagine, that are irresponsible as well, which is again why I came to you prepared to talk about a compromise that I think would again remove the requirement of only selling rescue animals but instead really focus on the transparency of where these dogs and cats are coming from. [LB893]

SENATOR ALBRECHT: Because I know the Humane Society in Omaha, they have the little area that if your dog has 12 puppies and you don't know what you're going to do with them, you just kind of put them in there and walk away and hope they can do something with them. You know, that's... [LB893]

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SENATOR WISHART: And now rescue facilities and the Humane Society, they're all inspected through our Department of Agriculture, so they go through inspections as well. [LB893]

SENATOR ALBRECHT: Thank you. [LB893]

SENATOR BRASCH: Thank you, Senator Albrecht. Senator Halloran. [LB893]

SENATOR HALLORAN: Thank you, Madam Chair. I promised myself I wasn't going to ask another question, but to Senator Krist's point and it was an excellent point, if we're not properly regulating or fully regulating the industry with our own Department of Agriculture in this state and we pass this bill, aren't we looking at pushing people to buy animals from out of state where we absolutely have no control? It may not be good here, but we don't know what the circumstances are from the states that they're buying these puppies from. [LB893]

SENATOR WISHART: Well, and that's my concern currently is that when you walk into a pet store and say they've purchased puppies from outside of the state. I mean, our Department of Agriculture can do all they can do to regulate and license what's going on in our state, but they have no jurisdiction out of the state. There are federal guidelines, but those are very limited in terms of their requirements. So that was...I mean, my concern is again that that consumer is able to find out where those dogs are coming from even if it's out of state. [LB893]

SENATOR HALLORAN: But we'll be narrowing down the marketplace for breeders in this state, right, by purposefully saying that the only dogs that can be purchased would be through shelters or from shelters? [LB893]

SENATOR WISHART: Or the breeder themselves can sell directly to the consumer. This is just eliminating a third-party pet store retailer. So if you're a breeder and you want to sell your dogs, with the legislation that I brought you would sell directly, whether it be on-line and you'd sell directly to the consumer. [LB893]

SENATOR HALLORAN: Just have them "Fed Exed," huh? [LB893]

SENATOR WISHART: Yeah. I don't know if that's what they do. [LB893]

SENATOR BRASCH: Senator Krist. [LB893]

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SENATOR KRIST: Sorry. I'm not going to ask the question of the folks that are coming up, so I'll just aim them at you. So in the Petco that's closest to my home we occasionally get breeders who bring dogs to the store. Are they going to be allowed to do that? That's a pet shop, so the breeder can sell directly, but the breeder at that point has entered into an agreement with Petco. I'm assuming they're not getting that space for free when they bring in the puppies. [LB893]

SENATOR WISHART: Are those breeders or are they rescue organizations? [LB893]

SENATOR KRIST: Some rescue, but there was a beautiful litter of black labs that were brought in by an individual. Like Senator Albrecht said, you have 12 puppies and you don't know how to get rid of them or you can't get rid of them, so they came into the front of the pet store--as it's defined--and they're selling them there. Are they allowed to do that? I mean, it's...that's a good... [LB893]

SENATOR WISHART: Well, again, this would be a requirement of rescue animals. From the research we've done, I was not aware that Petco or PetSmart sold purebred dogs from breeders. [LB893]

SENATOR KRIST: Okay. [LB893]

SENATOR BRASCH: Any other questions of the committee? I would like to ask a question. I am interested in the amendment that you have discussed and hearing testimony moving forward. But what I'm wondering is, so you do that amendment but municipalities have the authority to enact the original legislation, should they choose to. So if it...nothing happens here, there's nothing to say it doesn't go before the city council or councils going through Lynn Rex or whatever that...this could be enacted at a local level, is that correct? [LB893]

SENATOR WISHART: I believe so. And in the work that we've done, I don't think there's anything that would prohibit a municipality from moving forward on similar legislation. [LB893]

SENATOR BRASCH: Okay. And then the other point I guess I wanted to make and that you had made earlier is, that since the legislation that was passed by former Chair Johnson, part of the bill was also incorporated with input and amendments from Senator Kuehn. And we've had the opportunity in our committee through my research analyst, we have calls and enforcement is taking place, numbers are going down, fines are being assessed with breeders. We've had unhappy breeders contact our office wanting exceptions or laws changed, but from what we can see legislation and inspections are taking place across the state. I don't know if you're aware of

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that or if that's what you were saying, that there's legislation helping a situation hopefully get better. [LB893]

SENATOR WISHART: Oh, absolutely. Again, I followed that legislation pretty closely when it was introduced in the past and I think it's very significant to supporting the welfare of animals. And I sat down and met with the Department of Agriculture and I feel pretty confident in the work they're doing. Again, though, this doesn't address what goes on out of state. And I do think that it's beneficial with...and like I said, I'm willing to really work on amendments where we focus mostly on transparency in terms of where those dogs are coming...and cats are coming from. [LB893]

SENATOR BRASCH: Okay. I have no other questions. And at this point we would like to invite proponents to come forward. If you are here in support of this bill, please come forward. Any proponents here? Welcome to the committee. Please have a seat. And if you have any handouts, it goes to a page if you have something for distribution. [LB893]

DANA THELANDER: Okay. Just based on some of the questions that were being asked, I did pull out some of our statistics here. [LB893]

SENATOR BRASCH: Okay, very good. Welcome. If you would please sit down and, into the microphone for the transcriber. State and spell your name, if you're here representing yourself, or if you're representing an organization. [LB893]

DANA THELANDER: (Exhibits 1, 2) Okay. My name is Dana Thelander, D-a-n-a T-h-e-l-a-n-d-e-r, and I'm here on behalf of the...I'm the Nebraska chapter lead for Bailing Out Benji and Puppy Mill Free Nebraska. We're an educational organization educating about puppy mills and how that affects what's going on in pet stores and puppy stores. [LB893]

SENATOR BRASCH: Very good. Thank you. And you have five minutes to testify and please go forward. [LB893]

DANA THELANDER: Okay, great. Bailing Out Benji is a small, nonprofit, educational organization dedicated to educating about the puppy mill problem in our nation and in Nebraska and how it affects unsuspecting consumers. Before I was affiliated with Bailing Out Benji, I was just a typical dog-loving consumer and purchased a number of different dogs from local puppy stores in Nebraska here. Within weeks, one of my puppies started having chronic seizures and has been on a lifetime of medications for liver disease, kidney disease, and heart disease for the past ten years. And another puppy that I adopted died of complete and total organ failure within

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11 months, before she was even two years old. These experiences...and these are just the statements of these two dogs' medical bills over the past ten years to the tune of over \$13,000, but they were family members so I was committed to them. A lot of people really cannot handle that kind of financial devastation when they end up with an inferior genetically bred dog from a pet store that has been sourced from puppy mills. And we know that 98-plus percent puppies that are in puppy stores do, in fact, come from these mass breeding facilities. Our big issue with pet stores is the lack of transparency. When you go in to buy a puppy you are not allowed to see any papers, any information about the sourcing of those dogs, any information about the breeding, blood lines, anything like that until you hand over your \$1,300. Once your card is approved, then they'll give you the paperwork. But the stores also have nonrefundable policies, so any information that you find out after the fact, there really isn't anything that you can act on to protect yourself as a consumer. We're a volunteer organization and I spend a ton of my time researching and comparing notes of the pet stores in Nebraska. Our Nebraska chapter is less than a year old. These are...this is all of the documentation that we have...our research team has put together basically proving that pet store puppies in Nebraska are, in fact, coming from mills. We've specifically been working on one store in the past month and this is all of the documentation on a single store proving that they're lying to their customers, they are purchasing from some of the most horrible puppy mills in the Midwest, and that they're selling ill dogs. Just a few things that I have full documentation...Bailing Out Benji, we will not discuss rumors, we will not discuss things that we know unless we have government documentation on it. I always say, it's always got to be "stand up in court" or I'm not going to talk about it. This particular store purchases from mills with regular violations that have 40 to 130 breeding adult dogs on their properties. They regularly purchase from an Iowa mill that was on 2016 HSUS "Horrible Hundred" list. Earlier, somebody was asking if there was like a naughty list. HSUS's "Horrible Hundred" list is published every year. They regularly purchase from a Nebraska mill. It is no longer licensed to actually sell puppies wholesale. They are tied up in court. They have been on HSUS "Horrible Hundred" list for five years in a row. They bought and sold a bulldog that we found the veterinary inspection reports because this dog came in from Iowa where it indicated before it even left the state that this dog had a heart murmur. I can guarantee you that that customer was not notified. [LB893]

SENATOR BRASCH: And we have reached our five minutes here. I gave you a little bit over, I'm trying to be fair. [LB893]

DANA THELANDER: Oh, I didn't even see my light. [LB893]

SENATOR BRASCH: Very good. Thank you for your... [LB893]

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DANA THELANDER: I think that I've pretty much made my point. I have all of the documentation, we're happy to share it with anyone. [LB893]

SENATOR BRASCH: Very good. Any questions from the committee? Seeing there are none, thank you for your testimony today. [LB893]

DANA THELANDER: Thank you very much. [LB893]

SENATOR BRASCH: Thank you. The next proponent please come forward. Welcome. [LB893]

JESSICA ELLIS: Hi. My name is Jessica Ellis, J-e-s-s-i-c-a E-l-l-i-s. Thank you, Senators, for listening to this bill today. I am representing myself, but I am also the president of the Nebraska Rescue Council and I also own a pet store in Omaha called the Green Spot and we sell natural dog and cat foods. I've been involved with rescue for ten years now and it's kind of what got me started into opening up our own store. I know that there are lots of other ways besides selling dogs and cats to make money in the pet industry: boarding, grooming, there's all kinds of pet walking, lots of different avenues that these stores can take upon rather than selling dogs and cats. Your good, reputable breeders don't want to see their dogs go to pet stores. They want to know that they are going to good homes, like you were saying with your brother or your cousin that was a breeder. [LB893]

SENATOR BLOOD: My brother. [LB893]

JESSICA ELLIS: Your brother, yeah. So they want to make sure they go to good homes and not sold in the pet stores. So I'm just...I apologize, I have a scratchy throat and I wasn't planning to talk. But I did want to answer any questions if anybody had, because I am for this bill and I do own a pet store, so if you guys had any questions that I could specifically answer for you. [LB893]

SENATOR BRASCH: Are there any questions from the committee? Have you testified before this committee before? [LB893]

JESSICA ELLIS: Yes, I believe I have. [LB893]

SENATOR BRASCH: With a scratchy throat, you're still doing a good job. So thank you for coming forward. I see no questions. [LB893]

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JESSICA ELLIS: Thank you. Yes, thank you. [LB893]

SENATOR BRASCH: Next proponent please come forward. Welcome. [LB893]

PAULA MOON BOHATY: Thank you. [LB893]

SENATOR BRASCH: Please state and spell your name. [LB893]

PAULA MOON BOHATY: (Exhibit 3) My name is Paula, P-a-u-l-a, Moon, M-o-o-n, Bohaty, B-o-h-a-t-y. I support LB893. This law will help break the puppy mill and backyard breeder animal supply chain that pushes puppies and kittens into our pet stores that has allowed unscrupulous breeders to profit from abusive practices. This legislation will send a clear message that industries supporting animal cruelty will not be tolerated in our state. Animal mills and breeding operations that put profit over the health and well-being of animals may be large and they are small also, they may be licensed and they're also unlicensed. Puppy mills are everywhere in the United States, many in Missouri, Kansas, and Iowa supply the largest number of puppies and kittens to Nebraska pet stores, also throughout the Internet and also under Craigslist sales. Animals in mills live in filthy conditions, often receiving little to no veterinary care. Mothers are bred every cycle and are discarded, usually killed when they can no longer produce. Puppies and kittens deemed unsellable are often drowned or shot. Puppies and kittens are taken away from their mothers too young and can sometimes develop health issues, stress, and further socialization issues. Whether large or small, the bottom line is that all puppy mills are all about profit. Any money spent on veterinary care, quality food, shelter, care, time, and socialization cuts into the profit margin. It makes no sense to keep breeding millions of puppies and kittens in commercial facilities and selling in stores while millions of shelter pets are euthanized every year. These are not defective, unadoptable animals, but they're just a surplus of pets caused by the fact there are simply not enough homes for them. This law will not affect the responsible Nebraska hobby breeders, who are still a source of purebred animal stock. In fact, it can increase their businesses. Some pet store owners feel that this law is the type...if this type of law passes they will no longer be able to obtain purebred animals. This is not true. Nebraska and the Midwest region has many breed specific rescue groups for people preferring certain breeds to rescue. I am a mother of three rescued AKC basset hounds. They were all born in puppy mills. They were all discarded, they were deemed unsellable, they were all to be destroyed and I rescued all three as puppies. One was born with an umbilical hernia. It would have cost \$35 to fix the dog. One was show quality dog. It was bred for beauty. It was too timid and fearful and the breeder wanted it shot. One was bred in a puppy mill that was run by drug dealers and they tried to sell it to the pet store. The pet store had no room for it, they were full. And when they couldn't sell it very quickly for drugs, they took all of the litter home and they drowned the litter. There were two surviving pets; one was my dog, the little boy, and a little girl and I rescued them

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both and this is the trauma that my little boy went through. I surrendered the little girl to a friend and I have the little boy. And I'm asking you today to be the voice for the voiceless. I would like you to support this bill. I'm here to answer any of your questions. I have been in dog rescue for 30 years, so anything I can help you with. I quickly just want to mention that, Senator Krist, I heard you very loud and clear. Senator Chambers, I heard you very loud and clear. We have had a problem for many years with the Department of Ag not following through. This is so very important. If we are finally getting regulations' follow through, amazing, this is wonderful. This has been a problem. So I'm her to answer any questions. And thank you for listening to my testimony today. [LB893]

SENATOR BRASCH: Thank you for testifying. Any questions from the committee? Seeing there are none, thank you for coming forward. Next proponent. If you're in favor of this bill, please come forward. Seeing there are none...is there one? Okay. That's okay. Welcome. [LB893]

SAM LINVILLE FRANKLIN: My name is Sam Linville Franklin, S-a-m L-i-n-v-i-l-l-e, Franklin, F-r-a-n-k-l-i-n. I don't have much to say. I am the mother of a puppy mill dog who was auctioned off with 908 other animals from a puppy mill in Missouri. She was deemed unsellable because she was so fearful. She actually sold for 50 cents. She went into a rescue and I adopted her from there. She'd never walked on grass. She was so afraid of people it took me five months to be able to sit next to her and touch her. I couldn't touch her. I couldn't call her name, she was so afraid. She came with a litany of medical issues. The rescue addressed many of them, I addressed the rest of them because I thought that girl deserved more of a life than the five and a half years she spent in a puppy mill being bred every cycle. She never played with a toy, she had never walked on grass, she'd never done steps, she'd never walked on carpet. And she was my life. I loved her. So when...you've mentioned that the Department of Ag is now doing their inspections and citing. And, frankly, I'll believe it when I see it, because of what I have seen they are not. But I would be very excited if they would. That's basically what I have to say to you is that she was my love and I don't want other dogs to go through what she went through, especially when there's beautiful rescue dogs to be adopted out and available. So that's all I have to say. Thank you. [LB893]

SENATOR BRASCH: (Exhibits 4, 5) Thank you for your testimony. Any questions of the committee? Seeing there are none, thank you again. Any other proponents favoring this bill. Seeing there are none, if you are an opponent, please come forward. We have some, while you're doing that, letters to be read in support: one from Stephanie Scheffler as self; and then one from Mitsi Money-Beecher and she's with Joining Forces Saving Lives. Welcome. Please state and spell your name. [LB893]

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TINA HURST: Thank you. My name is Tina Hurst, T-i-n-a H-u-r-s-t, I represent the Pet Doctor, a pet store. We are one of...I thought there were only five left, but we are one of the few that are left, we're right here in Lincoln, Nebraska. We've been here 32 years, I run it with my two daughters. A lot of the things that are brought forth in that bill are things that we already and have done for a long time. One of the things that hurt us the most was when the current political climate changed and the transparency was removed with the ag reports. That actually helped us. When people come into our store and they want to know where a puppy has come from and we give them the name of the breeder, they were able to check that. Currently, what we're doing is we can show them the inspection reports. When they come in and say, who did this puppy come from, we can show them the inspection report on that particular breeder, so that helps. I believe in transparency also. I think it's absolutely important that the consumer understand where their puppies are coming from. I always tell them that the person they have to trust at this point in time is me. This is what I've done for 50 years, it's really all I know anything about, is dogs and I know pretty much everything about them. We educate them on the need to spay and neuter. We educate them on how to feed their dogs to keep them healthy. We talk to them about vaccinations. We help them in their training. We guarantee our dogs for two years and we pay all medical bills for the first two weeks after they go home. We have gotten much better. And I agree with you that things have improved immensely in the last few years. The inspections have gotten tougher, much tougher. There are a lot of rules now that we have to do with our breeding animals that pet owners don't even have to do. Ours are being cared for better than a lot of pets are being cared for at home. We're inspected...my breeders, anyway, are inspected by the United States Department of Agriculture, the Nebraska Department of Agriculture, they are inspected by a veterinarian twice a year, and they are inspected by me. I know all of the dogs on a first-name basis that are being bred. I know their size, I know their color, and we track genetics. We have tracked genetics now nine generations on the dogs that are in our breeding program. So I understand about a lot of the problems that are out there. I worked for the largest pet store industry selling puppies in the United States when I was in my 20s. I saw everything that could possibly be done wrong. And when I bought my pet store, my dream store when I was 27 years old, I wanted to do it differently than I had seen it done, because that was the worst of the worst back then. So in the 50 years I've been in this industry things have changed immensely. I think we have the laws in place now to continue to go forward. There used to be a lot of pet stores. I can think of eight or ten in Lincoln alone. We're the only one left. There were a lot of pet stores selling puppies all across the state; there are very few now. We are headed in the right direction and those people who can't do it correctly, who don't put the money into it, who don't work with the animals and the people, they're going to be closed down because nobody is going to want to deal with them. I do think that we have the right for people to adopt, not shop, right now and we promote that also. I, myself, had eight rescue dogs. The last of them is alive right now and she's 17 years old. So those that can rescue, should rescue, and we encourage them to go to our shelter to look before they come into our store. Eighty percent of the time what we have are pit bull mixes. Those are not being overpopulated by the puppies that I'm selling, those are being

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overpopulated by people who don't have licensing who aren't getting inspected. And we don't have an inspection procedure for what we call backyard breeders. Nobody is checking to see if they're raising their puppies correctly. They do in Louisiana. When I was in New Orleans, they have to have a...everybody has to have an inspection certificate to place a puppy in any home, the rescuers do, the backyard breeders do, all of the breeders have to. And I think that's the way it should be and we should all be transparent and it should be straight across the board. Thank you for your time. [LB893]

SENATOR BRASCH: Thank you for your testimony. Any questions from the committee? Yes, Senator Lowe. [LB893]

SENATOR LOWE: Thank you, Chairwoman. And thank you for coming today. [LB893]

TINA HURST: Thank you. [LB893]

SENATOR LOWE: As a business person, if you try to sell a good quality product and if that product is not good, it hurts you. Is that not correct? [LB893]

TINA HURST: Absolutely, it does. Absolutely. And I'm saying, we deal with living, breathing things. I can't be 100 percent perfect. I don't think anybody could. But they absolutely know where to find me to make it good, because I'm right there. I'm in the same location I've been in for 30 years. I'm not going to be somebody on the Internet who says, I have your money now, you go away. So if there is a problem, I am always willing to work with that problem. I'm not saying every pet store is, I'm just saying I am. [LB893]

SENATOR LOWE: Thank you. [LB893]

SENATOR BRASCH: Any other questions from the committee? I do have a question for you. When you say that we should regulate backyard breeders, are you thinking it's private families that have litters? [LB893]

TINA HURST: Yes, and we see it all the time. [LB893]

SENATOR BRASCH: Okay. [LB893]

TINA HURST: The guy across the street has a pug and I have a pug. Well, it turns out they're brother and sister, but it doesn't matter because pugs are selling in the newspaper right now for

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\$800. So we're going to sell them with no registration papers, no pedigree, no vaccinations in them, no vet inspections in them, but it doesn't matter because people want a pug. We see it all the time. [LB893]

SENATOR BRASCH: All right. And the reason I ask that is, my...out of the three dogs I've had the last 30 years--and I still have the two out of three--is, I've always purchased from a child in a horse barn at the Nebraska State Fair. [LB893]

TINA HURST: That's how I got my first beagle, actually. [LB893]

SENATOR BRASCH: And they've been wonderful family pets. And so I was just curious on how you regulate a private family. [LB893]

TINA HURST: Well, you can see...for instance, you can see the same name coming up in the classified newspaper all the time or now they have Craigslist or you can even sell them on eBay and you can look and you can see those same names coming up all the time. A couple of years ago with legislation we tried to shut down one of the worst puppy mills in this area and we also helped with that. Nobody wanted that woman out here. Well, you know what? She's still out there selling dogs. We monitor her all the time. She's still selling. Nobody stopped her. She's still out there doing the same things she always did. So the more transparent we are and the more we're all out there in the public enforcing the laws...let's report it when people do something wrong. Like if there are six apples and four of them are bad, then let's get rid of the four bad apples. Report what you see, so that we can all take care of it. But I think just some of the worst offenders out there right now are rescuers. When you ask the inspectors, he says there's no way to monitor them. They foster the dogs out, they're placed all over the place. In this area there was a lady who had dogs buried in her backyard that she couldn't account for; she was a rescuer. So we all have to be held accountable, not just pet stores. [LB893]

SENATOR BRASCH: Very good. Thank you for your testimony. Any other questions from the committee? Seeing there are none, thank you. [LB893]

TINA HURST: Thank you. [LB893]

SENATOR BRASCH: The next opponent please come forward. Welcome. Please state and spell your name and whether you're testifying as an individual or an organization. [LB893]

BRUCE BRODERSEN: Yes, my name is Bruce Brodersen and it's spelled B-r-u-c-e B-r-o-d-e-r-s-e-n and I'm a veterinarian testifying on behalf of the Nebraska Veterinary Medical Association.

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So good afternoon, Chairman Brasch and members of the committee. I want to thank you for your service to the state. And so the NVMA...the reason I'm testifying here is the NVMA is opposing LB893 because of the potential negative health consequences that could result from this bill. As more communities and California are restricting sales of dogs and cats in pet stores which originate from breeders, it's becoming apparent there are unforeseen circumstances and we've mentioned some of those earlier. The vast majority of rescue organizations do a great service, but unfortunately there's mounting evidence that there are individuals or organizations that obtain animals for the purpose of making a profit, hence the name "retail rescue" has evolved. They do this in the name of humane relocation of these animals. The diseases that can follow the influx of out-of-state rescue animals to areas with restrictions similar to those imposed by LB893 is concerning. We're concerned that the movement of dogs and cats by these for-profit entities can open up the door to movement of diseases or parasites from their normal habitat to distant locations. This may be particularly true if an animal in question moves without adequate quarantine measures or adequate monitoring. A number of zoonotic diseases--these are diseases that can be passed from an animal to a human--exist which can endanger human health. One example is that dogs can carry Lyme disease and they also can carry...harbor the ticks that transmit Lyme disease, which then can infect people after they're moved from one location to another. By the way, Lyme is not present in Nebraska. The only cases of Lyme disease that exist in Nebraska are from people that have gone elsewhere and contracted Lyme disease and come back to Nebraska. Rabies is another example of a zoonotic disease. So when young animals, too young for rabies vaccination are rescued and the history is not known of those animals or the background is not known where those animals came from, they may already be infected and ultimately expose humans. So such a scenario has already occurred in Vermont where a Vermont family got a puppy for Christmas from some rescue...through a rescue organization. As a result, that puppy came down with...started showing signs of rabies and 15 people had to be vaccinated or go through the post-exposure prophylaxis for rabies. This is documented on the Vermont Department of Agriculture Web site. A second concern regarding the sale of dogs sourced from for-profit rescue organizations is over the behavior of these dogs. Unknown or adverse behavioral issues may come with these dogs, so they're not necessarily...may not necessarily be monitored or evaluated as far as their behavior is concerned. Those pet owners who prefer to purchase a purebred dog for their known behavioral or physical characteristics will have fewer options because of this bill, as it was originally introduced. Lastly, pet purchase protection or puppy lemon laws, so to speak, often do not apply to rescue dogs, so consumers are without recourse when having to treat their newly purchased dogs. Thank you for your attention. I would be happy to answer any questions. And I also want to thank Senator Wishart for introducing her amendment to her bill. That will go a great distance in helping. [LB893]

SENATOR BRASCH: Thank you for your testimony, Mr. Brodersen. Senator Blood. [LB893]

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SENATOR BLOOD: Thank you, Chairperson Brasch. Two questions. So are you saying now with the amendment that you would support the bill? [LB893]

BRUCE BRODERSEN: Yes, I guess we would. [LB893]

SENATOR BLOOD: So now you're a proponent. Is that correct? [LB893]

BRUCE BRODERSEN: Well, I guess you could say that we would be in favor of the bill as it's amended, yes. [LB893]

SENATOR BLOOD: So I was listening really...we've rescued a lot of animals, more than I can probably count, because I'm a softy. So I think about a cat that we rescued and she died a horrible death from feline AIDS. [LB893]

BRUCE BRODERSEN: Okay. [LB893]

SENATOR BLOOD: Which, of course, we did not know when we rescued her. We managed to give her a couple of really great years before she passed. So are those the types of things that you're worried about, things that do not necessarily show up right away or... [LB893]

BRUCE BRODERSEN: Well, it's more related to human health, all the diseases they transmit to humans, too. [LB893]

SENATOR BLOOD: Like? [LB893]

BRUCE BRODERSEN: So the example I gave was Lyme disease or the rabies is probably the most dramatic, but there are other diseases that they carry, that actually ticks transmit or insects transmit most of these diseases that are examples. So we're concerned about those dogs carrying those ticks that transmit disease as well. [LB893]

SENATOR BLOOD: But don't we have a lot of that already in Nebraska? You're saying we don't, but I thought we did in our deer population. [LB893]

BRUCE BRODERSEN: Well, there are some...there are diseases that are transmitted by ticks that are in Nebraska, so Rocky Mountain Spotted Fever is an example of that that's in Nebraska, so there are some. [LB893]

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SENATOR BLOOD: Thank you. [LB893]

SENATOR BRASCH: Any other questions from the committee? Seeing there are none, thank you for your testimony. Any other opponents? Please come forward. State and spell your name and if you're here as an individual or with an organization. [LB893]

PEG SHAW: My name is Peg Shaw, that's S-h-a-w. I am here as an individual. However, I am serving my fourth term as a board of director for the Cornhusker Kennel Club. I'm also president of the Heart of America Chinese Crested Club. I'm an AKC Breeder of Merit. I'm a state-licensed breeder and I'm a USDA state-licensed breeder. And I would challenge anybody to tell me that I'm not a good apple. I put my heart and soul into raising healthy puppies. We have a breeder referral system set up with the Cornhusker Kennel Club, the Chinese Crested Club, and also the national breed clubs who I'm also a member of. I can tell you firsthand that the demand for healthy animals far exceeds the supply in Nebraska. I get numerous calls a week and I could certainly breed more dogs to meet that demand, but I wouldn't be able to take care of them properly, so I don't, so I have a waiting list. But when I do get those calls that people are insistent that they're going to have a toy breed puppy--and I'm speaking specifically for toy breeds because there is not enough toy breed puppies to be bought in Nebraska. I know breeders all across the United States. I just returned myself last week from showing at Westminster a dog I bred and raised myself. I have people...every good breeder I know has a waiting list. But the alternative...a positive alternative is to be able to go to a pet store. And I know that sounds odd as me being a die-hard breeder, but at least when you go to a pet store in Nebraska you have, as Tina said, a security system in place. Those dogs are guaranteed. You do have an ability to go and get a refund or have them pay vet bills. They have that Protection Consumer Act, which I think Nebraska has done a great job of doing. I'm proud to be a licensed inspector. Do I like it when Rick shows up at my door at 8:00 in the morning? No, because I've been up all night whelping puppies. But I'm sure glad he's there to do what he's doing. I'm proud to be a Nebraska breeder because we are doing a better job. I've been doing this, like I said, since 1995. We have come so far. If there's a bad apple out there, then put them out of business, because you would have all of our support as breeders. Put them out of business. If there's a pet store that's doing a bad job, put them out of business. But don't punish the ones of us that are doing everything that we can to do it right. I would rather see somebody go to a pet store, because I can't meet that demand, and buy a dog and be able to know that they're going to have a health guarantee and to be able to have somewhere to go if there's something wrong. I talk to people on a weekly basis that are searching for dogs and they go on the Internet. Once that dog crosses a state line it's almost impossible, no matter what that health guarantee in their hand says, if they have problems to get that person to pay up. It's hard. I don't know too many people that have successfully been able to do it if they have bought from an unscrupulous breeder pretending to be a good, ethical breeder. You can't enforce those pet contracts, it's impossible to. There's been people that have been taken on the Internet and been scammed. They think they're buying from a legit breeder,

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they send their money in good faith thinking the dog is going to be shipped to them and the dog never arrives and they don't get their money back. Our pet stores, because you guys have enacted the Consumer Protection Pet Act (sic--Dog and Cat Purchase Protection Act) is the next best thing from buying from a breeder like me. If I can't meet the demand, all of my breeder friends can't meet that demand. I would much rather see them buy from a pet store and the pet stores do have to tell you where those dogs came from because they buy from licensed breeders. She talked about not knowing the background and the full disclosure. I'm all for full disclosure, but when you're having a dog that comes from a rescue there's not full disclosure to be had. You don't know where that dog came from. It certainly probably was never vaccinated. So we are protecting the consumers in Nebraska by allowing pet stores to continue to sell dogs. So that's all I've got. Any questions? [LB893]

SENATOR BRASCH: Are there any questions from the committee? Yes, Senator Chambers. [LB893]

SENATOR CHAMBERS: I'm glad you came. So far I haven't heard any testimony that I would call negative. The people who have spoken have been doing the kind of work I would like to see done by the people who are doing it. When legislation is offered it's aimed at a problem and the purpose of hearings is to get information from people who are knowledgeable, such as the testifiers have been. But did you hear the previous testifier mention a bad actor who they can't get rid of? She stays in business. And that is the one that creates the problem. That is the one who will produce the "horribles" and if nothing can be done about her, then all of the rest of the people who are trying to do the right thing are going to be painted by that brush. [LB893]

PEG SHAW: Absolutely. [LB893]

SENATOR CHAMBERS: So maybe...and I don't say it has to be done here. I'd be willing to listen to people who are legitimate, as you all have shown yourselves to be, to find a way to deal with that situation. And now, I'm not against all police officers, but I've seen a lot of instances where there are bad cops shielded by other cops. They'll say when there's a broad-brush attack on the police department, they'll say, well, we've got bad apples. But they never want to weed them out, they protect them. They know they've got that protection. I don't get the impression from any of those who testified here that they want to protect and shield the bad ones because that would be what none of us wants to see. So what I would ask--and, again, you don't have to answer it right now--what can be done, practically speaking, to eradicate some of the problems that in fact do exist? Ought there to be more regulation of the pet shops themselves? You don't have to answer that. But there has to be some way to break this chain and I think this bill was aiming in that direction. And now, having said that, and then anything that I've said you can respond to... [LB893]

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PEG SHAW: Sure. [LB893]

SENATOR CHAMBERS: ...and do it in a narrative. Should these rescue operations come under some kind of regulation, because all there is that I could find was a definition of what a rescue operation is. Somebody who's either going to find a permanent placement or maintain the animals themselves, but that's not dealing with what you and what the veterinarian told us are problems that exist in that area. So if you have ideas and you'd like to get them to me, just send it to me and I'll say like Billy Graham, Ernie Chambers, State Capitol Building, Lincoln, Nebraska, and your phone number and I'll talk to you, I'll listen to you, and I'll work with you. [LB893]

PEG SHAW: To answer your question briefly, because I know my time is up, I think anybody that is charged with the care and well-being of an animal needs to be regulated, period. If you're responsible for that animal, whether you're a rescue, whether you're a breeder, whether you're a pet store, you need to be regulated. But the problem in Nebraska--and I speak...I'm on a very--I mean, my inspection record is impeccable, I'm very proud of that--I talk to my inspectors, my USDA, my AKC because I'm inspected by the AKC as well--and again these are all unannounced inspections. We don't know when they're showing up. They don't care if you have the flu. They don't care if your husband was in the hospital. They're coming to make sure that even with that, your dogs are taken care of. Everybody that is charged with the care of an animal should be inspected. But when there's a problem found, my inspectors are all telling me that nothing is being done and they're frustrated. They're out there finding the problems, turning it in, and their hands are tied. Nothing is being done. If there's a problem, then lower the boom on the people that are causing the problem. Put them out of business. If they're repeat, chronic offenders, they don't have any business in dogs. I don't want them in dogs. [LB893]

SENATOR CHAMBERS: How can we get rid of them? As I mentioned, I... [LB893]

PEG SHAW: Take their license. If they have so many violations and they're not correcting those violations, then take their license and no longer are they allowed to breed and sell dogs. [LB893]

SENATOR CHAMBERS: And suppose those whose job it is to do that won't do it? [LB893]

PEG SHAW: That's the problem. That is the problem. [LB893]

SENATOR CHAMBERS: Maybe we ought to put some punishments in the law for those people who are not doing their job. [LB893]

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PEG SHAW: Correct, because I'll tell you, my inspector does his job. He's very thorough...all of them, USDA, state, and AKC, they're very thorough. But once they turn in that complaint, nothing is getting done and that's why everybody is mad at the breeders, because there's a few bad ones. And I don't call them breeders. They're not breeders, they're reproducing animals. But I was born and raised in Nebraska and I live in Wilber. We have a very strong rural economy there. We take care of our animals. We take care of our livestock. [LB893]

SENATOR CHAMBERS: I hope you will contact me and I assure you that I will do what I can. And I said it for the record and I said it to Ibach when he was here, that there are things you can...and the thing about...see, he promised that he would do things differently. [LB893]

PEG SHAW: He didn't. [LB893]

SENATOR CHAMBERS: He promised the Governor, he promised members of the Legislature who supported his...I spoke against him at the committee. I spoke against him being confirmed, but I'm one voice and my voice doesn't carry anyway to the Legislature. But if you would contact me... [LB893]

PEG SHAW: I will. [LB893]

SENATOR CHAMBERS: There are other sources and directions that I'll go to. I'll promise you that. [LB893]

PEG SHAW: Okay. Because I assure you not all breeders are bad and not all pet stores are bad. [LB893]

SENATOR CHAMBERS: I'll take your word for it. [LB893]

PEG SHAW: We put our heart and soul...and I tell you, if you don't take care of your animals they don't do well. You have to take care of your animals so that they do well. [LB893]

SENATOR CHAMBERS: Thank you. [LB893]

SENATOR BRASCH: Yes, Senator Lowe. Ms. Shaw, we have more questions from the committee. Don't leave yet. [LB893]

PEG SHAW: I was trying not to take up time. [LB893]

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SENATOR LOWE: Your lights no longer count. You can talk as long as you want. [LB893]

SENATOR CHAMBERS: I thought you knew something about it that I didn't know and I was really going to talk to you. [LB893]

PEG SHAW: No, I have never...I have been licensed, like I said, since 1995. I've never been here before, because I never had a problem with any of the things that were passed because it was for the betterment of our dogs. This bill is not for the betterment of our dogs, not because it's not intended to be, but the consequences I don't think everybody realized what they would really be. [LB893]

SENATOR LOWE: I think I just have two questions. I may have another one, but I'm not sure. The dogs that are sold, as far as you know, the dogs that are sold in the stores, do they come from Nebraska or do they come from surrounding states or... [LB893]

PEG SHAW: I think it's both, because, number one, Nebraska can't even meet the demand for all of the dogs that people want. And I think everybody has a right to have a companion and a dog that loves them. But we also have a right to have healthy animals. I am literally the only person in Nebraska that shows miniature pinschers, the only one in Nebraska. I raise a quality, healthy animal. Are there times that something may pop up? Sure, it's an animal. Humans have genetic problems. But I'm there to stand behind my dogs. So do these pet stores, they stand behind their dogs. But, yeah, they do come from out of state because they meet demand, same as the rescues. If they open it up to the pet stores we don't know where those rescue animals are going to come from and that's what's concerning that the veterinarian spoke on. We don't know where they're coming from and they're going to meet the demand. One way or another, that demand for animals will be met and I don't think opening it up to rescues only is the way to do it. Do I support rescues? Absolutely. If they're helping an animal you bet I do, but that needs to be regulated also. Talk about full disclosure, there is no disclosure. We don't know where they came from, we don't know their background. [LB893]

SENATOR LOWE: Okay, thank you. And my last question is, how did your dog do at the Westminster? [LB893]

PEG SHAW: I got reserve winner bitch. Excuse me for using that word, but that's true. [LB893]

SENATOR LOWE: What breed? [LB893]

PEG SHAW: Miniature pinscher. [LB893]

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SENATOR LOWE: Congratulations. [LB893]

PEG SHAW: Thank you. And not to brag, but last year I won the National Owner Handler Series Championship in Florida. So when I say that I put my heart and soul into my dogs, you bet I do, so. [LB893]

SENATOR LOWE: Thank you. [LB893]

SENATOR BRASCH: Any other...don't leave yet. Any other questions from the committee? And I think you should brag. I think that involves a lot of work and commitment and time and so congratulations. [LB893]

PEG SHAW: But I'm also labeled as a commercial breeder, because I'm USDA licensed. But you know what? I'm proud of that because I can pass my inspections and I do it. [LB893]

SENATOR BRASCH: And as Chair of the Ag Committee, we have received calls from breeders that are not happy with being inspected and saying they were at a funeral or something, so I know the inspections are taking place. And research that...we did do research, not because of this bill, but because of phone calls we had. And the number of total licensed facilities in Nebraska since June of 2013 has dropped up till June of 2016. Commercial breeders, there's fewer commercial breeders. There are more boarding kennels, there are less dealers, there is an increase in the number of animal shelters, there's a slight drop in animal control facilities, an increase in animal rescue centers, and a decrease in pet shops. [LB893]

PEG SHAW: Because it's hard, it's hard to be regulated. It's very hard to be regulated. [LB893]

SENATOR BRASCH: And as Senator Chambers stated that we welcome input and trying to get the best possible... [LB893]

PEG SHAW: I think it's hard to be regulated, but I think it's necessary and I've told breeders from the beginning, because I've gotten numerous people started in breeding and showing. If you don't police yourself and do it right, then somebody else is going to step in and do it for you. I don't have a problem with that. But when you find a bad person, get them out. And we have the laws in place. It's not that we don't have the laws, but they're not being enforced. When my inspector pulls in and he's told me a couple of times, he's like, oh, my God. I'm turning them in and nothing is happening. And when the inspector themselves is frustrated, that should speak volumes that they're trying to do their job out in the field but nothing is being done. [LB893]

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SENATOR BRASCH: We appreciate your sharing that with us and your testimony. Senator Albrecht. [LB893]

SENATOR ALBRECHT: Thank you, Chairwoman Brasch. So if they came to your house and it wasn't what it was supposed to be, what would your inspector do and how far would he go and who is the inspector working for, the Department of Ag? [LB893]

PEG SHAW: Like I said, I'm AKC, USDA, and state inspected. If the AKC came on my property and found that I was in gross violation, they'd yank my privileges and suspend me as a breeder, boom. I wouldn't have a due process. They would take my stuff. AKC privileges, to me as a show person, that's everything. [LB893]

SENATOR ALBRECHT: Okay. They don't take your animal, they just take your ability... [LB893]

PEG SHAW: The AKC doesn't. The state and the USDA, they have a procedure that they have to go through after they find you in violation. I can't actually speak to that because--knock on wood--because of my hard work I don't have any violations. If you look at my records, zero infractions. I don't know what they do, but I know that they document it. And if it's serious enough, they have to go get permission now from I believe it's the sheriff to confiscate the dogs. The state--to my knowledge and I may be wrong--I don't think the state even has the authority anymore to go in and take dogs, they throw it back on the county. Well, the county sheriff is not going to want to pay to house those dogs because if you take the dogs somebody has got to pay to take care of them. That puts it on the county, the county don't want to do it. They don't have a place to house them. So it's after the inspection process that there's the problem. [LB893]

SENATOR ALBRECHT: So that even with this bill if there are not teeth in it... [LB893]

PEG SHAW: It doesn't have anything to address that. [LB893]

SENATOR ALBRECHT: I mean, where's it going to go? So, to me, I ask you as someone who hasn't had a problem with it, but if somebody does have a problem with it, do they take the animals? I mean, I'd like to...okay, you can't answer if you don't know. But that's where I'm going. These bills are only as good as the teeth that are in them and they have to be able to protect you, as a good breeder, that you're doing your job but the other ones are not. And then they shut down and start up another different breed doing something else. I mean, it just...I don't want to see it pass the buck. I would rather make certain that people understand. And if...and, again, I always think back of city and county. You know, we had an area that people were not

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taking care of their animals. I mean, they went out and they took all the animals from the people. I mean, if there's a county ordinance or a city ordinance and they have the teeth in it, if we're going to have a state ordinance I'd like to know positively that we're not just looking for these six. We want to make sure that everybody is trying to comply and what are the steps? Step one, do you get a citation? The second time, something else happens. The third time, you're out. I mean, I don't know what the answer is, but I'm listening just to see...but I appreciate your information. [LB893]

PEG SHAW: And I can't give you that answer because like I said, I truly, honestly, have not had any infractions. But when there is one, then there needs to be some consequences given by the state. That's who we pay our state license fees to, is the state and the USDA. I personally don't think it should fall back on the county. If you're licensed by the state, they're the ones that should be taking care of the problem. [LB893]

SENATOR ALBRECHT: Thank you. [LB893]

SENATOR BRASCH: Very good. Senator Lowe. [LB893]

SENATOR LOWE: Thank, Chairwoman. I knew I had one more question in me. Will this bill stop those who sell puppies out of the back end of their pickup on the street corner? [LB893]

PEG SHAW: Absolutely not. [LB893]

SENATOR LOWE: So if you were a puppy mill you could still sell your animals that way if you wanted... [LB893]

PEG SHAW: You would sell them on the Internet. There's plenty of places to sell them, Facebook, Internet, Craigslist, and there's the problem and that's why I'm opposed to this, is because there's no consumer protection when that happens. People aren't going to say, oh, I can't buy at a pet store anymore and the good breeders don't have any puppies, so I'm just not going to want one? No, they're going to want one and they're going to seek one out. But then their means of protection is taken away. If this bill passes, they don't have the consumer protection act in place because the people selling them in the Walmart parking lot in the back of a pickup aren't going to be found. And there's people in other states that may be recognized breeders, but it's across state lines. Try enforcing a pet contract. I hear that all the time for people that contact me that it's so hard. There's Facebook groups even on how to draft a better health contract for our dogs. They're so hard to enforce, so. [LB893]

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SENATOR LOWE: Thank you. [LB893]

SENATOR BRASCH: Are there any other questions from the committee? Seeing there are none, now you can go to your seat. [LB893]

PEG SHAW: Now I can go. Well, I just didn't want to hog time. Thank you. [LB893]

SENATOR BRASCH: Thank you. You've done a good job. Next opponent. And I just wanted to remind the room that questions may not be or answers offered from the room. You could perhaps see the person asking after the hearing, but it's kind of you to offer. [LB893]

ANGIE SCHAAF: I apologize, I only have eight. I was only thinking of the eight, so I can get those to you. [LB893]

SENATOR BRASCH: All right. Very good, thank you and welcome. [LB893]

ANGIE SCHAAF: (Exhibits 6, 7, 8) Thank you. My name is Angie Schaaf, A-n-g-i-e S-c-h-a-a-f. Senators of the Ag Committee, my name is Angie Schaaf. I, along with my husband, Casey, are the owners of Nebraskaland Pets, a federally and state licensed kennel and brokerage facility in Atkinson. We have owned and operated the business since 1996. We are members of the Nebraska Dog Breeders Association and was also a member of the team that helped to establish the Nebraska Dog and Cat Operator Inspection Act. I also want to include that I've had members of the Ag Committee at my facility because I invited them there so they could see what a kennel actually looked like. I am speaking today not only on behalf of my husband and I, but also members of the NDBA and my breeder friends. I would also like to thank you for the opportunity to speak in front of you today in opposition of LB893. I will briefly touch on the reasons why I am strongly opposed to the bill, but also encourage you to take a look at my testimony that I emailed in yesterday, as well as my handouts that go into great detail on several important documents, one of them being The Purdue Project conducted at Purdue University, which was a two-year scientific study focusing on commercial dog breeding put on by one of the nation's well known veterinary universities. It was funded in large part by the USDA. Also something for fun, pictures of some of the beautiful, healthy puppies produced in my facility and marketed through pet stores over the past 20 years. First, I am sure most of you are aware of the newly passed law in California outlawing the sale of puppies in pet stores unless sourced by a rescue; an exact replica of LB893. I have been marketing my puppies for over 20 years to a chain of pet stores in California, which have been put out of the business due to the new law. Why, you ask? These stores pay anywhere from \$14,000 to \$18,000 dollars a month per store for rent, rent alone. There is no way for these stores to even make rent, not to mention all the other expenses to run a business only selling rescue dogs. In fact, these pet stores tried to sell rescue dogs in

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their stores for a brief period of time but were unsuccessful for various reasons: One, they were dogs, not puppies. People come into the store looking to purchase a puppy, not a full-grown dog with already established habits. Pet stores are set up to house 8-week-old to 12-week-old puppies, not adults. It is simple, it did not pay the bills. With that being said, why take away someone's livelihood? Pet stores' breeders are regulated and inspected by both the U.S. government as well as the state, the AKC, APR, several registries also inspect them. These current regulations were written by the Nebraska state legislators and have been tweaked several times over the last several years to make the law even tougher to continue to weed out the bad kennels, which I feel like it has been successful in this aspect. The proposed LB893 will require the pet retailer to obtain their dogs from shelters and rescues that are not federally licensed and may continue to fly under the radar of the Nebraska regulations. Dogs obtained from these type of facilities have no idea of the genetic soundness of their dogs or what type of veterinary care, if any, that dog or that dog's parents have received prior to coming into their facility, unlike dogs and puppies coming from regulated facilities that receive regular vet care and are tested for genetic soundness prior to being put into a breeding program. Currently, I do provide to the pet stores I sell to any information asked for, such as pictures of the parents, sizes of the parents, the breeder's name is on the cage of the pet store cage, my phone number is easily got off Google, my e-mail address. I have people contact me all the time looking for information before they buy the dog. This brings me to my next point, the importation of rescue dogs. Did you know that shelters and rescues import tens of thousands of dogs each year from other countries? Not only filling our U.S. shelters with more dogs, but also bringing in disease that had once been eradicated in the U.S., rabies and heartworm being the two main diseases prevalent in the imported animals. These numbers are also inflating the number of animals and rescues in humane societies being born in the U.S. I also find it interesting that in the state of Nebraska the number of breeding kennels has dropped in about half from when it started, but the number of rescues have doubled in the last five years. Also, I did some browsing on several of the local shelters and humane societies to see what types of dogs were available for adoption, finding it to be mostly pit bulls, pit bull mixes, and shepherd mixes, none of which you will find in the local breeding facilities because they are not in demand. Many towns or cities have pit bull bans, making it unlawful to own a pit bull in that town. It also takes a very special home and family to take on the needs of some of these animals. Many people cannot care for the needs of a rescue pet due to the possible needs involved with that pet, such as disease, age, demeanor, bad habits, etcetera. People with young children especially like to be able to have their children grow up with that pet, letting it adapt to their lifestyle. Lastly, I would like to briefly touch on the revenue side of it for the state. Let's face it, we're a tough group of individuals that are passionate about what we do and thoroughly enjoy breeding pets for families; therefore, we are going to adapt. By that, I mean, what stops these pet stores from picking up shop and crossing into Iowa, just a few miles away? In Iowa there is no pet store ban and they have a statewide preemption law already in place, assuring them this will never happen in Iowa. So why would Nebraska want to give up the tax dollars derived from the sale of commercially bred puppies? So please, I urge you to vote

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no on LB893 and do not take from us a business we've worked most of our lives for and our kids thoroughly enjoy. I thank you for your time. Sorry, I went over. [LB893]

SENATOR BRASCH: Thank you for your testimony. Are there any questions from the committee? Senator Lowe. [LB893]

SENATOR LOWE: Thank you, Chairwoman, and thank you for coming and testifying and this volume of information is wonderful. Why is there a picture of the Denver skyline with a Nebraska seal? [LB893]

ANGIE SCHAAF: That was prepared for me by the ACA, which I believe you got testimony from him as well. And so I was looking at that, too, wondering, is that really Nebraska? But there's also a link in your e-mail from ACA with that exact same information in it. I just thought it would be fun for you to look at it in color. [LB893]

SENATOR LOWE: It's nice to have it in paper. [LB893]

ANGIE SCHAAF: And it covers everything. It's got the state law, the USDA, pictures of kennels, there's pictures of my dogs there--not in the thing, but those are my dogs I'm pretty proud of. [LB893]

SENATOR LOWE: How big is your operation? [LB893]

ANGIE SCHAAF: It's one of the largest in the state. [LB893]

SENATOR LOWE: And do you treat your dogs well? [LB893]

ANGIE SCHAAF: Like my children, yeah. [LB893]

SENATOR LOWE: Are they in kennels that are six inches...? [LB893]

ANGIE SCHAAF: They're in kennels. Absolutely not. Absolutely not. Ours go above and beyond what the USDA requires. [LB893]

SENATOR LOWE: Thank you for doing that. [LB893]

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ANGIE SCHAAF: And I do have clean inspections to show that from the USDA, the state, and the AKC for years. [LB893]

SENATOR LOWE: Thank you. [LB893]

SENATOR BRASCH: Senator Chambers. [LB893]

SENATOR CHAMBERS: I think everybody who has testified has established that they have good credentials, so I'm going to put this question to you because I think you would know the answer. When people pay a considerable amount for a dog, whether it starts out as a puppy or a dog and they've formed a great attachment to that dog, would it be out of the question if somebody lost such a dog to offer an \$800 reward for the return of that dog? [LB893]

ANGIE SCHAAF: Would that be out of the question? No. I would do it. I'd probably offer more than that. [LB893]

SENATOR CHAMBERS: This is what I'm saying, I write poems and now, in view of what you said I'm going to hand it out and my colleagues won't scoff because...well, I'm not going to say what it's about, but they'll have a chance to see it. And that amount...it was small, smaller than what really occurred, but the fact that it was \$800 would seem like that's unreasonable for somebody to offer for the return of a dog. [LB893]

ANGIE SCHAAF: Absolutely not. They're a family member. I'd pay above and beyond that, because they're my child, so yeah. [LB893]

SENATOR CHAMBERS: Thank you. [LB893]

SENATOR BRASCH: Any other questions? Senator Albrecht. [LB893]

SENATOR ALBRECHT: Thank you, Chairman Brasch. Is this your kennel on the back? [LB893]

ANGIE SCHAAF: No, it's not. [LB893]

SENATOR ALBRECHT: Oh. This one has definitely got some... [LB893]

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ANGIE SCHAAF: Yeah, it does. I believe those are kennels that were probably part of The Purdue Project. I never asked where those kennels came from. Like I said, that was prepared for me. I've gone through a lot of The Purdue Project, but I haven't read that whole thing word for word, because I know there's a lot of stuff I've already read in it, so. [LB893]

SENATOR ALBRECHT: So if you...if this bill were to be massaged a bit what would you put in it, what penalties or... [LB893]

ANGIE SCHAAF: Penalties, okay. I thought you was going to ask me about the amendment. [LB893]

SENATOR ALBRECHT: Well, you can talk about that, too. [LB893]

ANGIE SCHAAF: Well, the amendment, I don't have a problem. I'm already doing that. The stores that I currently sell to, California, their regulations are way beyond what we're doing here in Nebraska. Obviously, they've shut down stores for the same reason. [LB893]

SENATOR ALBRECHT: But you wouldn't be able to sell any of your puppies. [LB893]

ANGIE SCHAAF: I can sell to them until December 31 of this year, then I have to find a new source for my puppies. And all of my puppies go through pet stores and I am not embarrassed or ashamed to say one bit that's where they do go to, because I know in my heart that those pet store owners are just like me. They want to know that it goes somewhere good, so they're not going to sell it to a bad person. [LB893]

SENATOR ALBRECHT: What kind of guarantee do you have on your dogs, personally? [LB893]

ANGIE SCHAAF: I guarantee...some of my dogs are guaranteed a year on anything congenital or hereditary, because that's the bare minimum, but most I guarantee for two years. Like my Wheaton terriers that I've sold since day one, they have a two-year written health guarantee on anything hereditary, congenital. You come to me...I mean, this happens. Dogs are not perfect, they're living, human little beings also. If it has a heart murmur that comes up six months later, here's your money back. You don't have to give me the dog back, the dog is yours to keep unless you feel like you can't care for it. And, no, the dog wouldn't be euthanized, it would be given a home to live out the remainder of its life or have surgery. But...gosh, I forgot where I was going with that. [LB893]

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SENATOR ALBRECHT: Okay, so get back to the amendment. What were you saying about that? [LB893]

ANGIE SCHAAF: Yeah. I would definitely be fine with anyone calling me and inquiring about the dog before they bought it. I would show them pictures of mom and dad. I have a Web site...not a Web site, I have a program where the pet stores can pull that information up. They can see my USDA inspection, they can see my state inspection, they can see who I am, the mom and dad's pictures, how much they weigh, what their height is. Everything they want to know basically is right there. And if they don't get that ahead of time, those people will usually Google me and then e-mail me personally or call me personally and ask those questions. [LB893]

SENATOR ALBRECHT: So knowing that that's been identified six pet stores...but then if this goes into effect, it's going to all pet stores cannot sell your pets, how do you feel about that? [LB893]

ANGIE SCHAAF: I don't agree with it. I agree...I believe that because we are licensed and regulated and are doing things correctly and those pet stores are also buying...they're licensed themselves, buying from someone who's licensed, I see no reason to take away their business and my business. [LB893]

SENATOR ALBRECHT: Okay. Thank you. [LB893]

SENATOR BRASCH: Any other questions from the committee? Seeing there are none, thank you for your testimony. [LB893]

ANGIE SCHAAF: Thank you. [LB893]

SENATOR BRASCH: Any other opponents. If you would move towards the front...if anybody still remains to testify, it does help to move forward and then we realize how many are left to testify. Okay, very good. Welcome. Please state and spell your name and indicate if you're here as an individual or an organization. [LB893]

PENNY FATTIG: My name is Penny Fattig, P-e-n-n-y F-a-t-t-i-g. I'm here for myself and for the Nebraska Professional Pet Breeders Association. I sent this letter to most of you, except for Senator Chambers, so you'll get this. [LB893]

SENATOR CHAMBERS: I'm a dinosaur, right? I don't use the gadget. [LB893]

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PENNY FATTIG: I agree. I understand that, because I don't know much about it either, but enough to send e-mails. [LB893]

SENATOR CHAMBERS: But I do well what dinosaurs do. [LB893]

PENNY FATTIG: Okay, here we go. My brothers and I each inherited one-third of a small farm 15 years ago. It is extremely difficult to make a living off of a small amount of land in this age of mega farming with the slim profit margins. So my husband and I loved dogs--and still do--so we decided to remodel the small farrowing facilities that were on the property into a nice kennel to supplement our income. He was allergic to hogs, so we couldn't do that, so we had to change. Several years ago a lady called us to buy a puppy. Her children had encouraged her to go to a shelter and look for a dog, so she did. There she found only big dogs. She wanted a small, nonshedding dog so she contacted us and bought one from us. If we make it impossible for pet stores to buy puppies from breeders, it will deny people the opportunity to select a breed that would best suit their needs and desires. It would also encourage more backyard rescues to find or raise dogs to be adopted for exorbitant fees, which at present do not have to be...I should say, which some at present do not have to be inspected, mainly these satellites out here, the foster homes. I think the main ones are inspected. People who want a specific breed will be forced to go to another state or another country where we have no oversight about how they are taken care of. USDA breeders in the U.S. are inspected at least three times a year by federal and state inspectors and our local veterinarians have to inspect us every year. And also, we who are AKC registered are inspected by them. Okay, I lost my place. We have several books of regulations that we have to comply with, which includes a regular health check and dental for every dog at least every three years. And they get dentals more often than that because the small dogs develop tartar very quickly and so they're more likely to get a dental every year because the inspectors check the dogs, a percentage of them anyway, to see what their teeth look like. So I don't know what the reasoning would be to cause people to go to another state or country to buy a puppy because breeders have been forced out of business in our country, because this is what happened to the horse industry. Animal rights extremists dictated that horse meat should not be used for human consumption, so they somehow got it mandated that all horse slaughtering plants in the U.S. be shut down. Horses are now shipped to Mexico and Canada, where we have no oversight how the processing is done. And now horse meat is being shipped into this country. That doesn't make much sense. I think it's sad. So anyway, thank you for your consideration on this matter. [LB893]

SENATOR BRASCH: Thank you for your testimony. Questions from the committee. Yes, Senator Blood. [LB893]

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SENATOR BLOOD: Thank you, Chairperson Brasch. I have two questions, one is a clarification. Did you just say your brother was allergic to pigs? [LB893]

PENNY FATTIG: Yeah. [LB893]

SENATOR BLOOD: Because people get pigs because they're allergic to dogs. I've never heard of anybody allergic to a pig. That's interesting. [LB893]

PENNY FATTIG: My husband coughed up blood when we raised hogs for...loved them, but there became such a small profit. In that business you had to have so...well, now you see huge...you only see the huge pig businesses. [LB893]

SENATOR BLOOD: Like the corporate, yeah. [LB893]

PENNY FATTIG: You know, you have to have so many because it's such a slim profit on each pig. [LB893]

SENATOR BLOOD: Pigs make great pets though, too. I grew up on a farm. They were like as much fun as our dogs. [LB893]

PENNY FATTIG: And anybody that's been in 4-H knows the same with cattle and pigs, they make wonderful pets and you fall in love with them, you just can't help it, especially us girls. I don't know about the guys. [LB893]

SENATOR BLOOD: This is a question that I've kind of waited towards the end to ask, but it looks like pretty much everybody that's testifying in opposition is sticking around. Knowing that Senator Wishart has brought an amendment to try and neutralize the issue, would you be willing to work with her to see if you could come to common ground on this bill? [LB893]

PENNY FATTIG: I can't...I was kind of spaced off kind of worrying about what I was going to say so I need the details on that again. [LB893]

SENATOR BLOOD: So it sounds like, if I heard her correctly, that the alternative she's thinking about is having the breeder's information...contact information, where they're from, what they're breeding may be, on the outside of the... [LB893]

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PENNY FATTIG: Oh, absolutely. That's on our paperwork. We just raise registered dogs, even our...we cross the yorkies with maltese and they're registered as well. And so our information is on our paperwork or they can be found...I mean, I think they can call the registry to get it. I can't remember if our address is on it, but our name is definitely on all of our paperwork of our registered dogs. So there is a way to get the history on those dogs. And, yeah, I don't see any problem with that because... [LB893]

SENATOR BLOOD: And I do encourage all of you to work with Senator Wishart. She's very flexible and is just trying to do the right thing. And so I do encourage you to speak with you. [LB893]

PENNY FATTIG: Oh, I understand. [LB893]

SENATOR BLOOD: And quit providing cute dog pictures, because then it makes me want to get more dogs. [LB893]

PENNY FATTIG: I understand. [LB893]

SENATOR BLOOD: Thank you. [LB893]

PENNY FATTIG: You bet. [LB893]

SENATOR BRASCH: Any other questions from the committee? [LB893]

PENNY FATTIG: Oh, it's probably too late for me to say something. We sell to brokers mostly, we don't sell through pet stores in Nebraska because it's just easier for us to send ours all the same place. And they go to another state, they go mainly back East, because it's kind of like the meat industry, you know, our cattlemen don't sell all their meat in Nebraska. There's just not enough market in Nebraska for all of our beef, so we have to send it where the market is. Yeah, the pet stores, they offer the health...they have their health checked regularly and we offer insurance, health insurance for two years. We have personally not had to replace very many of ours, but when we used to sell direct we used to forget to hand out the certificate and if they called us with a problem, we replaced the puppy no questions asked, even if we forgot to give them their insurance deal. [LB893]

SENATOR BRASCH: So I would have a question with that comment, then. So if you sell primarily to brokers and the amendment that Senator Wishart is proposing, it would be the retail

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pet store would need to publish your contact information for anyone wanting to purchase that dog from the pet store. Is your broker able to or willing to offer that? [LB893]

PENNY FATTIG: Oh, yes, they keep all of our information. Now I don't know how they do it with their pet stores that they sell to, but, a lot of the states have kind of clamped down on this and I'm guessing New York has pretty restrictive regulations on how they handle their puppies. But the reason I think pet stores are a good way to go is, you can go in and you can hold your puppy, cuddle your puppy. I know some of the pet stores offer a...they can take the puppy to the veterinarian to get it health checked before they decide to buy that puppy. So different pet stores offer...have different ways that they handle things. [LB893]

SENATOR BRASCH: And in Nebraska we'd have no control over how pet stores in New York City or anywhere else would. [LB893]

PENNY FATTIG: No, no. That's why I'm just testifying for pet stores, in general. [LB893]

SENATOR BRASCH: Pet stores in general, okay. [LB893]

PENNY FATTIG: They are not a bad...they're a good thing. On the Internet, like someone mentioned...we got scammed trying to buy a puppy on the Internet, because you don't know what's going to happen. But you can go in a pet store, you can pick up a puppy, you can tell if a puppy's healthy for the most part with they're wagging their tail, the fat. You pick one up...if their tummy's full. You can tell a lot by holding a puppy about its health. I mean, you can't tell about heart. A veterinarian can tell you that. But some things don't pop up till later in the puppy's life, so there's no way to control that except by offering a long-term guarantee. [LB893]

SENATOR BRASCH: Okay. I have no other questions. Any other questions from the committee? Seeing there are none, thank you for your testimony. [LB893]

PENNY FATTIG: Thank you so much. [LB893]

SENATOR BRASCH: Any other opponents, please come forward. [LB893]

THOMAS MANEELY: Good afternoon. [LB893]

SENATOR BRASCH: Good afternoon. Welcome. Please state, spell your name and if you're here as an individual or with an organization. [LB893]

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TOM MANEELY: (Exhibits 9, 10) My name is Tom Maneely, M-a-n-e-e-l-y, and I'm representing both an organization, the American Kennel Club, and myself as a citizen of this great state of Nebraska. I'd like to start off by introducing or reading, introducing into the log here a letter from the American Kennel Club that they asked me to present to you. Madam Chair and members of the Ag Committee...this is provided to you, all you senators also. My name is Tom Maneely and I'm a senior executive field representative for the American Kennel Club. I'm also a resident of our state of Nebraska. On behalf of the AKC's 33 dog clubs in our state and the thousands of dog owners in our state, I wish to respectfully express my concerns with LB893 and urge the committee to not advance it as introduced. The AKC shares your concern about the well-being of all pets. The AKC is the world's largest purebred registry. I might add--not in here--that we also register mixed breed dogs, trying to make room for everybody, so to speak. Our affiliated clubs operate America's largest purebred rescue network, and for over 130 years we have been proud to be the only nonprofit purebred registry devoted to the health, well-being, and the humane treatment of all dogs. It is for that reason that we oppose LB893. One of the best ways we can keep dogs out of shelters is by educating prospective dog owners and enabling them to obtain a pet that is the right fit for their lifestyle. Great pets can come from a variety of sources, including breeders, responsible rescues, and regulated pet shops and shelters. But in every case, freedom of choice to select the right pet is the critical first step to success. As introduced, this bill will limit consumers' freedom of choice; limit the ability of families to select pets based on the breed, health, and temperament traits they seek; and will take away existing protections for those who choose to obtain a pet at a pet shop. When people cannot obtain a pet that is right for their lifestyle, that pet is more likely to end up in a shelter. If it doesn't work for your family, you have to give it a home somewhere. Increasingly, many communities lack enough local breeders to meet the demand for a purpose bred pet, as has been introduced already today. Likewise, fewer than 5 percent of pets in shelters are purebred dogs. So when retailers are limited to sourcing dogs from shelters and rescues, consumers lose yet another important regulated source for a purebred dog. Rather than having the option to get a dog of a specific breed from a professional breeder subject to USDA or, I might say, and state animal welfare laws, they are left with little option but to take a dog of unknown background and unknown health and temperament history. Instead of the bills designed to arbitrarily limit animals the options for someone looking to purchase a pet, the American Kennel Club would offer another option. Why not simply limit pet stores to selling dogs from USDA-licensed breeders that are fully compliant with USDA health and welfare standards? AKC has supported similar successful measures in other states that now protect freedom of choice, existing consumer protections, and the well-being of the dogs. The American Kennel Club welcomes the opportunity to work with you to address your concerns without punishing responsible pet store owners, breeders, or Nebraska pet owners. Thank you for your consideration. Did you want to stop me there? Okay. [LB893]

SENATOR BRASCH: His green light is still on. [LB893]

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TOM MANEELY: The rest of my written statement, I just want to paraphrase a few points on it. It's all listed out there for you as you'd like, but I'm an advocate of purebred dogs for a number of reasons. The number one reason is when I buy a dog, I know that I can go to a breeder, get a health history on it, I can know what its parents' traits are, whether they're the traits that I want in that breed of dog. I'm personally a sporting dog person, so I want my dogs purpose driven that way. But there are cattle dogs, there are companion dogs, dogs bred for that purpose. So anyway, I see I'm running short. But I wanted to get to touch up on a point that the veterinarians brought up about retail rescue. Throughout this country there's not enough dogs being on hand in the rescue facilities to fill the need for people. We don't have enough purebreds, we don't have enough rescue dogs. I've gone ahead and put numbers in there: 7,450 were imported in New Hampshire; 15,000 into Connecticut; O'Hare Airport reported in 2013 that they imported 10,125 dogs from overseas, half of them being unvaccinated. I see my time is up so my short paraphrase, I'll stop there, but my written testimony hits all these points and it also has several articles that back up my statements with footnotes so you can go out on the Internet and look at these things if you care to check my facts, which I welcome. [LB893]

SENATOR BRASCH: Thank you, Mr. Maneely. I believe Senator Blood has a question. [LB893]

SENATOR BLOOD: Thank you, Chairperson Brasch. I couldn't respond because she's got to tell me what I have to do, so she's in charge, at least for this committee. So I'm going to ask you the same question. Knowing that Senator Brasch has come up with an amendment that may be something that you could possibly live with, would you be willing to work with the senator to see if you could come to terms and make this a better bill? [LB893]

TOM MANEELY: Certainly. And I think that full... [LB893]

SENATOR BLOOD: Oh, I'm sorry, Senator Wishart's bill. All of the senators look alike to me. [LB893]

TOM MANEELY: I think that that's a very wise idea to have full disclosure so that...you know, when you go to buy a pet you expect it to be part of your family for 10, 15 years hopefully. And I would hope that if you buy a pet you have the very best experience with that pet that you can, that it's healthy, it's a good member of your family. So disclosure is a large part of that. I wouldn't have a problem with that. Now along those lines...I've been to this committee before to testify. Some of you senators that have been on this committee for a while might recognize me. The problem is...and you asked me about working with them. We'd love to work with the Unicameral, anybody, but we're never asked to come to the table. [LB893]

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SENATOR BLOOD: But it sounds like she is willing to come to the table and talk to you about this. [LB893]

TOM MANEELY: We're more than happy to do that, but... [LB893]

SENATOR BLOOD: And I would encourage you, if she has time at the end of the hearing, to talk to her now while it's all...not to put her on the spot, but I'm putting you on the spot. [LB893]

TOM MANEELY: Certainly. Certainly. [LB893]

SENATOR BLOOD: Thank you. [LB893]

TOM MANEELY: Thank you. [LB893]

SENATOR BRASCH: Senator Chambers. [LB893]

SENATOR CHAMBERS: I may as well give him his kudos now. Again, I haven't heard anybody testify against doing the right thing for animals, assuring the customer that he or she will get what he or she is looking for. And you even said it, the bill as written. And I'll say again, hearings are for the purpose that's being served today. We're getting information from some people who say they're for the bill, some will say they're against it, but when you put it all in the pot if you're a good chef you can put something together that will wind up satisfying everybody who really wants to see the right thing. And I appreciate your having come, too. So thank you. [LB893]

TOM MANEELY: Well, thank you, Senator Chambers. I'd like to respond just a little bit there. I don't think there's anybody in this room that would like to see everything but the best for every animal, every pet, every horse, every cow. We all want humane treatment for these animals while they're in our care. But I've seen time and time again and it's been talked about from this witness stand that the enforcement of our existing laws are not being sufficiently done. If that's a poor way of phrasing that, I'm sorry, you know for phrasing it that way. And the last time I sat here and talked to you, Senator Chambers, I told you, I said, I don't feel...I feel that we have plenty regulations if they're enforced. And what was said there is moot here at this, but that's one of the key things. We have very strict laws here in this state. I've been to several committee hearings on the Commercial Dog and Cat Breeders Act (sic--Commercial Dog and Cat Operator Inspection Act) trying to make it fair and good and worthwhile. And during the research for that that I've noticed the enforcement isn't there. And I feel sorry for our inspectors. The AKC, we have inspectors that go out and we do thousands of inspections each year of kennels. But we give

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them a bad report card and say, you need to fix this and we'll come back and check it in 30 days. If it's bad enough, we have to report it to law enforcement authority and that's the way our current laws read, that if a dog is in...dog or cat, let's say--I keep forgetting about cats because I'm a dog person--but if it's in bad shape, liable to...its well-being is threatened, then that inspector gets hold of a law enforcement authority and they can then seize that dog or put it into a safe place. Now, to me that makes sense. We have due process of it along the way, we don't just have some arbitrary inspector that's having a bad day or doesn't agree with every rule yanking animals away from good, caring owners. And that due process I think is important, but we do need the enforcement. Yes, sir. I'm sorry. [LB893]

SENATOR CHAMBERS: When you're answering questions, the time...the clock is not running. [LB893]

TOM MANEELY: Yes, sir. [LB893]

SENATOR CHAMBERS: When we look at the fact that law enforcement must be involved, sometimes they feel that that's beneath what they're to do as law enforcement persons. I've had...I won't say I've had inspectors, I don't want to rat anybody out, that have gone to sheriffs--and I touched on it earlier--and nothing will be done. And they can go again and again and if that is the only avenue open, then to do their job they have to keep going back knowing they'll be rejected. What I would appreciate from you is to have you write me a letter based on what you've testified to today and point out that there has to be a better way of enforcing the rules, regulations, and laws that we already have and that there will be people who are in the business who are willing to comply. I don't think law enforcement at the county level is the way to do it. I think, like the lady who had testified, it's a state matter and the state should create the machinery necessary to do the enforcing of the laws that it passes, which places responsibilities on dog and cat owners, breeders, and also those who are going to inspect, give them the tools to do not only the inspecting, but to see that the law is carried out after they find flaws in the way people are obeying the law. [LB893]

TOM MANEELY: I have a hard time taking away the due process, you know. If somebody accuses you of something, let's say the Me Too Movement is popular nowadays, so let's say somebody accuses me of being inappropriate, having inappropriate behavior. That may be a legitimate thing, but I would expect the due process of discovery and making sure that these claims are correct and that they're not exaggerated. That's what due process is about, making sure that you're safe from undue prosecution. And to have an inspector come into somebody's home, be it home, kennel, and confiscate their property without that due process is not only a violation of our great constitution, but it's just plain wrong. [LB893]

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SENATOR CHAMBERS: Well, let's say that an inspector--because I've seen photographs and some were taken by inspectors--of an animal that is obviously in distress, is emaciated, there will be feces piled up, and the inspector shouldn't have to walk away from that, just like a cop does not convict somebody, but the law says have probable cause. That means you have to have what they call articulable facts that would lead you to believe that a law has been violated, then you can act. So if the inspector saw a very bad situation and had to go to the sheriff, maybe the sheriff's not in, maybe nobody is there. Then there is no recourse and no redress, so that's why I want that letter from you. And you don't have to tell how it's to be done, but I need the word from people who are involved because I say again--and I'm not underestimating myself--the people in the Legislature don't accept what I say is true. It can be written by the hand that God said, they'll never believe it if I say it. But if I can show from a letter that this is a situation that needs addressing, I might be able to persuade my colleagues to put some enforcement machinery in place. This is the last time I'm going to say it. You might be the last testifier. The former head of Ag Department promised on the record that the provisions of the dog and cat law would be enforced, then he didn't do it. And I will say this, because now the--I won't name the inspectors--the inspectors would tell me, we go to him and it stops there. Ibach...I'll sit here because I...he was a liar and he lied to me, he lied to the senators, he lied to the Governor. And if that is what is happening, then steps can be taken. But these people here--I don't mean around the table while they're around the table and we're here--but we've got to work together to make sure that if a law is on the books--and we're talking about animals--it has teeth and everybody knows that we mean what we say and we have provisions and the due process will come in the language of the law by explaining what you as somebody who accepts a license and are allowed to do certain things are agreeing to subject yourself to, just like if I drive my car on the highway there is implied consent that certain things are going to be allowed. And that's what we're going to have to do and due process comes later. If you're going to take the dog, there will be nobody fined without a process being followed, but I'm not in favor of these dogs in obvious distress being left there. I've seen dogs chained up when the temperature was over 100 degrees. When an inspector sees it and the inspector goes to the chief of police, he said, I don't have time for anything like that. Then what, let the dog die? I paid to have a fire truck go to a house that was catty-corner from where I live because for three days I heard a cat crying and it sounded like a baby. And I said, I will pay the cost of you sending a truck and somebody on a ladder going up to get that cat. That's what I was willing to do. So when you write to me I will call you and see what to do about due process, because I'm more concerned about the animal. [LB893]

TOM MANEELY: Well, I think everybody in this room is concerned about the animals, but you can't let concern override common sense. If a law enforcement officer wants to get a warrant to search my truck in the parking facility over there, I bet he can have it within an hour or two, I really do. And why would it be any different with an animal case? [LB893]

SENATOR CHAMBERS: Because they don't care about animals, some people. [LB893]

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TOM MANEELY: Well, everybody has their priorities and I think that's sad that there would be problems with the enforcement. [LB893]

SENATOR CHAMBERS: Write me that letter and, as Frank Sinatra would say, I'll do it my way. [LB893]

TOM MANEELY: I made a note, Senator Chambers, and I'll do that for you. Thank you, sir. [LB893]

SENATOR BRASCH: Any other questions from the committee? Senator Albrecht. [LB893]

SENATOR ALBRECHT: Thank you, Chairman Brasch. Okay, Mr. McNeely, right? [LB893]

TOM MANEELY: Pretty close, that'll work. [LB893]

SENATOR ALBRECHT: You talked about these breeders that are like special breeds, purebreds, excuse me. But what if it's a mixed little puppy? And I'm not talking about the labradoodles or all those kind, but if it's just a mixed pup, do you think that those should just take a backseat and not be a part of someone... [LB893]

TOM MANEELY: No. I think there's probably room for every...hopefully, there's a home for every dog or cat that's ever born. Now, I'm an advocate of purebred dogs because of their predictability and their traits and their health and their genetics. Now, when I was growing up we had a mixed breed dog. And if you look through the literature that I gave you, I talk about my daughter who in Omaha adopted a mixed breed dog from the Humane Society. That little dog has seizures constantly, it's got to be on medicine for the rest of its life. It's not a social dog. When somebody strange comes in the house it goes and hides in the corner and that's largely because that dog wasn't socialized properly as a young dog. And quality breeders like you're hearing testimony here from today, they make sure to socialize those dogs so that they've got a good start to be a well-balanced individual in the future. Can you guarantee that with mixed breeds? No, but you can't guarantee it I guess either with the purebreds. And we do, we register mixed breed dogs also and give them an opportunity to partake in all sorts of activities. The little...the weaving through the poles they can do and the obedience, all sorts of things they can do that enrich the lives of the people and the dogs together. And I don't care if you've got a labradoodle, which I won't advocate, or a cockapoo or whatever. To each their own. But the thing is to get a healthy dog into the family, a dog that will give them positive experiences instead of negative experiences. And it doesn't matter if it's a mixed breed or a pure breed. The responsibility though with the mixed breed breeders, it never is there. They breed a litter, dump

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them out onto the public and boom, they're done. You take a look at our breeders that we've got here today. What a level of responsibility. That takes a lot of work to be that up on everything. And if you take the time to read the commercial dog and cat breeders law, there's all sorts of hoops you've got to jump through. It's not an easy process to be a commercial dog breeder in this state. [LB893]

SENATOR ALBRECHT: Well, I would also echo to sit down with Senator Wishart. I think she's definitely got a heart for animals and she carries these type of bills. So whatever we can do to make it the best environment for the state of Nebraska would probably come from folks like you and everybody that's here today that's traveled a long distance to sit down. Sometimes our agencies aren't enough, obviously, to get the job done. So we have to sit down together sometimes... [LB893]

TOM MANEELY: Certainly. And with the American Kennel Club we have enforcement issues, too. In fact, most of the problems we have stem from the fact that our rules are largely self enforced out in the field. We don't have a bunch of dog cops running around. We rely on people in the activities to report problems and a lot of things fall through the cracks and we're always looking for ways to tighten up to make things right, make them a level playing field throughout the country for everybody involved. It's pretty simple. [LB893]

SENATOR ALBRECHT: Thanks for your testimony. Appreciate you coming, thanks. [LB893]

TOM MANEELY: Thank you, Senator. [LB893]

SENATOR BRASCH: Any other questions from the committee? Seeing there are none, thank you for coming forward with your testimony. Thank you. [LB893]

TOM MANEELY: Thank you, Madam Chair. [LB893]

SENATOR BRASCH: Thank you. Next opponent. [LB893]

_____ : Is it time to go home? [LB893]

SENATOR BRASCH: Not yet. We have another person...how many are left to testify today? One, two? Two more opponents? Welcome. Please state and spell your name and if you're here as an individual or with an organization. [LB893]

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JUDITH WILLIAMSON: (Exhibit 11) The chair didn't want to move. I'm Judy or Judith Williamson, J-u-d-i-t-h W-i-l-l-i-a-m-s-o-n, I'm here representing myself, my family's business, as well as the Nebraska Pet Professional Breeders Association. Oh, and I have a handout here somewhere, sorry. Well, don't start my light yet, I'm not ready. Okay. I'm here...I was going to tell you a little bit about my family, my family's business. My family, which includes five children--empty nester now--we've been raising puppies since 1985--and I stress raising--that was before the ugly word of "puppy mill" was ever coined. Because you know I grew up in a family. In our community we raised cattle, hogs, goats, chickens, rabbits, but we decided on our little farm we were going to raise puppies. And my children and I, we all enjoyed it. But I'm going to get right to the meat. Three questions of LB893, should it pass, if my puppies are not available for sale in a pet store, then who's going to be raising these puppies and where are the puppies coming from? Not where like the rescue....I mean where, where are these puppies coming from. I'm also concerned about public health and the rights for the consumer, well, as well as the pet store. It kind of takes his right away, too. If the pet store cannot buy my puppies that are raised in an environment, that are inspected by state, USDA, my vet, American Kennel, licensed by the state, NUSDA, they are AKC purebred lineage, carefully selected through the years for the healthiest and best parents to produce an offspring that is within AKC breed standard. We met the protocol of pet stores as far as vaccinations and wormings from birth to eight weeks of age. They've had a full vet exam, given health certificate indicating this puppy is healthy, free from disease, virus, parasites, other health-related problems, not that some don't still crop up. Kids get sick, too. But then you're going to afford the same to the pet store through the rescue and shelter puppies. Talked about the card that was going to go on that's going to tell where the puppy comes from and sure, they can contact me. I can give them the date of birth, the parents, the lineage, and everything that happened from the time that baby was born, whether the mother had a C-section or whatever. I'm saying is that the same card on the rescue puppy, it goes back to the rescue. Can the rescue say date of birth? No, that's going to be a question mark. The place of birth, well, that's a question mark. Parents, well, that's a question mark because we're not even for sure what breed it is. I think it's a terrier mix. I think it's "as is." What you see is what you're going to get, unless you have foster parents breeding puppies. Then you would know that. And does a pet store have any apprehension about placing such a puppy with family and children. I think it screams lawsuits if you get into problems. They're not going to come back and sue the rescue, they're going to come back and sue the pet store. Frankly, this is just another means or plan of shutting down a group of free enterprise businesses by mandating the public buy from a rescue or shelter. When you have shelters, or in my area, you have shelters and rescues where you can go get your puppy, no problem. Based on industry data acquired from the National Animal Alliance (sic--National Animal Interest Alliance) there are between 70 million to 80 million dogs currently residing in U.S. householders; that's a lot. And it takes about 6.5 million puppies just to replace the ones that are going to die. But as two-thirds of the professional breeders no longer exist, breeders that still remain--like myself--have downsized to fit into a category of a good breeder. But this problem with this conclusion is that it does not

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recognize the basic marketplace reality that demand drive supply. And when responsible breeders who are licensed and inspected by a state or USDA quit breeding, it means only that in the future someone else will be supplying the public with the dogs they want. This myth is fueling the explosion of importation and rescue transport activities called "humane relocation." You've heard about that today already. Dog trafficking, sometimes referred to as puppy pipeline, motivated to import and place puppies with families that should never be put up for adoption. And in this specific case it means that public will have fewer reliable sources of healthy, well-bred, and socialized purebred dogs. The practice of stray importation is on the increase with the result that some animal shelters or rescues are clearly operating as pet stores today. Whether they acquire their inventory from distant states or foreign countries or territories, they operate like commercial businesses, because when money is exchanged I don't care if it's an adoption or it's a sale, money is exchanged. It's commercial. No charity is formed to serve the public good. I see I'm out of time already. I do oppose. I would hope that you would seriously consider our main stance in opposition and that the bill puts children, family in danger by mandating that Nebraska pet stores source their animals from shelters and rescues, sources which have questionable health and temperament problems while they are also exempt from the laws that are required of professional breeders. It infringes on the consumer's choice and rights. Thank you. [LB893]

SENATOR BRASCH: Thank you for your testimony today. Are there any questions from the committee? I just have a question and a comment, because I do understand you're a business owner... [LB893]

JUDITH WILLIAMSON: I am. [LB893]

SENATOR BRASCH: ...and you're in the business of selling dogs and dogs with pedigrees. And do you think there's a higher demand for a dog with a pedigree versus a dog that just simply needs a home? [LB893]

JUDITH WILLIAMSON: The calls I get, they want them to be AKC. [LB893]

SENATOR BRASCH: Okay. And do you think that if the pet stores would have the option to put the card or label that the dog owner...where the dog came from, whether it's a breeder or a home before that--and I'm not sure if the amendment would cover that if it was a dog turned over to a shelter--so the new potential owner...do you think they would still pick...because it wouldn't exclude pedigree dogs with this amendment, is my understanding, that you would still...the competition would be there and the advantage that they could still buy from you, because it's a pedigree dog over a dog that needs a home. Correct? And do you believe that individuals...that you don't want to be an outlet for purchasing or do...can people buy direct from you at this point? [LB893]

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JUDITH WILLIAMSON: They can, but I don't really like to deal with the public, personally, you know, just for a number of reasons. [LB893]

SENATOR BRASCH: Okay. [LB893]

JUDITH WILLIAMSON: You know, over the years it's just become easier, similar to Penny, it's just you know with the livelihood. The older you get it's just easier to sell to a broker who then sells to pet stores. They totally know everything. Everything goes with this puppy, the vaccination schedules, the health certificates, the AKC papers, everything goes with this puppy. So when it gets to the pet store that consumer has all that information. If they were to contact me, you know, except for I suppose if you want to make the trip to Nebraska to see the parents, they would have to make the trip from New York to see the parents. [LB893]

SENATOR BRASCH: All right. And so most of your puppies leave the state of Nebraska. Is that what I'm hearing? [LB893]

JUDITH WILLIAMSON: Yeah. [LB893]

SENATOR BRASCH: Okay. And I guess my... [LB893]

JUDITH WILLIAMSON: But I have sold to pet stores here. I just don't want to be denied that right. I mean, I'm jumping through all the hoops and everything and all the laws and the licensing and everything. I'm jumping through all the hoops to be a good breeder and now you're going to slap me on the hands and say I can't sell my puppies in a pet store. It doesn't seem right to me. [LB893]

SENATOR BRASCH: And the amendment would change that... [LB893]

JUDITH WILLIAMSON: Okay. [LB893]

SENATOR BRASCH: And Senator Wishart will come and close and make that clear to us. But my thought is that is if the pet store had an opportunity to do one...to do both and not just one or the other... [LB893]

JUDITH WILLIAMSON: I think it should be the pet store's choice, don't you? As a... [LB893]

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SENATOR BRASCH: And I believe that's what the amendment will do. We haven't seen the amendment yet either and if it's similar to this bill in this hearing, then it has an opportunity to be moved forward. However, if the amendment changes the nature of the bill, then it would need to be a new hearing. Any other questions from the committee? Yes, Senator Albrecht. [LB893]

SENATOR ALBRECHT: Thank you, Chairwoman Brasch. Okay, you felt like you ran out of time. But you handed us a piece of paper that I'm a little concerned with. And so when you breed these animals and you have all your health records and you do everything that you're supposed to...the hoops that you are jumping through, but yet if this bill wants us to make sure that the animals that are rescue animals are taken care of and given a good home, but yet some of the things in here kind of concern me because they are not...we don't know their health background, we don't know how they're certified, we don't know where they came from. They're coming in from other countries and when...buyer beware. People need to have something...if we're going to have a little something for you at the bottom of that little kennel, we need to have it for the rescue animal as well. If it came in from Turkey with a tuberculosis diagnosis, I'd sure want to know that. If it came in from Puerto Rico with a million dollars' worth of heroin transported, too, that concerns me, too. So I'm sure that the depth of all of these reports are coming from somewhere, but coming in from third-world countries that we don't know what they have, that's concerning to me, too. Why are we rescuing those animals? Every country can...should maybe take a look at what they have in their own country. And, obviously, there is an over abundance and they need help, too. But if we have enough animals in our own country, we should be probably providing those a nice home as well. So it can go in many different directions, but this concerns me and I'd like for you to share this with Senator Wishart, because I think this is important for all of us to look at all angles of this. And I don't want to...it's buyer beware. And the biggest cost to a young family who takes in a little tiny puppy at the same time they just had their new little baby--and the puppy usually comes before the baby--but those costs for medical costs, veterinarian costs are really... [LB893]

JUDITH WILLIAMSON: Outrageous. [LB893]

SENATOR ALBRECHT: And there's no...I mean, yeah, I think you can get insurance, but it's very expensive to take care of a lot of this stuff so on the buyer beware part of it, if we're going to do it for a breeder, I would certainly think that people should know where this animal came from. [LB893]

JUDITH WILLIAMSON: I do, too. I really do. I think we're opening possibly a can of worms because, like I said, with the breeders on the decline, rescues on...the puppies are going...they're going to get the puppies from somewhere. And we know for a fact that we have rescue groups out there supplying, from other countries, supplying and they're coming across out of the streets

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of Mexico and God knows where and I think, yeah, I think right now before it really takes over we really need to be on top of it somehow. [LB893]

SENATOR ALBRECHT: I mean, I hear from you folks as breeders that you can't have enough puppies coming... [LB893]

JUDITH WILLIAMSON: No. [LB893]

SENATOR ALBRECHT: ...but yet, to have rescue puppies and us not understanding where they come from, that concerns me as well. [LB893]

JUDITH WILLIAMSON: Right. I mean, it would be awesome if the farmer down the road ends up with a litter of puppies that he can't place, that's all right. I mean, if you're in the United States and you can get them in and everything, you kind of know from that farmer. But when they're just being picked up and then loaded in the vans and here they come into the United States, I think we need to get on top of it. I also want to make sure that you realize that there are national laws, which is federal, federal and state laws that govern us, but there's no national laws regulating the pet rescues. That doesn't fall under USDA that I'm aware of. And there are no regulations by either federal, state for the foster care homes. Each rescue could have foster care homes and each one of those homes can have 20 dogs or more--with babies--and there is no inspection going on there. I think, like the one woman said, it should be across the board. You're taking care of puppy that goes from you to someone else, someone should be inspecting you. [LB893]

SENATOR ALBRECHT: Very good. Thank you. [LB893]

JUDITH WILLIAMSON: Thank you. [LB893]

SENATOR BRASCH: Very good. Yes, one more question here. Senator Blood. [LB893]

SENATOR BLOOD: And it's a very brief one, because it is getting late. I was trying to look it up real quick. I thought there was a quarantine for dogs that came from other countries when they come into the United States. No? Somebody behind you shook their head, yes. [LB893]

JUDITH WILLIAMSON: There's a quarantine going to Hawaii, there's quarantine going to Australia. No. [LB893]

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SENATOR BLOOD: When a dog comes in from another country to the United States, you're saying there's no quarantine? [LB893]

JUDITH WILLIAMSON: I don't think so, not that I'm aware of. I could talk with my veterinarian, but I don't think so. [LB893]

SENATOR BLOOD: I talk tomtit workroom district is right by Offutt Air Force Base. I hear stories all the time of people who come from Germany and can't together can't get their dog in their house because it's been quarantined. And I can see like four people shake their heads, yes, behind you. So thank you for quietly not talking out loud and answering that question for me. That's what I was wondering. Thank you. This didn't sound right to me, no offense, but I was pretty confident that animals can't just come in willy-billy like that. So thank you. [LB893]

JUDITH WILLIAMSON: Thank you. [LB893]

SENATOR BRASCH: Any other questions? Seeing there are none. All right. Any other opponents, please come forward. Welcome. Please state and spell your name and if you're here as an individual or with an organization. [LB893]

THOMAS WESTMAN: The name is Thomas Westman, T-h-o-m-a-s W-e-s-t-m-a-n, I am here representing Tully's Kennels. We're a company that sells only dogs. We've been in business for a little over 50 years, been in the same location for 40 years. I came down here today thinking that if this passed that we'd have to shut our doors and I'd have to send...I have eight full-time employees and they all depend upon that for their income. They're all dog lovers, as am I. And we do what we need to do to make sure that these dogs are taken care of. There's a reason for everything we do, because our experience is borne of pain. It's the issues where you have health issues and you try to figure out, how do we fix that. And so we develop a new procedure to fix that. We've even gone so far as developing our own vaccinations for specific things that are unique to us, so we're not afraid to spend money to correct things. And in the 50 years we've been around, we've never had a violation from any organization, from the Nebraska Department of Agriculture, the Nebraska Humane Society. We work with a handful of rescue organizations to try to help them out in different ways, but largely it's difficult to talk to the rescue organizations and try to get them to bring dogs to us for sale. We'd be more than happy to do that at any time, to bring the dogs on our property, find a place for them, and have our customers that come in have an opportunity to buy the dogs there as well. I came down here expecting to defend our organization and then I see the teeth has been taken out of this and you're looking at having us provide information that we already provide. So I'm wondering why I'm here almost. Suffice it to say, I'm willing to take any questions about our operation and what we do. Just know that we have a mandatory ten-day trial period, which means the customer can come back and get a

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100 percent refund on their money for up to ten days. We also do ten-day free veterinary care with local vets, we have about a dozen vets around the area that we send people to. Then we also do a four-year health guarantee to cover major things for the dogs. And then we require our breeders to guarantee the dogs to us for a year. So we don't get fly-by-night people walking through the door and wanting to sell us dogs. We develop relationships with breeders so we have a two-way communication so that we can tell them what we have going on. And if we get somebody that calls us four years after the fact and says, this is what I found with my dog, then we can go back to the litter information, find out, and we can call the other owners and say, have you noticed this with your dog and see if there's anything else going on. And then if there's an issue with genetics or anything like that, we can contact the breeder and say, you know what? I think it's best we don't use those dogs anymore for breeding. So there's a lot of things that we do beyond educating the customer that keeps the breeders honest in the situation. So I'll take any questions that you have. [LB893]

SENATOR BRASCH: I guess Senator Blood. [LB893]

SENATOR BLOOD: Thank you, Chairperson Brasch. Can you tell me why you tattoo the dog's bellies? [LB893]

THOMAS WESTMAN: Yes. So for many years we had to identify the dogs specifically. And the reason we have to identify them specifically is because we have to do medications on some dogs, we have to know that we're selling the dog...a particular dog to a particular person. As you may not know, some puppies can look alike and one can be a purebred and one can be a mix. We sell both and they can get confused in cages. So if we can't identify these dogs exactly and know that we're delivering the dog that we promised to somebody, then we will not be doing our job. So lately what we've done...we started off years ago and they had collars on the dogs and the puppies would chew them off. And then after a while we thought, let's move to microchips. Well, up until recently we haven't found microchips that work well in puppies because they move and sometimes they can be lost, so we weren't 100 percent satisfied. So as of about a year ago we moved to all microchips and we don't tattoo anymore. [LB893]

SENATOR BLOOD: Did you feel that was humane? [LB893]

THOMAS WESTMAN: It was necessary. A lot of animals are tattooed and it was an accepted practice by AKC, so this is something... [LB893]

SENATOR BLOOD: All right. Thank you. [LB893]

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SENATOR BRASCH: Senator Albrecht. [LB893]

SENATOR ALBRECHT: Thank you, Chairwoman Brasch. Thank you for your testimony. I've been to your place a lot of times while I was raising my daughters just to see the puppies. But I can definitely understand. We have cattle and we have to tag them, we have to put a tag in their ear so we know whose is who and where they go and that sort of thing. So whether it's a tattoo or an implant, I think you have to be able to do what you have to do. And I knew that you were selling dogs there because that's where we would have purchased our dogs. So if this bill were enacted, even with the amendment you're out of business? [LB893]

THOMAS WESTMAN: Well, the amendment says that we can sell our dogs normally, we just have to put a little tag on there saying where the dogs came from. [LB893]

SENATOR ALBRECHT: Which you already let them know that. [LB893]

THOMAS WESTMAN: We already have that information available for them. We just don't have it right on the cage, you know. [LB893]

SENATOR ALBRECHT: Okay. You could have a whole circle of 12 dogs that are running all over the place so that that kennel or that little particular gated area would say, these dogs came from this breeder and they were born on this day. [LB893]

THOMAS WESTMAN: Yeah. Well, we typically have litters together, because the dogs are more comfortable in their own litter. And then as the dogs grow and get sold, then if it's like the last one then we'll pair them up with somebody else so they're not alone. So it's just what we normally do, so. [LB893]

SENATOR ALBRECHT: And so over a 50-year period that you obviously have a lot of experience watching what happens on the outside, how do you feel about pet stores? Are they your competition? [LB893]

THOMAS WESTMAN: Well, largely, yeah, they're a competition to us. We're labeled a pet store because we sell pets and we sell some of those supplies, but we do it differently than they do. We're more open about what we do, because when you walk into the room--you've been there--the dogs are all over the place. You can walk up and you can open the cage and you can pet them and you can do whatever. If you go to a normal pet store they're usually behind glass and they're sitting in newspaper and they're by themselves. Okay? We found that that's not a healthy environment for a dog to be in an enclosed space and to have newspaper down there. It just

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isn't...there's bacteria that grows and everything else. Open air is better for the dogs to be around and then also having human contact and people coming in and seeing the dogs, it's better for their temperament. All the dogs...we don't ask anybody if they're there to buy, we just ask if they want to play with a dog and so we have large playrooms for them to be able to play. [LB893]

SENATOR ALBRECHT: And you have been in the business long enough to see...talk to me about how you feel about disease either spreading within a facility or coming in. Could there...do you believe that the rescue dogs could carry diseases. [LB893]

THOMAS WESTMAN: Oh, yeah, yeah. So I made that offer, bringing in the dogs from there. They would be separate from our dogs completely. Absolutely. [LB893]

SENATOR ALBRECHT: I mean, even with cattle, we don't like to see them come from another state because they could bring something. We want to know they're... [LB893]

THOMAS WESTMAN: Yeah, yeah. So we have a three-day quarantine when the dogs come in from just a breeder, so we want to make sure that the dogs are...there's nothing there. [LB893]

SENATOR ALBRECHT: Do you test them for anything like diseases? [LB893]

THOMAS WESTMAN: Our veterinarian comes in and looks at them. But there's really no test for some of these things and you can spend a lot of money testing for stuff that hardly ever happens, so you look for symptoms. And if there are, then you start controlling them. [LB893]

SENATOR ALBRECHT: Well, I don't think coming down here today was in vain, because I think when all of you get together and can talk about this it becomes a better bill if it becomes a bill at all. So that's some good that can come from it. So thank you for coming down and for your testimony. [LB893]

THOMAS WESTMAN: You're welcome. [LB893]

SENATOR BRASCH: Any other questions from the committee? Thank you for coming down. And I'm not familiar with...where are you located? Where did you come from? [LB893]

THOMAS WESTMAN: Tully's Kennels, we're between 72nd and 84th where I-80 crosses the city, just on the south side there. You have to get to us from another street, but as you drive the interstate east, just on the south side there. [LB893]

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SENATOR BRASCH: And so you are...because they describe brokers. So you don't really have mom and dad, you just have the puppies from someone. [LB893]

THOMAS WESTMAN: We don't buy from brokers. Brokers are people who buy from breeders and then they take the dogs and then they sell to pet stores. We buy directly from breeders. [LB893]

SENATOR BRASCH: Breeders, okay. And then you are... [LB893]

THOMAS WESTMAN: We are retail sales. [LB893]

SENATOR BRASCH: ...a different kind of pet store. [LB893]

THOMAS WESTMAN: Yeah, we're retail sales. [LB893]

SENATOR BRASCH: Retail sales? [LB893]

THOMAS WESTMAN: Exactly. [LB893]

SENATOR BRASCH: Okay, very good. Well, thank you for your time today, appreciate it. [LB893]

THOMAS WESTMAN: Thank you. Yep. [LB893]

SENATOR BRASCH: (Exhibits 12, 13) No other questions from the committee? Anyone else here in opposition? Is there anyone here to testify neutral? Oh, and we have two letters in opposition: One from Savonne Caughey, Pet industry Joint Advisory Council; and Jennifer Clark from the American Kennel Club. Those are two letters in opposition. Anyone here in the neutral? No letters in the neutral. Senator Wishart, would you like to come close? [LB893]

SENATOR WISHART: Well, thank you everyone for staying late today. I thought this was a good hearing. I'm willing to recognize when a piece of legislation I introduce needs work. I thought the testimony was very compelling about concerns around rescue animals, which is something I hope this Legislature can look into more. But what I did also hear was there was pretty much uniform support for transparency. We heard today from the good breeders and the good pet stores. Frankly, I think it would be hard for a lot of...I don't think we'd hear from a lot of the bad breeders, I don't think they'd come here to testify. Again, my concern is that when

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you're going in to purchase an animal, a dog or a cat, that you have the ability to know where they came from. And it sounds to me like it's something we should work on in the rescue area as well. But specific to this bill, I really would like to move forward with this committee and with those that testified today in working on an amendment that would add some transparency. And I'd be happy to take any more questions. [LB893]

SENATOR BRASCH: Any questions from the committee. Senator Lowe. [LB893]

SENATOR LOWE: Thank you for bringing the bill and starting this discussion. I think that's very important and it's a great leap forward. [LB893]

SENATOR WISHART: Thank you. And in terms of inspections, I would be happy to look into that, too, over the summer. Unfortunately, this bill doesn't really address that statute. But, again, whatever this committee is looking to do, I'd love to work with you on that as well. [LB893]

SENATOR BRASCH: Any other questions from the committee? Seeing there are none, thank you, Senator Wishart. And that will close the hearing today on LB893. Thank you, everyone. [LB893]