

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Wednesday, February 24, 2016

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Andrus, Vice Chairman Boyle, Representatives McMillan, Batt, Bell, Dayley, Miller, Romrell, VanOrden, Burtenshaw, Kerby, Troy, Pence, Erpelding

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

Chairman Andrus called the meeting to order at 1:31 p.m.

MOTION: **Rep. Pence** made a motion to approve the minutes of the February 18, 2016, meeting. **Motion carried by voice vote.**

H 525: **Rep. Moyle** stated the legislation before the committee has been a collective effort with various agencies coming together to create a resolution. Rep. Moyle said it addresses dogs that injure humans and allows local governments to go further with the penalties if they see fit. It defines justification for dogs in acts of aggression such as herding animals or police dogs. Rep. Moyle said this legislation gives the courts opportunity and more discretion with a mechanism in place to track aggressive dogs.

Chelesa Merrill, spoke in support of **H 525**. As a mother of a child who was a victim, of an unprovoked attacked, she spoke of their frustration when the dog was not put down when they assumed it would have been. As a result of the dog not being put down, a man was later attacked by the same dog.

Luke Merrill, spoke in support of **H 525**. He voiced his frustration in trying to work within the system that is in place after experiencing a dog attack on his child. He stated the decision to put a dangerous dog down should not be the decision of the dog owner. Mr. Merrill explained he liked that the bill established minimum standards and allows cities and counties to adopt stricter laws should they choose to do so.

Nancy Merrill, spoke in support of **H 525**. She said after looking at the law and seeing there was no continuity in the law from county to county or city to city they decided to get involved in helping to create a more uniform bill. Ms. Merrill said this legislation defines justified provocation when a dog is protecting its owner or property. She stated this legislation is fair and gives certainty as to what happens when a dog attacks.

Jeff Rosenthal, DVM, CEO Idaho Humane Society, stated the two tiered classification of grouping dogs that have engaged in more severe incidents, with different levels of control on the future keeping of such dogs, is consistent with how many other states handle this issue today. Similar laws have been successfully utilized for decades elsewhere. Mr. Rosenthal said this bill is consistent with recommendations made by the American Veterinary Medical Association in regards to dog bite laws.

Bruce S. Bistline, Idaho Trial Lawyers Association, spoke **in opposition** to **H 525**. He said it is his concern this bill will not protect the victims of dog bites. Mr. Bistline stated he wants language clear in order to avoid litigation in the future, so lawyers will not be arguing about things that could have been avoided with better drafting.

Galan Merrill spoke **in support** of **H 525** and asked that this bill be passed as quickly as possible.

Wyoma Clouss, member of the Idaho Dog Coalition spoke **in support** of **H 525**. She stated the organization believes the responsibility for a dog, its training and behavior should be put on the dog owners. Ms. Clouss said dogs should be judged by their identifiable behaviors rather than trying to somehow define dogs by their appearance.

Margaret Wilson, as a victim of three different dog bites, spoke **in support** of **H 525** to protect children.

Ralph Jordan, spoke **in support** of **H 525**. He stated, of the nine most common activities that lead to emergency room visits, dog bite was second behind baseball incidents. Mr. Jordan said the occurrence of dog bites across the country shows that Idaho has about 3,480 emergency room visits caused by dog bites a year which resulted in 86 hospital stays at an average cost of \$18,200 each. He explained dog bites are a real public health issue and there is room to reduce the incidence and cost of dog bites. Mr. Jordan stated this legislation will help move in that direction.

Kathy Wilkins, spoke **in support** of **H 525** stating we can do better than the law on the books today. She said in passing this legislation, dog owners will immediately take better control of their dogs.

Rep. Janet Trujillo, spoke **in support** of **H 525**. She stated she is a survivor of a vicious attack by a dog that required 14 surgeries over several years and explained how it has affected her life.

Rep. Moyle stated he would like to send the bill to the amending order if the trial lawyers would have their language ready so that this bill could be heard on Friday.

MOTION:

Rep. Kerby made a motion to send **H 425** to General Orders. **Motion carried by voice vote.** **Rep. Moyle** will sponsor the bill on the floor.

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

Vice Chairman Boyle put the committee at ease at 2:11 p.m.

Vice Chairman Boyle called the meeting back to order at 2:16 p.m.

H 524:

Rep. Andrus explained this legislation defines companion animals and defines torture. It provides that any person convicted of torture to a companion animal is guilty of a felony on the first offense if that person has been convicted of voluntary infliction of bodily injury upon any human within the previous ten years. **Rep. Andrus** stated a person convicted of torture to a companion animal is guilty of a felony on the second or subsequent convictions. He explained the legislation shall provide a court ordered pre-sentence psychological evaluation which addresses the link between animal torture and torture of humans.

In response to a committee question **Rep. Andrus** stated the legislation does have the support of the Idaho Cattlemen Association, Milk Producers of Idaho, Idaho Dairymen Association, Idaho Wool Growers and Food Producers of Idaho.

In response to another committee question, **Rep. Andrus** said he had not sought nor received a written promise that the U.S. Humane Society would not create a ballot initiative if this legislation is passed. He also stated he had not talked to, nor heard from the "One of Three" organization.

Richard Shackelford, DVM, spoke in support of **H 524**. He stated he was pleased to see the link addressed between animal abuse and violence against humans. He also said he was pleased to see the courts have the option to request a psychological evaluation on the first offense, which might prevent abuse in the future.

Jeff Rosenthal, DVM, CEO of Idaho Humane Society, spoke in support of **H 524**. He stated the current Title 25, Chapter 35 provides a very effective tool for law enforcement and the Department of Agriculture in mitigating animal neglect and cruelty situation around Idaho. Mr. Rosenthal stated he appreciated the opportunity to review and comment upon earlier drafts and is satisfied that his earlier concerns have been addressed allowing him to lend support to this bill.

Russ Henricks, Idaho Farm Bureau spoke in opposition to **H 524**. He explained because this bill seeks to impose stricter penalties than those of the current law, his members can not support it.

In response to a committee question, **Mr. Hendricks** stated his members do support the provision for a psychological evaluation but do not support the stiffer penalties in this legislation.

Wyatt Prescott, President Food Producers of Idaho, **Bob Naerebout**, Idaho Dairyman Association and **Brent Olstead**, Milk Producers of Idaho, all spoke in support of **H 524**.

Rep. Andrus stated he believes this is reasonable legislation, it protects animals and protects the livestock industry.

MOTION:

Rep. Burtenshaw made a motion to send **H 425** to the floor with a DO PASS recommendation. **Motion carried by voice vote.** **Rep Batt** requested to be recorded as voting **NAY**. **Rep. Andrus** will sponsor it on the floor.

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

Traci Bracco, Executive Director of Idaho Beef Council, explained the mission of the council is to built global consumer demand for beef thereby enhancing profitability for Idaho producers. She explained the various ways they are reaching out to consumers and raising consumer awareness. Ms. Bracco said the Front Line program is the grocery stores. There were 17 retail programs conducted last year in grocery stores. After these programs, sales increases were noted. Ms. Bracco stated the council was present at all state medical conferences this year reaching over 23,000 health professionals. She said this is important work being able to show beef as being heart healthy. Ms. Bracco explained the challenge remains to educate the public regarding beef's nutritional value as well as associating it with a healthy lifestyle. She said that even with the higher prices, domestic demand for beef has increased as well as demand for beef across the world.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 3:17 p.m.

Representative Andrus
Chair

Joan Majors
Secretary