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Agriculture Committee  
January 16, 2007

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[LB12 LB25]

The Committee on Agriculture met at 1:30 p.m. on Wednesday, January 16, 2007, in Room 1524 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB25 and LB12. Senators present: Philip Erdman, Chairperson; Annette Dubas, Vice Chairperson; Ernie Chambers; Merton "Cap" Dierks; Russ Karpisek; Vickie McDonald; Don Preister; and Norman Wallman. Senators absent: None.

SENATOR ERDMAN: Good afternoon. Welcome to the Agriculture Committee. We will have a exciting day. And I know it's an issue that's important to a lot of you and we're grateful to be able to have the opportunity to schedule two similar ideas, for all of you that are interested in both, to be able to be here on the same day. My name is Philip Erdman. I'm the Chairman of the committee. I'm from Bayard, Nebraska. And I'd like to introduce to you the members of the Agriculture Committee and our staff who will be assisting us throughout this two-year session. To my far left is Senator Wallman. Senator Wallman is from Cortland. To his right, Senator Vickie McDonald. Vickie is from Saint Paul. Got to make sure I get that right because you have moved. [LB25]

SENATOR McDONALD: Two years ago. [LB25]

SENATOR ERDMAN: Two years ago, right, but you're a new member to our committee... [LB25]

SENATOR McDONALD: Oh, yes. [LB25]

SENATOR ERDMAN: ...and we welcome you. Next to Senator McDonald is Senator Karpisek from Wilber. The Vice Chair of our committee is Senator Dubas. She is from Fullerton. To my immediate left is Rick Leonard, our research analyst for the committee; and to my right, immediate right, is Senator Cap Dierks from Ewing, Nebraska; to his right, Senator Don Preister from Omaha; and Senator Chambers from Omaha will be joining us later this afternoon, we hope. On the end of the table is our committee clerk, Linda Dicken; and next to her is the committee clerk for the General Affairs Committee, Nikki Trexel, and she'll be assisting today as we are undergoing some new technology for our committee hearing process. And so if you're a veteran to this process, it will be a little bit different and I'll briefly explain that. And as I do that, Senator Chambers is arriving. We'd like to ask that...oh, excuse me, the most important issue of the day--our pages are here to assist you in handing out any testimony you might have. We have two of them who are going to be with us this afternoon: Erin Frank, Erin is from Bassett, she is a environmental studies major from the University of Nebraska-Lincoln; and also Steve Scharf, Steve is from Lincoln, he's a political science major and has family that farms out in central Nebraska. And so we're glad to have them and they'll assist you in any way that they can. If you need something to drink, water or something like that, if

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you have information, again, that you need to have passed out, they'd be glad to assist you in that as well. One of the things we'd like to have you do is if you have a cell phone, to turn that off or to at least turn it on vibrate so that it doesn't make a noise and the transcribers will appreciate that greatly as they're making sure that they transcribe what you hear without hearing ringing in their ears for the rest of the time that you're testifying. If you'd like to testify on a bill, we have a number of opportunities for you to do that. There are sign-in sheets that are positioned at the back of the room. When you sign that, we need to make sure that you fill that out accurately because when we put that in, as the transcribers, that they know how to contact you in the event that they have questions, but most importantly that we get your name spelled correctly for the record. Any testimony that you give at the testifier's table will be transcribed. In the event that you're not comfortable testifying today--and we hope that you all feel comfortable--if you would like, there will be an opportunity for you to sign a sheet that states your position, whether you're for or against, and to state your name and address, and we'll make sure that that's added as an exhibit to our testimony as well. When you do come up to testify, we'd ask that you give your sign-in sheet to the committee clerk, to Linda, and that way she can type in your name as you have written it. And when you begin speaking, we're going to ask you to give your name, and then we ask you to say your name and spell it, and before you begin your testimony. We need to make sure that we get this information entered in correctly and then once we have done that, then we'll give you the okay to go ahead and begin with your testimony. So we don't want you just to rush up here and start in to what you have to say; we want to make sure that we get all the preliminary things taken care of, and then we'll give you the opportunity to testify as well. And I think, with that, oh, yes, most important--try not to show any vocal support or opposition to testifiers. I know. I know, it's exciting sometimes to be here at legislative hearings and to be able to share strongly held opinions, but we're going to make sure that we give you the opportunity to state your opinion, if you'd like, to the committee. We're going to try to do it in an orderly way and make sure that everyone feels welcomed here before the committee, regardless of what the issues are. And so that is our last bit of formalities. And the last thing is, is just relax. We're here to hear what you have to say. You're the most important part of our committee process and we're going to definitely go through this in a timely way, but make sure that you have every opportunity to share your opinions. With that, we will open the hearing on LB25. Senator Langemeier is here to introduce his bill. And we'll ask you to state your name, as well; make sure we get that correctly; and then we'll give you the go-ahead to proceed once we get that entered. [LB25]

SENATOR LANGEMEIER: My name first: Chris, C-h-r-i-s, Langemeier, L-a-n-g-e-m-e-i-e-r. [LB25]

SENATOR ERDMAN: Fantastic. And one of the things we'll do before I allow Senator Langemeier to open is we'll take pro...we'll take the introducer, then we'll take proponent testimony, then opponent testimony, and then anyone that may want to testify in a

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neutral capacity. And then, in Senator Langemeier's situation, since he is here to introduce the bill, he'll have an opportunity to close on the bill that's before us. Senator Langemeier. [LB25]

SENATOR LANGEMEIER: Good afternoon, Chairman Erdman and members of Agriculture Committee. Again, my name is Chris Langemeier, representing District 23. LB25 would require that hybrid animals, which is a product of breeding of a domestic animal, as defined in Section 71-4401 Revised State Statute of Nebraska, with a nondomesticated animal or a nondomesticated animal with an animal of a different species, variety, or breed, shall be vaccinated against rabies with a licensed vaccine determined scientifically to be reliable to prevent rabies in such hybrid animals. The rabies vaccine must be obtained and administered by a veterinarian licensed to practice veterinary medicine in the state of Nebraska. This bill in no way is intended to ban any particular breeds from the state of Nebraska in the intention. So thank you for the consideration of this legislation. I will have people that are going to testify behind us with some particular expertise in this issue, and I hope you look forward to their testimony. [LB25]

SENATOR ERDMAN: Thank you, Senator Langemeier. Any questions? I see none at this time. [LB25]

SENATOR LANGEMEIER: (Exhibit 1) I'm going to offer...I have a gentleman by the name of Larry Williams, D.M.V. (sic) from Lincoln, Nebraska, that asked me to enter testimony in a neutral capacity on his behalf. He could not be here. I would ask the pages to distribute that for the record. [LB25]

SENATOR ERDMAN: Very well. Thank you, sir. Do you have an order of who you would like to testify after you, or do they know the order that they're going to present? [LB25]

SENATOR LANGEMEIER: I would like Dr. Katz to testify, Senator. [LB25]

SENATOR ERDMAN: Okay. Very good. Again, if you'll state your name for us and then that way we can get that entered correctly into the record, and then once we get that done we'll give you the nod to go ahead. [LB25]

TANJA KATZ: Okay. I'm Dr. Tanja Katz; it's T-a-n-j-a K-a-t-z. [LB25]

SENATOR ERDMAN: Okay, Dr. Katz, please proceed. [LB25]

TANJA KATZ: (Exhibit 2) Thank you all for letting me be here to do this. I am the lead veterinarian at the Nebraska Humane Society, and a graduate of Kansas State College of Veterinary Medicine. I worked in private practice at All Creatures Veterinary Clinic in

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Omaha, Nebraska, for the past four years, and at the Nebraska Humane Society for the past six years. The Nebraska Humane Society provides care to over 25,000 animals annually, and is one of the largest shelters in the country. As lead veterinarian, I am responsible for the health and the welfare of all of these animals. My major focus is on the animal's welfare and, of course, on public safety. We are regularly called to other jurisdictions in Nebraska and Iowa to provide expertise and support. In the past ten years, I, personally, have been asked to testify as an expert witness in cases involving companion animals, including rabies issues. I have testified in two cruelty cases involving wolf hybrids--one in Nebraska and one in Iowa--in which 60 to 70 wolf hybrids were seized. Most of these hybrids had to be euthanized for health problems, due to lack of care, and also for behavior problems. The behavior problems with hybrids include aggression. This is often the dog portion of the hybrid, not the wolf. What is even more sad to me, however, is when the hybrid is more wolf-like than dog. These animals, they look more like wolves a lot of the time. The more wolf-like the hybrids have, the higher the prey drive they have. They are extremely fearful and are almost always kept outside because of their inability to be house-trained. Because of these reasons, wolf hybrids should not be kept as pets. The American Veterinary Medical Association, the Council of State and Territorial Epidemiologists, the National Animal Control Association, and the American Public Health Association all comprise what's called the Compendium of Animal Rabies Prevention and Control, and I gave you all the compendium if you wanted to look at that. In 2006 they stated: Since no rabies vaccinations are licensed and used for wild animals or hybrids, wild animals or hybrids should not be kept as pets. In addition, the American Veterinary Medical Association has the position statement that strongly opposes keeping as pets hybrids of wild canines crossbred with domestic animals. The American Veterinary Medical Association believes that all commercial traffic of these animals for such purpose should also be prohibited. Furthermore, the American Veterinary Medical Association Professional Liability Insurance Trust, which is the liability insurance for veterinarians, will not cover claims brought forth by veterinarians involved in dealing with vaccinating these wolf hybrids. In conclusion, for the safety of the public at large...the safety of the public at large is in jeopardy, as well as the well-being of these animals, so I ask you to pass LB25. [LB25]

SENATOR ERDMAN: Dr. Katz. Are there any questions? [LB25]

SENATOR DIERKS: I will. [LB25]

SENATOR ERDMAN: Senator Dierks. [LB25]

SENATOR DIERKS: Dr. Katz, did you see the amendment that Dr. Williams presented? [LB25]

TANJA KATZ: Yes, I did. [LB25]

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SENATOR DIERKS: And you think that's a satisfactory amendment? [LB25]

TANJA KATZ: Sorry. Which Dr. Williams? The one that had the neutral...? [LB25]

SENATOR DIERKS: Dr. Larry Williams. [LB25]

TANJA KATZ: Proponent. [LB25]

SENATOR DIERKS: Former state veterinarian. [LB25]

TANJA KATZ: I read his and, yes, he...and he quotes the compendium as well. [LB25]

SENATOR DIERKS: Because I had some concerns myself. I didn't...I wasn't aware that there was a vaccine available for hybrid animals that would work, far as rabies is concerned. [LB25]

TANJA KATZ: There is not. [LB25]

SENATOR DIERKS: So we need to redefine what is a nondomestic in this legislation. Is that right? [LB25]

TANJA KATZ: I believe it's...it says a nondomestic dog... [LB25]

SENATOR DIERKS: Yeah. [LB25]

TANJA KATZ: ...or cat, so it doesn't go into livestock or anything like that. [LB25]

SENATOR DIERKS: Yeah, but I think that...I think on page 2, the new language, if you get down there to number...section (5), it says: Hybrid animal means any animal which is the product of the breeding of a (a) domestic animal with a nondomestic animal or (b) a nondomestic animal with an animal of a different species, variety, or breed. I really think that section...that (b) part ought to be stricken from the...from the language in the...in this bill. I don't think that we just...there's no way that you can...that you can...you can vaccinate nondomestic animals with a different species successfully. It just doesn't work. [LB25]

TANJA KATZ: Correct. You can't. You cannot vaccinate the hybrids. [LB25]

SENATOR DIERKS: And I think that's what Senator...what Dr. Williams was intending when he brought this to us. He didn't actually specify that part (b), but I think that's what he was...what he had reference to. No more questions. Thank you. [LB25]

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SENATOR ERDMAN: Thank you, Senator Dierks. Senator Chambers. [LB25]

SENATOR CHAMBERS: Doctor, thank you for your testimony and the work that you're doing. In case I misunderstood what is going on, I have to ask this question. If there's a requirement that a certain type of vaccine must be used on these hybrid animals but that type of vaccine is not available, then these hybrid animals could not legally be possessed. Okay. [LB25]

TANJA KATZ: Correct. [LB25]

SENATOR CHAMBERS: Thank you. [LB25]

TANJA KATZ: Correct. [LB25]

SENATOR ERDMAN: Thank you, Senator Chambers. Any further questions? Senator Karpisek. [LB25]

SENATOR KARPISEK: Dr. Katz, is there any form of the crossbreeding, like a 10 percent crossbreed, that would be "vaccinatable"? [LB25]

TANJA KATZ: No. If you know that there's a crossbreed back five generations, is what I found in the literature, is five generations back it's considered a wolf hybrid. [LB25]

SENATOR KARPISEK: Thank you. [LB25]

SENATOR ERDMAN: Thank you, Senator Karpisek. Any further questions for Dr. Katz? Senator McDonald. [LB25]

SENATOR McDONALD: And so does the vaccine not work? Does it...I mean, what happens when you vaccinate them? It just doesn't... [LB25]

TANJA KATZ: That's a great question. Nobody knows if it works, is the problem. There have been no studies that show that the rabies vaccination actually does work. People sometimes vaccinate them to try to protect the animal from getting rabies, but that should in no way--and the compendium on rabies and prevention control goes into this--that should in no way be there when you're dealing with public safety. We just can't trust it. We haven't done the studies. [LB25]

SENATOR ERDMAN: Thank you, Senator McDonald. Any further questions for Dr. Katz? I see none. Thank you for your testimony today. [LB25]

TANJA KATZ: Thank you very much. [LB25]

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SENATOR ERDMAN: Next testifier in support of LB25. Is there anyone else wishing to testify in support? Come on up. Can I see a show of hands of others that would wish to testify on LB25, whether for, against, or neutral? I see one. Okay. Yes, and if you would fill out your sheet ahead of time, that would assist us in our recordkeeping as well. Again, if you'll state your name for us, then we can get it entered into the record and then we'll ask you to proceed after. [LB25]

SCOTT TINGELHOFF: Scott Tingelhoff. It's Scott, and then Tingelhoff, T-i-n-g-e-l-h-o-f-f. [LB25]

SENATOR ERDMAN: Okay, Scott, hold on a second here. We'll get that entered. For those of you following along at home, what we have is a new technology that we're using to transcribe our hearings, and by entering the information up front, it cuts down on the time of the transcribers, as well as making sure that it's as accurate as possible. So it's designed to streamline our process. We're, obviously, the first day of committees that have used this new system and so it takes a little bit of time for us to get up to speed and to get aware of how the system works. So we appreciate your patience today and we're going to do our best to make this work. Are we ready? Okay, Scott, go ahead. [LB25]

SCOTT TINGELHOFF: I'd like to thank all the senators for giving me the opportunity to speak today. I am the Saunders County Attorney, and I also represent the village of Malmo, and the reason I got brought into this situation, I guess, is in representing the village of Malmo, we currently have an ordinance that basically, in order to protect the citizens, requires rabies shots to be part of the licensing process for dogs. And we had a couple that moved into the village that had the wolf-dog hybrids and the question came up...and part of the ordinance is that they have effective vaccinations. Well, their argument is, is "effective" means for the next year, and the village's position is, hey, this is here to protect the citizens of the village; we mean "effective" meaning that it works. And we've had gone to district court about this matter. We haven't got a ruling from the district court judge, but some of the issues that have been brought up is, what does "effective" mean; is this a dog, and if it's not a dog does your ordinance even cover it? Well, there the individuals that owned the hybrids have talked about, well, that they would just move out in the county. Why, I'm also the county attorney. And then we have citizens that are saying if they're not safe in Malmo, how can they be safe in Saunders County? And we have the same concerns about being able to be protected from the rabies vaccination. I have spoke with the Kansas State Veterinary Lab and I've done a lot of discussions with the Nebraska Humane Society, and what I have discovered is that there is no current proven vaccination for the wolf-dog hybrids, although there may be one that could be developed if someone wanted to go through the time and trouble of doing the scientific testing in order to get something approved. So right now we have a situation where we have an animal that could bite a human and would be unable to be protected with a vaccination that is currently offered. So we are looking. I guess I had

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contacted Senator Langemeier, asked him for some assistance, because it's an expensive process for especially the villages that are retaining counsel and they're retaining experts on an hourly basis, and it's just something that they can't afford to do again, let alone just having one case. [LB25]

SENATOR ERDMAN: Okay. Thank you, Scott. Any questions? I have a, I guess, a question just relating to LB25. The issue that seems to be at hand with your village board is the issue of "effective" and what that means. As I read the language, the standard is, is that the vaccine has to be scientifically reliable, which would be somewhat different than what your challenge is. Is that accurate? [LB25]

SCOTT TINGELHOFF: That would be a little bit different. And that's what we would be seeking, is something that would rely on something that's scientifically reliable. [LB25]

SENATOR ERDMAN: Okay. Very good. Are there any further questions for Scott? I see none. Thank you for your testimony. [LB25]

SCOTT TINGELHOFF: Thank you. [LB25]

SENATOR ERDMAN: Is there anyone else wishing to testify as a proponent of LB25? Okay. Come on forward. Go and hand your sheet over to our committee clerk, Linda. And we'll ask you to go ahead and state your name for us. [LB25]

LISA ZENTZ: Lisa Zentz, Z-e-n-t-z. [LB25]

SENATOR ERDMAN: And Lisa is spelled L-i-s-a, is that correct? [LB25]

LISA ZENTZ: Correct. [LB25]

SENATOR ERDMAN: Okay. Okay, Lisa, go ahead. [LB25]

LISA ZENTZ: I actually hadn't intended to testify. I thought the way this was written was appropriate. You know, I've been in animal welfare, both at the state level, national level, and international, for about 30 years. What brought me to the podium today was actually Senator Dierks' comment, to make a differentiation between domestic dogs and other animals within the state. I believe that if it is in the interest of public safety, that this should be considered as it was originally written and not make a distinction between, quote, unquote, companion animals, as we typically don't within the state, and those other animals that could be crossbred with nondomestic animals. I think this should be considered as originally written and not amended to make that distinction. I the issue, in fact, is public safety, what would the difference be? [LB25]

SENATOR ERDMAN: Okay. Thank you, Lisa. Any questions for Lisa? Senator Dierks.



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[LB25]

SENATOR DIERKS: Well, I didn't...I didn't hear exactly everything you said, Lisa, but I think the purpose of the legislation was to provide protection for people by use of rabies of vaccine. [LB25]

LISA ZENTZ: Correct. [LB25]

SENATOR DIERKS: But rabies vaccine does not work in certain animals, or that we know that...we don't have proof that it does work. [LB25]

LISA ZENTZ: Correct. I agree. [LB25]

SENATOR DIERKS: And so the legislation should be clear that we are intending that these animals that are nondomestic. [LB25]

LISA ZENTZ: So perhaps...and I agree. I absolutely agree. [LB25]

SENATOR DIERKS: Okay. [LB25]

LISA ZENTZ: I absolutely agree. So the way it was originally written I believe is appropriate... [LB25]

SENATOR DIERKS: Okay. [LB25]

LISA ZENTZ: ...with, you know, no distinction for a particular breed or species of animal. [LB25]

SENATOR DIERKS: What they...as I read the legislation, if you go...do you have the bill? [LB25]

LISA ZENTZ: Yeah, I read it before I came. [LB25]

SENATOR DIERKS: Okay. Well, on page 2, line 18, it describes what a hybrid animal means... [LB25]

LISA ZENTZ: Uh-huh. [LB25]

SENATOR DIERKS: ...and the product of (a) a domestic...breeding of a domestic animal with a nondomestic or (b) a nondomestic animal with an animal of different species. [LB25]

LISA ZENTZ: Correct. And I think what you said earlier, and I did not see Dr. Williams'

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proposed amendment,... [LB25]

SENATOR DIERKS: Uh-huh. [LB25]

LISA ZENTZ: ...that was the one that I took issue with. [LB25]

SENATOR DIERKS: Okay. Well, I...I didn't even see it. Does he have an amendment here? I think he just has a position. [LB25]

LISA ZENTZ: Okay. [LB25]

SENATOR DIERKS: And he actually also states the position of the American Veterinary Medical Association, which... [LB25]

LISA ZENTZ: I understand that. I'm very familiar with it. [LB25]

SENATOR DIERKS: ...which Dr. Katz also talked about. [LB25]

LISA ZENTZ: I agree. [LB25]

SENATOR DIERKS: Yeah. I think we're on the same page. We just aren't...got the (inaudible). [LB25]

LISA ZENTZ: I just want to make sure. (Inaudible) why I'm here. [LB25]

SENATOR ERDMAN: Great. Thank you, Senator Dierks. [LB25]

LISA ZENTZ: Thanks. [LB25]

SENATOR ERDMAN: Hold on, Lisa. Any further questions? Sorry to bring you back there just to make sure. I think you're good. Thank you for your testimony. [LB25]

LISA ZENTZ: Thanks. [LB25]

SENATOR ERDMAN: Anyone else wishing to testify in support of LB25? I see none. Is there anyone wishing to testify in opposition to LB25? I see none. Anyone in a neutral capacity? And I see none there. Senator Langemeier, you're recognized to close. [LB25]

SENATOR LANGEMEIER: Thank you, Chairman Erdman. I just want to address one thing and that relates back to Senator Chambers' question. As the introducer of this bill, I am aware there is no vaccine available for hybrid animals, although I did not want to take the position of coming here today and introducing a bill that would ban a particular breed. I don't want to see that expanded out to a fear of a breed that we want to get out

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there. I think for public safety, rabies has been an issue for us in dogs. I'd like to see that carried over into hybrid animals. Unfortunately, that availability of the vaccine, it's not available, but hopefully in time it will be and then that could be addressed at that time. That's all I have. Thank you. [LB25]

SENATOR ERDMAN: Okay. Thank you, Senator Langemeier. Any further questions? I see none. With that, we'll close the hearing on LB25. [LB25]

SENATOR LANGEMEIER: Thank you. [LB25]

SENATOR ERDMAN: Thank you, sir. We will now begin the hearing on LB12. It's my understanding that a representative from Senator Mines' office will be joining us to present the legislation. Can I quickly see a show of hands of those who would like to testify on LB12? Two, four, six, seven, I see seven. Okay. And again, we'll use the same procedures in practice on the bill before us as we did on LB25. And, Steph, we'll make you say your name and then we'll... [LB12]

STEPHANIE CUDE: Yeah. My name is Stephanie Cude, and that's S-t-e-p-h-a-n-i-e and the last name is C-u-d-e. [LB12]

SENATOR ERDMAN: Okay. Hold on one second, we'll get that in. Are we ready? Okay, you're recognized to open on LB12. [LB12]

STEPHANIE CUDE: (Exhibits 3, 4) All right. As I mentioned, my name is Stephanie Cude and I'm the legislative aide for Senator Mick Mines, who represents District 18, and I'd like to begin today by expressing Senator Mines' regret that he could not be here to introduce this important piece of legislation, LB12, which would change the Commercial Dog and Cat Operator Inspection Act. If I could give you a little bit of background on the topic of puppy mills, approximately \$500,000 puppies per year are bred in puppy mills--facilities known for their filthy, overcrowded conditions and the unhealthy animals they produce. Each of the 4,000 to 5,000 puppy mills in the U.S., most of which are located in the Midwest, houses between 75 to 150 breeding animals. In these mills, dogs are bred solely for profit with no concern for their physical health and psychological well-being. Most are diseased-ridden. All are force-bred continuously. Before I go any further, I'd like to state that we are very aware that not all commercial breeders are puppy mills; however, we believe the changes to be made by this legislation would go a long way to eliminating puppy mills in Nebraska, which in turn would lend legitimacy to those reputable breeders in the state. Here is exactly what the bill would do. First, it would allow for flat license fees for those licensees that do not serve cats or dogs. The need for this change was brought to us by those individuals that own pet stores that sell only fish or birds, as well as from the Department of Agriculture, who had received many complaints from these individuals as well. Last year's legislation created a sliding scale to be set by the department based upon number of animals

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served by a facility. It had the unintended consequence of raising fees for individuals that serve no cats or dogs. This change would rectify that problem and allow for the department to set a flat fee for those licensees that do not serve dogs or cats. The second change would be to require the Department of Agriculture to conduct preinspections of facilities applying for a license, as well as annual inspections of licensed facilities. Currently, there's no requirement for such inspections and, due to such limited staff, facilities are inspected on a complaint-only basis. Under the law as it stands today, all that a facility has to do to become licensed is submit the application and pay the fee. There is no inspection of their facilities to determine whether they are in compliance with the Commercial Dog and Cat Operator Inspection Act. What this means is that there are likely facilities out there that could accurately be described as puppy mills that are actually licensed facilities here in Nebraska. I also have an amendment here to hand out to the committee that would clarify that an inspection is a requirement for licensure. The language of the bill now discusses licensing in one section and then does not discuss the requirement for an inspection until later. This amendment would reference that later section as a prerequisite for licensure. It doesn't really change anything. It just clears things up. The third change that the bill would make to the act would be to allow the department to administer administrative fines, up to \$5,000, in the event that they discover violations of the act. This change was requested by the Department of Agriculture so that they can better enforce the act. Currently, the only course of action for an inspector when they find a facility in violation of the act is to have a hearing to revoke their license. A monetary penalty would help deter individuals from breaking these rules. The final and most important part of this legislation is to appropriate \$411,559 from the General Fund, and \$127,000 Cash Funds for fiscal year 2007 to 2008 to the Department of Agriculture to carry out this act. I have another handout, sorry, that would show a breakdown of how these numbers were arrived at. As you can see, these funds would be used by the department...well, as you'll be able to see (laugh) when you get the handout...the funds would be used by the department to add four additional inspectors under the act and one veterinarian to better administer this program, as well as fund the support staff that these additional individuals would require. We consulted with the Department of Agriculture in arriving at these numbers. We basically kind of told them what sort of program we were looking for and they told us how much that would cost. At this time, as you may know, Nebraska has only one inspector for the 700 kennels, pet stores, and shelters that are licensed under this act. To give you an idea of how this compares to surrounding states, Kansas and Iowa each have between 6 and 8 inspectors, and Missouri has 12. With this bill, Nebraska would now have 12...would now have 5, excuse me, and that would equal roughly...would break down to roughly 140 facilities per inspector. The addition of these inspectors would allow for the annual inspections and preinspections that are so critical to this legislation. Senator Mines wanted me to point out that our office was contacted by the Breeders Association regarding some changes they'd like to see to the act, but these changes don't involve sections of the act that this bill actually involves. It's the sections of the act that we didn't change at all. And so just to clarify, in case some of

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these things come up later, it...the bill doesn't change who can conduct inspections and it doesn't change...doesn't make any other changes to the act regarding the impounding of animals. Following me today are Judy Varner from the Nebraska Humane Society in Omaha, as well as Bob Downey from the Capital Humane Society here in Lincoln, as well as several other animal welfare individuals, so they can provide additional information on the bill and can answer any questions that you might have. That being said, thank you very much and I encourage your support of LB12. [LB12]

SENATOR ERDMAN: Thank you, Stephanie. And as the Rules of the Legislature, we will not ask you any questions... [LB12]

STEPHANIE CUDE: Thank you. (Laugh) I appreciate that greatly. [LB12]

SENATOR ERDMAN: ...so you can tell your boss he dodged the questions, because I'm sure we would have asked him some. But thank you for your testimony. [LB12]

STEPHANIE CUDE: Thank you. [LB12]

SENATOR ERDMAN: With that, we will proceed to the first proponent, and it's my understanding that Ms. Varner will be that individual. And if you'll hand your sheet to Linda, we will enter your information and we will go ahead and ask you to state your name into the microphone for the record. [LB12]

JUDY VARNER: Judy Varner, J-u-d-y V-a-r-n-e-r. I'm with the Nebraska Humane Society. [LB12]

SENATOR ERDMAN: Okay. Hold on a second, Judy. Let's get that entered. Okay. [LB12]

JUDY VARNER: Ready? [LB12]

SENATOR ERDMAN: You're recognized to open. [LB12]

JUDY VARNER: (Exhibit 5) My name is Judy Varner, president and CEO of the Nebraska Humane Society. I would like to take this opportunity to thank the committee for allowing me to testify and for considering this very important and long overdue piece of legislation. Our shelter is one of the largest in the country. We are not an animal rights organization, but rather focus on animal welfare and public safety. We provide care for over 25,000 animals. We also provide animal control services to Omaha, Douglas County, and Sarpy County. We are regularly called on to other jurisdictions in Nebraska and Iowa to provide expertise and support. Again, as Stephanie said, it's important to remember that LB12 does not really change the Commercial Dog and Cat Inspection Act as far as dogs and cats are concerned. It only requires inspections.

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Inspections are just good sense and make good business. Right now, under the Commercial Dog and Cat Operator Inspection Act, Nebraska has over 700 licensed facilities with one inspector. LB12 will add four additional inspectors, still less than our neighboring states. It will help end the horror of puppy mills. A puppy mill is not a commercial kennel. A commercial kennel is run by a professional who does the best they can for the dogs in their care. A well-run kennel welcomes inspections. A puppy miller is someone who has no compassion for animals; someone who allows dogs, puppies, cats, and kittens to live in crowded, filthy, unimaginable conditions. I've included two pages of pictures of some of Nebraska's finest. These were actually commercial kennels that were referred to us. We received calls of complaint because they were not in our jurisdiction. We sent them on to the State Department of Ag. I only wish they had been in our jurisdiction. Currently, inspectors are completely complaint driven, or the inspector is completely complaint driven. The only way for complaints about puppy mills to be generated is for someone to visit and file the complaint. A major problem is the increased buying of puppies over the Internet, and I've included in your packet a page of just one of the many web sites from which you can buy puppies. A major problem with that is that fewer people are visiting the kennels. It's been said that these puppy mills are shutting the window, shutting the doors, and pumping out puppies with no regard for the animals, and no one is there to see any of it. An almost total lack of inspections makes Nebraska a haven for puppy mills. It might be argued that kennels are already inspected--not so for many of them. The United States Department of Agriculture license and inspects only the kennels that sell puppies to brokers. They currently inspect 200 of the over 400 kennels licensed in Nebraska. Unscrupulous breeders are dropping their USDA license so they can...because they can make as much money selling puppies over the Internet and they don't risk inspections. You might also hear that the American Kennel Club inspects kennels. Trust me, because we've called them and asked for it, that does not happen very often. Currently, the Commercial Dog and Cat Operator Inspection Act is funded solely through fees collected. It's time for Nebraska to follow the lead of the other Midwest states, and frankly, most of the other states in the country, and support this program through General Funds as well as fees. LB12 is not a Cadillac program. It is a basic program. Not enacting it is a continued embarrassment to the state of Nebraska. A few years ago I received a phone call from a reporter in San Francisco who was writing a story on puppies sold at pet shops. He called to ask why so many came from Nebraska, and why almost all of them were sick. I wanted to tell him the truth, that there's virtually no enforcement here, that people who want to make a quick buck on dogs can come here and do it without spending much money and that the leadership of Nebraska has not done very much about it. Listen to the people of this state. Many of them have been calling and e-mailing. They are very concerned. There is more consensus on the fact that dogs and cats deserve to have their basic needs met than any other issue you will discuss this session. This belief crosses all boundaries--socioeconomic, racial, and geographic. The people of Nebraska are asking you to please shut down puppy mills, please stop the suffering, and please support the passage of LB12. [LB12]

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SENATOR ERDMAN: Thank you, Judy. Are there any questions for Ms. Varner?  
Senator Dierks. [LB12]

SENATOR DIERKS: Judy, thanks for your efforts on behalf of Humane Society and animal welfare in the state. I should ask you to tell me a little bit about what happened here between the introduction of this...of our bill in 2001 and now. Why didn't it work, or what happened? [LB12]

JUDY VARNER: Well, Senator Dierks, I'm glad that you asked that question. You may not be aware of the fact that Senator Dierks introduced this piece of legislation in 1992,... [LB12]

SENATOR DIERKS: Ninety-two. [LB12]

JUDY VARNER: ...the Commercial Dog and Cat Inspection Act, and it failed. It finally got passed in 2001, but it was extremely watered down, extremely watered down. There was never any financial support allocated. It had to be based on fees. Frankly, Senator, we've had to fight to keep it alive at all because at one point it was taken out because of finances, even though it was fee structured completely. [LB12]

SENATOR DIERKS: Well, I remember that particular issue, because I think Senator Chambers put it back in. [LB12]

JUDY VARNER: Yes. Yes. So it's been a struggle to keep it. And the problem is, as you can see from the pictures, it's continuing to grow and increase. I ask...I looked through the web site that you have, looked up the dogs and then called the Department of Ag to see which ones were licensed and which ones were not. Of just that one web site, 32 kennels are not licensed in the state of Nebraska. We think that the 700 that we inspect now or that the state inspects now is just the tip of the iceberg. [LB12]

SENATOR DIERKS: What...in the original bill, the one that finally got passed in 2001, what was the fiscal note on that? Do you remember? Is it...what did we provide for in the way of money for... [LB12]

JUDY VARNER: None. [LB12]

SENATOR DIERKS: ...for inspectors? [LB12]

JUDY VARNER: From the General Fund, none. [LB12]

SENATOR DIERKS: And how many inspectors were involved with that legislation?  
[LB12]

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JUDY VARNER: One. [LB12]

SENATOR DIERKS: Just one. [LB12]

JUDY VARNER: That's all we've ever had. And we lost a great inspector because he has to walk away from situations that are unimaginable, because he's one person for 700 kennels...or shelter... [LB12]

SENATOR DIERKS: So how is the...how is the...what funded that one? [LB12]

JUDY VARNER: Fees. Fees. The license fees, the... [LB12]

SENATOR DIERKS: Licensing fees. [LB12]

JUDY VARNER: Uh-huh. And we also...then we expanded it to include shelters. Shelters, boarding kennels, animal control agencies, breeders, and dealers are all licensed. And actually the reason that we had the, last year, two years ago, the bill with pet shops that didn't necessarily sell dogs and cats was to try to increase funding. Well, that backfired, because if a store had 300 fish they were considered...they were charged the maximum fee. [LB12]

SENATOR DIERKS: It seemed like that that bill in '92, or '93 or '94, whenever that was, did...we tried to get a tax... [LB12]

JUDY VARNER: Yes, on dog and cat food. [LB12]

SENATOR DIERKS: ...on dog and cat food and that didn't work. [LB12]

JUDY VARNER: Yes. [LB12]

SENATOR DIERKS: We had a lot of complaints about that. [LB12]

JUDY VARNER: Yes. [LB12]

SENATOR DIERKS: And looked for a different method to do it. So now how much of the salary of these four other inspectors...are you asking for four or five? [LB12]

JUDY VARNER: Four. [LB12]

SENATOR DIERKS: Four. [LB12]

JUDY VARNER: Four, plus I think you have the fiscal note that Stephanie gave you.



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[LB12]

SENATOR DIERKS: Yeah. I saw it. [LB12]

JUDY VARNER: Four inspectors to add to the one that we have, plus a program specialist which would supervise it, and a field officer who would also be a veterinarian. [LB12]

SENATOR DIERKS: Okay, and that... [LB12]

JUDY VARNER: You really need to have a veterinarian trained in this to... [LB12]

SENATOR DIERKS: But the funding is going to all come from General Fund, or is there going to be some funding come through the licensing? [LB12]

JUDY VARNER: There would still be funding coming from the licensing. As I understand it, generally there...right now there's a little over \$100,000 generated through licensing... [LB12]

SENATOR DIERKS: Okay. [LB12]

JUDY VARNER: ...and that would stay, so that I believe the proposed new is about \$438,000. Does that jive with your figures? [LB12]

SENATOR ERDMAN: I'm sorry, Judy, can you repeat that one more time? [LB12]

JUDY VARNER: I think that the proposed new is about \$438,000. [LB12]

SENATOR DIERKS: \$538,000. [LB12]

SENATOR McDONALD: Five. \$538,000. [LB12]

JUDY VARNER: \$538,000. [LB12]

SENATOR DIERKS: Yeah. [LB12]

SENATOR ERDMAN: Including the Cash Funds. [LB12]

JUDY VARNER: But that's the total and I think...I believe that includes what's currently raised through fees. [LB12]

SENATOR DIERKS: Yeah, they call it existing... [LB12]

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JUDY VARNER: Right. Yes. [LB12]

SENATOR DIERKS: ...or Cash Funds, I guess. [LB12]

JUDY VARNER: Right. So I believe what we're really asking from the General Fund is the \$438,000. [LB12]

SENATOR McDONALD: \$411,000. [LB12]

JUDY VARNER: \$411,000. [LB12]

SENATOR DUBAS: \$411,000. [LB12]

JUDY VARNER: Thank you. Oh, it went down. Good. \$411,000. (Laugh) [LB12]

SENATOR DIERKS: Thank you. [LB12]

SENATOR ERDMAN: Thank you, Senator Dierks. Any further questions for Judy? Judy, I have just a couple technical questions, I guess. And probably the first one is it's my understanding that you were part of the drafting of this bill... [LB12]

JUDY VARNER: Yes. [LB12]

SENATOR ERDMAN: ...and so you probably have a pretty good understanding of where you'd like to go. And the first question I guess I have is, is that as you read the bill, there's an intent to fund \$411,000, and then \$127,000 in Cash Funds, but as I read that, that's only a one-time appropriation. Is it your desire that that funding be an ongoing... [LB12]

JUDY VARNER: Yes. [LB12]

SENATOR ERDMAN: Okay. I thought that was the case, but we wanted to... [LB12]

JUDY VARNER: Yes. [LB12]

SENATOR ERDMAN: ...make sure that... [LB12]

JUDY VARNER: Thank you. [LB12]

SENATOR ERDMAN: ...that we were clear. [LB12]

JUDY VARNER: Please. Yeah. [LB12]

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SENATOR ERDMAN: Another...another... [LB12]

JUDY VARNER: Yeah, they'll all move back to the state. [LB12]

SENATOR ERDMAN: Another technical question is just on the actual amount that is authorized for Cash Funds, and I believe that that number is actually lower than what they're currently authorized under last year's mainline appropriations bill. And so I just wanted you to be aware that there may need to be some... [LB12]

JUDY VARNER: But how much? Because I think that would pick up the pet stores, like the Wal-Marts and the stores like that, that have the feeder fish. [LB12]

SENATOR ERDMAN: Okay. I don't have the exact numbers. I just... [LB12]

JUDY VARNER: I don't think it was much. [LB12]

SENATOR ERDMAN: Okay. [LB12]

JUDY VARNER: I think, too, it could be anticipated that as the inspectors go out and as they find these other kennels, which they will, that more fees will be generated. [LB12]

SENATOR ERDMAN: Okay. Another question I guess I have is that we heard testimony from Stephanie, and you mentioned it as well, that a number of other states around us have more inspectors. Do you know, roughly, the number of facilities that they have to inspect as far as proportionality? I mean, are we talking... [LB12]

JUDY VARNER: I know that...I know the feds from the USDA have 120. That's the maximum they can have. We'll have 140. Missouri has more. I don't know Kansas and Iowa. The problem we have in Nebraska is, because we are so far behind the eightball, all of the 700, including our shelter, are going to have to be inspected. It's going to take quite awhile to catch up with the backlog of what we currently have, and by that time our inspectors are probably going to be closer to the 275 range. So we'll be pretty comparable. [LB12]

SENATOR ERDMAN: Okay. I guess the last question that I have is just one of education, probably for me. Your testimony talks that a puppy mill is not a commercial kennel, and you referenced the number of facilities that have dropped their licensure to get under the potential licensure issues now. How does this work under LB12 that's difference than now, in the event that an entity is not licensed as a commercial breeder? It's my understanding that it's complaint driven as well; that in the event that you hear of an individual that's operating a facility that may create an environment that's unsafe for the animals and is unacceptable, is it still the same process and the value then is that you have more inspectors? Or is it your understanding that the language before us

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allows the department to go out and find these on their own? [LB12]

JUDY VARNER: My understanding, and our intent in the drafting of the bill, was that we would have enough inspectors to divide the state in sections so that the inspectors could get to know the state, could get to know their areas. They would go out and inspect all of the currently licensed and also be visiting web sites, be talking to people, getting to know people and finding out. I think there won't be a problem with more kennels surfacing. [LB12]

SENATOR ERDMAN: Okay. [LB12]

JUDY VARNER: But I think that that...that the whole issue between puppy mills and commercial kennel is an important differentiation to make. The pictures you have before you are puppy mills and you can see, from looking at them, they're completely and totally unacceptable. Commercial kennels are a far cry from what you've...the pictures you have in front of you. [LB12]

SENATOR ERDMAN: I agree. I've visited some commercial kennels and they're nicer than the house I live in, so... [LB12]

JUDY VARNER: Right. Exactly. [LB12]

SENATOR ERDMAN: ...(laugh) I would hope that would be the standard. Okay. [LB12]

JUDY VARNER: Exactly. [LB12]

SENATOR ERDMAN: Are there any further questions for...? Senator Karpisek. [LB12]

SENATOR KARPISEK: When we find these puppy mills that aren't licensed, is there some sort of a fine that we can hit them with and bring them into compliance, that would help for the fiscal? [LB12]

JUDY VARNER: My understanding is that...because there is the \$5,000 administrative fine, but my understanding is that that goes into some magic pot of money that does not belong to this program. I think the way the state operates, it goes into an administrative fund or something. [LB12]

SENATOR KARPISEK: Back in to General Fund? [LB12]

SENATOR ERDMAN: The senior member would probably be more capable of answering that, but fines and certain things that are levied as a result of those actions are generally into a fund that I believe are distributed to the schools. [LB12]

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JUDY VARNER: Right. [LB12]

SENATOR ERDMAN: And so that's a... [LB12]

JUDY VARNER: I think that's exactly right. [LB12]

SENATOR ERDMAN: ...that's a limitation of the constitution. [LB12]

JUDY VARNER: Right. Now if you want to change the constitution, we would support that. (Laughter) [LB12]

SENATOR ERDMAN: You'll probably have to get in line behind those that are actually receiving those fees, but... [LB12]

SENATOR KARPSEK: Not on my tenth day, thank you...ninth day. (Laughter) Oh, I'll leave that one to the more senior members also. [LB12]

SENATOR ERDMAN: Thank you, Senator Karpisek. Any further questions for Ms. Varner? I see none. Thank you for your testimony. [LB12]

JUDY VARNER: If you have any questions, please let me know. I think this is desperately, desperately needed. [LB12]

SENATOR ERDMAN: Okay. [LB12]

JUDY VARNER: Thank you. [LB12]

SENATOR ERDMAN: And just for the members of the committee, there should be a document that's been attached in your binders that outlines the status of the program under the Department of Agriculture's authority, and kind of gives you some of the numbers and ideas of their annual workload and how they allocate the funding. Our next testifier in support of LB12. [LB12]

ROBERT DOWNEY: Robert, R-o-b-e-r-t, Downey, D-o-w-n-e-y. [LB12]

SENATOR ERDMAN: All right, Robert, hold on a second. We'll get your name entered. Okay. You're ready to go. [LB12]

ROBERT DOWNEY: (Exhibit 6) Chairperson Erdman, distinguished members of the Ag Committee, thank you for the opportunity to speak with you this afternoon. There are three points I want to make in my testimony today. This bill would require that anyone seeking a license to operate under the Commercial Dog and Cat Operator Inspection Act go through a preinspection prior to the license being issued. There are any number

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of licenses that require the applicant to show certain levels of knowledge, ability to perform, or level of integrity. Examples would be a driver's license, a vehicle license, a liquor license, or any professional license that is issued by the state of Nebraska. This is a significant change from the current process of paying a fee and getting a license. The preinspection would be an opportunity to verify the applicant and the facility will meet the rules and regulations established for this program. Should the applicant rightfully be denied the license, it will have saved the Department of Ag time and money in the process, and saved animals from poor treatment and suffering. Second, this bill will require every licensee to be inspected at least annually. At this time licensees are only inspected upon receipt of complaint. An annual inspection provides incentive for the license holder to operate their facility at a level which meets all the requirements of the program. If the license holder is beginning to come close to no longer meeting the minimum requirements, it's an opportunity for the inspector to caution them, counsel them, and allow them to make changes or improvements needed to stay within compliance. Again, this is a less expensive act than having to go through the process of revoking a license and shutting down a facility. It does not matter if you run a humane society, a boarding kennel, a breeding facility, or a pet store. Sometimes a wake-up call can be helpful to you. This bill will provide the Department of Agriculture with the needed funding to operate the program in a preventative manner rather than a reactive manner. There are currently 700 license holders in the state and only one inspector. It is my understanding that the funds--and I think this has changed a little bit--but it was my understanding at the time, the funds would be used to add four more inspectors, a field veterinarian and a half-time attorney to the staff. The whole purpose of the program should be prevention, as the whole purpose of any law should be prevention--prevention of suffering by animals and prevention of costly legal proceedings to shutdown poor operators. I urge you to support and move forward with this landmark bill to upgrade the Commercial Dog and Cat Operator Inspection Act. [LB12]

SENATOR ERDMAN: Thank you, Robert. Any questions for Mr. Downey? Senator Dierks. [LB12]

SENATOR DIERKS: Good afternoon, Bob. How are you? [LB12]

ROBERT DOWNEY: I'm doing fine, Cap. And you? [LB12]

SENATOR DIERKS: It's good to see you again. [LB12]

ROBERT DOWNEY: Thank you, sir. [LB12]

SENATOR DIERKS: Why, I should have asked Judy Varner the question, so now I guess I'll...I remember now, the level of inspection. How many inspectors do we have in the state that are looking at kennels? [LB12]

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ROBERT DOWNEY: I believe the USDA might have one or two inspectors in this state, and the USDA, to my knowledge, continues to fall far short of what their mandate is in inspecting those kennels. When it comes to the state act, there is only one inspector in the state for all 700 licensees at this time and, again, the program is totally complaint driven. And if anybody wants to start breeding, wants to start up an animal shelter, wants to start up a pet store, all they have to do is pay the money, get a license, and then they can proceed without showing any capabilities of actually handling the task that they're about to undertake. [LB12]

SENATOR DIERKS: Do the breed associations or kennel clubs, do they do an inspection service? [LB12]

ROBERT DOWNEY: I believe at times the American Kennel Club has done inspections with some of the breeders that are AKC-licensed breeders in various states, but they don't inspect all breeders, no. [LB12]

SENATOR DIERKS: So federal, maybe some kennel club stuff, and then one at the state, that's... [LB12]

ROBERT DOWNEY: Correct. [LB12]

SENATOR DIERKS: Thank you. [LB12]

ROBERT DOWNEY: You're welcome. [LB12]

SENATOR ERDMAN: Thank you, Senator Dierks. Any more questions for Mr. Downey? I just have one... [LB12]

ROBERT DOWNEY: Yes. [LB12]

SENATOR ERDMAN: ...and maybe it's a point of clarification, I guess. In your testimony you talked about the opportunity to deny the applicant up front and to avoid the poor treatment and suffering. In the event that the department denies them that, they may still proceed in their plan to actually proceed in this environment where they would have poor treatment and suffering. Nothing prohibits that. It just prohibits them from becoming licensed. It does put them on the radar in the event that the department would be able to go back and inspect them again, but it's your understanding that there's nothing in the bill that would prohibit them from breeding cats or dogs. It just simply doesn't make them licensed. [LB12]

ROBERT DOWNEY: Doesn't make them licensed, but I think if they meet certain thresholds as far as the number of animals, so on and so forth, they are mandated to

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have a license... [LB12]

SENATOR ERDMAN: Sure. [LB12]

ROBERT DOWNEY: ...under this act and the state would have the authority to go in and shut them down if they don't obtain that license. [LB12]

SENATOR ERDMAN: Right. Very good. Any further questions? Senator Dierks. [LB12]

SENATOR DIERKS: I just recall, you brought that back a moment ago, Bob, what constitutes a facility that needs to be inspected, a breeding pair in the backyard, or how does that...? [LB12]

ROBERT DOWNEY: No, there are certain numbers that are specified in the act, or the rules and regulations related to the act, and I can't pull those numbers off the top of my head. I would have to actually go look at the act to do that, Cap. [LB12]

SENATOR DIERKS: Okay. Thank you. [LB12]

ROBERT DOWNEY: You're welcome. [LB12]

SENATOR ERDMAN: Thank you, Senator Dierks. Any further questions? I see none. Thank you for your testimony. [LB12]

ROBERT DOWNEY: Thank you. [LB12]

SENATOR ERDMAN: Next testifier in support of LB12. And again, can I quickly see a show of hands of those that wish to testify in either support, opposition, neutral? I see three. Okay. And again, we'll ask you to state your name for us and then we'll make sure it's entered correctly and... [LB12]

CAROL WHEELER: Yes. Carol Wheeler, C-a-r-o-l W-h-e-e-l-e-r. [LB12]

SENATOR ERDMAN: Thank you, Carol. Hold on one moment and we'll get you entered into the system. [LB12]

SENATOR CHAMBERS: And this has nothing to do with the hearing, but while that's being done, Ms. Wheeler, I wanted to tell you that Nicole is thriving and she has a better attendance record in the Capitol than most people who work here. (Laughter) [LB12]

CAROL WHEELER: That's wonderful. [LB12]

SENATOR ERDMAN: Okay, Carol, go ahead. [LB12]



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CAROL WHEELER: (Exhibit 7) My residence address is 1910 16th Street, Auburn, Nebraska. I am the founding director of Hearts United for Animals, a shelter sanctuary located south of Nebraska City. I am here to speak in favor of LB12. And I wish at this time to explain my terminology of "commercial breeder." By that, I have more in mind--volume, factory system breeding. Last month a sweet little Schnauzer came into rescue from a commercial breeder breeding kennel. The Schnauzer had frostbitten testicles. He is only one more sad reminder of the lack of enforcement of temperature control requirements of APHIS, which explicitly state: Dogs and cats that cannot tolerate prevalent temperatures of the area without stress or discomfort cannot be housed outside. The extremes of Nebraska winters and summers give animals in confinement the status of captives in a very cruel environment. We have taken many dogs with frostbitten extremities from commercial breeding kennels. Hearts United for Animals has rescued over 1,800 dogs from commercial breeding facilities in the last 11 years. Our connection with the kennels is through direct contract...contact, other rescues, and attendance at disbursement auctions. We have had direct access to Nebraska kennel facilities on occasions. HUA also has extensive experience with breeding kennels in several other states. I have brought photographs of three breeding kennels located in Nebraska. The first one has purchased new housing facilities, which are not much of an improvement. The second one sold out of business. The third one was closed by the local sheriff. In my experience, commercial breeding facilities have poor housing with many dogs crowded into small cages, and the facilities pictured are not atypical of commercial kennels. In many kennels the dogs walk on wires all their lives, which result in...which results in splayed feet and injuries. Puppies and small dogs get their feet caught in the wires, often causing the foot or leg to be amputated by the wires. We have received many dogs with severe mutilations caused by cage aggression. Confinement and crowding cause cage aggression, with serious injuries and deaths. The stress of hideous imprisonment for years lends...leads to severe emotional distress exhibited by behaviors, like going around in circles for hours, and it can cause physical disease and death. The dogs from commercial breeding kennels suffer from horrid mouth infections that leave them with no teeth by the age of seven, ear infections that have been untreated for so long that black yeast runs down their faces, skin infections and mange, clumps of hair and filth matted into their eyes sometimes causing them to lose their eyes. The female dogs are riddled with mammary tumors, often cancerous, and uterine infections. Some of the dogs have had so many Cesareans, their internal organs are bonded together with scar tissue. We have heard stories of Cesarean sections being performed without anesthesia by unlicensed personnel. We know that dogs have had their vocal cords ruptured by ramming a metal rod down their throats. This is done to stop them from barking, and often leads to broken jaws with scar tissue that causes them to suffocate. The Nebraska regulations state requirements for healthcare, including visits from a veterinarian, daily observations to assess health and well-being of the animals by trained personnel, and appropriate methods to prevent, control, and treat disease and injuries. In my experience, these requirements are largely ignored. When

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the Lincoln Journal Star interviewed the HUA veterinarian, Dr. James Gigstad of Nebraska City, about the health of the rescued breeder dogs, he summed it up in three words and was quoted saying, "They're a mess." The descriptions I have given today are not isolated examples. Often the commercial kennel representatives say that there are few bad kennels that give the rest of them a bad reputation. But in my experience, almost every dog, almost every single dog who has come to HUA from a commercial breeding facility, has had serious physical and emotional problems. It is not the exception; it is the rule. The dogs from commercial breeding kennels are victims of cruel neglect. The HUA shelter is a licensed facility and we do not object to increased inspections that would come with the passage of LB12. If breeders are quality breeders, providing adequate housing and care for the dogs, they have no reason to object to increased inspections. Inspector Herchenbach has done good work in Nebraska, but he is only one man for the entire state and he needs the power of the law behind him. An overwhelming majority of Nebraska citizens find animal abuse intolerable and are ashamed of the state of...that the state of Nebraska is home to so many despicable kennels. They are ashamed that Nebraska is one of the seven puppy mill states in the country. Please listen to the voice of the citizens rather than considering a noisy, immoral minority. I ask you to vote in favor of LB12. Thank you. [LB12]

SENATOR ERDMAN: Thank you, Carol. Any questions for Ms. Wheeler? I don't see any. Thank you for your testimony. [LB12]

CAROL WHEELER: Okay. [LB12]

SENATOR ERDMAN: Is there a next testifier in support of LB12? Go ahead. Come on up. Go ahead and hand your sheet to Linda. If I could get a page, there's a sign-in sheet back here. How many of you are in support of LB12? If I could get you to sign the sheet, we'll have the page distribute it through the audience. That way we have a record of who was here and who was in attendance. Obviously we've heard some very good testimony on the proponent side and this will just give you a formal opportunity, I think actually one of our Sergeant at Arms is going to start that for us, and that will give you an opportunity to write down on the paper that you were here, that you're in support, and that also goes to the same individuals who might be...or to different individuals who may be opposed, as well. But go ahead and state your name for us and... [LB12]

TIMOTHY SIBBEL: My name is Tim Sibbel, S-i-b-b-e-l. I don't represent any specific foundation or organization. I am a dog owner and I was curious if I can ask how many of you are pet owners? Okay. Good. I received an e-mail awhile back regarding some of the images that you guys probably have on your desks, and while it did deeply disturb me, I'm sure, the intent of the e-mail, what disturbed me more was the fact that somewhere we felt it was okay to have one inspector handle this caseload. I'm totally in support of LB12. I think adding four inspectors is a good start. I don't know that it's the end solution, but I think it's a good start. And I think, as long as I've known the law, I

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think they like to say that if you make the penalty severe enough, people won't do the crime. I think that somehow we should work it into the...maybe not this bill, or a future bill or something, but work it into where people who have these puppy mills sacrifice their land. I mean if the drug enforcement agency can confiscate homes and automobiles, then the humane society should be able to confiscate the land that it purporting these individuals to be able to have a puppy mill. And that would also generate funds for them. But that's just a suggestion. [LB12]

SENATOR ERDMAN: Thank you, Tim. Any questions for Mr. Sibbel? Senator Chambers. [LB12]

SENATOR CHAMBERS: Not a question. I hadn't even thought of that and I had racked my brain to come up with a solution, and what you're suggesting really is not outlandish. In this country, not just in Nebraska, animals are so cherished that multibillion dollar industries are growing up to provide care, comfort, and even some things that I think are a little over the edge. But anyway, the profound affection that people have for these animals, so a bill like this one is very reasonable. And I think we shouldn't have a lot of trouble passing it, but it would still be good to encourage people to contact their legislator in support of this. And the idea of a person forfeiting any land or other property that is used in connection with the brutalization, deliberately being cruel to animals, is not unreasonable, in my opinion. So I want you to know that at least one person who hadn't thought of it is pleased that you jogged his brain. [LB12]

TIMOTHY SIBBEL: Thank you. [LB12]

SENATOR ERDMAN: Thank you, Senator Chambers. Any further questions for Tim? I don't see any. Thanks again for your testimony. Is there anyone else wishing to testify in support? We've got two more, one, two. [LB12]

SCOTT BESCH: Can I have some water, please? My name is Scott Besch, S-c-o-t-t B-e-s-c-h. I am the coordinator... [LB12]

SENATOR ERDMAN: Hold on a second there. [LB12]

SCOTT BESCH: ...for the Nebraska Italian Greyhound Rescue. [LB12]

SENATOR ERDMAN: Okay. Hold on one second. Can you speak up a little bit so that we make sure we get it right? [LB12]

SCOTT BESCH: Okay. Scott Besch, S-c-o-t-t B-e-s-c-h, and I coordinate the Italian Greyhound Rescue here in Nebraska. [LB12]

SENATOR ERDMAN: Okay. Hold on a minute there. We'll get this entered. Okay, go

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ahead. [LB12]

SCOTT BESCH: First of all, I represent a breed that is not well-known to many people, but I'd like to bring up that we do have four to five commercial breeders here within the state that advertise/sell their puppies across the Internet. Some of them are AKC licensed; some of them are not. And, you know, I think that this would help enforce...make sure that they're all obeying some kind of standards. And I also would like to share a story that I recently ran across in my experience with the rescue, is that I was called to Holt County, specifically O'Neill, Nebraska, and there was a dog that was turned over to the shelter up there and they didn't have enough expertise in this particular breed so they called us and we were more than willing to take it on. And so I went up there and I knew that there was also a breeder just outside of O'Neill so I decided to look it up in the phone book and found the address, drove by it. Of course, it was a false address--somebody trying to hide something. And within the month, believe it or not, I also received two e-mails from two people in California that had purchased puppies at a Petland puppy store and they had come specifically from this breeder up in O'Neill. And one of the puppies had been severely sick. The other was just curious if I had known anything about this person, so I gave them the story and they were both pretty upset. Last month, or in November it would have been, there was an advertisement in the Omaha World-Herald and there was somebody that was selling off 12 female puppies, all unfixed, and 5 male dogs, and I took the liberty, after getting multiple e-mails about this, to call the person that put the ad in the paper and it was an O'Neill phone number. That's...I looked up the area code on the net, and the exchange, and that's where it came back. And I asked the person why they were getting out of breeding the Italian Greyhounds and she said, well, my puppy broker won't take them anymore; they're just not profitable. So I said, well, what are you going to do if you can't get rid of them? She said, well, I'll just keep on breeding them. I said, and if you can't get rid of them all? She said, well, I'm going to move into a breed that's very profitable. That's all I have. [LB12]

SENATOR ERDMAN: Thank you, Scott. As the...before we go to questions, as those sign-in sheets are going around, I failed to mention that if you've testified you don't have to sign it. You can, but we obviously have a record. Scott, if you want to stay in the seat just for a second, there may be questions for you. I just wanted to make sure, as that was going around, that I haven't given misleading advice or insight to the group here. Any questions? Okay. Sorry to make you come back, but I wanted to make sure, if there were questions, that we took them. [LB12]

SCOTT BESCH: Sure. No problem. [LB12]

SENATOR ERDMAN: Next testifier in support of LB12. [LB12]

LISA ZENTZ: Lisa Zentz, L-i-s-a Z-e-n-t-z. [LB12]

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SENATOR ERDMAN: Hold on a second, Lisa. Okay, go ahead. [LB12]

LISA ZENTZ: I would urge you all to vote for this. Senator Dierks is a hero of mine for having persistently supported animal welfare bills and legislation, but this, in particular. You know, my advocacy acts in the past aside, I want to share a story with you as the owner of an animal that came from a puppy mill. When I first met Jersey, a Border collie from a puppy mill, his story was pretty sad. By the time the sheriff was able to get in and confiscate the animals, most of them had starved to death. Jersey was an exception. Being food motivated, though, if you can imagine him not having eaten for days and days and days and days, it took him an hour to trust me enough to get...let me get close enough to take a piece of chicken from my hand. Not only that; Jersey was a fear bitter. He wasn't socialized. And so I spent hours and hours and hours and thousands of dollars of my own money to take this dog to K-State to a behaviorist. Jersey was also born with no hips. I spent another \$5,000 and hours of my time to bring this dog well. Now my personal feelings about puppy mills aside, as a consumer, not many of us make enough money to repair the damage that these puppy mills are doing to these animals. As Bob Downey testified earlier, a preemptive solution--the inspection--would not only benefit the animals but benefit the consumers that are ultimately responsible for the care of the animals that have been through these horrendous situations. Not all of these consumers care about animals as much as most of us in this room today, so their suffering doesn't end when they leave the puppy mill. Please understand that. So please, again, I would urge your very strongly, all of you, to vote for this legislation. [LB12]

SENATOR ERDMAN: Thank you, Lisa. Any questions? I don't see any. Thank you. [LB12]

LISA ZENTZ: Thank you. [LB12]

SENATOR ERDMAN: One more chance for anybody else that would like to testify in support of LB12. I don't see any...anyone else. We will now move to opponent testimony. Anyone opposed to LB12? Please come forward. And we'll get a page to hand those out for you, if you would like. [LB12]

CLEM DISTERHAUPT: Yes, please. [LB12]

SENATOR ERDMAN: Okay. If you'll state and spell your name for us, so that we can get that entered. [LB12]

CLEM DISTERHAUPT: My name is Clem Disterhaupt, C-l-e-m, last name is D-i-s-t-e-r-h-a-u-p-t. [LB12]

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SENATOR ERDMAN: All right, Clem, hold on one second for us. Okay, go ahead.  
[LB12]

CLEM DISTERHAUPT: (Exhibit 8) I live in Stuart, Nebraska, and have been a dog breeder for 38 years. I served eight years as president of the Nebraska Dog Breeders Association, and have served many years on the legislative committee. I'm also an APR show judge, and I teach seminars on dogs all over the Midwest. We the members of the Nebraska Dog Breeders Association have carefully examined LB12 and have found, while we do not support puppy mills, we cannot support the bill in its present form, as there have been some loopholes in the bill from the very beginning that we are concerned about and that need amended and have been needed amended for a long time. I have outlined these proposals and have presented you with a copy of these things. They are simple. They are few. They make common sense. And, trust me, they will avoid some problems in the future if they're amended with this bill. I do commend the lady that stated the vast difference between a puppy mill and a commercial dog breeder. There is tremendous difference. For example, I live in a \$70,000 house north of Stuart, Nebraska; my dogs' house, a \$100,000 facility. They have air conditioning, like I do. They have electrical heat. Their building is insulated and it's new. They lay on a heated floor with hot water heat. They have access to feed and automatic waterers at all times. They're inspected by a northern Nebraska veterinarian. They're inspected by the AKC and, yes, they are inspected every year by the AKC. Some facilities are not AKC breeders and, therefore, those are not AKC inspected. We are inspected by the USDA and we are subject to inspection by the state of Nebraska. I think a point was missed here about who all does inspect. Yes, we have a lot of different sorts of inspectors and one that was being missed is it is mandatory that we have a signed statement from a veterinarian to hand to USDA whenever they ask for it that we are inspected by a licensed veterinarian. Every year the veterinarian has to come out. In some cases, he comes out more than once, asks questions--is this ventilator working properly, is this...so on, so forth, whatever questions he wants to ask; and he has to sign off on a sheet for the USDA to inspect. While the bill would require licensing of some kennels which are currently not required to be licensed, the question is, is it really worth \$500,000 in the status quo? We believe that if a few amendments are made to put in perspective, perhaps the bill would make more sense and, therefore, us dog breeders would support it. I was instrumental in the very first dog bill. I worked with Senator Dierks, along with my organization, on LB147, which did not get passed. I called meetings and visited with Senator Dierks and Senator Price on LB825, and was instrumental in helping pass that. So we're not opposed to licensing at all. We want to see the puppy mills in check. Those who are not inspected now should be inspected, but we do have some serious thoughts and some serious considerations, and I think those things need to be addressed at this time in this bill. On line 10, on line...excuse me, on page 10, line 23 of the bill, the language needs to be changed so only the dogs or cats be impounded that have life-threatening problem. In such case, if they are starving, for example, they are all threatened and, therefore, could be all removed.

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However, we have seen in cases of surrounding states, Texas and recently in South Dakota, as recently as a couple years ago, a report came from one dog that appeared to be thin. All the dogs were impounded. The family suffered tremendous financial losses and heartaches. When it went through court, the judge ordered the dogs to be returned, seeing that there was a mistake and suggested that only the one dog should have been impounded. This needs to be corrected in this law so that's the case. Anybody in a facility, I don't care if it's...what degree of agriculture, if it's cattle, horses, you can have one dog or one horse caught in a fence or one cow caught in a fence and have one serious injury. Does that mean that the farmer is irresponsible and that all the animals should be removed? There needs to be a sense of fairness from this standpoint. Number two: On page 4, line 6 of LB12 the language basically opens inspections to anyone. I ask you all to read that, senators. This needs to be amended so only a professional, trained personnel of the Nebraska Department of Agriculture can do the inspection to avoid a serious problem in the future, such as happened in South Dakota. Dog breeders are burdened with inspection fees and fee increases, and now LB12 is calling for \$500,000 additional funding. Yet out-of-state puppy brokers are coming into our state of Nebraska, buying puppies and only paying a \$150 license fee, the same as a breeder. Yet when Nebraska breeders go into other surrounding states, such as Kansas, they pay a \$1,500 license fee. This is unfair to those people. This needs to be addressed. It is not only unfair to the local broker, but it is a form of revenue for the state, and some of those fees should be counted, taken into consideration and taken in from out-of-state brokers. It's done in all the other states. They're coming in here with no license...or I shouldn't say no license but a real minimum license fee, paying basically what a breeder pays, and a buying a million dollars worth of puppies and hauling them up to other states. Those people should be paying a \$1,500 each year. That would help with your fees to offset this legislation, if it's to be passed. So make it clear, we the dog breeders of Nebraska--and this organization is 25 years old now, we worked on legislation, I worked with Senator Dierks, I've worked on bills with Senator Chambers and Senator Price and others for many, many years--we just want the bill to be fair. We don't oppose the bill completely, but we call for changes that we think are very, very important in here and they're not real big changes, but they're changes, like in South Dakota or Texas, that could create some very big problems. I ask you to read those specific things that I pointed out before voting on the bill. Thank you very much for your time. [LB12]

SENATOR ERDMAN: Thank you, Clem. Any questions? Senator Chambers. [LB12]

CLEM DISTERHAUPT: Yes. [LB12]

SENATOR CHAMBERS: I don't want my views to be expressed while you're not here, so I'm going to present them to you. The fee on the out-of-state broker I agree with 100 percent, and I'm glad you brought our attention to that. However, when it comes to the confiscation of animals, I am very sensitive to any creature, whether it has two legs like

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a human being, four legs like a mammal, or no legs like a snake, and I have rescued some of all of those, if one animal is sufficiently mistreated that can be evidence of an inappropriate attitude that the person in charge has. And rather than ignore that red flag and say we'll take the flag and ignore what it indicates, I am not willing to do what you're suggesting. Nobody has brought to me a single example in Nebraska of what you've mentioned having happened some place else, although there are people who raise this incident in South Dakota every time they bring up the issue. So in the same way...and I'm not equating animals with children, but analogies can be drawn because where people mistreat animals they've been found to mistreat children. And under the law of Nebraska, if social workers find abused animals, that's to be reported because it could be a house where children are abused also. So I'm willing to listen to you respond to what I say. My view, first of all, when it comes to cattle who may range over a broad territory and one would get caught in a fence, that is not an indication, as you stated, of cruelty by the farmer. But if an animal shows signs of having been struck, of having been starved, of having been injured or punished, or whatever, in the way of an intentional or terribly negligent act, I don't think any of the animals ought to be left under the care of that individual. [LB12]

CLEM DISTERHAUPT: Okay, Senator Chambers, I think you may be misunderstanding my point just a little bit. My point is I'm suggesting that let's suppose that a...you have two dogs to a pen or sometimes three. Suppose that one dog, during the night, fights with another one. Doesn't happen often, but it is possible; very rare. One dog gets injured so your view is that all the dogs should be removed? The kennel person is completely responsible? This was an accident. I'm with you, if a dog is neglected. If you come there and you've got starving dogs, I'm with you on the fact that there's a problem with a kennel. I'm saying that there are cases where...and this needs to be specified a little bit because this has happened in South Dakota, this has happened in Texas. Any of you who would like a copy of a tape that was put out by "20/20," I'd like to show that to you, because it's very serious. They did what you're suggesting to do. Let's wait and see what happens with Nebraska and then we got a heartache on our hands and somebody, some poor family, is suffering because this happened to one dog. Let's correct the problem before it happens and not do like South Dakota and wait till after it happens and then have a judge say, oh, by the way, this shouldn't have happened, the reading wasn't right in there and only a minimum number of these dogs had a problem. I'm with you on some of your points, don't get me wrong, but there needs to be a specification as to whether it is negligence or rather there was something accidental that happened beyond control of the breeder. [LB12]

SENATOR CHAMBERS: Well, by the same token, using your example, two dogs in a pen or cage fight and we have the law drafted in such a way that the only dog that could be taken was the one that was injured,... [LB12]

CLEM DISTERHAUPT: Uh-huh. [LB12]



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SENATOR CHAMBERS: ...not even the one that did the injuring. You said don't, let the law stand where it is until a bad situation comes where a South Dakota incident occurs. I say don't change the law, so we would leave that dog that did the injuring in the possession of that person, who may be a dog fighter, and then we come back later and say, well, we had reason to wonder, but the law wouldn't let us do anything; this dog was severely injured as a result of a fight. The dog fighter could even say, after having put the dog in a fight, well, he was just in a cage with this other dog and there was a fight, so take the one injured off my hands. [LB12]

CLEM DISTERHAUPT: Senator, I'm sorry I disagree with you, but I think that would be only appropriate because you obviously don't understand how dogs work in any facility, or even two dogs in the same household. We have two pets, for example. [LB12]

SENATOR CHAMBERS: But here's what I'm getting to, my friend. I know about dog fighting because it occurs in Omaha. There are young men I have had to threaten, I don't mean with what I was going to do but in terms of turning them in, who walk around with these pit bulls, who fight these pit bulls, and there is not adequate enforcement in Omaha because they don't know where to find these fights. [LB12]

CLEM DISTERHAUPT: I understand, and there's a difference between pit bulls and the kinds of dogs we raise, which are small house dogs. The thing you have to understand about an animal--and this can happen not just in a commercial facility, this can happen with your two house dog--give the dog its food for dinner, one is going to be aggressive with the other, may be aggressive with the other one, so one is jealous of the food. They fight. One dog may be injured. That isn't necessarily in a commercial kennel. So you're saying that the second dog, just because he was jealous over his food, should be confiscated the same as the one that was injured. I'm sorry, I disagree. [LB12]

SENATOR CHAMBERS: If a cop came upon a fight or the results of a fight, is the only one taken to jail who's been beaten up? [LB12]

CLEM DISTERHAUPT: Well, you're not comparing apples to apples. (Laugh) [LB12]

SENATOR CHAMBERS: Or dogs to dogs. [LB12]

CLEM DISTERHAUPT: Right. Yeah, you... [LB12]

SENATOR CHAMBERS: I understand what you're saying. [LB12]

CLEM DISTERHAUPT: And in all due respect, Senator Chambers, I worked with you very closely and I have a lot of respect for you, but I think if you understood the situation in these facilities, that some little strange thing that can happen that can cause a real

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serious problem. The other dog may have never fought with anybody in its whole life. It may have been jealous over a piece of food, some real minor thing. That's what I'm talking about. [LB12]

SENATOR CHAMBERS: You know what your problem is? [LB12]

CLEM DISTERHAUPT: What's that, sir? [LB12]

SENATOR CHAMBERS: And it often happens. People who are meticulous, careful, and prudent in the way they conduct their affairs will tend to say that others are doing it the same way. If all the people dealing with animals were like you, we wouldn't have need for this kind of legislation in the first place. [LB12]

CLEM DISTERHAUPT: Yeah, you...you know, I agree with you, but we have seen people in my own position, not happened to me but happened to other people who are just like me that have done a fantastic job, in my opinion, and I was the first 1992 elected breeder of the year for the state of Nebraska from all the Nebraska dog breeders, the way I handled my business, the type of facility I had, the way I cared for my dogs, education seminars, I'd hardly ever miss an education seminar, and we're not all like that, and we should be. But what I am saying is we don't want to see people...(Recorder malfunction)...life as I, doing the same kind of job, come and have all their dogs removed. And right now it's just because of one, and right now that's an opening for that. And it wasn't intended to be when we worked with Senator Price on this bill to start with. That should be clarified in there. [LB12]

SENATOR CHAMBERS: But with your reputation in the community and throughout this state, if a dog were injured at your facility, your ongoing decades of reputation would come to your aid. There are so many atrocious cases going on in this state that even if an inspector were of a mind to look at somebody like you, there are so many others he or she has to get through first that you wouldn't even be on the radar scope, an operation such as yours, in my opinion. [LB12]

CLEM DISTERHAUPT: Senator, that's what they thought in South Dakota, too, but it happened there, and that's what we're trying to prevent. And it isn't a big deal; it just needs to simply have a little specific way of changing the law to make sure that that's addressed correctly. That's what we're asking for. [LB12]

SENATOR ERDMAN: Thank you, Clem. Senator Chambers, any further...? [LB12]

SENATOR CHAMBERS: That's all I had. Thank you. [LB12]

SENATOR ERDMAN: Any further questions for Clem? I see none. Thank you for your testimony. [LB12]

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CLEM DISTERHAUPT: Thank you. [LB12]

SENATOR ERDMAN: Next testifier in opposition to LB12. [LB12]

AMY LAMBRECHT: Good afternoon, senators. My name is Amy Lambrecht, A-m-y L-a-m-b-r-e-c-h-t. [LB12]

SENATOR ERDMAN: Hold on one moment for us. You ready? Okay, go ahead. [LB12]

AMY LAMBRECHT: Senators of the Agriculture Committee, my name is Amy Lambrecht. My husband and I raise, train, and show small terriers near Pierce, Nebraska. I was also instrumental in the new founding, and it's still in the structural stages, of a northeast Nebraska humane society, which would consist of both Wayne County and Madison County. We're in the process of working on that right now. I am here today not only as a state-licensed breeder, but also as a property owner and taxpayer. I'm not going to present graphic detail, graphic testimony today, but would like to point out that during our recent six-day power outage that my dogs' kennel never reached below 65 degrees while my son's betta and hamster that reside in the house had to be moved to my mother-in-law's so they wouldn't freeze to death. Those dogs took precedence, and I don't mean to sound my children are worthless, we moved them as well, but my dog kennel (laughter) took precedence over my residence. We were willing to let our pipes freeze for the small amount of dogs that I have, and they never knew anything was wrong. I came back. They had dug holes in their bedding, like they usually do. They played. We even managed to get to the butcher in-between there and get them some fresh bones. So, you know, not everybody is like this, and it is, it is a very small majority. But anyway, back on to what I was going to say. I am in friendly opposition to this bill, but would support this bill if it included simple changes that would make it more appealing financially to taxpayers. A half a million dollars is a lot to ask, and the state of Nebraska has done a wonderful job with the budget. I think, and I've been in the coffee shops talking to friends, to older members of my community, ran this past them, they say, yeah, it sounds good but that's kind of a lot of money. And I said, yeah, what do you think if we added some changes? Well, to them, they're farmers, they don't always agree. I am, like I said, in full support. I feel that with the changes in marketing of puppies and kittens, for example selling on the Internet like Mrs. Varner said, that has increased the number of breeders and many are not under any inspections at this time. Breeding should not be a fly-by-night, quick sales money scheme. I have people drive all over the country, both coasts and Canada that come to my home. In fact, during this recent snow storm this weekend, a family from Indiana drove, was lost ten miles from my house, made it and we got them set up at a local bed and breakfast to pick up their puppy. While they're at my home, we educate them on their breed, we show them training, and we provide full support and even take the puppy back if we have mismatched a puppy with the owner. I was a firm opponent to

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the portion of the PAWS legislation that was introduced in the U.S. Senate by former Senator Santorum of Pennsylvania. My main objection to the bill was to have the scope of the USDA licensing requirements to include more breeders that normally wouldn't have to be licensed under current USDA licensing requirements. I felt that a more local program, such as requiring states to do inspections, is a more logical and effective approach, and LB12 is an excellent start for Nebraska. With the price tag that has been attached to this bill, I think it needs to be more specific on the inspectors. I feel that the inspectors should be an employee of the Bureau of Nebraska Animal Industry and that this inspection position should not be contracted out to other offices, individuals, or organizations. With the amount that this will cost to implement, I believe it is important to have a qualified, nonbiased inspector with extensive husbandry and veterinary experience to carry out these inspections. Without a properly qualified inspector, mistakes or problems could cost the state more. These inspectors could efficiently do their job, make reports, and be able to handle review without outside assistance from other vets, other attorneys, and the USDA. Another suggestion to make this bill more cost-effective, was as Clem had mentioned, would be in the limitation of the seizures of animals in question. I do have a copy that you received of the budget and it has the prices for the inspectors. However, I do feel that if an animal is seized and placed with a local humane society or is...as it's being taken care of, that is something that needs to be paid for by the state. It shouldn't be up, necessarily, to a nonprofit organization to absorb that cost. Therefore, it needs to be paid. That's why I feel that it is important, if the animals are seized, that just the ones that are affected or the one that is affected be seized so that it balances out as far as the humane societies are concerned, and they're not overburdened. As a breeder, I appreciate that this will come out of the General Fund and Cash Reserves rather than increasing our licensing fees. In my research of animal laws and licensing in other states, I have found that many states require out-of-state brokers that purchase puppies must purchase a license at a much higher rate to conduct business within that state. Currently, by requiring that out-of-state brokers pay a higher annual fee, this could help begin to defray costs of the bill without having to increase the fees to breeders. Once again, I thank you for your time and would ask you to consider these suggestions to LB12 to make it a stronger bill and more justifiable in the eyes of the taxpayers. [LB12]

SENATOR ERDMAN: Thank you, Amy. Any questions? Senator Chambers. [LB12]

SENATOR CHAMBERS: Good work on the humane society work activity... [LB12]

AMY LAMBRECHT: Thank you. [LB12]

SENATOR CHAMBERS: ...that you're involved in. [LB12]

AMY LAMBRECHT: Thank you. I think it's...and actually, there's a very nice balance there really. In setting this up, there was a lot of good-hearted volunteers that had no

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veterinary, no husbandry experience. They just loved animals. And it was some friends of mine, that I went in and I said, do you understand what this is going to take as far as diseases? They had no idea. So by working together we're hoping, crossing our fingers, that we can have a nice balance between using me as a resource when it comes to training. I've had the Norfolk city pound, under the direction of Brenda Chase (phonetic), has sent many people who I...we just raise terriers, to my home who are interested in a terrier, for me to educate them about the temperament. And believe it or not, many people walk away and say, that's not the dog for me. So it's not always about the money, and I think there's a wonderful balance there. As long as you can get it to balance, I think it's a good thing. [LB12]

SENATOR ERDMAN: Thank you, Senator Chambers. Any further questions for Amy? I don't see any. Thank you for your testimony. [LB12]

AMY LAMBRECHT: Thank you. [LB12]

SENATOR ERDMAN: Anyone else wishing to testify in opposition to LB12? Can I see a show of hands of anyone else wishing to testify on LB12? Very good. [LB12]

PHILLIP Van BIBBER: Hello. My name is Phil Van Bibber and I'm from Grand Island. [LB12]

SENATOR ERDMAN: Can you spell your name for us? [LB12]

PHILLIP Van BIBBER: V-a-n-B-i-b-b-e-r. [LB12]

LINDA DICKEN: Your first name? [LB12]

PHILLIP Van BIBBER: Phil. [LB12]

SENATOR ERDMAN: It's a good name. (Laughter) [LB12]

PHILLIP Van BIBBER: I'm the vice president of the Nebraska Dog Breeders, APR show judge. [LB12]

SENATOR ERDMAN: Okay. Hold on a second, Phil. Let me make sure we get you. Go ahead. [LB12]

PHILLIP Van BIBBER: Okay. I'm the vice president of the Nebraska Dog Breeders APR show judge, and I guess I'm going to take the easy road here and I agree with what...Clem Disterhaupt's testimony. I think it's in his...our best interest. And I guess that's really all I have to say. I just wanted to see that it was noted. [LB12]

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SENATOR ERDMAN: Okay. All right. Any questions for Phil? I see none. Thank you for your testimony. [LB12]

PHILLIP Van BIBBER: Thank you. [LB12]

SENATOR ERDMAN: Again, is there anyone else wishing to testify in opposition to LB12? I see none. Is there anyone wishing to testify in a neutral position or neutral capacity? I see none. And pursuant to our rules, we will not allow closing, as reserved for the senator, and that will close the hearing on LB12. Thank you for your attendance and we appreciate your insight. [LB12]

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Disposition of Bills:

LB12 - Advanced to General File, as amended.

LB25 - Advanced to General File, as amended.

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Chairperson

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Committee Clerk