

The Governor's Commission on the Humane Treatment of Animals

Meeting Minutes
March 18, 2019

1) The regular meeting of the Governor's Commission on the Humane Treatment of Animals was called to order at 1:06 PM in Room 203 of the Legislative Office Building by Chair, Patricia Morris

2) **Members Present:**

- a) Patricia Morris, Chairperson & Equine Association
- b) Lindsay Hamrick, National Humane Organization & Secretary
- c) Dr. Jeri Zezula, Jennifer Eber, Marga Coulp, Tom Seymour; General Public
- d) Heather Faria, NH Federation of Humane Organizations
- e) Gary Lambert, NH Sportsmen
- f) Steve Sprowl, Humane Cruelty Investigator
- g) Commissioner Jasper, Dept. of Agriculture (proxy for Dr. Crawford)
- h) Chief Dean Rondeau, NH Association of Chiefs of Police;
- i) Sheila Johannsen, ACO Association

Public Present: Lillian Johannsen

j) **Members Absent:** Tom DeRosa, Cynthia Collins, general public; Senator Birdsell, Senate Representative; Dr. Barlow Roy, NHVMA; Representative O'Connor, House Representative; Wendy Munroe, NH Veterinary Technician Association; George Cook, Dog Owners of the Granite State; Sheriff Mike Moyer, Sheriff's Association; Kristi Atherton, NH Farm Bureau

3) **Secretary's Report:** Lindsay presented the minutes from the February meeting. Chief Rondeau motioned to approve the minutes as written. Tom seconded. All other members voted in favor.

4) **Current Cruelty Cases & News**

- a) The criminal appeal trial for the Alexandria/Bristol German Shepherd case is set for April 3-5th.
- b) The defendant in the Labrador Retriever case has been found guilty. Sentencing has been scheduled for April. The defendant has stated he will appeal. The dogs are still in foster homes managed by the Monadnock Humane Society until the sentencing hearing.
- c) There was a homicide case in Alton in which many livestock species were in need of rehoming. In the past, the Commission has discussed the need for more livestock rehoming resources, including potential programs at the farm county jails.
- d) The Hudson ACO served a warrant in a cruelty case involving goats, a llama, geese and chickens who were transferred to the NHSPCA. Animal cruelty charges are pending.

5) **2019 Legislative Initiatives**

- a) The Governor has received the summary report of the Commission's work and the cruelty case report.
- b) The Commission discussed whether to allow votes via proxy. Marga feels everyone should have a vote even if they are absent. Dr. Jeri is supportive as long as there is a written process. Commissioner Jasper raised possible concerns with someone having a proxy vote if the person hasn't heard the pros and cons of the bill. Lindsay suggested that members be able to communicate their position prior to a meeting via email but not to have their vote count if they are absent. Trish will write up a proposal for the next meeting.

- c) The Commission reviewed the status of the ten bills selected.
 - i) SUPPORT SB 77: Relative to Costs to Care for Animals Seized in Cruelty Cases & Prohibiting the Future Ownership of Animals in Certain Cases
 - a) Tom motioned that the Commission provide verbal testimony in support of SB 77. Jennifer seconded. Commissioner Jasper abstained. All others voted in favor. **Trish will submit written testimony and testify in person.**
 - ii) SUPPORT SB 161: Relative to Pet Vendors
 - a) Heather motioned that the Commission provide written testimony in support of SB 161. Sheila seconded. Commissioner Jasper abstained. All others voted in favor. **Trish will submit written testimony.**
 - b) Chief Rondeau commented on the volume of animal cruelty cases and that SB 161 is a step in the direction toward prevention. The Commission can support because it addresses a lot of long-term, systemic issues while simultaneously supporting funding now, and in the future, for the Dept. of Agriculture to better monitor pet vendors.
 - c) Commissioner Jasper reviewed the amendment to SB 161 which passed the Senate. The Dept. of Ag. requested an additional veterinary technician but the amendment put in a clerical position. The Department supports the bill if the position is changed to a vet tech. He believes the amount appropriated should be sufficient as written. They may need additional staff in the future to address the number of pet vendors but won't know this until the system is in place. The Department had requested funding for a database in a separate piece of legislation. They think there are about 38,000 health certs/year. The vendor working on the database estimate also provides a database for archives which is already part of town government and charges the towns \$300K/year for maintenance. The Department is behind by two months on agricultural testing because of the high volume of animal cruelty cases.
 - iii) SUPPORT HB 501: Establishing a Cost of Care Fund to Assist Municipalities Caring for Animals During Animal Cruelty Cases
 - a) This bill has been retained by the House Environment & Agriculture Committee which is likely to attach the cost of care fund idea to one of the Senate Bills. Commissioner Jasper described a recent case in which the State Police and County Attorney reviewed the situation because law enforcement didn't have the resources to investigate. The owner surrendered some of the animals but kept some on the property. When the Dept. of Agriculture returned to check on the animals, none of the recommendations were implemented and the owner is now being charged with cruelty. Commissioner Jasper feels it's inhumane for both the animals and his staff to see animals suffer like this. The owner relinquished the remaining animals. Chief Rondeau reiterated the importance of funding for small towns in New Hampshire to address animal cruelty.
 - iv) MONITOR HB 688: Relative to Transfer & Inspection of Animals
 - a) This bill was tabled by the NH House
 - v) SUPPORT HB 484: Relative to Group Dog Licenses
 - a) This bill has been retained by the House Environment & Agriculture Committee
 - vi) SUPPORT HB 605: Relative to Criminal Penalties for the possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aiding in, or contributing to fighting
 - a) This bill has passed the NH House and now moves onto the NH Senate. Steve motioned to have the Commission submit comments in support and to testify in favor of the bill. Heather seconded. Commissioner Jasper abstained. All voted in favor. **Trish will submit written testimony and testify in person.**

- b) Commissioner Jasper asked about possible implications on agriculture (ex. Cattle prods). Lindsay discussed the difference between the animal fighting code and animal cruelty code (this bill is specific to the animal fighting code). The Farm Bureau was neutral on the bill.
- vii) SUPPORT HB 283: Relative to Age Rabbits can be Transferred
 - a) This bill passed the NH House and will be heard by the Senate Energy Committee on 3/26.
 - b) Dr. Zezula motioned that the Commission submit written testimony. Steve seconded. Commissioner Jasper abstained. All voted in favor. **Trish will submit written testimony.**
- viii) SUPPORT HB 376: Establishing a Commission to Study Best Practices for Companion Animal Groomers
 - a) This bill was retained by the House Environment & Agriculture Committee
- ix) SUPPORT HB 371: Adding Cats to the Definition of Commercial Breeder
 - a) This bill was retained by the House Environment & Agriculture Committee
- x) OPPOSE HB 331: Relative to the Duties of a Veterinarian
 - a) This bill was killed by the NH House
- xi) OPPOSE HB 426: Establishing a committee to study allowing town clerks to accept proof of certain exemptions from the rabies vaccine for the purpose of registering dogs
 - a) This bill was killed by the NH House

6) **Cruelty Tracking Subcommittee**

- a) Moving forward the report will be a biennial report. The next report will be 2018/2019 for a 2020 report. May be helpful to make a request from law enforcement early but the Courts can generate their report at any time. The Chief will get the information for law enforcement for 2018 and will ask the NH Chiefs of Police to remind towns to report animal cruelty under NIBRS.

7) **Legislative Subcommittee**

- a) Sen. Shaheen has signed onto the Federal Animal Cruelty bill.

8) **Funding & Education Subcommittee**

- a) Dr. Jeri is formatting the new brochures and the committee is proofing

9) **Judicial Rules and Prosecutorial Flow of Animal Cruelty**

- a) Current challenges in the court system:
 - i) Lindsay and Heather discussed SB 77's goals of creating a preliminary hearing within 14 days of the seizure of animals so that an argument can be made for a speedy trial under the existing law. The Commission discussed that if SB 77 passes, whether the judicial rules committee may take it up for discussion. The Commission will consider drafting a list of recommendations to the judicial rules.
 - ii) Jennifer can look at the judicial rulemaking process for the next meeting.
 - iii) Dr. Zezula commented that if NH passed legislative intent for the animal cruelty code, this could also strengthen the process. Commissioner Jasper pointed out that very few laws have a purpose of intent.
 - iv) Of particular concern from members:
 - a) The volume of animal cruelty cases
 - b) The number of continuances which are granted in animal cruelty cases
 - c) The number of cases in which defendants represent themselves which has created additional continuances. The Commission understands the importance of constitutional rights of those charged but would like to find ways to streamline these cases in way that mitigates costs for the non-profit organizations and the defendants.
 - v) The Assistant County Attorney from Sullivan County could attend a future Commission meeting to discuss the challenges that the State faces in processing these cases.

10) 2019 Meeting Dates

- a) The next meeting will be April 15th.

11) Old Business

- a) Draft of Prosecution Manual for review.

12) Call to the Public

- a) No comments

Chief Rondeau moved to adjourn the regular meeting at 2:26pm. Sheila seconded. All voted in favor.

Respectfully submitted by: Lindsay Hamrick, Secretary