

ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010
COMMITTEE STATEMENT
LB1084

Hearing Date: Thursday February 18, 2010
Committee On: Judiciary
Introducer: Karpisek
One Liner: Provide for seizures of pet animals and equines as prescribed

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

Vote Results:
Aye: 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh, McGill, Rogert
Nay:
Absent:
Present Not Voting:

Proponents: Sen. Russ Karpisek William Burgess Jon Edwards Mark Langan Gary Krumland	Representing: Introducer Nebraska Sheriff's Association Nebraska Association of County Officials Nebraska Humane Society League of Nebraska Municipalities
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Opponents:	Representing:
Neutral: Pete McClymont Craig Head	Representing: Nebraska Cattlemen Nebraska Farm Bureau Federation

Summary of purpose and/or changes:

LB 1084 would amend 28-1006, 28-1012, and 28-1019 to provide that any distribution or disposition of any animals under these sections shall be made according to the provisions provided in section 29-818 and in a manner as the court shall direct.

LB 1084 would also amend 29-818 by adding a subsection (2) to provide that any pet animal or equine seized under a search warrant or validly seized without a warrant may be kept on the property from which the animal was seized from by the officer that seized the animal.

LB 1084 would also add to subsection (2) of 29-818 the following requirements:

- When a pet animal is seized, that the court provide notice of the time, date, and place of hearing regarding the animal to the person who owns, or controls the animal in question. The hearing shall be no later than 10 days after seizure of the animal.

- At the hearing, the court shall determine the disposition of the pet and if the pet is not going to be returned to its owner, the court shall order the person from whom the pet was seized to pay expenses for the support and maintenance of the pet. The court shall consider the persons ability to pay expenses and the amount of such payments. Payments shall be for 30 day periods, with the first payment due on or before the tenth day following the hearing.

- If a person shall be delinquent on their payments for expenses, the court shall hold a hearing to determine the disposition of the seized pet, notice of such hearing shall be given as provided in subdivision (b) of subsection (2).
 - A person may enter an appeal within 10 days after a hearing under subdivision (c) or (d) of this subsection. The person filing the appeal shall post a bond sufficient to pay all cost of care of the pet for 30 days and such a payment will be required for each succeeding 30 days until the appeal is final.
 - If person is found not guilty, all funds paid for expenses of the pet animal shall be returned to the person.
 - Subsection (g) (i) and (ii) provide definitions of pet animal and equine.
 - This section shall not preempt and shall not be construed to preempt any ordinance of a city of the metropolitan class. (Omaha)
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Explanation of amendments:

AM 2259 to LB 1084 would make the following change:

On page 7, line 16 after the word "given" insert "to the person who owns, keeps, harbors, maintains, or controls such pet animal or equine and to any lien or security interest holder of record."

This amendment is designed to provide all interested parties in the pet animal or equine notice of a disposition hearing regarding the seized pet animal or equine stemming from a persons failure to pay the expenses of the seized pet animal or equine.

Brad Ashford, Chairperson