

# The Governor's Commission on the Humane Treatment of Animals

Meeting Minutes  
February 26, 2018

1) The regular meeting of the Governor's Commission on the Humane Treatment of Animals was called to order at 1:02 PM in Room 206 of the Legislative Office Building by Chairperson Patricia Morris.

2) **Members Present:**

- a) Patricia Morris, Chairperson & Equine Association
- b) Lindsay Hamrick, National Humane Organization & Secretary
- c) Marga Coulp, Tom Seymour, Dr. Jeri Zezula, Tom DeRosa, Jennifer Eber - General Public
- d) Kristi Atherton, NH Farm Bureau
- e) Chairman John O'Connor, House Representative
- f) Sheila Johannesen, Animal Control Officers Association of New Hampshire
- g) Chief Dean Rondeau, NH Association of Police Chiefs

**Public Present:** Tyler Clark and Dick Bouley, NH Veterinary Medical Association, Mother of Sheila Johannesen

**Members Absent:** George Cook, Dog Owners of the Granite State; Sheriff Brad Valerino, Sheriff's Association; Senator Regina Birdsell, Senate Representative; Dr. Stephen Crawford, State Veterinarian; Gary Lambert, NH Sportsmen; Wendy Munroe, NH Veterinary Technician Association; Dot Perkins, UNH Cooperative Extension; Dr. Jane Barlow Roy, NH Veterinary Medical Association; Heather Faria, NH Federation of Humane Organizations; Cynthia Collins, General Public; Steve Sprowl, Humane Cruelty Investigator

3) **Secretary's Report:** Lindsay presented the minutes from the January 22<sup>nd</sup> meeting. Sheila requested an edit to add "Officer" to the NH Animal Control Officer Association. Kristi requested designation on the attendee list from public member to rep for the NH Farm Bureau. Tom Seymour moved to accept the minutes as amended. Sheila Johannesen seconded. Chairman O'Connor abstained because of email issues and couldn't review the minutes ahead of meeting. All other members voted in favor.

4) **Current Cruelty Cases & News**

- a) The Wolfeboro Great Dane cruelty case trial begins in Ossipee Superior Court this week and is expected to run two weeks. The defendant has been charged with 18 misdemeanor counts. There is a civil zoning violation pending in Superior Court as well.
- b) Law enforcement is seeking forfeiture of the German Shepherds seized in the Alexandria and Bristol cruelty cases.
- c) The Berlin Pit Bull cruelty case began on February 14<sup>th</sup> and has been continued until April. The dogs were court ordered surrendered to the Conway Area Humane Society last spring.
- d) The NHSPCA took in 21 abandoned animals into temporary protective custody from Exeter.

5) **Legislative Updates (see also legislative report draft)**

- a) **HB 1394:** Relative to Animals in Motor Vehicles
  - i) House Criminal Justice & Public Safety Committee voted 18-2 Inexpedient to Legislate. The full House will vote next week.
- b) **HB 1723:** Relative to the Reckless Beating of Animals

- i) House Environment & Agriculture Committee voted unanimously Inexpedient to Legislate. The full House agreed on February 8<sup>th</sup>. Bill is now dead. Chairman O'Connor commented that bills like these were killed because if SB 569-FN passed, the ideal language was in SB 569-FN. He stated a similar concern with HB 1412 – relative to wildlife cruelty.
- c) **HB 1385:** Relative to a Committee to Study Animal Welfare'
  - i) Public hearing was held by House Environment & Agriculture Committee on 2/13. The committee voted 16-0 to put the bill into "interim study". The purpose of the bill according to the sponsor is to ensure legislative oversight over RSA 644:8 (animal cruelty), RSA 437 (Department of Agriculture's regulation of pet vending) and oversight over the Governor's Commission. Some Commission members agreed that oversight is needed while the majority felt it was a duplication of effort of the Commission. The Executive Order allows the Commission to propose future legislation and should the Commission decide to do so, would invite key legislators and committee members to be part of those future conversations.
  - ii) Kristi requested that the Commission reconsider the opposition position to HB 1385. Five members voted against reconsideration (Sheila, Lindsay, Chief Rondeau, Tom DeRosa and Jennifer) and five voted in favor (Marga, Tom Seymour, Kristi, Jeri, Rep. O'Connor). Trish, as Chair, broke the tie approving the reconsideration. Chairman O'Connor will update the Commission after the committee vote for discussion at the March meeting.
  - iii) Dick Bouley, lobbyist for the NH Veterinary Medical Association, asked why the Commission opposed HB 1385 and commented that SB 569 does not address hoarding. Chairman O'Connor highlighted a pending bill in Florida that seeks to penalize hoarders with fines and a felony criminal penalty. The Florida bill is 2018-FLS86 and Hawaii and Illinois are considering similar bills. Trish commented that the Commission will be reviewing RSA 644:8 and RSA 437 per the executive order but that SB 569 is not intended to fix all issues with both laws but to solve a few of the issues. The NHVMA would like to see HB 1385 pass as a vehicle to address hoarding or other issues. Chief Rondeau responded that the Commission is already and will continue to do this work in the future and there isn't a need for an additional study committee to review the laws and propose changes.
- d) **HB 1238:** Relative to Animal Cruelty & Costs of Care for such Animals
  - i) Public hearing was held by House Environment & Agriculture Committee on 1/23. The committee voted 11-1 to pass the bill with an amendment. (amendment available on report) This bill addresses a law that was passed in 1881 which is outdated but the committee wants to move a section on colts to RSA 644:8.
- e) **HB 1412:** Relative to Cruelty to Non-Captive Wildlife
  - i) The House of Representatives voted to table the bill on 2/8. The Department of Fish & Game offered an amendment to close the loophole for native wildlife which would create misdemeanor and felony penalties for cruelty to wildlife while protecting lawful activities. The Commission's legislative committee will review this language in the future.
- f) **SB 569-FN:** Relative to Animal Cruelty.
  - i) The Senate Energy & Natural Resources Committee voted 4-0 Ought to Pass with an Amendment on 2/20. It will be voted on by the full Senate on 3/8.
  - ii) Commission members who testified in support of SB 569: Trish testified both as an individual and as spokesperson for the Commission, Humane Society of the United States, NH Federation of Humane Organizations, Association of NH Police Chiefs, NH ACO Association, Dept. of Agriculture,
  - iii) Commission members who testified in opposition of SB 569: Farm Bureau, NH Veterinary Medical Association, Dog Owners of the Granite State
  - iv) There have been two amendments to SB 569 and the version to be considered by the Senate floor consolidates both into one version (see link on legislative report). It will do the following:
    - a) Increase the number of breeding female dogs at a commercial kennel from five to seven

- b) Add a minimum age requirement of a breeding female dog to be 12 months of age or older
- c) Change “shall” to “may” for the Dept. of Agriculture to suspend a license for violations
- d) Removes the requirement for the Department to run background checks on pet vendor licensees
- e) Requires the courts to discuss the owner’s income level when considering cost of animal care bonds
- f) Clarifies that no fines will be issued if an owner is unable to pay a cost of care bond
- g) Adds language to the \$200,000 appropriation for the Dept. of Agriculture to clarify that the money can be used to hire staff
- h) Changes the number of dogs for a town’s group license from five to seven (note: this will be removed as it was an oversight)
- i) Requires towns to the extent possible to report group licenses to the Dept. of Agriculture
- j) Creates a legislative study to discuss the definition of “in the business of transferring animals” as it pertains to pet vendors, which has been a lengthy legislative conversation.

**g) Legislative Report Template**

- i) George and Lindsay created a template for a report to the Governor’s office (see attached). Members should review this template and come with feedback, including preferences and ideas on additional stakeholder comments on the bills, at the March meeting. The legislative committee felt it was beneficial for the Governor to receive this report by February and then again in April or May as well as in the fall highlighting potential bills for the next session. Trish will check in with the Governor to determine the timing of the first report.

**h) Decal funding**

- i) The NH Federation of Humane Organizations is prepared to take on a decal funding program should one pass during this session, however, they have been unable to find a bill sponsor to amend an existing bill to allow this. Chairman O’Connor offered that his Boy Scout decal bill could be amended. If the decal option doesn’t pass this year, the Commission and Federation can work through the summer to prepare for legislation next year. Dr. Jeri Zezula commented on what the Commission’s role would be for a Federation decal. Lindsay will report back to the NH Federation at their next meeting and Heather Faria is leading this effort and can comment at the March Commission meeting.

**6) Cruelty tracking**

- a) Jennifer has been working with an intern at UNH law to compile data and a letter went out to the AG’s office and Governor’s office two weeks ago. The subcommittee will compile data from the NH Federation of Humane Organizations, law enforcement and court data for a full report to the Governor’s office covering 2016-2017. The subcommittee will solicit feedback from all members at the March meeting on the format of the report.
- b) The subcommittee has confirmed Dr. Jeri’s assessment that animal cruelty cases cannot be pled down to a violation because of the enhanced penalty system in RSA 644:8 (misdemeanor on a 1<sup>st</sup> offense for negligent cruelty and felony on the 2<sup>nd</sup> and subsequent offenses). This requirement is found in RSA 625:9 which states the following:

**VI. Prior to or at the time of arraignment, the state may, in its discretion, charge any offense designated a misdemeanor, as defined by paragraph IV, as a violation. At such time, the prosecutor shall make an affirmative statement to the court as to whether he intends to proceed under this paragraph. In such cases the penalties to be imposed by the court shall be those provided for a violation under RSA 651:2. This paragraph shall not apply to any offense for which a statute prescribes an enhanced penalty for a subsequent conviction of the same offense.**

**7) Funding & Education**

- a) The committee continues to edit the animal care brochures.
- b) The Manual on Investigations and Prosecution will be reviewed and edited after the 2018 legislative session to determine what edits should be made.

**8) New Business**

- a) Trish met with the Governor's office that feels the work of the Commission has been very helpful, including the reports. Great work, everyone!

**9) 2018 Meeting Dates**

- a) Monday, March 19<sup>th</sup>, 2018, 1-3:30pm
- b) Monday, April 23<sup>rd</sup>, 2018, 1-3:30pm
- c) Monday, May 21<sup>st</sup>, 2018, 1-3:30pm

**10) Call to the Public**

- a) No comments

Lindsay Hamrick moved to adjourn the regular meeting at 2:31pm. Sheila Johannesen seconded. All voted in favor.

The subcommittees did not meet following the general meeting. They will continue work outside the meeting and report back in March.

**Respectfully submitted by:** Lindsay Hamrick, Secretary