Bill as Introduced

SB 406 - AS INTRODUCED

2002 SESSION

02-3152
08/01

SENATE BILL ***406***

AN ACT relative to animal control.

SPONSORS: Sen. Wheeler, Dist 21; Sen. Roberge, Dist 9; Rep. Babson, Carr 5; Rep. Rausch, Rock 13; Rep. Wendelboe, Belk 2; Rep. Phinizy, Sull 7

COMMITTEE: Wildlife and Recreation

ANALYSIS

This bill raises the fee for animal sterilization for animals adopted from animal shelters, and provides for an annual adjustment of the fee beginning July 1, 2003.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 406 - AS INTRODUCED

02-3152
08/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Two

AN ACT relative to animal control.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Eligibility of Owner of Dog or Cat to Participate. Amend RSA 437-A:3 to read as follows:

437-A:3 Eligibility of Owner of Dog or Cat to Participate.

I. A resident of the state who has adopted a dog or cat from an animal shelter facility, as defined in RSA 437:2, I, shall be eligible to participate in the program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the operation. The sterilization shall be performed by a participating veterinarian, and the fee for the operation shall be [~~$25~~] ***$30***.

II. A resident of the state who owns a dog or cat and who is eligible for one of the following programs shall also be eligible to participate in a reduced fee companion animal population control program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure and such person pays a fee of [~~$10~~] ***$15***:

(a) The Food Stamp Program authorized by Title XIII of the Food and Agriculture Act of 1977 (7 U.S.C. section 2011 et seq.) and RSA 161:2, XIII.

(b) The Supplemental Security Income Program established pursuant to Title XVI of the Social Security Act (42 U.S.C. section 1381 et seq.).

(c) The Aid to Families with Dependent Children Act established pursuant to 42 U.S.C. section 601 et seq. and RSA 161-B.

(d) The aid to the needy blind program established under RSA 161:2, V.

(e) The medicaid program established under RSA 167.

(f) The old age assistance program established under RSA 167.

(g) The aid to the permanently and totally disabled program established under RSA 167.

III. On July 1 of each year, the copayment paid by owners of animals sterilized under paragraphs I and II shall be adjusted, to the nearest dollar, to reflect the change in the cost of living during the preceding calendar year.

2 New Paragraph; Rulemaking. Amend RSA 437-A:5 by inserting after paragraph II the following new paragraph:

II-a. The annual adjustment of the copayment under RSA 437-A:3, III.

3 Applicability. The copayment adjustment specified in RSA 437-A:3, III shall commence on July 1, 2003.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Sen. Wheeler, Dist 21
January 29, 2002
2002-2356h
08/10

IF this amendment is adopted by the Committee, please deliver to the House Clerk (Room 317) or Senate Clerk (Senate Chamber), the 2 originals and 2 copies.

Amendment to SB 406

Amend the bill by replacing all after the enacting clause with the following:

1 Eligibility of Owner of Dog or Cat to Participate. Amend RSA 437-A:3 to read as follows:

437-A:3 Eligibility of Owner of Dog or Cat to Participate.

I. A resident of the state who has adopted a dog or cat from an animal shelter facility, as defined in RSA 437:2, I, shall be eligible to participate in the program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the operation, ***and such person pays a fee of $30. This fee may be adjusted periodically by the commissioner to reflect changes in the cost of living***. The sterilization shall be performed by a participating veterinarian[~~, and the fee for the operation shall be $25~~].

II. A resident of the state who owns a dog or cat and who is eligible for one of the following programs shall also be eligible to participate in a reduced fee companion animal population control program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure and such person pays a fee of [~~$10~~] ***$15. This fee may be adjusted periodically by the commissioner to reflect changes in the cost of living***:

(a) The Food Stamp Program authorized by Title XIII of the Food and Agriculture Act of 1977 (7 U.S.C. section 2011 et seq.) and RSA 161:2, XIII.

(b) The Supplemental Security Income Program established pursuant to Title XVI of the Social Security Act (42 U.S.C. section 1381 et seq.).

(c) The Aid to Families with Dependent Children Act established pursuant to 42 U.S.C. section 601 et seq. and RSA 161-B.

(d) The aid to the needy blind program established under RSA 161:2, V.

(e) The medicaid program established under RSA 167.

(f) The old age assistance program established under RSA 167.

(g) The aid to the permanently and totally disabled program established under RSA 167.

2 New Paragraph; Rulemaking. Amend RSA 437-A:5 by inserting after paragraph II the following new paragraph:

II-a. The adjustment of the fee under RSA 437-A:3, I or II.

3 Effective Date. This act shall take effect on July 1, 2002.

2002-2356s

AMENDED ANALYSIS

This bill raises the fee for animal sterilization for animals adopted from animal shelters.

Wildlife and Recreation
February 19, 2002
2002-2742s
08/10

Amendment to SB 406

Amend the bill by replacing all after the enacting clause with the following:

1 Eligibility of Owner of Dog or Cat to Participate. Amend RSA 437-A:3 to read as follows:

437-A:3 Eligibility of Owner of Dog or Cat to Participate.

I. A resident of the state who has adopted a dog or cat from an animal shelter facility, as defined in RSA 437:2, I, shall be eligible to participate in the program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the operation, ***and such person pays a fee of $30. This fee may be adjusted periodically by the commissioner to reflect changes in the cost of living***. The sterilization shall be performed by a participating veterinarian[~~, and the fee for the operation shall be $25~~].

II. A resident of the state who owns a dog or cat and who is eligible for one of the following programs shall also be eligible to participate in a reduced fee companion animal population control program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure and such person pays a fee of [~~$10~~] ***$15. This fee may be adjusted periodically by the commissioner to reflect changes in the cost of living***:

(a) The Food Stamp Program authorized by Title XIII of the Food and Agriculture Act of 1977 (7 U.S.C. section 2011 et seq.) and RSA 161:2, XIII.

(b) The Supplemental Security Income Program established pursuant to Title XVI of the Social Security Act (42 U.S.C. section 1381 et seq.).

(c) The Aid to Families with Dependent Children Act established pursuant to 42 U.S.C. section 601 et seq. and RSA 161-B.

(d) The aid to the needy blind program established under RSA 161:2, V.

(e) The medicaid program established under RSA 167.

(f) The old age assistance program established under RSA 167.

(g) The aid to the permanently and totally disabled program established under RSA 167.

2 New Paragraph; Rulemaking. Amend RSA 437-A:5 by inserting after paragraph II the following new paragraph:

II-a. The adjustment of the fee under RSA 437-A:3, I or II.

3 Effective Date. This act shall take effect on July 1, 2002.

2002-2742s

AMENDED ANALYSIS

This bill raises the fee for animal sterilization for animals adopted from animal shelters.

Committee Minutes

Date: 1/29/02
Time: 10:15 A.M.
Room: 101, LOB

The Senate Committee on Wildlife and Recreation held a hearing on the following:

SB 406 relative to animal control.

Members of Committee present: Senator George F. Disnard, D. 8
Senator Thomas R. Eaton, D. 10
Senator Theodore L. Gatsas, D. 16

The Chair, Senator George F. Disnard, opened the hearing by calling on the prime sponsor Senator Katherine W. Wheeler, D. 21.

Senator Katherine W. Wheeler, D. 21: Thank you very much Mr. Chair and member of the committee. I am Senator Katie Wheeler, from District. 21: Dover, Durham, Lee, Madbury, and Rollinsford; we hope it stays that way. And, I am very pleased to come before you in support of a program which New Hampshire has to reduce the euthanasia of healthy dogs and cats in our shelters.

And, this program has been in effect, I believe, since 1995, that is what I have for the financial statements from it, and it is the most successful program of it's kind in the Country. We have had enormous success in reducing the euthanasia of healthy dogs and cats. So, we feel that it needs to be updated a bit. The co-payment that people pay when they have their dog or cat neutered has been set at a very low fee; the fee for the operation has been $25.00 by statute.

We want to raise the fee; we want to raise the co-pay. And, we also have an Amendment that will be coming in, in about 15 minutes, that will make it easier to change this as the cost of living changes, to make it more reasonable. It is always a problem when you got a dollar figure set in statute, and you have to come back with a new bill every time you need to change it.

So, our Amendment will be to make the increase possible through rules with...I believe through rules...with adjustment based on the cost of living. This bill comes to you from a Statutory Committee, the Pet Overpopulation Control Committee, familiarly known to at least to Senator Roberge and me, as pet pop, and we discussed what we needed to do to keep the program successful.

It's funded through a $2.00 fee on dog licenses. We still haven't figured out how to get the cat owner's to pay in; we are working on that; you may be hearing that bill later on. But, in the mean time, we want to make sure that the program can be made as viable financially. I do have some material to pass out to you, this is from the state veterinarian, his office, it's run out of that office. **(See Attachment # 1)**

And, there will be a lot of people behind me testifying that can give you more details about the program. It is a fairly simple proposition we are bringing before you. We hope you will look upon it with favor. You will probably get a more coherent explanation from other people testifying. So, thank you very much.

Senator George F. Disnard, D. 8: One question. What would be the charge for this during...if I had a cat that I had purchased or someone gave me, but I did I not attain it from the animal shelter facility?

Senator Katherine W. Wheeler, D. 21: If you weren't eligible, either from having adopted an animal through a shelter or from being income eligible, which is the other way that you can become eligible for the program, then you would pay the standard fee from your veterinarian. And, the fee that has been established for the program; I believe is an average of the fees, and then from that we choose the maximum amount that a veterinarian can charge. But, even in this program, veterinarian's fees will vary. And certainly, your veterinarian fee might be different from my veterinarian fee.

Senator George F. Disnard, D. 8: Thank you. Questions? Thank you very much. Who will be presenting this Amendment, You?

Senator Katherine W. Wheeler, D. 21: Peter March will be, he is the public member of the Pet Overpopulation Committee, and he will be presenting the Amendment. But, you might wish to call on the Representatives who are members of the committee who are here now, Representative Babson and Representative Phinizy.

Senator George F. Disnard, D. 8: I would feel more comfortable if a legislator submitted it, not that the others can't.

Senator Katherine W. Wheeler, D. 21: I'm happy to submit it. I would be very pleased to submit it, but it is coming from this committee, and Peter is appointed by the Governor as a public member.

Senator George F. Disnard, D. 8: Thank you very much. Are there any Representatives here to speak that have not signed up? Mr. Babson? Thank you.

Rep. David Babson: Good morning Senators. I am Representative David Babson from Carroll, District 5, a member of the Pet Overpopulation Committee, and a strong supporter of this bill. I believe you will hear today that somewhere, mid 90's, we euthanasiaed 12 thousand animals, and last year, I believe the figure was 22 hundred, so the program is working

The problem with the program is the Department has had to shut it down for the months of... I believe the last 3 or 4 years... for the months of May and June, it had run out of money. This bill simply increases the fees for the 2 groups that can use the program and it also makes an adjustment. As Senator Wheeler said, we didn't want to use a dollar figure we use an indicator, and will raise the fee proportionately in years to come. I hope you will support this bill.

Senator George F. Disnard, D. 8: Question. Representative Babson, on roman numeral III, if they...Senator Wheeler indicated that we had an Amendment so this would not have to appear before the legislature each year; that means the legislature would have no control over the amount of money a indigent person would have to pay for this service?

Rep. David Babson: Would the legislature have a control overture?

Senator George F. Disnard, D. 8: Right now, the legislature has control.

Rep. David Babson: Yes, because we have set the fee at $25.00 and we want to go to $30.00.

Senator George F. Disnard, D. 8: But as Senator Wheeler indicated, I think she said in 15 minutes, at the time, an Amendment will be presented, so the legislature would not have to go through this process every year, in law it would be allowing an increase. So, that means that the legislature would have no control of the amount of what any indigent person would have to pay?

Rep. David Babson: Yes sir.

Senator George F. Disnard, D. 8: Thank you. Questions?

Senator Theodore L. Gatsas, D. 16: Are you familiar with these numbers that Senator Wheeler passed out?

Rep. David Babson: No, I am not.

Senator Theodore L. Gatsas, D. 16: Maybe, I should ask her my question. Thank you.

Rep. David Babson: Is it up through the figures in the (inaudible) Senator?

Senator Theodore L. Gatsas, D. 16: Yes.

Rep. David Babson: I've seen most of them over a period of a year.

Senator Theodore L. Gatsas, D. 16: I guess my question is, the surgeries performed in 2001, excluding 167, the cost was 228 thousand, and the number of surgeries performed in 99, was 5196,and that cost was 210; I was just wondering why there was a difference with more surgeries performed at the extra cost?

Rep. David Babson: I would have to say that that has to do with who uses the program. If you have someone coming in and paying the $10.00 fee, and having more operations, you are going to get...Does the chart show you A and B there?

Senator Theodore L. Gatsas, D. 16: It doesn't, it just shows you.

Rep. David Babson: Okay, I suspect it's because of who is using the program. The other thing to keep in mind, in case you get any other bills through here, this is supported totally by the dog population.

Senator Theodore L. Gatsas, D. 16: If a shelter neuters before adoption, do they have the opportunity to participate in this reimbursement?

Rep. David Babson: If the shelter neutered before placement?

Senator Theodore L. Gatsas, D. 16: Before placement.

Rep. David Babson: As far as I know, all the shelters are participating in it, and it has to do with the individual case of the animal. The animal can't be released unless it is neutered, and it is just a question of whether you're part of Group A or Group B. Does that answer your question properly?

Senator Theodore L. Gatsas, D. 16: So, that answer is yes or no?

Rep. David Babson: The animal can't be taken out unless it is neutered. And, so the answer would be that they have to get it neutered and they are participating.

Senator Theodore L. Gatsas, D. 16: Well, I see that there is some shaking of heads back there.

Senator Katherine W. Wheeler, D. 21: We will let the Humane Society explain that.

Rep. David Babson: Let the Humane Society answer it, I was under the impression that they had to be neutered before they could leave the shelter.

Senator George F. Disnard, D. 8: Sir, you said...is this income only from the neutering of dogs?

Rep. David Babson: and cats.

Senator George F. Disnard, D. 8: I thought you said, I misunderstood.

Rep. David Babson: The cats use the program, I believe it is 3 to 1.

Senator George F. Disnard, D. 8: Thank you. 3 to 1, the record shows that it is the other way around.

Rep. David Babson: No

Senator George F. Disnard, D. 8: Total cats, in one time, in one month, 323, total dogs 87, total dogs 56, total cats 333.

Rep. David Babson: I said the cats were 3 to 1 sir.

Senator George F. Disnard, D. 8: Thank you. Representative Phinizy do you wish to speak?

Rep. Jay Phinizy: I would. For the record, I am Jay Phinizy; I represent Sullivan, District 7,and that of course is the six loveliest towns in Sullivan County, and we all know them by heart by this point, so I won't review them. But, at any rate, just to paraphrase Senator Wheeler, maybe it is Senate District 7, we don't know anymore. Basically, I would like to answer one question that there is confusion on. I will let the Humane Society people discuss the policies when it comes to neutering, and who pays, and whether the Humane Society pays or whether the individual pays; they can explain that to you more clearly.

But, if you are worried about oversight or review; you have 2 Senators, and 2 plus Representatives on this Statutory Committee, which basically review these issues, probably, I would say, on or about a every 2 month basis. So, that were there to be any charges, or were there any costs that got out of control, one way or the other; they basically could put in legislation at any time in order to take care of the question. So, I think there is a fair amount of oversight.

Senator George F. Disnard, D. 8: Thank you.

Rep. Jay Phinizy: Thank you Sir.

Senator George F. Disnard, D. 8: Michael Philbrook please?

Michael Philbrook: Thank you Mr. Chair, members of the committee. My name is Michael Philbrook. I am the Executive Director of the Humane Society for Greater Nashua, the shelter that brought you these lovely pens today. I'm here in support of this bill. I just want to speak briefly to...I will let Bev Leo speak about the questions that you've raised about the rules... but I just want to speak briefly about the reason that we are supporting this bill.

This bill has been in effect, or this law has been in effect for 7 years, and there hasn't been an increase in the co-pay. While costs, obviously have risen in 7 years, costs to the veterinarians and others participating, and we want to be able to provide a viable, financial vehicle to keep this program going, so that it doesn't have to shut down for lack of funds every year, as it has a few times in the past.

Statistically in New Hampshire, the average adoption rate is 61%, the national average is 23.9%, and the national average euthanasia rate is 63.6%, and in New Hampshire it is 23%. So, you can see we have done a lot of work. This program has been a tremendous catalyst in getting those numbers to where they are. We are number 1 in the nation in terms of euthanasia rate per capita. We have the lowest euthanasia rate in the Country.

For my shelter in Nashua, in 1998, we had a 42% adoption rate, and a 52% euthanasia rate. Last year, our adoption rate rose to 49%, and our euthanasia rate dropped to 20%. We had a 21% drop in the number of animals coming into the shelter. So, the neutering of animals is directly responsible for, primarily responsible for the drop in unwanted animals in our communities. That is all I had to present. Any questions?

Senator George F. Disnard, D. 8: Questions? Thank you very much.

Michael Philbrook: Thank you.

Senator George F. Disnard, D. 8: Beverly Leo?

Beverly Leo: My name is Beverly Leo; I am from Warner, New Hampshire. I represent the New Hampshire Federation of Humane Organizations; an umbrella type of organization which brings together the interests of all of the major Humane Societies, and the smaller Humane Societies in New Hampshire. And, I would only just reiterate what Mike just said, that the Humane Societies across the board are supporting this attempt to bring a little more financial security to the program.

The program has benefited us all, and I don't need to go into that, you have heard some very good testimony today. I want to speak to a couple of things that were mentioned today; that the taking away the oversight of the legislature over the fees, as this Amendment, this bill would do, does not mean that willy-nilly, someone can decide what the fees will be; it would go through, as I understand it, rules making in the Department of Arigculture, which in itself has some public oversight, it is done through hearings, and there would be the ability to put input and some checks and balances on that.

We have great trust at this point that the raise in fees would do just exactly what it says here, reflect the change and the cost of living through the proceeding calendar year. It would be a limited change bringing the income to the program, increasing it just that incremental amount that the cost of living increases; something that hasn't been in effect since the beginning of this program. You mentioned... I believe you had a question sir, on the increase in fees. And, one of the things that have happened is...I don't know what your specific was, but it had to do with the increase in cost to the program, I believe.

Senator Theodore L. Gatsas, D. 16: If you go to the second page, and look at 2001, there were 4167 surgeries performed, and it cost you 228 thousand, go back to 99, there were 5196.

Beverly Leo: And, the main reason for that, again, has to do with why we want to raise the co-pay to cover these increases in cost. The veterinarian's own cost have increased. Also the way, the parody in which they are being reimbursed has changed slightly in the last couple of years, so that the veterinarians are able to submit to the Department of Arigulculture, a more realistic assessment of their own cost, including some of the ancillary to surgery cost that they incur.

When a person brings his animal to a vet, he doesn't just pay for the basic surgery, he pays for the recovery, he pays for some of the examination and tests that have to been done on the animal prior to surgery. Previously the vets were only able to submit to the Department of Agriculture, very limited surgical fees, but their costs to do these surgeries were not totally reflected. So, the vets are submitting slight...not only are their cost increases but they are submitting slightly more costs to cover more fairly their own participation in the program; therefore the fees rather jumped at one point, and now the fees will continue to increase presumably by that cost of living amount.

The other thing that I can speak to that came up was the question about shelters neutering before adoption, do they have to neuter and do the shelters us the state program. The way the state program is written, the individual owner of an animal presents the Plan A or Plan B... in the case of shelters, Plan A... certificate to the vet for his 25, and we hope $30.00 co-payment. The shelter itself is not under statute, allowed to take advantage of that, but what shelters do... because the Humane Societies in the state individually

require that all of their animals be neutered before leaving, there is not a state statute that requires that.

An, animal shelter could open up and could hand out un-neutered animals, and could not require that, however, that isn't how shelters operate. The Federation, membership in the Federation does require that the attending, that the member organizations do have a policy requiring neutering. So, it is a shelter to shelter policy, but it does happen to be across the board that the shelters do require neutering; I just want to clarify that it is not a state mandate that they do that.

So, basically there is a requirement that animals are neutered before adoption, or for those shelters that don't actually neuter all animals prior to adoption; as a follow-up procedure, the new owners is required to do it in order to keep the animal; that gets into a administrative problems with shelters, and they are now preferring to have them all neutered prior to leaving, those that can manage to do it.

The way that it is done is when there is an owner for the animal; if the Smith's come in and they are going to adopt fluffy, then fluffy goes to the vet for neutering once he has a confirmed owner, and that owner then is the name that is on the certificate that goes through. So, the shelter as owner is not using the state program, the new owner is. That ensures that ever animal adopted from shelters who's using the certificate does have an actual New Hampshire resident owner, compiling with the rules of the program. I hope that I have done more clarification than confusion. If there are any other questions, I would be glad to answer them.

Senator George F. Disnard, D. 8: In this total amount of dollars on the second page, includes all dogs and cats, not those just participating in the program?

Beverly Leo: It looks to me as though this would be all. No, I'm sorry, all dogs and cats participating in the state program, Plan A and Plan B, the New Hampshire Animal Population Control Program.

Senator George F. Disnard, D. 8: Thank you. Further questions?

Senator Theodore L. Gatsas, D. 16: Let me see if I can ask you a direct question. The Manchester Animal Shelter, do they participate in the state program?

Beverly Leo: I have to assume they do, someone here may know that, I personally don't know that because right now the Manchester Animal Shelter is not a member of the Federation, which means I don't right now know whether they do. I assume they do, I don't have knowledge that they don't, but I' m not that familiar with the working of that particular animal shelter.

Senator Theodore L. Gatsas, D. 16: You know why I am asking this is because I believe that they neuter before they adopt.

Beverly Leo: Most shelters do, as I said. And, I'm sure that they are going to try to if they don't now.

Senator Theodore L. Gatsas, D. 16: How do they participate in the state program if they do it before?

Beverly Leo: The shelters that use the state program Plan A for the animals they neuter, do it with the knowledge that there is a confirmed adopter in the wings for that animal. Now, many shelters have private relations with veterinarians and have different fees; some will have veterinarians who are agreeing to neuter those shelter animals for a certain fee less than regular fee and that would be aside from the state program. Some shelters have different arrangements than the state program, allowing them to continue to neuter prior to adoption with out having a confirmed owner first.

Senator George F. Disnard, D. 8: Thank you.

Beverly Leo: Thank you.

Senator George F. Disnard, D. 8: Russell Pope please?

Russell Pope: Thank you very much Mr. Chairman, members of the committee. My name is Russell Pope; I represent Dog Owners of the Granite State. I am somewhat familiar with the Amendment which no one has seen yet, and we are certainly in favor of the bill as introduced, and have no problem with the Amendment, as I understand it.

This particular bill represents a win-win situation for everyone; the towns, it reduces the stray population in the towns, it reduces the funding necessary for animal control, it reduces euthanasia in the shelters, it decreases the population of the animals in the shelters; it saves everyone a lot of money all the way around. It also reduces the animal population in the state in general, and sort of detracts from the scrutiny that dog breeders, and cat breeders are subject to, so we are all in favor of that.

One of the members of Dog Owners of the Granite State is the current President of Cat Fanciers of New Hampshire and I have been in touch with her; she has asked me to submit the fact that they are also in favor of this bill with the Amendment. And, that's all I have. Thank You.

Senator George F. Disnard, D. 8: Questions? Mr. Pope, I don't have a dog or a cat, so don't laugh at my question. Are male and females neutered?

Russell Pope: It depends on who you are talking to, some people use the word spay for females. I believe Doctor McGinnis believes the term neutered is applicable to both sexes.

Senator George F. Disnard, D. 8: Thank you very much. Further questions? Anyone else wish to speak that did not sign up?

Senator Katherine W. Wheeler, D. 21: Mr. Chair, Peter Marsh is as I said, the public member of the Pet Overpopulation Committee has just gone to pick up the Amendment, would you mind waiting a minute or so until he comes back with it? And, I will be happy to present it.

Senator George F. Disnard, D. 8: Do you wish to wait? Yes, we will recess until it comes.

Senator Katherine W. Wheeler, D. 21: Thank you.

Senator George F. Disnard, D. 8: Thank you. We are out of recess. We will reopen the hearing on Senate Bill 406. Senator Wheeler Please?

Senator Katherine W. Wheeler, D. 21: Thank you very much Mr. Chair. I am presenting to you an Amendment with the number 2356, I have no idea why it says h because I am a Senator, but that may need to be corrected.

Senator George F. Disnard, D. 8: This is now the bill?

Senator Katherine W. Wheeler, D. 21: Yes it is. It doesn't change the substance of the bill sufficiently except... in our last meeting which was, I believe just last week, of the Pet Overpopulation Committee, we talked about the bill and talked about how tedious it is to have to have the fee altered through a separate piece of legislation at such time as it may need altering, and that is why we put in the line that says "This fee may be adjusted periodically by the commissioner to reflect changes in the cost of living."

So, we have given statutory guidance to the commissioner, that we are talking about having it tied to the cost of living, but we are not requiring that it be any particular percentage of the cost of living. And, to make it as flexible as possible, we've given the commissioner the authority to do it, but with the usual process of rule making, and through the Pet Overpopulation Committee, which does review this program on a very regular basis. And, as I said, it is run through the State Veterinary Department of Argculture.

Peter Marsh is a pummatorial (?) appointed public member to the Pet Overpopulation Committee, and if you are interested in learning some more about the program, I'm certain he could explain it more clearly to you than perhaps I have.

Senator George F. Disnard, D. 8: Thank you. Mr. Marsh, shall I write your name down as wish to speak?

Peter Marsh: Please. I would be happy to answer any questions. I may address a couple of issues that have come up earlier in the hearing. My name is Peter Marsh; I live in Chichester. This bill came as a result of the Pet Overpopulation Committee trying to deal with the fact that the program

didn't have enough money last year, and was shut down April 15th, for 2 ½ months, and so we are trying to deal with the fiscal issues.

The first one is indexing the co-payment, which is, as you heard, has not been increased for 8 years. The second thing is that we had indexed the vet's fees. You had pointed to the rise in vet fees over a period of time, Senator. What we did was index the vet's fees to the cost of living, but we did it through rulers because the existing statute ***437:A***, indicates that the comminisher determines which vet's fees are reasonable or unreasonable.

As through agreement with Doctor McGinnis, agreed with the veterinarians that they would index their fees to the veterinary costs as they went up year by year. And, actually the vet's fees are set on January 1st, although we operate on a fiscal year of course. So, this January 1st, the vet's fees were indexed and they will be indexed with an idea that we are trying to control both the money coming into the program, the co-payment, and increase that as times goes by with inflation, and trying to control the money going out, that is payment to vet's fees in the same way, so that we don't always have a situation that we have to come back and address shortfalls in the program revenue.

And answering your question Sir, about neutering for adoption, and how a shelter can participate in a state program and neuter before adoption; what they do is a two step process. This program, so-called Plan A, the shelter's adopters fee requires an actual adopter to authorize the surgery. So what shelters do if they have a intact animal, is arrange to have a adopter adopt the animal, and then they will have the animal neutered in the adopter's name, and then the adopter picks up the animal; it's one extra step in the process.

Some shelters, frankly, just neuter all of their animals before adoption without going through the state program; I know that the shelter (inaudible) does that. Other shelters, such as the Manchester Animal Shelter, which is 1 of the 19 shelters that participates in the program, they go through this two step process; it is a little more cumbersome but the thought is that it increases adoptions by making it more affordable to people to adopt.

To answer Senator Disnard's question, I would say an average cat spay in Sullivan County would probably cost between $100.00 and $125.00 to spay a cat if you went to a veterinarian. This program, they can do it for $25.00, a shelter adopter, plus they pay the cost of shots, which maybe another $25.00 or $30.00, so it's a saving of $50.00 to $75.00.

Senator George F. Disnard, D. 8: That information is important to me. Thank you. I didn't realize that it differentiates.

Peter Marsh: Thank you. Well, it is quite expensive. I mean thinking about it, and frankly, it's a bargain... if you think about a ovarian hysterectomy on an animal, all they have to go through, really $125.00... veterinarians always say the differential between a surgery on an animal and on a human, is a factor of abut 40; that is, if you did that same surgery on a human, they would get 40 times the income... so they always say it is a pretty good bargain.

Senator George F. Disnard, D. 8: I appreciate that, I was concerned about the cost to the indigent, but that answers my question. Thank you. Any further questions? Thank you very much. We will close the hearing on Senate Bill 406.

Hearing Closed at 10:47 A.M.

Respectfully Submitted,

Amy Lynn Reczko
Committee Secretary

Attachment #1

Memorandum

To: Pet Overpopulation Committee

From: Beth Campbell, Program Assistant

Date: January 29, 2002

Re: Program Update

The Veterinarian Agreements for 2002 were sent out in November. One new practice, Arbor Veterinary Services of Lee, has come on board for this year. Drs. Erb of the Landaff Veterinary Clinic and Phenix of the Nashua Pet Care Clinic have decided against participation. To date, two practices have not submitted agreements for 2002. I have attached a current list of participating veterinarians for your information.

The vet's fees that were submitted by December 17, 2001 were used to compute the maximum fees for 2002. Those fees are as follows:

Female Dogs	**Weights**	**Male Dogs**
130.00	Up to 25#	110.00
140.00	26 - 50	117.00
154.00	51 - 75	127.00
172.00	Over 75#	138.00
Female Cats		**Male Cats**
110.00	Any Weight	64.00
Office Visit/Exam Fee		28.00

The NH Animal Population Control Program received a $15,000.00 grant from Dr. Faith Berry's Noah Foundation. A copy of the letter, which accompanied the check, is attached. I will prepare a thank you letter. If the committee would like, it could be presented to her at an upcoming meeting. Please advise Dr. McGinnis how this should be handled.

Finally, I have attached the Monthly Summary. As of today, there is $35,484.27 remaining in the fund. This does not reflect the Noah Foundation Grant.

Please feel free to contact me if you have any questions.

Attachments: APCP - Monthly Summary
List of Participating Veterinarians
Copy of letter from Dr. Faith Berry

NH Animal Population Control Program		
Fiscal Year	Surgeries Performed *	Cost
1995	3384	122,114.34
1996	3526	126,898.68
1997	4006	155,404.11
1998	4715	183,409.78
1999	5196	210,998.28
2000	4664	209,198.85
2001	4167	228,793.50
2002	2349	127.390.73
Totals	**32007**	**$1,364,208.27**
Veterinarian Contribution via reduced fees (approx)		**$341,000.00**

* Through January 29, 2002

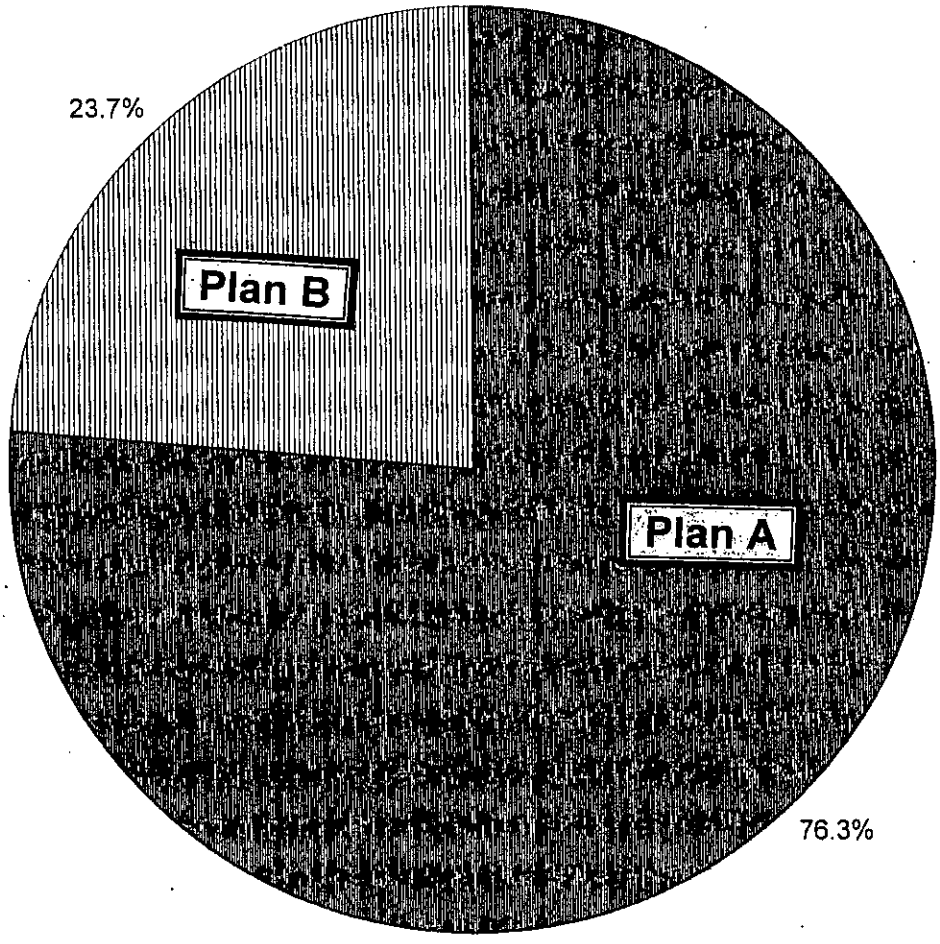
ANIMAL POPULATION CONTROL PROGRAM

FISCAL YEAR 2002
MONTHLY SUMMARY

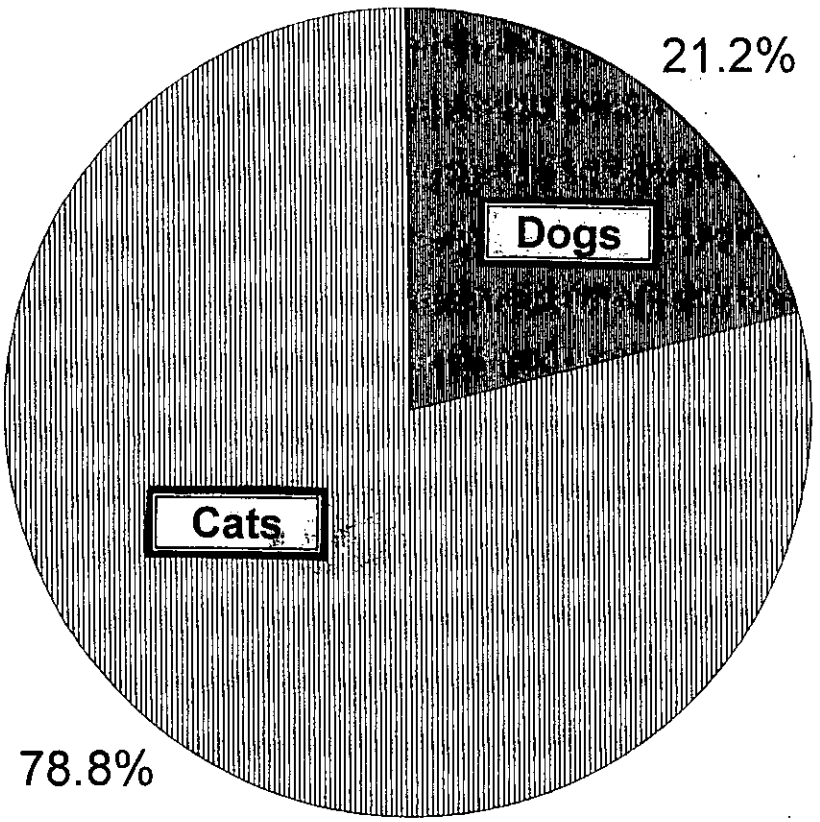
MONTH	PLAN A	PLAN B	TOTAL A + B	COST OF SURGERIES	AVG. COST PER SURG.	TOTAL DOGS	TOTAL CATS
Prev FY Outstanding	32	12	44	$2,335.70	$53.08	12	32
JULY	196	137	333	$20,422.97	$61.33	99	234
AUG	243	119	362	$20,906.84	$57.75	101	261
SEPT	254	101	355	$18,120.18	$51.04	68	287
OCT	302	154	456	$25,263.01	$55.40	97	359
NOV	281	108	389	$19,660.24	$50.54	56	333
DEC	313	97	410	$20,681.79	$50.44	87	323
JAN			0				
FEB			0				
MAR			0				
APR			0				
MAY			0				
JUNE			0				
TOTALS	**1621**	**728**	**2349**	**$127,390.73**	**$54.23**	**520**	**1829**

BUDGET	$162,875.00
PAID OUT	$127,390.73
REMAINING	**$35,484.27**

FY 2002 Plan A vs Plan B



FY 2002 Dogs vs Cats



Speakers

SENATE WILDLIFE & RECREATION COMMITTEE

Date Jan 29, 2002 Time 10:15 A.M. Public Hearing on Bill # SB 406

Appearing in **FAVOR**: *(Please print)* *Please check box at left to speak.*

Speaking?	Name	Address	Representing
☑	Michael Philbrook	24 Ferry Rd., Nashua	Nashua Humane Society
☑	BEVERLY LEO	WARNER, NH	NH Fed of Humane Soc
☒	Russell H Pope Jr	221 Wicks Road Charlestown NH	Dog Owners of The Granite State
☑	Sen Katrie Wheeler	District 24	
☑	Rep David L Bly	Cheshire	
☑	Joy Phinizy	Acworth Sull. 7.	
☑	Peta Marsh	— Public Member —	
☐			
☐			
☐			

Appearing in **OPPOSITION**: *(Please Print)* *Please check box at left to speak.*

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Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Wildlife and Recreation

to which was referred Senate Bill 406

AN ACT relative to animal control.

VOTE: 3-0

Amendment # 2742s

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Sheila Roberge
For the Committee

SB406 Docket

Next|Prev|Results List|Main|Bill Status

Bill Title: (2nd New Title) relative to animal control.

Date	Body	Description
1/2/2002	S	Introduced and Ref. to Wildlife & Recreation; SJ 1, Pg.12
1/22/2002	S	Hearing; January 29, 2002, Room 101, LOB, 10:15 a.m.; SC6
2/19/2002	S	Committee Report; Ought to Pass with Amendment {2742}, [02/20/02]; SC12A, Pg.20
2/20/2002	S	Ought to Pass with Amendment {2742}, AA, VV; SJ 6, Pg.159-160
2/20/2002	S	Sen. Roberge Foor Amendment {2810},(New Title), AA, VV; OT3rdg, MA, VV; SJ 6, Pg.160-161
2/21/2002	H	Introduced and ref to Mun and Cnty Govt; HJ25, p943
3/5/2002	H	Copy to Chairman on Mar 5
3/6/2002	H	Hearing Mar 20 10:00 RMs301-303,LOB
3/26/2002	H	Maj Report OTP/AM for Apr 4 (vote 12-1;CC)
3/26/2002	H	Prop Comm Am{3095}(New Title); HC29, p1167
4/4/2002	H	Passed with Am; HJ32, p1255 + 1283
4/25/2002	S	Sen. Disnard Concur with House Amendment {3095},(New Title), MA, VV
5/2/2002	S	Enrolled;
5/2/2002	H	Enrolled;

Next|Prev|Results List|Main|Bill Status

Docket Abbreviations