

## **Agriculture Committee January 22, 2019**

**HALLORAN:** [00:00:01] Well, good afternoon. My name is Steve Halloran. I'm the senator for District 33, which includes all of Adams County, southern Hall County and western Hall County and I'm the Chairman of this committee. We're here today for the purposes of conducting two public hearings. We will be taking the hearings up in the order in which they appear on the agenda outside of the room. If you wish to testify on any of the matters before us, we ask that you fill out one of these green sheets of paper. The green sheets are located on either side of the room in the back. If you wish to state your support or opposition for either of the matters before us but you do not wish to testify we ask that you fill out the sign-in sheets. The sign-in sheets are located again on either side of the room and the sign-in sheets will be made part of the hearing record and considered by the committee. If you do not test or excuse me, if you do testify we ask that when you come forward to please hand your green sheet, testifier sheet to the clerk and begin your testimony by stating and spelling your name for the record. On both the testifier sheet and in your opening please indicate whether you're testifying for yourself or if you're representing the views of an organization. That's very important for the transcribers' office. The order of proceedings will be the introducer of the bill, who will be afforded an opportunity to open. Then we will proceed to the proponent testimony. Then opponent testimony and then we will hear from anyone who wishes to testify in the neutral capacity on a proposal. And just a side note, I've always had an issue--not to discourage you to testify in the neutral--but I've always had kind of an issue with neutral testimony because neutral usually means, on a transmission anyway, you're not going anywhere. And then the introducer will be afforded an opportunity to close. We ask that you listen carefully and try not to be repetitive. If someone has already articulated a point which you wish to convey to us, again we ask that you fill out the sign-in sheets and suggest your support or opposition for the matters before us. In the Agriculture Committee we normally use the light system, but with one bill today and one appointment I think we can get by without that. That does not mean half an hour presentations, but

I'm sure that will be very concise. Once we conclude with your remarks we will open up the committee for any questions that you may, that they may have of you. I'd ask at this time to silence any cell phones or any other electronic devices, anything that makes noise. If you have a statement, an exhibit, or anything you wish to have distributed to the committee we ask that you provide 12 copies to the page. If you don't have 12 copies don't worry. Again, give it to the page and the page will make copies for you and make sure that everyone on the committee has a copy. Our pages for the day are Brigita Rasmussen and Katie Andersen--thank you for being here--they will assist us. For the sake of the transcribers' office I encourage all speakers, including my colleagues who may ask a testifier a question, to talk directly into your microphone and please do not interrupt a current speaker, be that the testifier or a committee member asking a question. It's very confusing for the transcribers. And. now I would like to proceed with the introduction of members of the committee. First, I want to introduce the Agriculture Committee Vice Chair, Senator Tom Brandt. Senator Brandt, would you briefly describe your district?

**BRANDT:** [00:03:50] I'm from District 32, Jefferson, Saline, Fillmore, Thayer, and southwestern Lancaster County.

**HALLORAN:** [00:03:59] Thank you, Senator Brandt. On my far right is Senator Ben Hansen. Senator, would you describe your district for us?

**B. HANSEN:** [00:04:05] Sure. District 16, which includes Washington, Burt, and Cuming County.

**HALLORAN:** [00:04:09] Normally, next to Senator Hansen would be Senator Chambers. Senator Chambers has asked due to road conditions and the distance home that he could be excused, so he will not be with us today. Senator Brandt has been introduced. To my right is Rick Leonard. Rick is our Agriculture Committee research analyst. To my left ordinarily would be Senator Carol Blood.

She's a very busy lady today. She has three hearings that she's testifying in front of now, so she will not be with us today. Senator Steve Lathrop is next to Senator Blood ordinarily. Senator, would you describe your district?

**LATHROP:** [00:04:47] Yes. Legislative District 12, which is Ralston and parts of southwest Omaha.

**HALLORAN:** [00:04:51] Thank you, Senator. Senator Julie Slama is next to Senator Lathrop.

**SLAMA:** [00:04:56] Yes. I have District 1, southeast Nebraska, including Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

**HALLORAN:** [00:05:03] Next is Senator Mike Moser. Senator, describe your district for us.

**MOSER:** [00:05:08] I represent Platte County, most of Stanton County, and a little connecting section of Colfax County.

**HALLORAN:** [00:05:15] Sitting to the left of Senator Moser is Rod Krogh. Rod is the Agriculture Committee clerk. Just a side note, from time to time senators may have to leave during a committee hearing to, to sponsor or testify on a bill that they are sponsoring, so don't think it's, it's ill will on their part that they're not interested. They have those responsibilities as well. And with our formalities having been dispensed with, we will begin with a confirmation hearing for the appointment, appointment of Mr. Bryan Tuma to the Climate Assessment Response Committee. Welcome to the Agriculture Committee, Mr. Tuma. The chair is yours.

**BRYAN TUMA:** [00:06:09] Well, good afternoon, Senators. Again, my name is Bryan, B-r-y-a-n,

Tuma, T-u-m-a, and I serve as the assistant director for the Nebraska Emergency Management Agency. You'll have to forgive my voice, I've been dealing with bronchitis and a bunch of other stuff the last couple of weeks. So I think I'm okay now, but I might fade. A couple of points that I'd like to make regarding the Climate Assessment Response Committee and a lot of it has to do with the mission that we're charged with at NEMA. And that's to really identify threats and hazards, whether they're man-made or natural disasters, and identify what would be the impact or the consequences associated with those particular issues. So when we look at the impact of weather, especially on our state because we are an agricultural state. And so all of us are I think are always in tune with what weather is doing. But it's those special events or those patterns in weather and climate that begin to impact not only what we do in terms of response and recovery missions at NEMA but also it has an impact on our economy. And so we take a strong look at trying to identify all the various stakeholders, all the resources that we have available to us to begin to identify those threats and hazards and put together that consequence analysis and try to respond accordingly with resources to address those issues. So the CARC really plays an important role in that. Prior to the CARC we relied heavily and we still do on the National Weather Service, our friends at NOAA, the U.S. Army Corps of Engineers. They all do analysis on climate and various weather patterns and what, what we can expect in terms of how that will impact our state. But the CARC really focuses on climate assessment and then how do we try to mitigate those issues. So, you know, I applaud the University of Nebraska at Lincoln for undertaking that endeavor. The Legislature identified that as a, obviously as an important issue and, and passed that LB4490 or, excuse me, LB24902 that established the CARC. And so our role as members of the CARC is to bring together the various stakeholders and different expertise to that issue and really take a look at what are the systemic trends that we see with, with regards to weather and how is that going to impact our state. So we try to use that information as much as possible to put together the ongoing assessment of threats and hazards and then what do we do to plan and prepare accordingly.

**HALLORAN:** [00:09:01] All right. Any questions from committee members? I don't, I don't want you to take this personally, because I think any, any, any confirmation hearing I would ask this question. Would there be any circumstances in your history that would present a conflict of interest in any fashion?

**BRYAN TUMA:** [00:09:24] No, nothing, sir. No.

**HALLORAN:** [00:09:33] All right. Any questions? Everybody wants to get through the snowstorm?

**BRYAN TUMA:** [00:09:36] Yes.

**HALLORAN:** [00:09:36] Okay. He certainly does. All right.

**LATHROP:** [00:09:40] I might have one. Are you on that committee yet?

**BRYAN TUMA:** [00:09:43] Yes.

**LATHROP:** [00:09:44] Currently?

**BRYAN TUMA:** [00:09:44] Yes. I've attended--

**LATHROP:** [00:09:44] So this is a reappointment?

**BRYAN TUMA:** [00:09:46] Yes. So I participated in one of the meetings just as a, as a guest. And then I did participate in one meeting as, as a member of the committee. And we had that meeting a

couple months ago.

**LATHROP:** [00:10:00] How often do they meet?

**BRYAN TUMA:** [00:10:01] Two times a year.

**LATHROP:** [00:10:06] Is this just to plan for things that would be like fires and big, big emerge, potential emergency events or are we talking about trying to figure out what changes agriculture may want to start the process of doing given climate change?

**BRYAN TUMA:** [00:10:24] Yeah. So I would look at the CARC as being more strategic, long-term, visionary, long-range planning activities or assessments. What are the weather trends, the predicted patterns for downstream many years and what are the consequences associated with that? What impact will that have on agriculture industry? You know, for emergency management, what types of issues do they, would they expect us to have to deal with in the future? So I think it's more visionary, more strategic than perhaps say the 30-, 60-, 90-day forecast information we get from National Weather Service. Now we certainly could get products from them that give us some, some indication that, but I think they're trying to look at more of what's the trend, what's the future, and what are the impacts, and how do we adjust.

**LATHROP:** [00:11:15] And by future, it's a long range.

**BRYAN TUMA:** [00:11:16] Yes.

**LATHROP:** [00:11:16] So do you issue a report?

**BRYAN TUMA:** [00:11:20] There has been one report that was put together by the Climate Assessment Group at the university and I think that was really the basis for forming the CARC after that report came out. Now since then we have not put out any reports or that committee has not put out any reports, but there is some discussion about what types of information should we putting out. Today we have met and put, put our meeting minutes together. And again most of those meetings have really focused on what's the weather forecast for downrange. That's not to say that the committee wouldn't focus in on those 30-, 60-, 90-day issues, and that does help us, but I think that really the intent behind the legislation was to get the CARC to do more strategic planning and preparedness issues.

**LATHROP:** [00:12:10] Is it a compensated position?

**BRYAN TUMA:** [00:12:14] No.

**LATHROP:** [00:12:15] And when you meet, you meet in Nebraska somewhere?

**BRYAN TUMA:** [00:12:19] Typically we meet on the East Campus of the university.

**LATHROP:** [00:12:23] It's all the questions I had. Thank you.

**HALLORAN:** [00:12:26] Thank you, Senator. This is more of a philosophical question. The question I often ask of people when we're dealing with the topic of climate change, the question I often ask people is, when has the climate never changed?

**BRYAN TUMA:** [00:12:43] Well, and I think that's correct, sir. You know, we do know the climate changes. I think the debate that maybe we hear about in the media or amongst the various

stakeholders, professionals is what's causing the climate change and I don't think I'm going to comment on that. But, yeah climate is always changing.

**HALLORAN:** [00:13:04] I was hoping you would. Well, it is a philosophical argument and it's whether or not we're reacting to what normally changes and has changed since the beginning of time on its own accord. And there are geological records that suggest that the climate's changed before possibly God put man on earth. So at some level the argument of whether we can mitigate climate change by changing our activities will have any significance. Now I understand and I'm hoping that's where this committee goes and its focus is, is how do we deal with climate change that comes at us naturally and not so much how to alter behavior. Deals with man-made quote unquote climate change because God knows a volcano, which we can't control will likely put enough emissions into the air that compensate for hundreds of years, decades at least, of mankind pollution. So anyway, I'm bloviating, I don't mean to do that. But you're being very cautious about commenting on climate change, so I appreciate that. Senator Brandt.

**BRANDT:** [00:14:23] Thank you, Senator Halloran. How many people serve on this committee?

**BRYAN TUMA:** [00:14:30] Gosh, I think there's about 12 people.

**BRANDT:** [00:14:33] And from a wide variety of disciplines, I take it.

**BRYAN TUMA:** [00:14:34] Yes, yeah.

**BRANDT:** [00:14:34] And I noticed in the write-up here they refer to drought mitigation.

**BRYAN TUMA:** [00:14:39] Yes.



**BRANDT:** [00:14:39] Have you participated in a drought mitigation exercise before?

**BRYAN TUMA:** [00:14:43] Well, we certainly look at drought mitigation and, you know, one of the responsibilities we have at NEMA is to, excuse me, we have a single-engine air tanker. It's a resource that was deployed under the 2013 Wildfire Control Act. In 2012 there was severe, significant, wildfires out in the Panhandle portion of the state, did tremendous damage. So we bring that single-engine air tanker on board during the height of the fire season each year. And we work that issue with several different state agencies, so the Nebraska Forest Service, the State Fire Marshal, and we have local volunteer fire departments. And we've put together a couple of different groups to work those issues to make sure that we're coordinating that resource as effectively as possible. So that's had a tremendous impact on the outbreak of significant wildfire out in the Panhandle. So since 2013 when we deployed that asset we haven't had any big fires. We kept the small fires small, so that's good. That's a great investment that, I would call that a mitigation strategy. And certainly, we look at all types of mitigation strategies during drought. So, you know, working with the various state agencies, the fire marshal on burning bans and all. So we try to look at all those, all those issues. It makes sense when we're looking at drought.

**BRANDT:** [00:16:10] I would, I would guess that your area of expertise is emergency management, given your background, and that's what you bring to this committee. Would that be a fair statement?

**BRYAN TUMA:** [00:16:17] I think that's my role, yes.

**BRANDT:** [00:16:19] Thank you.

**HALLORAN:** [00:16:22] Very good. Thank you Senator Brandt. Any other questions from the committee? All right. Safe travels home.

**BRYAN TUMA:** [00:16:29] Thank you very much. Thank you, Senators.

**HALLORAN:** [00:16:30] Thank you so much for attending.

**BRYAN TUMA:** [00:16:31] Yep. Thank you.

**HALLORAN:** [00:16:32] At this point in time we will proceed with the bill at hand. Oh, excuse me. Well, just in the event that there are proponents for this confirmation. Are there any opponents? And my favorite, neutral. No? OK. All right. We will proceed with LB61 and since I am sponsoring that bill personally I will hand over the Chair to our Vice Chair Senator Brandt and he will proceed.

**BRANDT:** [00:17:34] Senator Halloran, are you ready to proceed on LB61?

**HALLORAN:** [00:17:38] What's the rush?

**BRANDT:** [00:17:38] Well, I just, I was waiting for you to get there to the chair.

\_\_\_\_\_ : [00:17:38] Easy there, Vice Chair.

**BRANDT:** [00:17:44] Here we go. Everybody is ready to go.

**LATHROP:** [00:17:46] First day.

**BRANDT:** [00:17:54] Yeah, first day here.

**HALLORAN:** [00:17:57] You're fine. Thank you. If I was only ready. Good afternoon. Vice Chair Brandt and members of the Ag Committee. For the record my name is Senator Steve Halloran, S-t-e-v-e H-a-l-l-o-r-a-n, and I represent the 33rd Legislative District. I'm here to introduce LB61 to the committee for your consideration. I intend to keep my remarks brief this afternoon allowing more time for the individuals that will follow me. I've introduced LB61 at the request of the Nebraska Veterinarian Medical Association to update Nebraska's rabies statutes to better align with current science. The bill revises the reference to the Compendium of Animal Rabies Prevention and Control, which serves as the national standard for evidence-based practices for rabies prevention and control. The bill resolves conflicts between current state law and the compendium. It removes outdated statutory restrictions related to seizure of an animal that bites or exposes a person and disposition of a domestic animal bitten by or exposed to a rabid animal. The compendium now provides less restrictive options for dealing with such animals that will limit instances of quarantine or euthanasia. The Department of Health and Human Services adoption and promulgation of evidence-based rules and regulations will allow for current and future alignment with compendium as necessary. Presently, the veterinarians and animal control officers are forced to either deviate from the current nationally accepted consensus for evidence-based practice or deviate from state statute. The proposed bill will better position the department with authority to align rules and regulations with current science. Nebraska will be better positioned to manage future advances in scientific knowledge by having a latitude to adopt and promulgate timely rules and regulations without necessity for future revisions of statutes. Further, by proposing less restrictive rules and regulations this proposal will help reduce regulatory burdens for Nebraska citizens and professionals. Finally, the proposed changes will make the state statutes and the department's rules and regulations more relevant and thereby increase public safety because they would be more enforceable. Animal control authorities will no longer be forced to sacrifice credibility by having to

pick and choose what sections they can or can't reasonably enforce. I do have amendments that make, that make some minor changes to clarify the types of rabies vaccines is administered and the date by which the next vaccine, vaccination is due. You all should have a copy of that amendment in your binders. Thank you for your time. While I am willing to attempt to answer your questions, I can assure you that they are better suited for the individuals that are following me.

**BRANDT:** [00:21:05] Thank you, Senator Halloran. Are there any questions of the committee for Senator Halloran? Seeing none. Thank you. At this time we would ask for proponents.

**BRUCE BRODERSEN:** [00:21:38] Good afternoon. My name is Dr. Bruce Brodersen, B-r-u-c-e B-r-o-d-e-r-s-e-n, and I am a veterinarian who works at the University Nebraska. I'm on the faculty there as a diagnostic pathologist in the Veterinary Diagnostic Center. I assist other practicing veterinarians and their clients and others responsible for animal and public health in the detection, prevention, and understanding of disease. I'm offering testimony in support of LB61 on behalf of the Veterinary, Nebraska Veterinary Medical Association. The NVMA is a statewide professional organization representing veterinarians across Nebraska. The NVMA mission is to promote animal health, public safety and, human-animal relationships. We would like to thank Senator Halloran for introducing LB61, which helps to meet all of these mission areas. LB61 promotes animal health and public safety by aligning Nebraska law with the most current, best science, and best science of rabies prevention and control. Dr. Halloran pretty much covered all of the topics relating to the, the compendium on, on animal rabies prevention and control. This compendium is put together by the Association of American and State Public Health Veterinarians and is published in The Journal of the American Veterinary Medical Association, so it can be, anybody can find it and read it as they please. But this, this compendium is updated on every few years to bring in line with more current topics in relation to best practices in the science-based medicine. So among the conflicts that the Nebraska statutes have now with what's in the compendium, two are most concerning. The first

arises with Section 71-4406, which governs authority to seize an animal that bites or exposes a person. The statute states that any exposing animal or any species of animal should be seized and observed for a period of not less than ten days. However, the compendium and current scientific knowledge only addresses such confinement and observation of dogs, cats, and ferrets. Since there is no science-based information available for other species the compendium states that quote management of animals other than dogs, cats, and ferrets depends on the species, the circumstances of the exposure, the epidemiology of rabies in the area, such as is there a lot of rabies pressure in that area or is very little rabies in that area, the exposing animal's history and current health status, and the animal's potential for exposure to rabies itself. So some species, for example like squirrels, very seldom ever get, contract rabies because their behavior they stay away from animals that act, you know, unusual that are, you know, animals that are sick because of rabies so those squirrels will stay away from them so. So that's one example. As such, consultation with public health authorities is needed to establish the necessary management on a case-by-case basis. Removal of the specific and incorrect details from this statute with a revision to simply leave authority to the Department of Health and Human Services for them to adopt and promulgate evidence-based rules and regulations for allow for current and future alignment with the compendium as necessary. The next conflict arise, arises with Section 71-4407 regarding disposition of domestic animals bitten by or exposed to a rabid animal. The statute specifies that if the animal exposed is not current or up to date on rabies vaccination it must be destroyed immediately or that animal must be quarantined under veterinary supervision for not less than six months. However, the compendium now provides less restrictive recommendation options for handling such animals as follows. Dogs and cats that are overdue for a booster vaccination and have appropriate documentation of having received a USDA licensed vaccine for that, approved for that species at least once previously should immediately receive veterinary medical care for assessment, wound cleaning, and booster vaccination. Wound cleaning itself is very important in, in reducing the risk of an animal contracting rabies. The animal should be kept under the animal owner's control and observed for 45 days. This is opposed to the six-month

period of time. A repeal of Nebraska Statute 71-4401 with rulemaking from the department would allow authorities to eliminate needless sacrifice of potentially exposed, overdue domestic dogs and cats or the burdensome and lengthy quarantine requirements which are no longer deemed necessary by current scientific knowledge. So, so in my experience, doing a rabies testing in a veterinary diagnostic lab we commonly see animals that were potentially exposed to a rabid animal and those pets, you know, family, family pets had to be sacrificed because of the current rules. And those animals invariably would not have had to have been sacrificed. So further, for overdue dogs and cats whose owners do not have appropriate documentation for having been vaccinated, the compendium deals, details use of prospective serologic monitoring to assess response to the booster vaccination. So although, so a blood sample can be drawn at the time of the bite and then followed up with a second blood sample to test and see if that animal has, demonstrates a response that would indicate that its, had been vaccinated previously, without going into a whole lot more detail. So this proposal supports a mission to help people live better lives by strengthening the human-animal bond among Nebraska families by sparing such dogs and cats that might otherwise be subjected to euthanasia after exposure to rabies and promoting a rabies control program in a department that is well aligned with national standards. The NVMA has worked closely with the Department of Health and Human Services on its proposal. The proposal revisions would be less restrictive than the current statutes and reduce intentional to loss of life among dogs and cats or family pets or the needed lengthy and unwarranted quarantines in situations of dogs and cats. Quite frankly, Nebraska veterinarians are involved in these processes yet are not compensated for their time and effort in terms of holding those animals for quarantine. This proposal will help alleviate some of the burden of the professionals. Thank you for your time and I'll entertain any questions that you might have.

**BRANDT:** [00:29:03] OK. Committee? Senator Lathrop.

**LATHROP:** [00:29:05] I do have a couple of questions and I'm looking specifically at Section 2,

that's 71-4402 that requires animals be vaccinated. And we have some, some, am I correct that there are some cities that have ordinances that make it a crime not to or some kind of an infraction not to have your animals vaccinated?

**BRUCE BRODERSEN:** [00:29:30] Yes, uh-huh.

**LATHROP:** [00:29:31] OK. And, and I ask that question for an, for a reason or I make that point for a reason. In this bill on page 4, line 11 you say: and given a booster vaccination at intervals consistent with vaccine labeling.

**BRUCE BRODERSEN:** [00:29:47] Yes.

**LATHROP:** [00:29:48] And I'm just wondering if that becomes the standard that is if we're going to have some kind of an infraction or a criminal penalty in the city ordinance, how am I going to know as a dog owner or how am I, if I'm a prosecutor or how am I going to prove that the owner didn't have the proper vaccination for his animal if I got to refer to a label as opposed to a regulation.

**BRUCE BRODERSEN:** [00:30:16] Well, every time an animal is vaccinated there's a certificate that's filled out by the veterinarian and who gives a copy to the owner and also keeps it in his records, too. And then on that, on that document it records the date of the vaccination, the company that manufactured the vaccine that's the lot number, serial number and the next due date for that. So it's all, it's all documented very well.

**LATHROP:** [00:30:46] OK. And so are there more than one of these vaccinations?

**BRUCE BRODERSEN:** [00:30:52] There's different types of vaccines on the market. Some are. need revaccination at a year interval and the more commonly used ones now are three-year intervals. So, so it's not an annual thing so much anymore.

**LATHROP:** [00:31:15] I'm a, right now it's the Department of Agriculture issues a regulation and says you need to do this every once a year, a booster shot or every three years?

**BRUCE BRODERSEN:** [00:31:27] Yeah. Every, once a year or every three years, regardless, depending, depending on the vaccine that's used. And I'm not sure what all the, all the ordinances and how they're worded, but I suspect that many allow for use of the three-year vaccine, so.

**LATHROP:** [00:31:43] So how do we know when someone's breaking the law? If, if somebody's dog bites somebody, which is typically how we come into contact with them, right?

**BRUCE BRODERSEN:** [00:31:54] Yeah.

**LATHROP:** [00:31:54] Dog bites the neighbor we go, is the dog vaccinated?

**BRUCE BRODERSEN:** [00:31:57] Yeah.

**LATHROP:** [00:31:59] So they approve that he's not properly vaccinated if the standard now is on a label from the last vaccine the dog got--

**BRUCE BRODERSEN:** [00:32:09] Well I think--

**LATHROP:** [00:32:10] -- as opposed to a regulation that sets a hard time.



**BRUCE BRODERSEN:** [00:32:14] Well, the, so the hard time would be, is generally based on the duration of the vaccines.

**LATHROP:** [00:32:24] Yeah. But in that case two things happen. One is the department looks at the vaccine, the current science on vaccine and says, these things are good for one year or three years. And then they have a regulation that says you need to vaccinate your dog once a year, once every three years. Right?

**BRUCE BRODERSEN:** [00:32:42] Yeah.

**LATHROP:** [00:32:43] If I'm prosecuting somebody for not vaccine, vaccinating their dog I can make reference to the regulation from the Department of Agriculture currently. And you've put in, basically, you're letting the labeling decide how frequently it has to happen.

**BRUCE BRODERSEN:** [00:32:59] Yeah.

**LATHROP:** [00:33:00] I don't know if that causes problems for prosecuting people that don't get their dog vaccinated.

**BRUCE BRODERSEN:** [00:33:05] Well, I, it's a--

**LATHROP:** [00:33:07] Sort of delegating to, you know, whoever makes this vaccine the responsibility for deciding how often it needs to happen.

**BRUCE BRODERSEN:** [00:33:14] Well, those vaccines are all tested and approved by the

USDA.

**LATHROP:** [00:33:19] I'm sure they are, and that's not my issue. I'm not sure they're effective.

The question is, do we delegate as a Legislature to the vaccine company? They put on the label and now, now they're deciding how often somebody has to have their dog or cat vaccinated.

**BRUCE BRODERSEN:** [00:33:37] Well, the, the statutes that are and that are currently in place are based on those vaccines. You know, based on what the label is on these vaccines.

**LATHROP:** [00:33:51] But the regulations currently would have a hard number, wouldn't they? If I went to, we've crossed out as promulgated by the department and we're saying, as indicated on the label of the vaccine.

**BRUCE BRODERSEN:** [00:34:05] Yeah, yeah. Quite honestly, I'd have to, I have to look at the exact wording on 77-4406, so.

**LATHROP:** [00:34:12] OK.

**BRUCE BRODERSEN:** [00:34:12] So.

**BRANDT:** [00:34:13] Thank you, Senator Lathrop. Senator Moser.

**MOSER:** [00:34:16] Well, typically, if you take your dog in and have him vaccinated they give you a certificate that says, and it says how long it's good for.

**BRUCE BRODERSEN:** [00:34:23] Yes.

**MOSER:** [00:34:24] So you could, you could provide that if the law enforcement, you know, wanted proof of vaccination. And don't they typically get a little tag or something they wear?

**BRUCE BRODERSEN:** [00:34:33] Yes, there's a tag that they wear.

**MOSER:** [00:34:35] And it says what the expiration date of it is.

**BRUCE BRODERSEN:** [00:34:38] Yes. So I don't know if that answers your question.

**MOSER:** [00:34:42] And if all of those things get lost then the veterinary, veterinarian who administered it would have record, too. So, I mean, if you're trying to prosecute somebody that's, that--

**BRUCE BRODERSEN:** [00:34:55] Not vaccinating their animals?

**MOSER:** [00:34:57] Yeah, for not vaccinating their dog, there's some documentation that, you know, there's a record of when that dog was vaccinated. And I'm not sure if--

**LATHROP:** [00:35:07] No, you're fine. We'll talk to the, the, the people that do the prosecuting to see if this is a, if this is a delegation to the label that makes it more difficult to prove that somebody hasn't properly vaccinated their dog.

**BRUCE BRODERSEN:** [00:35:22] Well, I think part of this, too, would be that the Department of Health and Human Services would set, set those rules and regulations.

**LATHROP:** [00:35:31] I get it, except that, except that that the bill scratches that out and it says, it used to say: specified by rules and regulations promulgated by the department. And in its place we say: the booster shot will be given as often as the label indicates it's necessary. And, anyway, something we can look at.

**BRANDT:** [00:35:55] Okay. Senator Moser.

**MOSER:** [00:35:57] I just had a question. This was a source of great heartache and screaming and kicking and scratching by citizens in Columbus when I was mayor. We'd have people who tried to take a cookie out of their dog's mouth, and don't ask who that was, and got bit and then, it was a close friend of mine. But anyway they, they had to have that animal quarantined. And when it wasn't necessarily a symptom of disease, it was stupidity on the owner's part when they tried to take food out of the dog's mouth. You know, they should've known better. So even though you know why the bite might have occurred you still have to quarantine that animal? And you take the animal from the owner of the animal, too, correct?

**BRUCE BRODERSEN:** [00:36:47] Yes, uh-huh.

**MOSER:** [00:36:48] So they can't just watch it at home or--

**BRUCE BRODERSEN:** [00:36:53] Under the, under the current statutes?

**MOSER:** [00:36:54] Yeah.

**BRUCE BRODERSEN:** [00:36:56] I think they would have to booster that animal. I think that's the recommendation right now or the, I'm not sure what the statutes are. Which each, each city

ordinance is probably a little bit different, but they would have to be quarantined.

**MOSER:** [00:37:10] But the quarantine is necessary?

**BRUCE BRODERSEN:** [00:37:14] Yes.

**MOSER:** [00:37:14] Away from humans and other animals?

**BRUCE BRODERSEN:** [00:37:17] And the reason for that is if an animal escapes or runs off, you know, while it's under the, under the observation at home, you know, then, then you know it's more secure at a veterinary clinic.

**MOSER:** [00:37:31] OK. Thank you.

**BRANDT:** [00:37:33] Senator Slama.

**SLAMA:** [00:37:36] I just had a question. I'm assuming it comes from the compendium in that ferrets are included. What was the reasoning in including ferrets in with cats and dogs?

**BRUCE BRODERSEN:** [00:37:45] Because the data is available for ferrets as well. So the vaccine, the vaccines have been approved for ferrets and also the exposure, the experiments with exposure and incubation time, things like that are known for ferrets, too. But the work hasn't been done for others species.

**BRANDT:** [00:38:10] OK. Any other senators? OK. I guess I have a few questions for you, Doctor. Currently, you have the authority to seize any animal that is suspected of rabies, is that correct?

**BRUCE BRODERSEN:** [00:38:23] Yes.

**BRANDT:** [00:38:24] OK. And then that would continue with the, with the new rewrite of the law?

**BRUCE BRODERSEN:** [00:38:28] Yes.

**BRANDT:** [00:38:31] For the edification of the people in the committee, how many different types of animals can get rabies?

**BRUCE BRODERSEN:** [00:38:36] Virtually all, all mammals can get rabies. And I'll add that cats are the most common source of exposure to humans or potential exposure to humans by rabies. The second is, second to cattle or cattle are second and horses are probably third.

**BRANDT:** [00:39:02] You said that a lot of the veterans out there that do this work, something is suspected of rabies and then they have to quarantine the animal, they are not compensated. Is that right?

**BRUCE BRODERSEN:** [00:39:12] Well, the, I'm not sure about all the different locations, but, but there's, there's places where they're not compensated. If they have to isolate an animal for six months or whatever, the owner, you know, certainly would balk at something like that, too, so. So I quite, quite honestly don't know the answer to all that.

**BRANDT:** [00:39:34] OK. But right now the state has no program to provide compensation for a rabid animal.

**BRUCE BRODERSEN:** [00:39:38] That's correct.

**BRANDT:** [00:39:40] OK. And then I guess, Senator Lathrop, on just a point of notification I guess is, when our dogs would get their shots our veterinarian would always send out a postcard letting us know when we had to re-up that vaccination, because some veterinarians will use a one-year vaccine and some use a three-year vaccine. And as a livestock producer I can tell you that is one shot they would not let me give myself. I always had to bring the animal into the clinic. And I know our clinic locally always kept very meticulous records in regard to that and was, was very judicious in getting that postcard out. Any other questions? OK. Thank you, Doctor.

**BRUCE BRODERSEN:** [00:40:29] Thank you. Thank you for your time.

**BRANDT:** [00:40:33] Any other proponents. OK. So we have some letters to enter into the record. Oh, I'm sorry. I didn't see you. OK. I'm sorry.

**BRAD BEAM:** [00:41:13] I'm giving you a category, Senator Halloran. In favor of that 95 percent of the bill, there's 5 percent that I have a concern with.

**BRANDT:** [00:41:27] So if you would tell us your name and spell it out for the record, please.

**BRAD BEAM:** [00:41:31] Good afternoon, Chairman, Vice Chairman, Senators. My name is Brad Beam, B-r-a-d B-e-a-m. I am a resident of Lincoln and active in the animal rescue community. I'm not representing any particular organization at this hearing, but I've spoken in front of this committee in the past on animal welfare issues. For the past 15 years I've been an active participant in assisting animal shelters in several states to increase live outcomes for dogs and cats. Annually in Nebraska over 40 percent of the animals in shelters are unnecessarily put to death. Innovative

programs such as TNVR, which stands for Trap, Neuter, Vaccinate, and Return to field, as well as community cat, working cat, and barn cat programs help save the lives of animals in our community. As with any national public health initiative, such as the Compendium of Animal Rabies Prevention and Control, some aspects of the report are more relevant to certain areas of the country while some are less relevant to other areas. I take issue with the statement in the compendium that says: stray and feral cats serve as a significant source of rabies exposure risk. Simply, it is not true for Nebraska. I have provided you a graph of Nebraska's annual rabies cases. Please note that there were two cats confirmed with rabies in 2018, three cats in 2017, zero cats in 2016, one cat in 2015; and zero cats in 2014. There is no significant prevalence of rabies in cats in Nebraska. Furthermore, there has not been a single confirmed case of cat-to-human rabies transmission in the United States for 40 years. I also take issue with the recommendation that if communities allow maintenance of feral cat colonies despite this risk, they should safeguard the health of cats and the communities in which they reside by requiring that cats be revaccinated with appropriate scheduled booster vaccinations. Revaccination of feral cats in community cat, working cat, and barn cat programs simply is not practical or wanted or warranted. The initial vaccination provides protection for several years which is beyond the typical lifespan of a feral cat. Therefore, I'm here today to ask you to codify in LB61 a specific exemption to the revaccination of feral cats. As a practical matter and sound public health policy, programs like TNVR provide protection for the public against rabies. TNVR is the trapping of a feral cat, spay or neutering of the feral cat, giving the cat rabies an FVRCP vaccinations, that's for feline distemper, feline parvo, as well as calicivirus, eartipping the cat for future identification, and returning the cat to its home which is in the outdoors. TNVR is traditionally performed by the animal rescue community. Very few animal control officers trap cats. A revaccination of feral cat requirement by the state would serve as a barrier to TNVR. The revaccination requirement is not practical and would ultimately lead to less cats being vaccinated for rabies as well as less spay and neuter. If a live outcome at an animal shelter is diminished the animal rescue community is less likely to make an effort to trap cats. The



cats will be left unvaccinated, unaltered where they will continue to reproduce. TNVR is almost entirely done by private individuals and private organizations around the country. TNVR is the effective deterrent to rabies transmission. What I'd like to do is draw your attention to a couple of things under what I have as Final Thoughts. Number 2: Cat behavior and instincts help keep cats from contracting rabies. Cats are defensive by nature, so they run from most wildlife. The animals they hunt for food, like squirrels, chipmunks, and mice rarely have rabies. Number 7: TNVR is a win-win approach that protects cats and puts communities at ease. TNVR programs give feral cats who cannot be adopted a chance to live their lives without posing a risk to human. Rabies-- Number 8: Rabies often, rabies fears are often used to justify catch and kill approaches which involves permanently removing community cats from an area. However, removing the animals from an area only triggers a scientifically proven phenomenon called vacuum effect. New cats from neighboring territories simply move into the cleared space to take advantage of the resources and bring it back to capacity. Number 9: Rabies is caused by a virus that exists in several different variants, some of which are specifically adapted to special animal species. But rabies has never developed a specific feline variant and thus cats are merely incidental victims, according to Dr. Julie Levy at the University of Florida Veterinary Medicine. And if we're going to look forward to experts in this area there are three schools across the country that I would look to: University of California at Davis has a shelter management veterinary program; University of Florida has a shelter management veterinary program; and the University of Wisconsin has a shelter management veterinary program. Shelter medicine is different than clinic medicine and we're dealing with cats and animals that come out of shelters. So Dr. Levy is an expert in this area. Number 10: Dr. Levy says that a single dose of rabies vaccination provides years of protection against rabies infection. One study, in one study 12-week-old kittens who were given a single rabies vaccine were completely protected against the rabies virus for four years later. In-- Number 11: In communities such as Gainesville, Florida, feral cats, feral cat TNVR programs are the largest providers of rabies vaccinations in the community. It's because the caregivers for rabies, for cat colonies, and for barn

cat programs, they make sure the cats in that program get vaccinated. Number 12: A nationwide survey of feral cat groups conducted by Alley Cat Rescue revealed that 96 percent of groups provide rabies vaccinations as part of their TNVR programs. You know I'd like to just let you know I've given you several handouts that are from national organizations as it relates to cats and rabies issues. I'd like to encourage you to take some time to read those. Again. I have the chart here for Nebraska as far as cats and the records that show that they have encountered rabies. I'd like to also just let you know, especially for our Vice Chairman who happens to be close to the Beatrice area, I live in Lincoln but I volunteered at the Beatrice Humane Society. And the reason I do that is because the Beatrice Humane Society has the highest save rate of any open mission shelter in the state in Nebraska. They save 96 percent of the animals that come into the shelter. We can only do that with innovative programs like barn cat placement programs. This is where we would take a cat that isn't socialized, that can't live in the home. We spay and neuter it so it won't reproduce. We give it its vaccines and we then make it available to farmers and ranchers in our area at no charge. So we have farmers that come into the Beatrice Humane Society wanting a feral cat so that they can put it into their barn for rodent, to protect against rodents and other pests that might exist. So I wanted to let you know since you're from a little west of Beatrice that Beatrice has a wonderful, is a wonderful example of, of, of programs that work. Again, I thank you for your time today and I'm welcome to receive any questions you might have.

**BRANDT:** [00:50:48] OK. Do we have questions for Mr. Beam?

**BRAD BEAM:** [00:50:49] And I should note that I'm, I'm again 95 percent in favor of the compendium, my, or of the compendium and of the bill. My question is, we need to make sure that the revaccination protocol isn't placed upon feral cats so that we don't create a barrier that would prevent them from having live outcome opportunities. I don't think there's a need to revaccinate a feral cat once it's been vaccinated.

**BRANDT:** [00:51:25] Okay. Senator Slama.

**SLAMA:** [00:51:26] Yes. So I had a couple of questions. Thank you for the chart, it's very helpful. But in noting that cats aren't a rabies threat we've just had testimony confirming that cats are the biggest domestic threat for rabies cases. Does that concur with your data?

**BRAD BEAM:** [00:51:44] I think I can show you some reports that say dogs are the biggest threat.

**SLAMA:** [00:51:48] OK.

**BRAD BEAM:** [00:51:48] And the reason for it is, as the previous speaker spoke, there are usually two avenues within the wild that present issues for rabies. One is skunks and one is raccoons. In the state of Nebraska skunks have a higher prevalence than raccoons. In other areas of the country raccoons do. A cat, by its nature, is scared of wildlife, whereas a dog isn't. I mean, you've seen those movies where a dog is chasing a raccoon up a tree. Well, by nature a cat is going to probably avoid a skunk and other animals that might possess rabies. The animals that a cat will go after, a chipmunk, a squirrel, just as the previous speaker talked about, they aren't likely to be infected with rabies. So I disagree with that comment. I would say that cats, the predominant source of rabies in the United States is wildlife. It is not cats or dogs. We're talking 90 percent of rabies exposures in the United States would come from wildlife. I somewhat disagree with that. I think I could show you a couple of articles that would say the bigger concern would be dogs over cats. But, again, we're so much different today than we were 50 or 60 years ago. And I'm in favor of these changes to, that are talked about in reducing the observation periods. It's just this issue on the revaccination requirements.

**SLAMA:** [00:53:23] And I am curious as to what wording you would change in the bill, because right now under 71-4401, Section 3 on page 2, the definition of cat is: means a cat which is a household pet. And then on Section 5: Owner or otherwise specified means to possess, keep, harbor, or have control of, charge of, or custody of a domestic or hybrid animal. What wording would you propose be changed to cover an exception for feral cats?

**BRAD BEAM:** [00:54:01] Well, we, I've had someone provide the committee some language from the state of Illinois. And It would be just to clarify what we're talking about and what we need. And the reason this has come up is because I contacted the Department of Health and Human Services, the Epidemiology Department, and I asked a question whether or not they thought that there was a requirement currently and moving forward whether or not they were going to support or propose this idea that cats ought to be revaccinated, feral cats ought to be vaccinated and I was told, yes. That caused me some concern. This description of household cat isn't really spelled out very well in statute. There is another statute, it's 56-- 54-626 that defines a pet is an animal kept as a household pet for the purpose of companionship, which I think hopefully creates some protection there. But we also to my knowledge do not define what a feral cat is. So I've asked for somebody to provide some information. I think Katie has and I don't, I don't know if I'm allowed to speak out of turn, but I think they have shared that information with our resource, our research analyst. And my hope is that that would be considered going forward. So that's why I wanted to be careful. I'm not opposed. I'm not, you know, but I've got this issue with this definition to make sure that maybe we need to clarify it a little.

**SLAMA:** [00:55:39] Okay. Thank you.

**BRANDT:** [00:55:41] Other questions? Senator Lathrop.

**LATHROP:** [00:55:42] Let me see if I understand your testimony. You don't have an argument that cats should be vaccinated?

**BRAD BEAM:** [00:55:48] No.

**LATHROP:** [00:55:50] Your group will go out and capture feral cats and when you do that you give them several vaccinations, including a rabies vaccination and you will spayed or neuter them and then put them back in their environment.

**BRAD BEAM:** [00:56:04] Yeah. And that depends on each city what their ordinance are. Some cities don't allow for free roaming pets. So in those cases, just as it is in Beatrice, we can't actually place a cat back into the city because we have such an ordinance. I personally would like to get that changed because I think it's a better health public policy but--

**LATHROP:** [00:56:25] OK. But I want to make my point though, which is you don't have a quarrel with cats needing to be vaccinated. Your, you or similar groups will go out and capture feral cats-- wait a minute. Let me finish this question. You'll capture feral cats, vaccinate them, spay-neuter them, and where permitted turn them loose again. And your concern is that if they need a booster shot. You've done what you guys do and the next person to go try to capture them to give them the booster shots is going to be the Humane Society.

**BRAD BEAM:** [00:57:00] Well, it's actually going to be in the case of a barn cat it's going to be the farmer.

**LATHROP:** [00:57:04] OK, whoever, whoever it is. But it's not that they don't need a booster shot. You think something bad can happen once they get picked up by whomever is going to pick them

up for the booster shot.

**BRAD BEAM:** [00:57:16] No. I'm saying they don't need a booster. I'm saying Dr. Levy and others around the country say that the immunization from the vaccine is usually a long enough period of time that it out survives the typical length, the lifespan for a feral cat. I'm talking about feral cats.

**LATHROP:** [00:57:32] OK. So if this is a three-year vaccine, feral cats die within three years?

**BRAD BEAM:** [00:57:37] Three years, right. But I'm saying that there are studies that show that four years-- and even there is a there is a group out there that is trying to challenge the convention here, it's called the Rabies, Rabies Challenge Fund and they are trained to conduct studies that show that the vaccine lasts longer. The pharmaceutical companies don't want to fund those studies because they want to sell more vaccine. I'm just sick from a practical point.

**LATHROP:** [00:58:05] I'm not offended by that statement.

**BRAD BEAM:** [00:58:07] Well, I'm just saying. So the Rabies Challenge Fund started in 2005 with the effort of trying to establish some more information. But there is a belief out there that the rabies vaccinations, whatever they are, actually provide more protection than just the one or three years that we put on the label.

**LATHROP:** [00:58:26] OK.

**BRAD BEAM:** [00:58:26] And I'm just again saying from a practical standpoint it's going to be very difficult for somebody who's providing a live outcome for one of these cats in a working cats program, like at the University of Nebraska-Lincoln or a barn cat program, to go out and retrap a

feral cat and then take it, if at any time that a feral cat is brought in for a spay and neutering, it ought to be given the vaccine at that time.

**LATHROP:** [00:58:50] OK. Thank you.

**BRANDT:** [00:58:53] Senator Moser.

**MOSER:** [00:58:55] When you say it's impractical, you mean it's too expensive to give them another rabies shot?

**BRAD BEAM:** [00:58:59] Have you gone out and tried to reach out, to, to. I'm just saying--

**MOSER:** [00:59:03] How expensive is a rabies shot?

**BRAD BEAM:** [00:59:06] Boy, I'm not the expert on that. That would vary from place to place I think. But usually it's not the expense, it's the practicality of trying to, when you trap a feral cat, it may take you four to five hours to trap it. That's why animal control officers don't trap feral cats. When I have gone out with trappers it's usually at night because if you're in the city you don't want cars running by. You have to put out a trap. You have to, you want to be there to watch it especially during hot times of a year or cold times of a year, because you don't want to leave a cat in a trap for too long of a period. You send it out with, just if I show you it would be setting up a trail.

**BRANDT:** [00:59:53] Mr. Beam, can you speak into the microphone please?

**BRAD BEAM:** [00:59:55] I'm sorry. It would be setting up a trail to the trap and being able to be in some location where you can see that the cat has actually tripped the cage to where it's closed. And

then you want to pick up the cat. You want to be able to transport it.

**MOSER:** [01:00:10] So you're saying you just don't want to do this more than once. Is that what--

**BRAD BEAM:** [01:00:15] Yeah. Well, I don't think many people would want to do it more than once and I don't think, you know, I want to get a cat out to a farmer who can provide pest control and I don't think farmers have time and energy, you know, to try to retrap three years later. Yeah, I don't think most farmers are too concerned about the health of their feral cats.

**MOSER:** [01:00:32] Well, but, I mean, we're talking about the health of the people, too, that are around them. But, but bottom line, it's just not practical. The big issue here is if we take away this program that basically says that that allows an outcome to happen for these cats, the people who do the work aren't going to do the work because they don't want to bring an animal into a shelter just to kill it. So if they aren't going to do the work then that means they're going to be more cats left out unaltered and unvaccinated, never getting a vaccination. So I'm telling you that or I'm trying to say is that the better health protocol, the better thing for us as a society from a public health standpoint, is to at least get these cats and, cats in and vaccinate them when we're spaying and neuter them and then let them live out their lives.

**BRANDT:** [01:01:27] Now is your, do you have a background in veterinary medicine or is this just a hobby for you or--

**BRAD BEAM:** [01:01:32] No. I am a lawyer and I have been actively involved in what is called, referred to sort of as a no-kill movement, which is the idea that you want to get shelters above 90 percent in their life outcomes. And I got involved in this in Austin, Texas. I have been involved in many different opportunities to provide public testimony in front of the Austin City Council on



various policy issues related to animals as well as the state of Texas. I moved back to Nebraska about four years ago and I volunteer a great deal of time helping shelters implement innovative practices like neonatal bottle baby programs to feed bottle baby kittens, foreign cat programs. In Austin we provide the cats for the stables for the police department in order to keep rodents out. There's just all sorts of innovative programs that are going on in the shelter and community around the United States.

**MOSER:** [01:02:34] OK. Thank you.

**BRANDT:** [01:02:37] OK. Senator Hansen.

**B. HANSEN:** [01:02:39] So, Brad, I just want to say I appreciate your cause and effort to save the animals.

**BRAD BEAM:** [01:02:45] Thank you.

**B. HANSEN:** [01:02:45] This was a pretty hot topic in Blair when I was on the city council. This came up and we had a whole crowd full of people from the animal shelter with just the TNVR program. Oh, yeah. Sorry. And so I just had a couple of questions. So who is, I mean from a more litigious standpoint, who is typically responsible if one of these feral cats does outlive the vaccination and does happen to bite another animal or cattle or a person? Do you know like who would be responsible for that? Would it be the farmer then?

**BRAD BEAM:** [01:03:16] Well, it would be, who I'd guess would be the owner. Now in a farm situation, I think the farmer would be the owner. Some cities have cat colonies that are established with a caregiver. And again it might depend upon the ordinance for the city as to whether or not

that's permissible. In Lincoln it happens. In Beatrice it wouldn't be able to happen as such. A lot of cities around the country call these community cats which means the theory is they belong to the community. They don't belong to an individual owner. They're going to be out there and they're going to exist on their own whether we like it or not. The only thing that you're going to do is if you don't like it you may go out and try to capture them and kill them all. But the vacuum effect comes into play to where animals would just, you know, take their place. This has happened. I know we have Senator Halloran is from, from the Adams County area. We had an issue last year with coyotes where there was an alleged bite of a child out there. USDA went in and killed the coyotes in the area. I believe that was a mistake. And the reason for it is because other coyotes will come in and take their place. The way that you affect this issue is you call haze a coyote so it learns not to come in contact with humans and by hazing it you hopefully, hopeful that, that again the coyotes will stay away. But once you kill them all, somebody, somebody else comes in and takes its place. It's the same thing that happens with cats. You may clear them all out but if they aren't fixed, they aren't spayed and neutered, you're going to be back seven years down the road with the same problem. So the better process from public health is to promote trap, neuter, vaccinate, and return to their area.

**B. HANSEN:** [01:05:16] OK.

**BRANDT:** [01:05:18] OK. Go ahead.

**B. HANSEN:** [01:05:18] I think, I think the whole purpose may be of removing a cat from society who may have the potential rabies [INAUDIBLE] somebody else insomuch as a vacuum effect is to make sure that them or the other cats around do not have rabies and so other cats might move back in from the vacuum phenomena, but they typically do not have [INAUDIBLE] so you don't have to worry about it, because you're removing the ones that do potentially have rabies. I think that takes away part of the concern that people might have, similar with the coyotes. And also, one other thing

with a TNVR program, how effective given these statistics or data shows how effective it is compared to removing a cat. Is this, I've heard, both like when this came from our city council. We've heard testimony from both sides and it was compelling evidence on both sides and I guess we really kind of had a difficult time finding the efficacy of those.

**BRAD BEAM:** [01:06:04] One of the handouts I gave you I believe is the success of TNVR programs around the country. And I don't know that I have it up here with me but it talks about how this has worked within certain communities and how is it, now how it has reduced the size of a feral colony over time. And you have to realize that again if you're allowing them to breed, you know, every seven years you're going to see a dramatic increase in the number of cats unless there's coyotes or somebody else that's, you know, harvesting them. But there are, there is a handout I think that called the trap, neuter, return success stories and you might look at that and that's good to talk about how they were able to measure progress made in these areas where they did TNVR.

**B. HANSEN:** [01:06:55] OK. Thank you.

**BRANDT:** [01:06:58] Any other questions for Mr. Beam? Mr. Beam, on your testifier sheet you failed to indicate whether you are a proponent for this. If you would like to do so, now would be the time.

**BRAD BEAM:** [01:07:08] I will change that. I did, and again I was wanting to sort of go both directions here on purpose, so

**BRANDT:** [01:07:16] OK. Thank you.

**BRAD BEAM:** [01:07:17] Thank you.

**BRANDT:** [01:07:20] More proponents. Before we proceed to the opponent testimony I would like to enter the following letters into the record both in support of the bill: Bo Botelho, Interim Director of the Department of Health on behalf of the department; and Shavonna Lausterer on behalf of the Lincoln Lancaster Health Department. A copy of these letters are included in the committee members' books behind the tab for this bill. I would ask a page to please hand this to the clerk. We will now proceed to the opponent testimony. Are there any opponents on this bill? Anyone to testify in the neutral capacity. I guess, Senator Halloran, you're free to close.

**HALLORAN:** [01:08:19] Thank you, Mr. Chairman. I would like to thank the committee and those who testified and took their time to discuss LB61. I want to repeat what the intent of the bill is and forgive me for this. It's written. You have a copy of this statement of intent. LB61 updates Nebraska's rabies statutes to better align with current science. I think that's very crucial. The bill revises the reference to the Compendium of Animal Rabies Prevention and Control which serves as the national standard for evidence-based practices for rabies prevention and control. The bill resolves conflicts between current state law and the compendium. It removes outdated statutory restrictions related to seizure of an animal that bites or exposes a person and disposition of a domestic animal bitten by or exposed to a rabid animal. The compendium now provides less restrictive options for dealing with such animals that will limit instances of quarantine or euthanasia. The Department of Health and Human Services adoption and promulgation of evidence-based rules and regulations will allow for current and future alignment with compendium as necessary. And the compendium will change from time to time and I think that's important to note. So this bill is in place so that when the compendium changes, we change with that compendium. I understand Senator Lathrop's questions or I believe I understand the question on potential litigation, but I would say that I think it's, it's important that we allow, in this case, science to determine the length of, length of the efficacy of a rabies shot and not put it into hard core statutory writing from

our perspective as legislators. It's science-based and I think that's a good thing that we keep up with the science. On that note I would ask the committee support LB61 and advance the bill to General File.

**BRANDT:** [01:10:36] Thank you, Senator. That will close the hearing for LB--

**HALLORAN:** [01:10:40] And if I may add, we can work with Mr. Beam and see what we can do on that issue but not making any promises, but we will work with him on that.

**BRANDT:** [01:10:50] OK. Thank you. That will close the hearing for LB61.