

The Governor's Commission on the Humane Treatment of Animals

Meeting Minutes - October 21, 2019

Call to Order: Role Call

- Regular meeting of the Governor's Commission on the Humane Treatment of Animals was called to order at 1:00 pm in Room 210-211 of the Legislative Office Building (LOB) by Acting Chair, Dr. Jeri Zezula.

Members Present

- Julia Seeley – National Humane Organization & Secretary
- Heather Faria, NH Federation of Humane Organizations
- Senator Regina Birdsell (R-Hampstead) – NH State Senate
- Representative John O'Connor (R-Derry) – NH House of Representatives
- Sheila Johannsen, ACO Association of NH
- Dr. Steven Crawford, State Veterinarian
- Sheriff Mike Moyer – NH Sheriff's Association
- George Cook – NH Musher's Association & Dog Owners of the Granite State
- Kristi Atherton – NH Farm Bureau Federation
- Wendy Munroe – NH Veterinary Technician Association
- Steven Sprowl – Humane Cruelty Investigator
- Tom Seymour – General Public
- Dr. Jeri Zezula – General Public
- Jennifer Eber – General Public

Members Absent

- Patricia Morris, Chairperson & Equine Association
- Chief Dean Rondeau, NH Association of Chiefs of Police
- Jane Barlow Roy – NH Veterinary Medical Association
- Gary Lambert – NH Sportsmen
- Cynthia Collins – General Public
- Marga Coulp – General Public
- Tom DeRosa – General Public

Public Present

- Jack Hurley – General Public
- Tyler Clark – NHVMA Lobbyist

Discussion and Approval of September Minutes

- Jeri noted one correction to the minutes report from the September 16 meeting – change October 2 to October 21 in section about timing for the October meeting.
- Rep. O'Connor moved to pass minutes. George seconded. All approved and Rep O'Connor and Senator Birdsell abstained since they were not present at the meeting.
- We welcomed Tyler Clark, lobbyist for NHVMA, and Jack Hurley, founder of Twin States Animal Liberation and HSUS District Leader, as members of the public present for this meeting.
- **Next Steps:** Julia to submit revised September 16 minutes report.

Update Commission Contact Information

- Trish is in the process of updating the Commission's membership contact information.
- **Next Steps:** Trish to send latest contact list to all members. Members to reply if updates are needed.

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New Cruelty Cases/Current News

- Heather provided updates on two cruelty cases:
 - Alexandria/Bristol German Shepherds – In a plea agreement, the defendant surrendered 28 dogs to the NHSPCA and will plead guilty to only two counts of animal cruelty. The defendant is not required to pay any of the over \$600,000 restitution costs.
 - Marlborough Labradors - The defendant surrendered 50 dogs and one cat to Monadnock Humane Society after signing a conditional agreement. The charges were dismissed but he must not commit a crime for two years from the date of the entry of the agreement or the charges can be brought again. None of the restitution costs will be paid by the defendant.
 - We discussed how animals are being used as bargaining chips in these cases while the shelters are not receiving any reimbursement for the costs to house and care for them.
- Jennifer provided an update on the Wolfeboro Great Danes case:
 - Fay appealed to the State Supreme Court. The Attorney General filed their brief on October 8.
 - <https://www.courts.state.nh.us/caseinfo/pdf/fay/index.htm>
- Jeri discussed a recent case in which a NH breeder transported a Pitbull puppy to NJ or PA to have its ears cropped. According to the state police officer and veterinarian, it was more of a mutilation since the cropping was so poorly done. The owner would not divulge who did the cropping. He was charged with violating state law (which requires cropping be done by a veterinarian) and animal cruelty. The cruelty charge will be on his record for one year and he was ordered to pay \$1,000 in fines. He is still allowed to breed dogs. The puppy was surrendered and adopted out.
- **Next Steps:** Members to send cruelty cases to Trish for discussion at future meetings.

ACO Current Reporting Process

- As a follow up to our last meeting, Sheila sent Trish an email outlining the reporting process ACOs follow when responding to calls. Last month, we had discussed the need to identify gaps in the state's reporting processes—both for ACOs and law enforcement—to ensure comprehensive reporting of animal cruelty cases can be obtained each year. Sheila explained that when ACOs get calls they do not input data in a reporting system. Instead, they have their own notes/filing system. Most ACOs don't have access to IMC, the reporting system in which all police calls are entered.
- Sheriff Moyer explained that animal control in Belknap County/Laconia is really an ideal process since the police and ACO work very closely and coordinate on the reporting of case data. The relationship between law enforcement and animal control varies in each town as some ACOs report to the town and others report to police. Sheila said she reports to the town and is the only elected ACO in NH.
- Jennifer expressed a need for all data to be centralized and for all individuals who respond to animal-related cases to report in the same system. Perhaps we need to pursue legislation for implementation. Julia noted her agreement with Chief Rondeau's previous comment that such an initiative requires a top down approach (i.e., reporting requirements dictated from the Governor's office or Attorney General).
- Sheila offered to provide a list of all ACOs in the state who we can contact to understand the different reporting processes.
- Sheriff Moyer discussed how access to IMC can be customized/restricted for individual users to reduce liability. Local training can also be provided to operate IMC. He said it's also common for civilians to have access to IMC.
- Dr. Crawford asked how many ACOs are in the state, and Sheila noted that not all ACOs are affiliated with the ACO Association of NH.
- Steve explained that ACOs are extremely limited in what they can do – they usually pick up stray dogs and check licensing. Maine changed their laws to require that ACOs receive training, report to police departments, and have access to IMC. Sheila noted that ACOs in NH would love mandatory training.

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- Kristi inquired as to whether ACO reporting in IMC is necessary since true animal cruelty cases are eventually reported by law enforcement. Jennifer said that not all police departments report in IMC, so a lot is being lost at the police level, and by ACOs not reporting we aren't getting the full picture of each case – oftentimes it takes several calls to animal control before a situation is elevated to police. Being able to track the lifespan of these cases would help us understand what is happening in the state and develop strategies for earlier intervention before large-scale rescues are needed.
- **Next Steps:** Members to think about what information you would want know about NH's animal control system, such as what, if any, reporting is done, who do they report to (municipal structure), what training have they received, and what types of cases to they respond to.

2020 LSRs- Overview of new LSRs and retained 2019

- Julia reviewed the 2019 legislative tracking chart and noted the following updates:
 - HB 371 - Adding cats to the definition of commercial kennel.
 - Subcommittee Work Session on 10/16. Executive Session on 11/7.
 - Waiting for updated bill language.
 - http://gencourt.state.nh.us/bill_status/Results.aspx?q=1&txtbillnumber=HB%20371&txtsessionyear=2019
 - HB 376 - Establishing a commission to study best practices for companion animal groomers.
 - Subcommittee Work Session on 10/16. Executive Session on 11/7.
 - Waiting for updated bill language.
 - http://gencourt.state.nh.us/bill_status/Results.aspx?q=1&txtbillnumber=hb%20376&txtsessionyear=2019
 - HB 484 - Relative to group dog licenses.
 - Subcommittee voted inexpedient to legislate.
 - HB 501 - Establishing a cost of care fund to assist municipalities caring for animals during animal cruelty cases.
 - Subcommittee Work Session on 10/16. Executive Session on 11/7.
 - Waiting for updated bill language.
 - http://gencourt.state.nh.us/bill_status/Results.aspx?q=1&txtbillnumber=HB%20501&txtsessionyear=2019
- Julia distributed a list of 2020 LSRs for animal-related bills. Once the bill language is made public, the Commission will vote to determine which bills we will track.
- To follow the lifespan of each bill, Julia presented a new spreadsheet option to track 2020 bills. Julia will revisit this layout once the Commission has determined which bills to track.
- Julia provided an update on SB 161 – language passed as part of HB 4 (budget) on September 26. Effective July 1, 2019 - See pages 115 – 117:
http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2019&id=1336&txtFormat=pdf&v=current
 - "Pet vendor" means any person, firm, corporation, or other entity that transfers 25 or more dogs, 25 or more cats, 30 or more ferrets, or 50 or more birds, live animals or birds customarily used as household pets to the public, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire, when transfer to the final owner occurs within New Hampshire, between July 1 and June 30 of each year. Pet vendor also means any person, firm, corporation, or other entity that transfers amphibians, reptiles, fish, or small mammals customarily used as household pets to the public in quantities set in rules adopted by the department, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire between July 1 and June 30 of each

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year. Nothing in this paragraph shall be construed to alter or affect the municipal zoning regulations that a pet vendor shall conform with under RSA 437:3.

- 437-B:1 Cost of Care Fund.
 - I. There is established in the department of agriculture, markets, and food a non-lapsing fund to be known as the cost of care fund which shall be kept distinct and separate from all funds. The cost of care fund is established to assist municipalities in covering the costs of care incurred from caring for animals pending the resolution of any action brought for animal cruelty under RSA 644:8 or RSA 644:8-a.
 - II. The treasurer shall deposit in the cost of care fund court-ordered restitution for care in animal cruelty cases under RSA 644:8 or RSA 644:8-a as specified in paragraph VI.
 - III. The arresting officer or his or her designee may apply to the commissioner of the department of agriculture, markets, and food for a grant from the cost of care fund to reimburse costs incurred caring for animals in animal cruelty cases brought under RSA 644:8 or RSA 644:8-a during pretrial care, for the period between when the animals are seized and until the final disposition of the case. The commissioner of the department of agriculture, markets, and food and the state veterinarian shall review such applications, respond to such applications within 15 days, and distribute no more than \$500,000 per application.
 - IV. The commissioner shall establish rules under RSA 541-A relative to:
 - (a) The administration and disbursement of the cost of care fund, including guidelines to ensure that multiple applicants would have equitable access to grants.
 - (b) The application process by an arresting officer or his or her designee for financial assistance to cover the cost of emergency veterinary treatment.
 - V. The commissioner may accept private gifts and donations of any kind for the purpose of supporting the cost of animal care which shall be deposited into the cost of care fund.
 - VI. If a person is convicted of animal cruelty and is ordered by the court to make restitution, the municipality shall report such restitution to the department of agriculture, markets, and food. If the restitution exceeds the costs incurred by the municipality in caring for the seized animals, that excess shall be remitted to the department and shall be deposited into the cost of care fund. Department of Agriculture, Markets, and Food; Cost of Care Fund. The sum of \$100,000 for the fiscal year ending June 30, 2020, and the sum of \$100,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the department of agriculture, markets, and food to fund the cost of care fund established in RSA 437-B:1. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.
- **Next Steps:** Julia and George to provide an update on legislation at the next meeting.

Goals for 2020 Subcommittee Updates

- Cruelty Cases: Eber/Faria
 - Will work on gathering data reporting in down time.
- Legislation: Cook/Seeley
 - Will continue to provide updates on 2019 retained bills and 2020 legislation.
 - Retained bills will be voted on in Executive Session 11/7.
- Training/Funding: Zezula/Atherton

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- Rep. O'Connor will check to see if donations to the new Cost of Care Fund, which is managed by the Dept of Agriculture, will be tax deductible. The Dept of Agriculture will develop rules for the Cost of Care Fund.
- Judicial Rules progress: Eber/Morris
 - Jennifer discussed proposed judicial rules to implement HB 459, specifically scheduling of a status hearing 14 days after animals are seized and setting a 30-day deadline (which an optional 15-day extension) for court-ordered bonds.
 - The next NH Rules Committee is December 6. They asked the Commission to draft court rules.
 - Commission to vote on revised proposed rules at next meeting – Jennifer to send them to members prior to meeting. Will focus on procedural directions to ensure these cases move quickly. Sheriff Moyer inquired about whether someone could get in trouble for not following court rules since they are non-binding.
 - **Next Steps:** Members to review Jennifer's draft court rules and be prepared to vote at the next meeting. Notify Trish and Jennifer if you will not be at the next meeting.

Commission Manual/Protocol Updates

- Jeri walked everyone through the updates that have been made to the manual since the last meeting. We will review the remaining sections at the next meeting. Jeri noted that she will not re-do the entire manual until all revised sections have been submitted.

Public Comments

- Jack Hurley expressed his thanks for the opportunity to attend the Commission's meeting and appreciation that there is a body working to provide clarity on protocols and procedures to ensure they are clear and consistent. He looks forward to attending future meetings.

The next regular meeting of the Governor's Commission on the Humane Treatment of Animals will be on Monday, November 18 at 1:00 pm in the Legislative Office Building (LOB) – Room TBD.

Meeting adjourned at 3:00 pm.

Respectfully submitted by Julia Seeley, Secretary