

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** Wednesday, March 14, 2012
- TIME:** 1:30 PM or Upon Adjournment
- PLACE:** Room EW20
- MEMBERS:** Chairman Andrus, Vice Chairman Boyle, Representative(s) Lake, Stevenson, Trail, Bolz, Shirley, Patrick, McMillan (McMillan), Batt, Pence, Lacey
- ABSENT/
EXCUSED:** None.
- GUESTS:** Wyoma Clouss; Idaho Capital City Kennel Club; Sean Ellis, Capital Press; Jeff Rosenthal, Idaho Humane Society; Tim Dillin, Idaho Barley Commission; Joseph Anderson, Idaho Grain Producers; Dwight Little, Idaho Barley Commission; Dennis Tanikuni, Idaho Farm Bureau; Sara Lee, Self; Lisa Kauffman, HSUS; Benjamin Kelly, Food Producers of Idaho; Matt Dorsey, Farmer-Rancher; Lee Bradshaw, Idaho Cattle Assoc.; Marilyn Whitney, SBOE; Tim Teater, 1 of 3; Wyatt Prescott, ICA; Kent Mann, ICA/Mann Farms.
- Chairman Andrus** called the meeting to order at 1:33 p.m.
- MOTION:** **Rep. Pence** made a motion to approve the minutes of Monday, March 12, 2012.
Motion carried by voice vote.
- S 1304:** **Dar Olberding**, Idaho Grain Producers, said **Tim Dillin** would present the bill.
- Tim Dillin**, Idaho Barley Commission, said this legislation will amend the assessment for the Barley Commission which is currently fixed in statute. He reviewed several reasons why the Commission is seeking this assessment change. He said it will add flexibility and provide more cost sharing support for their long term goals. He said this will also help expand marketing for the industry.
- Joseph Anderson**, President, Idaho Grain Producers Assoc., said this legislation would allow the barley producers flexibility in their assessment. He said this year they have received a renewed interest in barley growers. He said an increased assessment would allow for more areas of work to be done in research. He said many other products need additional funding for growth in the industry. He said grain producers strongly support this increase in assessment because it benefits all growers.
- Dwight Little**, Idaho Barley Commission, spoke **in support** of **S 1304**. He stated one of the major things the Commission does is research. He said the Commission realizes the importance of the research and the need to fund it. He said they have a top notch research facility but funding has been reduced in the last few years. He said the Commission has been approached to fund the technical people in the facility. He said the funding also has been reduced to the University of Idaho. He said the Barley, Wheat and Potato Commission's have brought forth funds to give support to the institution. He said funding will continue to make sure there are viable resources to remain competitive in the industry.
- Dennis Tanikuni**, Idaho Farm Bureau, spoke **in support** of **S 1304** which allows the Barley Commission to increase their assessment authority from \$.02 to \$.04. He said in statute the Barley Commission is required to do research. He said there is also clarifying language in the legislation that the Commission serves at the pleasure of the Governor.

MOTION: **Rep. Patrick** made a motion to send **S 1304** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Trail** will sponsor the bill on the floor.

S 1346: **Stan Boyd**, Idaho Cattle Assoc., said this legislation deals with the proceeds of unclaimed livestock. He gave an example of how livestock can go unclaimed and what happens to the livestock. He said the proceeds from the sale of unclaimed livestock will go into the unclaimed livestock fund and if it is not claimed after eighteen months it goes into the public school fund. He said this bill would allow the livestock proceeds to instead go into the State Board of Education's miscellaneous fund. He said this legislation would allow those funds to now go to public education or higher education programs that advance the livestock industry and agriculture in general. He gave the average amount of proceeds from unclaimed livestock over the last 5 years and said the amount in the fund does fluctuate. He reviewed the programs that would benefit from these proceeds.

MOTION: **Rep. Batt** made a motion to send **S 1346** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Batt** will sponsor the bill on the floor.

S 1302: **Sen. Corder** thanked the Committee for allowing him to bring this legislation. He said similar legislation was brought last year and had trouble. He said in this version, they have added the word "worry" as it pertains to dogs that might bother cattle or sheep. He said they have tried to preserve the rural element. He said the bill is not about changes to rural Idaho but about the changes that have occurred over time in the metropolitan areas. **Sen. Corder** explained the definitions in the bill. He reviewed dog behavior and what happens to the dog if it becomes more aggressive over time. He then reviewed the action or consequences taken as a result of the dog behavior. He also explained what constitutes a complaint. He said the dog then goes through a process, similar to a parole system. He said dogs that are in town are put in situations that they can't handle. He said with this legislation they are trying to give the courts more access to solutions. He said it lets people protect their own animals and gives dog owners more access to solutions as well. He said it makes things more fair for everyone. **Sen. Corder** explained another new element of the legislation in how it addresses breeds. He explained there have been a number of attempts to outlaw pit bulls. This law says you can enact ordinances on behavior, but can't enact ordinances on a specific breed.

In response to Committee questions, **Sen. Corder** said there has been no opposition to the legislation, he listed the stake holders that have been involved. He also said this bill will not change or diminish the authority of a rancher or landowner when a stray dog comes on to their land and is out of control.

Concerns were expressed by Committee members regarding a new section on defending livestock and that it only spoke to defending livestock during calving and lambing season. An amendment was suggested regarding defending livestock during other times and not just during these seasons.

Dr. Jeff Rosenthal, Idaho Humane Society, said they are the largest animal control and largest animal shelter in Idaho. He said they support the amendments to this chapter of Code to protect citizens. He explained the legislation creates a process and provides a two or three tiered system. He said it provides for preventions to over and under reaction. The Humane Society provides protection for citizens and this will provide options for different situations. **Mr. Rosenthal** gave an example of a case and provided statistics for the number of cases they deal with each year. He said most owners will defend their dogs and it is usually justifiable because the dogs are put in situations they're not responsible for.

Dr. Rosenthal said this legislation will give them a menu of options through the teared system and they can focus on dogs with aggressive behavior. He said this isn't meant to expand what they are currently doing, it is meant to focus on dogs that are a particular danger to society. He said this does exempt guard dogs which should have a certain level of aggression. He stated their best interest is in preserving the rights of dog owners.

In response to Committee questions, **Dr. Rosenthal** said this legislation doesn't prevent municipalities from enforcing current local ordinances.

Wyoma Clouss, Idaho Capitol City Kennel Club, said she believed the bill will offer guidelines for dealing with dog issues. She gave an example of people trying to enact ordinances on breeds of dogs. She said they have tried to get them to act on dog behavior. She said this legislation does give structure and authority on how to handle dogs. She said the group also appreciates the considerations of working dogs.

Sara Lee, Caldwell, **spoke in support** of the bill. She said she has followed this issue over the last few years and appreciates the legislation that has come out. She gave an example of running packs of dogs that have always been a problem. She said she would like discussions about the micro chipping alternative and how it applies to the livestock industry. She said if micro chipped dogs are causing the problems they have a better chance of finding out who the dogs belong to.

MOTION: **Rep. Boyle** made a motion to send **S 1302** to General Orders. **Rep. Batt** seconded the motion. **Motion carried by voice vote.** **Rep. McMillan** will sponsor the bill on the floor.

S 1303: **Stan Boyd**, Idaho Cattle and Idaho Wool Growers Assoc., said Idaho is one of three states that doesn't have a penalty of felony for animal cruelty. He said he has worked very closely with the House and Senate on this legislation. He explained the bill does not address torture and cockfighting. He also said the bill does not conflict with **H 650**, it complements it. He said many people did not want to have a felony provision in this section of the chapter. He stated it only deals with committing cruelty to animals and it only deals with this specific section, not the entire chapter. He provided the violations for conduct of cruelty. Mr. Boyd said this section is very broad and explained what a person would have to be convicted of. He also explained this would be looked at on a case by case situation. He said all other violations would be considered a misdemeanor and one act constitutes one violation regardless of the number of accounts involved. He said one section exempts normal animal production practices and protects livestock production. He said they have been criticized that this bill doesn't go far enough, but others think it goes too far. He thought they had found a middle ground.

Wyoma Clouss, Idaho Capital City Kennel Club, said the members of her club continue to educate the community about responsibility, but people still do unspeakable acts. She said animal torture is the first clue to other things and she appreciates the Committee considering this change. She also said she would like organized events being considered the same as dog fighting. She said she supports **S 1303**.

Dr. Jeff Rosenthal, Idaho Human Society in Boise, said he continues to support **S 1303**.

Sara Lee, Caldwell, expressed mixed feelings about this bill, she didn't think it defined things deep enough, but **H 650** filled in the wholes. She said **S 1303** would still cover farm animals and goes beyond the companion animal. She said it gets a felony penalty on the table, but still lacks in cockfighting regulation. She said there is a lot of support for updating the Code and people do want something substantial done, especially with companion animals.

Lee Bradshaw, Idaho Cattle Assoc., encourage support of **S 1303**. He said the cattlemen do not condone animal cruelty. He said their goal is to keep cattle healthy, safe and protected and to provide the best for their animals. He said unfortunately some people do not always follow these practices. He said these people should be punished accordingly. Mr. Bradshaw urged the Committee's support for the bill.

Tim Teater, Boise, said there are two problems with the bill as written, he said it is difficult to prove intentional and there is no definition of torture. He said it is not adequate to give a felony penalty only on the third violation. He believed if there is cruelty inflicted on plural animals there should be a plural charge. He also said the penalties are too lax and the felony penalty is the same as the current misdemeanor penalty. He said this only gives an appearance of a felony and is not effective at all.

Kent Mann, Idaho Cattle Assoc., said he is an active livestock grower testifying in favor of the bill. He said the problem with legislating business is the business will be regulated by non agricultural people. He appreciates being able to express his thoughts concerning this issue.

Wyatt Prescott, Idaho Cattle Assoc., said he grew up in every aspect of the cattle business and has worked many years in the business and looks forward to the future. He said they need to make sure there is a future in the business and they took the bill seriously. They didn't want to make a mistake in the industry. He said they wanted to discuss with cattlemen if this was the right thing to do and get input on the issue. He named all the groups who gave them input on the issue. He said they have taken serious consideration of the issue and have had discussion on the threat to the animal industry from animal rights people that want to abolish the animal industry. He said they can't take guarantees from these organizations that they won't go further with an initiative. He said they can only act responsibly as an industry and take care of their animals. He said he is in full support of the legislation.

Lisa Kauffman, Humane Society of United States, thanked the Committee for supporting **H 650** and recommended passage of **S 1303**. She said she didn't originally support this bill because it didn't go far enough. She thought the two bills would complement each other and they do support both bills.

In response to Committee questions, **Ms. Kauffman** said they would like animal neglect to be addressed as a felony on the second offense and would like this pursued legislatively.

MOTION: **Rep. Trail** made a motion to send **S 1303** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Lake** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 3:30 p.m.

Representative Andrus
Chairman

Susan Werlinger
Secretary