

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Tuesday, February 12, 2013
TIME: 1:30 P.M.
PLACE: Room EW42
MEMBERS: Chairman Andrus, Vice Chairman Boyle, Representatives Bolz, McMillan, Batt, Bell, Agidius, Dayley, Miller, Romrell, Stevenson, VanOrden, Pence, Erpelding
**ABSENT/
EXCUSED:** None.
GUESTS: Steve Becker, Bret Rumbeck, IASCD; Teri Murrison, Dick Bronson, SWCC; Wyoma Clouss, self, Idaho Dog Coalition; Lisa Kauffman, HSUS; Sean Ellis, Capital Press; Brent Olmstead, Milk Producers; Dar Olberding, IGPA; Jim Lowe, Food Producers of Idaho; Christina Marfice, Boise Weekly.

Chairman Andrus called the meeting to order at 1:30 p.m.

Teri Murrison, Administrator, Idaho Soil and Water Conservation Commission (ISWCC), presented an update from her Commission. She outlined their staff and commissioners, who work in partnership with Idaho's Soil and Water Conservation Districts, Natural Resource Conservation Service, Idaho District Employees Association, and Idaho Association of Soil Conservation Districts. Together they function to conserve soil, water, air, plant, and animal resources in Idaho. This encompasses more than dust and erosion issues. Ms. Murrison stated that they also work in tandem with farmers, ranchers, local groups, the public, and other states to address problems, as well as voluntary and cooperative projects. Their goal is to benefit Idahoans and maintain natural resources in the same or better condition, with respect for landowner confidentiality and private property rights. The intent is to keep Idaho beautiful and productive with intelligent use of natural resources. She conveyed their continuing efforts to do more with less, along with prioritizing, recommending, reviewing, and streamlining, as they pertain to the Commission's funding and staff workload. Ms. Murrison recognized the individual districts around the state and the progress they've made.

Bret Rumbeck, Executive Director, Idaho Association of Soil Conservation Districts (IASCD), presented an update. He commented that there are 50 soil conservation districts in Idaho which provide assistance to landowners and land users in sustaining, improving, and enhancing Idaho's natural resources. He recognized various association officers and expressed the vision and mission of the districts: to lead voluntary, local, non-regulatory conservation efforts throughout the state. Mr. Rumbeck described both urban and rural conservation, primarily regarding water and soil. He represents the unified voice of the districts. He mentioned noteworthy projects involving river bank stabilization, water quality improvement, and irrigation service. Mr. Rumbeck remarked that many Idahoans work the land and depend on it to make a living. They must conserve resources for their lifestyle and businesses to be sustainable. He recommends a balanced approach that is also committed to production agriculture. Much effort goes into district planning and providing vital information statewide to prevent soil degradation and erosion, and keeping water quality clear. The IASCD also partners with the ISWCC, Natural Resources Conservation Service, and Idaho District Employees Association, including the coordination and implementation of state and national conservation and training programs.

Chairman Andrus handed the gavel over to **Vice Chairman Boyle**.

H 111:

Chairman Andrus presented information on **H 111**, Animal Care. He spoke to the purpose of the amendment crafted this morning. He received notification last night that the bill may be in conflict with Idaho Code. An amendment was drafted that will change the code to provide a felony penalty. (Idaho Code 25-3502 currently specifies a misdemeanor charge for animal cruelty). He explained that if the amendment is approved, it will go to General Orders with amendments attached.

Chairman Andrus described the history of the bill from last year, **H 650**, which was amended with **S 1303**. This legislation added a felony charge on the third offense for animal cruelty with 'malicious intent'. However, Chairman Andrus expressed concern that this is difficult to prove in a courtroom, so animal welfare groups are pushing strongly for legislation that deals with animal 'torture'. In meeting with various groups, he was continually told that torture needed to be defined or this topic would come up on a ballot initiative. Chairman Andrus explained that **H 111** specifically addresses torture to a companion animal. This bill adds the definition of torture as the knowing and willful infliction of unjustifiable and extreme or prolonged pain with the intent to cause suffering. He stated this would not apply to accidents or lawful, normal agricultural practices, or unintentional suffering of animals. With this legislation, the first and second offenses would be misdemeanors and the third would be a felony, if convicted.

In response to concerns, **Chairman Andrus** asserted that there is an organization called "One of Three" that wants a first offense for animal torture to be considered as a felony. Last summer, they collected signatures for a ballot initiative, which included 8,000 more names than needed. However, some of these were rejected for inaccuracy or were not presented on correct paper to be recognized. Chairman Andrus believes they will pursue this again and legislation is needed to avoid such an initiative possibly being passed, which would set a felony penalty for a first offense of animal cruelty.

Wyoma Clouss, Idaho Dog Coalition, **testified in favor of the bill**. She indicated that their coalition advocates responsible ownership, communication, education and sound public policy. She believes that addressing animal torture and providing a definition is necessary, and that this is different from neglect or other mistreatment. Ms. Clouss said torture is a more serious, problem behavior. She would like to see immediate consequences for animal torture, if convicted. She emphasized the importance of animal welfare as it relates to this bill and stressed the need for this legislation. She added that her coalition would prefer felony as a first offense for torture of companion or production animals.

Lisa Kauffman, Idaho Director, Humane Society, **testified in favor of the bill**. She addressed the overlap between animal abuse, child abuse, elder abuse, and domestic violence. She referenced a presentation made last week by Allie Phillips, Deputy Director of the National Center for Prosecution of Animal Abuse, and affirmed that 110 prosecutors attended this seminar, in consideration of animal cruelty, abuse, torture, and the link to domestic violence. Ms. Kauffman gave statistics that most adult abusers and batterers began first abusing animals in their adolescent years, before abusing people. She claims this is a control issue, to intimidate and punish their victims. She shared multiple stories of people who had severely beaten and sadistically tortured animals.

Ms. Kauffman disclosed that many times an abuser will threaten to hurt a family pet to keep their partner from leaving the relationship. Also individuals or children who witness animal cruelty are more likely to be perpetrators. She indicated that there is also a link between animal cruelty and bullying or antisocial behaviors. Most inmates in prisons had hurt or killed a pet, or been exposed to that as a child. Ms. Kauffman maintained that animal abusers need psychological evaluations and intense counseling to prevent further abuse or incarceration for other violent crimes that are likely to follow. She testified that this bill would not affect livestock or livestock practices. She would prefer addressing these issues through the proposed legislation, as opposed to the ballot initiative that she believes will be instigated by "One of Three" if this bill does not pass.

In response to letters and emails regarding the distinction between production animals versus companion animals on this bill, **Ms. Kauffman** said she would support a felony offense for any type of animal torture, but recognizes that the agricultural industry is not supportive of this applying to production animals. Regarding a definition for companion animals, she offered that this is contained on page one, line 22 of the bill. Relating to the lack of a felony offense for child abuse on the books, Ms. Kauffman answered that she wishes someone would come forth with this type of legislation. She expects that the legal system will need stronger standards and definitions for the various aspects of abuse, like cruelty, torture, and neglect. This will aid in successful prosecution of these offenses. Pertaining to sentencing, she noted that animal abuse currently carries a misdemeanor charge. Prosecutors have had to become creative to press stiffer charges on the worst cases. She claimed that judges need the ability to sentence those responsible for these crimes and get them some mental help. On the topic of young children torturing animals for amusement, Ms. Kauffman suggested that young children would not be charged with a felony penalty.

Brent Olmstead, Executive Director, Milk Producers of Idaho, commented that he does not support or oppose **H 111**. However, he expressed concern for possible ramifications down the road if legislation would be crafted involving abuse or torture of production animals. He believes the current legislation is well-intentioned, but poses some consternation for milk producers, as things tend to happen in small pieces, i.e. death by a thousand cuts. He mentioned that many people raised in urban areas do not understand normal agricultural procedures, such as dehorning calves. Their interpretation of torture would be different from generations of those raised on farms. He is confident that these issues will come up on ballot measures. He referenced the new formation of an animal law section with the State Bar Association. Mr. Olmstead stated he does not condone animal torture; he represents many dairymen who love their pets. In response to doubts of production animals being included in future legislation for animal torture, he pointed out that many more urban districts have recently been created, resulting in fewer legislators with knowledge of normal and acceptable agricultural practices. He also submitted that the state of Ohio has been targeted for stricter animal cruelty laws, as they pertain to production animals, so others have already started down this slippery slope.

Chairman Andrus concluded his remarks by addressing the specific concerns brought up surrounding **H 111**. He expressed anxiety over threats made by animal welfare groups and a probable ballot initiative if this legislation does not pass. He emphasized the necessary addition of a definition for torture, meaning intent to cause suffering. He implored the Committee to consider the promises that have been made and weigh them. He also signified the need to protect normal animal production practices. He clarified that a ballot initiative will focus on a felony charge for a first offense of animal neglect, which could lead to problems with interpretation.

Chairman Andrus gave an example of allegations of animal neglect, where a veterinarian was called upon to inspect some horses, which were declared to be fine and not suffering. The Humane Society disagreed; this was a difference of opinion and interpretation involving neglect. Chairman Andrus related another incident of sheep in a pasture with a frozen water hydrant. A sheriff had filed a complaint for cruelty that the sheep were not being watered, although it was later determined that water from a nearby river was available and the sheep were not suffering. Another example he gave involved animals in a pasture without a direct water source, where the owner was turned in. It was subsequently proven though that the animals were being taken out and watered everyday. He pointed out that however well-intentioned these allegations were, the facts were subject to misinterpretation, which adversely affected the animal's owners. He observed how tragic it would be for felony charges to be applied in these situations. He remarked that if the ballots secure neglect as a felony, it will similarly affect pet owners too.

Chairman Andrus recounted another story about a load of cows that was being transported to California for slaughtering and processing. On the way, a calf was unexpectedly born. The processor could not handle the calf, so it was necessary to transport the calf back home to Idaho. The driver was on his way back, with the intention to purchase milk along the way to feed the calf, when the trailer broke down. He left the trailer temporarily for help. Meanwhile, a highway patrol came along and had the calf taken to a shelter, assuming it was not being cared for. The driver was charged with three felonies in Nevada during this process. It was subsequently determined that the calf was not doing well at the shelter and the owner discovered it was being fed dog food. He stressed that unintended consequences will happen.

Chairman Andrus stated that this bill is as far as he will go with a felony penalty charge, if someone is convicted of torture to a companion animal for a third time. He wants to be able to say that the legislature has acted to protect companion animals, instead of letting a ballot initiative determine a first time felony for perceived cruelty, as opposed to intentional torture of companion or production animals.

Responding to questions regarding common pets, **Chairman Andrus** indicated that research animals are different from companionship animals. Surely a judge would differentiate between torture of traditional companion animals versus animals with other express research or production purposes, which were not intended in this legislation. In connection with questions on animal welfare and curbing animal abuse, he noted that **H 111** may not stop some of the tragedies we hear about, but he believes it is better than doing nothing. He again affirmed that, if approved by the Committee, this bill would go to General Orders with the amendment attached.

MOTION: **Rep. Erpelding** made a motion to send **H 111** to General Orders with amendments attached. **Motion carried by voice vote. Reps. Batt, Bell, Bolz, and Van Orden** requested to be recorded as voting **NAY**. **Chairman Andrus** will sponsor the bill on the floor.

MOTION: **Rep. Pence** made a motion to approve the minutes of the February 4, 2013 meeting. **Motion carried by voice vote.**

MOTION: **Rep. Pence** made a motion to approve the minutes of the February 6, 2013 meeting. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:55 p.m.

Representative Andrus
Chair

Kim Jensen-Porter
Secretary