

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** Thursday, March 08, 2012
- TIME:** 1:30 p.m. or Upon Adjournment
- PLACE:** Room EW20
- MEMBERS:** Chairman Andrus, Vice Chairman Boyle, Representative(s) Lake, Stevenson, Trail, Bolz, Shirley, Patrick, McMillan, Batt, Pence, Lacey
- ABSENT/
EXCUSED:** None.
- GUESTS:** Heather Cunningham, Self; Sara Lee, Self; Wyoma Clouss, Idaho Dog Coalition; Barb Hutchinson, Canyon County Animal Shelter; Kamion Garner, Self; Lisa Kauffman, HSUS; Larry Sandesky, Idaho Brittany Club; Benjamin Kelly, Food Producers of Idaho; Jeff Rosenthal, Idaho Humane Society; Linda Lemmon, Self; Kent Lauer, Idaho Farm Bureau
- Chairman Andrus** called the meeting to order at 1:30 p.m.
- MOTION:** **Rep. Pence** made a motion to approve the minutes of Tuesday, February 28, 2012. **Motion carried by voice vote.**
- H 611:** **Heather Cunningham**, Self, Attorney, said in property law horses are still considered property. She said the remedy for a boarder whose owners have not paid after notice of 60 days is to sell the animal at a licensed public livestock auction market. She said it is very difficult to sell horses at these types of markets because they aren't around any more. After doing research she found the law was out dated. Ms. Cunningham said the bill will strike the words "licensed livestock market" and leave only "public auction". She said nothing changes in Code for the requirement of notice. She said she had not encountered any opposition to this change and asked for support of the bill.
- MOTION:** **Rep. Pence** made a motion to send **H 611** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Boyle** will sponsor the bill on the floor.
- Chairman Andrus** turned the gavel over to **Vice Chairman Boyle**.
- H 625:** **Rep. Andrus** said after eight years on the Committee he has resisted attempts to make animal cruelty convictions a felony. He said there are unintended consequences for felons, they have to give up certain things. He said he is aware of other legislation regarding this matter and the felony penalty. He stated this is the reason he has brought this legislation forward. He said for years the animal welfare people have demanded a felony for animal cruelty penalty. He said a felony is a serious thing and explained the definition of felony. He said currently people charged with animal cruelty are not fully prosecuted under the misdemeanor law.
- Rep. Andrus** explained the bill. He said on the first page there are definitions dealing with animals. He said on page 2 animal torture for companion animals only is defined. Livestock is exempted. He said a person found guilty of animal torture on the third offense has a felony charge. **Rep. Andrus** said page 3 deals with cockfighting. He said an organizer of a cockfight with drugs and gambling involved are charged with a felony on a first offense if found guilty. He said this does not include an observer. Also, there is a misdemeanor charge on the first offense and a felony charge on a second offense if drugs and gambling are not present but spurs (gaffs) are attached to the birds, or birds are injected with something that enhances energy and stamina.

Rep. Andrus said he has been advised to delete the word "torture" from page 1, line 32 because torture is defined on page 2 and is not needed on page 1. He said it is his intent for a new bill to be printed and be before the Committee for vote on Monday. He asked that testimony be given on this bill today but have no action taken on **H 625**.

Rep. Andrus said because there has been public talk of an initiative on the ballot this year, he thought it was necessary to bring this legislation forward. He said there is a need to do something in Idaho on animal cruelty and still try to protect the people that have livestock.

In response to Committee questions, **Rep. Andrus** clarified that the penalties for felonies and misdemeanors are already in Code. He said if juveniles are involved in organizing a cockfight, they can be charged as an adult at the discretion of the prosecutor. This would apply rarely with this legislation. Rep. Andrus also explained the differences between **S 1303** and **H 625**. He said the definition of torture came directly from the Humane Society and he thought it was a good description. He said gamecock breeders and breeders of other animals would be covered under normal practices, which is already in Code. This bill only applies to companion animals.

Sara Lee, Self, spoke **in support** of the bill. She said she liked the tightening of the cockfighting Code and the separation of companion animal and production animals. She said she agreed with the felony penalty. She said as an educator she hears stories about animal treatment, with this legislation she can use the words felony and prison to encourage a change in behavior. She said the animal issue has brought out the worst in a lot of people, but they have a common interest and she thought this bill would help bring people together to realize that.

Wyoma Clouss, member of Idaho Dog Coalition, said the Coalition has over 400 members across state. The Coalition advances responsible dog ownership. She appreciates the update to the animal cruelty statute. She said she agrees with the description of torture and that it is not just neglect. She thought cockfighting needed to be treated in a similar way as dog fighting. She also thought "or" would be better than "and" when referring to drugs and gambling involved in cockfighting. She urged support of **H 625**.

Barb Hutchinson, Canyon County Animal Shelter, spoke **in support** of **H 625**. She said we have a serious problem in Idaho with animal cruelty and believed there should be an increase in penalties for conviction. She would like to see more penalties for torture and grievous animal treatment. Ms. Hutchinson gave several examples. She said they do see these types of things and it does happen, and she believed something should be done.

Kamion Garner, Self, spoke **in support** of **H 625** because it increases penalties, but thought the Committee should look at making it a felony on the first offense. She gave an example of a neighbor who is a dog breeder. She said this type of thing happens a lot and is a heinous crime that needs to be dealt with appropriately. She said these types of crimes lead to crimes against people. She is asking for a change in the law that is similar to the law in 48 other states.

In response to Committee questions, **Ms. Garner** said she thought if the animal care community had these improvements, they would be satisfied.

Lisa Kauffman, Humane Society of the United States, spoke **in support of H 625**. She gave some background and facts about people, pets and the bonds between them. She expressed the idea of how important pets are to people and people do not tolerate animal cruelty. She appreciated that production animals are exempt and this legislation is only dealing with companion animals. She said animal torture is shown to lead to crimes against people. In reference to cockfighting, she showed what a gaff looks like. She said in Idaho, cockfighting is mostly a cultural thing and they usually don't attach gaffs or spurs to the birds.

In response to Committee questions, **Ms. Kauffman** said if this bill is passed the Humane Society would not run an initiative. She said she could not speak for the group, One of Three, who were not present. She said on a national level the felony penalty would not fill the prisons, she thought with the felony penalty it would stop people who would abuse animals.

Jeff Rosenthal, Executive Director, Idaho Humane Society, said their mission is to advocate for the welfare of animals. They are a private non profit organization and the largest animal control agent in Idaho. He spoke **in support of H 625**. He explained an incident of cockfighting in Idaho and showed examples of the paraphernalia confiscated in the incident. He said he is not concerned with the definitions involving gaffs and gambling, because they are always involved in these types of events that are organized. He gave examples of other cockfighting incidences in other states. He said we are not talking about something that occurs in backyards. He said many Latino people are offended that their culture is associated with this and they do not condone cockfighting. He said there are elements of animal fighting in several other cultures and gave examples. He said the penalties are very clear in this legislation. He said there have been a number of cases of neglect and cruelty in Idaho where they could not verify torture. Mr. Rosenthal said when cases are discovered in Idaho, they pay close attention because of the known links to these acts and crimes against people.

Larry Sandesky, Idaho Brittany Club, said this bill is substantially narrower than the Senate bill. He said he had no issue with the cockfighting provision. He said they have worked last year and this year to have an enforceable bill. He said he saw concerns with this bill being enforceable.

Diane Arhes, Self, spoke **in support of H 625** for the same reasons already expressed. She said it is proven that animal abusers are more likely to commit crimes against people. She said with a slap on the wrist in punishment they are setting an example to children that it is alright to treat animals badly. She said this is not an example they want to set in Idaho.

Rep. Andrus said they have had good testimony on this issue. He said a question was brought up concerning aquaculture in the definition of production animals. He said it couldn't be included in this legislation, but aquaculture was included in Code because they have a spine. He said something needs to be done or there will be an initiative brought on the ballot this fall. He said he is comfortable with this legislation and respects what the Committee will do with it.

ADJOURN:

There being no further business to come before the Committee, the meeting adjourned at 3:01 p.m.

Representative Boyle
Chairman

Susan Werlinger
Secretary