

**HB**

**386**

04/03/96

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

15:33:03

PARTICIPANT LIST (TESTIFIERS ONLY)

BY:JNU

TCN:60667

SCHEDULED FOR:04/03/96 13:30 TO 15:30

FOR:KEN

PUBLIC HEARING

SENATE COMMUNITY & REGIONAL AFFAIRS

LOCATION:KENAI LIO

HE 386

MR.

BILL

WARD

SELF

TESTIFY

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 3/25/96

FURTHER: Finance

DATE TURNED INTO OFFICE: \_\_\_\_\_

The C&RA Committee considered CS FOR HOUSE BILL NO. 386(JUD)

"An Act relating to cruelty to animals and to the power of first and second class boroughs to prohibit cruelty to animals."

and recommends:

- be replaced with Senate CS CS HB 386 (CRA) (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John &amp; Kelly</i>	✓	<i>John &amp; Kelly</i>	✓		
<i>John &amp; Kelly</i>		<i>Tom Kelly</i>	✓		
CHAIR: <i>John Ingram</i>		CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
<i>Comm &amp; Reg'l Affairs</i>	<i>3/14/96</i>	✓	
<i>Public Safety</i>	<i>3/14/96</i>	✓	
<i>Law</i>	<i>3/14/96</i>	✓	

APPROPRIATION -- no fiscal note

\*Include fiscal notes accompanying Governor's bill



SENATE CS FOR CS FOR HOUSE BILL NO. 386(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES GRUSSENDORF, Finkelstein, B.Davis, Robinson, Davies

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to cruelty to animals and to the power of first and second  
2 class boroughs to prohibit cruelty to animals."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. AS 11.61.140(a) is amended to read:

5 (a) A person commits the crime of cruelty to animals if the person

6 (1) knowingly [INTENTIONALLY] inflicts severe [AND  
7 PROLONGED] physical pain or prolonged suffering on an animal;

8 (2) with criminal negligence, [RECKLESSLY] neglects an animal and,  
9 as a result of that neglect, causes the death of the animal or causes severe physical  
10 pain or prolonged suffering to the animal; or

11 (3) kills an animal by the use of a decompression chamber.

12 \* Sec. 2. AS 11.61.140(b) is amended to read:

13 (b) It is a defense to a prosecution under (a)(1) or (2) of this section that the  
14 conduct of the defendant

- 1 (1) conformed to accepted veterinary or animal husbandry practice;
- 2 (2) was part of scientific research governed by accepted standards; or
- 3 (3) was necessarily incident to lawful hunting or trapping activities.

4 \* Sec. 3. AS 29.10.200 is amended by adding a new paragraph to read:

- 5 (54) AS 29.35.147 (regulation of cruelty to and care of animals by
- 6 farmers).

7 \* Sec. 4. AS 29.35 is amended by adding a new section to article 1 to read:

8 Sec. 29.35.147. REGULATION OF CRUELTY TO AND CARE OF  
9 ANIMALS BY FARMERS. (a) A municipality may not regulate, or enforce laws or  
10 regulations relating to, the cruelty to and care of farm animals by farmers.

11 (b) This section applies to home rule and general law municipalities.

12 (c) In this section, "farmer" means an individual employed in agriculture,  
13 which includes farming in all its branches and, among other things, includes the  
14 cultivation and tillage of the soil, dairying, the production, cultivation, growing, and  
15 harvesting of any agricultural or horticultural commodities, the raising of livestock,  
16 bees, fur-bearing animals, or poultry, and any practices, including forestry and  
17 lumbering operations, performed by a farmer or on a farm as an incident to or in  
18 conjunction with the farming operations, including preparation for market, delivery to  
19 storage or to market or to carriers for transportation to market.

20 \* Sec. 5. AS 29.35.200(b) is amended to read:

21 (b) A first class borough may by ordinance exercise the following powers on an  
22 areawide basis:

- 23 (1) provide transportation systems;
- 24 (2) provide water pollution control;
- 25 (3) provide air pollution control in accordance with AS 46.14.400;
- 26 (4) license day care facilities;
- 27 (5) license, impound, prohibit cruelty to, and dispose of animals.

28 \* Sec. 6. AS 29.35.210(a)(3) is amended to read:

29 (3) license, impound, prohibit cruelty to, and dispose of animals;

30 \* Sec. 7. AS 29.35.210(b) is amended to read:

31 (b) A second class borough may by ordinance exercise the following powers on  
32 an areawide basis:

1  
2  
3  
4  
5

- (1) provide transportation systems;
- (2) license, impound, prohibit cruelty to, and dispose of animals;
- (3) provide air pollution control under AS 46.14.400;
- (4) provide water pollution control;
- (5) license day care facilities.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: SCS CS HB 386 (CRA)

Revision Date: 4/15/96 Dept. Affected: Community & Regional Affairs  
 Title: An Act relating to cruelty to animals and the BRU: none  
power of first and second class boroughs to... Component: none  
 Sponsor: Rep. Grussendorf  
 Requestor: Senate CRA COMPONENT SERIAL NO. \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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CHANGE IN REVENUES ( ) Revenue Code						
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**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimate of current year (FY 96) impact: \$ none

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

**ANALYSIS: (Attach a separate page if necessary.)**

This legislation would have no fiscal impact on the department

Prepared By: Remond Henderson *Remond Henderson* Phone: 465-4708  
 Division: Director, Administrative Services Date: 4/15/96  
 Approved by Commissioner: *Mike Irwin* Date: 4/15/96  
 Agency: Mike Irwin, Dept. of Community & Reg. Affairs

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SCSCSHB 386 (CRA)

Revision Date: 4/12/96 Dept. Affected: Department of Law  
 Title: "...cruelty to animals and the power of first and BRU: Criminal Division  
second class boroughs to prohibit cruelty to animals." Component: Criminal Division  
 Sponsor: Representative Grussendorf  
 Requester: Senate Community & Regional Affairs Committee COMPONENT SERIAL NO. 2085

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>- 0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost: \$ 0.0

**POSITIONS**

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

This bill amends Alaska laws relating to cruelty to animals in two ways. First, the bill amends AS 11.61.140 to lower the legal standard of conduct from one who acts intentionally to one who acts knowingly and inflicts severe physical or prolonged suffering on an animal. Similarly, the bill lowers the legal standard of conduct from one who acts recklessly to one who acts with criminal negligence and neglects an animal and, as a result of that neglect, causes the death of the animal or causes severe physical pain or prolonged suffering of the animal. These changes have the effect of making cruelty to animal cases easier to prove and, consequently, they will not have a fiscal impact. The bill also provides that conduct conforming to animal husbandry practice is an affirmative defense to a prosecution for cruelty to animals.

Second, the bill amends AS 29.35 to authorize the first and second class boroughs to enact ordinances prohibiting cruelty to animals. Providing this authority will allow local governments to deal with a problem that is primarily one of local concern. Local governments would not be permitted to regulate or enforce laws relating to the cruelty to or care of farm animals, under the bill.

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 4/12/96  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 4/12/96  
 Agency: Department of Law

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# FISCAL NOTE

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO: SCS CSHB 386(CRA)**

Revision Date: April 17, 1996 Dept. Affected: Public Safety  
 Title: Cruelty to Animals BRU: Alaska State Troopers  
 Sponsor: Representative Grussendorf Component: Detachments  
 Requestor: S. Community and Regional Affairs COMPONENT SERIAL NO. 0799

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ \_\_\_\_\_

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS: (Attach a separate page if necessary.)**

During 1995, the Alaska State Troopers investigated 20 cruelty to animal cases. This bill would change the mental states required in some of the sub-sections in the cruelty to animals statute. Those changes have the potential of increasing the number of cases the division would have to investigate, however that impact should be negligible.

Prepared By: Lt. Dan Lowden Phone: 465-5505  
 Division: Alaska State Troopers Date: April 17, 1996  
 Approved by Commissioner: *Del Smith* Date: 4/18/96  
 Agency: Ronald L. Otte, Department of Public Safety

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Differences between  
CS for House Bill No. 386(JJD) and  
Senate CS for CS for House Bill 386(CRA) Work Draft 9-LS1203\K

Senate C&RA committee substitute inserts Sections 2 - 4; Sections 5 and 6 are renumbered and are the same as Sections 2 and 3 of the House Judiciary version.

SENATE CS FOR CS FOR HOUSE BILL NO. 386(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES GRUSSENDORF, Finkelstein, B.Davis, Robinson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to cruelty to animals and to the power of first and second  
2 class boroughs to prohibit cruelty to animals."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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5 (a) A person commits the crime of cruelty to animals if the person

6 (1) knowingly [INTENTIONALLY] inflicts severe [AND  
7 PROLONGED] physical pain or prolonged suffering on an animal;

8 (2) with criminal negligence, [RECKLESSLY] neglects an animal and,  
9 as a result of that neglect, causes the death of the animal or causes severe physical  
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11 (3) kills an animal by the use of a decompression chamber.

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13 (b) It is a defense to a prosecution under (a)(1) or (2) of this section that the  
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- 1 (1) conformed to accepted veterinary or animal husbandry practice;
- 2 (2) was part of scientific research governed by accepted standards; or
- 3 (3) was necessarily incident to lawful hunting or trapping activities.

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- 6 farmers).

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8 Sec. 29.35.147. REGULATION OF CRUELTY TO AND CARE OF

9 ANIMALS BY FARMERS. (a) A municipality may not regulate, or enforce laws or

10 regulations relating to, the cruelty to and care of farm animals by farmers.

11 (b) This section applies to home rule and general law municipalities.

12 (c) In this section, "farmer" means an individual employed in agriculture,

13 which includes farming in all its branches and, among other things, includes the

14 cultivation and tillage of the soil, dairying, the production, cultivation, growing, and

15 harvesting of any agricultural or horticultural commodities, the raising of livestock,

16 bees, fur-bearing animals, or poultry, and any practices, including forestry and

17 lumbering operations, performed by a farmer or on a farm as an incident to or in

18 conjunction with the farming operations, including preparation for market, delivery to

19 storage or to market or to carriers for transportation to market.

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21 (b) A first class borough may by ordinance exercise the following powers on an

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- 23 (1) provide transportation systems;
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- 25 (3) provide air pollution control in accordance with AS 46.14.400;
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31 (b) A second class borough may by ordinance exercise the following powers on

32 an areawide basis:

1  
2  
3  
4  
5

- (1) provide transportation systems;
- (2) license, impound, prohibit cruelty to. and dispose of animals;
- (3) provide air pollution control under AS 46.14.400;
- (4) provide water pollution control;
- (5) license day care facilities.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: CS HB 386 (JUD)

Revision Date: 3/14/96 Dept. Affected: Community & Regional Affairs  
 Title: An Act relating to cruelty to animals and the BRU: none  
provision of food and water to confined... Component: none  
 Sponsor: Rep. Grussendorf  
 Requestor: House Judiciary COMPONENT SERIAL NO. \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( ) Revenue Code						
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**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1006 GE/MHTIA						
Other						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimate of current year (FY 95) impact: \$ none

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

**ANALYSIS: (Attach a separate page if necessary.)**

This legislation would have no fiscal impact on the department

Prepared By: Remond Henderson *Remond Henderson* Phone: 465-4708  
 Division: Director, Administrative Services Date: 3/14/96  
 Approved by Commissioner: Mike Irwin *Mike Irwin* Date: 3/14/96  
 Agency: Mike Irwin, Dept. of Community & Reg. Affairs

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB 386 (JUD)

Revision Date: <u>3/14/96</u>	Dept. Affected: <u>Department of Law</u>
Title: <u>"...cruelty to animals and the power of first and second class boroughs to prohibit cruelty to animals."</u>	BRU: <u>Criminal Division</u>
Sponsor: <u>Representative Grussendorf</u>	Component: <u>Criminal Division</u>
Requester: <u>Representative Grussendorf</u>	COMPONENT SERIAL NO. <u>2085</u>

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost: \$ 0.0

**POSITIONS**

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

This bill amends Alaska laws relating to cruelty to animals in two ways. First, the bill amends AS 11.61.140 to lower the legal standard of conduct from one who acts intentionally to one who acts knowingly and inflicts severe physical pain or prolonged suffering on an animal. Similarly, the bill lowers the legal standard of conduct from one who acts recklessly to one who acts with criminal negligence and neglects an animal and, as a result of that neglect, causes the death of the animal or causes severe physical pain or prolonged suffering of the animal. These changes have the effect of making cruelty to animal cases easier to prove and, consequently, they will not have a fiscal impact.

Second, the bill amends AS 29.35 to authorize first and second class boroughs to enact ordinances prohibiting cruelty to animals. Providing this authority will allow local governments to deal with a problem that is primarily one of local concern.

Prepared by: <u>Richard I. Peques, Director</u>	Phone: <u>465-3672</u>
Division: <u>Administrative Services Division</u>	Date: <u>3/14/96</u>
Approved by Commissioner: <u>Bruce M. Botelho, Attorney General</u>	Date: <u>3/14/96</u>
Agency: <u>Department of Law</u>	

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: CSHB 386(JUD)

Revision Date: March 18, 1996

Dept. Affected: Public Safety

Title: Cruelty to Animals

BRU: Alaska State Troopers

Component: Detachments

Sponsor: Representative Grussendorf

Requestor: H. Rules

COMPONENT SERIAL NO. 0799

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ( ) Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ \_\_\_\_\_

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS: (Attach a separate page if necessary.)**

During 1995, the Alaska State Troopers investigated 20 cruelty to animal cases. This bill would change the mental states required in some of the sub-sections in the cruelty to animals statute. Those changes have the potential of increasing the number of cases the division would have to investigate, however that impact should be negligible.

Prepared By: Lt. Dan Lowden Phone: 465-5505  
 Division: Alaska State Troopers Date: March 18, 1996  
 Approved by Commissioner: *D. L. Smith* Date: 3/18/96  
 Agency: Ronald L. Otte, Department of Public Safety

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# Alaska State Legislature

REPRESENTATIVE  
BEN GRUSSENDORF  
1221 HALIBUT POINT ROAD  
SIKKA, ALASKA 99536  
(907) 747-0450

WHILE IN JUNE AU  
STATE CAPITOL  
JUNE AU, ALASKA 99501-1102  
(907) 465-3824



FINANCE COMMITTEE

DISTRICT 2  
KUPREANOF  
PETERSBURG  
SIKKA  
WILHOELL

## House of Representatives

TO: Senator Torgerson  
FROM: Representative Grussendorf  
DATE: March 27, 1996  
RE: CSHB 386 (JUD) "An act relating to cruelty to animals and to the power of first and second class boroughs to prohibit cruelty to animals."

I would appreciate your consideration in scheduling a hearing for CSHB 386 (Jud) in your committee. This bill was introduced in response to concerns regarding the difficulty of prosecuting cases which involve cruelty to animals. The bill also addresses the difficulty some boroughs are facing regarding their ability to enact ordinances to prohibit cruelty to animals.

There have been many acts of obvious neglect and cruelty across the state which courts have been unable to prosecute because the language in the statute is too difficult to prove. One district attorney has testified that the current language, which reads "intentionally inflicts severe and prolonged physical pain or suffering on an animal," is "unprosecutable." He said, "a dead animal is your only evidence." CSHB 386 offers prosecutors a more workable statute.

CSHB 386 also gives first and second class boroughs the option to adopt an ordinance to prohibit cruelty to animals. As state law reads now, these entities may only license, impound, and dispose of animals. Without the authority to deal with neglect or abuse issues, borough cases are often turned over to state troopers who consider them a low priority. One animal control officer said, "unless the animal is dead or unable to get up, troopers won't even investigate." Without this legislation, boroughs need an expensive vote of the people to enact an ordinance to prohibit cruelty to animals. CSHB 386 does not mandate boroughs to enact animal cruelty ordinances, but merely gives them the option if they choose to do so.

Thank you for your consideration in scheduling a hearing for this bill.

# Alaska State Legislature

REPRESENTATIVE  
BEN GRUSSENDORF  
1221 HALIBUT POINT ROAD  
SITKA, ALASKA 99833  
(907) 747-8450

FINANCE COMMITTEE

DISTRICT 2  
KUPREANOF  
PETERBURG  
SITKA  
WHANCELL

WHILE IN JUNEAU  
STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
(907) 485-3824



House of Representatives

## SPONSOR STATEMENT CSHB 386 (JUD)

**"An act relating to cruelty to animals and to the power of first and second class boroughs to prohibit cruelty to animals."**

This bill was introduced in response to concerns expressed by constituents regarding the difficulty of prosecuting cases which involve cruelty to animals. The bill also addresses the difficulty some boroughs are facing regarding their ability to enact ordinances to prohibit cruelty to animals.

There have been many cases of obvious neglect and cruelty across the state which have been difficult to prove because of the current statutory language. One district attorney has testified that the language which reads, "intentionally inflicts severe and prolonged physical pain or suffering on an animal" is "unprosecutable." He said, "a dead animal is your only evidence." This bill offers prosecutors a more workable statute. The following descriptions explain the changes CSHB 386 would make:

- Changes "intentionally" to "knowingly" which lowers the state of mind the state must prove in prosecuting a case. This would help in cases of starving animals. An owner's actions may not have been intentional, but a reasonable person would "know" that a lack of food results in a starving animal.
- Changes "recklessly" to "with criminal negligence" which lowers the criminal standard. Recklessness is indicated by an awareness and conscious disregard. Criminal negligence is indicated by a "failure to perceive a substantial and unjustifiable risk that the result will occur..." 11.81.900
- Does not affect the existing statute which exempts farmers, hunters, and trappers who conduct traditional, lawful practices. 11.61.140

→

**CSHB 386 (JUD) continued**

- Does not affect the existing statute which designates cruelty to animals as a class A misdemeanor.
- Gives first and second class boroughs the option to adopt an ordinance to prohibit cruelty to animals. As state law reads now, these entities may only license, impound, and dispose of animals. Without the authority to deal with neglect or abuse issues, borough cases are often turned over to state troopers who consider them a low priority. One animal control officer said, "unless the animal is dead or unable to get up, troopers won't even investigate." The proposed changes do not mandate boroughs to enact animal cruelty ordinances, but merely gives them the option if they choose to do so.
- Organizations which support this bill:

Alaska Animal Control Association  
Alaska Society of the Prevention of Cruelty to Animals  
Kenai Borough Animal Control  
Homer Animal Shelter  
Fairbanks North Star Borough  
Mush With Pride, Alaska  
Matt Desalernos, President, Iditarod Trail Committee  
Libby Riddles, Iditarod Race Winner  
Dave Monson, Iditarod Board Member  
Gastineau Humane Society  
Humane Society of United States

**Second Class Borough**

Alutians East Borough  
Bristol Bay Borough  
Fairbanks North Star Borough  
Kenai Peninsula Borough  
Ketchikan Gateway Borough  
Kodiak Island Borough  
Matanuska-Susitna Borough

**Animal Control System**

City Level  
Borough Level  
Borough Level  
City Level  
Borough Level  
Borough contracts to City  
Cities contract to the Borough



# CITY OF KENAI

*" Oil Capital of Alaska "*

210 FIDALGO AVE., SUITE 200 KENAI, ALASKA 99611-7794  
TELEPHONE 907-283-7535  
FAX 907-283-3014



March 19, 1996

Representative Ben Grussendorf  
Alaska State Legislature  
State Capitol (MS 415)  
Juneau, AK 99801-1182

**FAXED**  
3/19/96

Subject: Support for Proposed House Bill No. 386

As an Animal Control Officer in the State of Alaska for over 16 years, I am very pleased to see Alaska's cruelty statute stream lined. House Bill No. 386 will make it much easier to pursue cruelty to animal investigations and prosecute these cases. The legislation will also give first and second class boroughs the investigative authority they need to follow through with cruelty cases, thereby taking the burden off the Alaska State Troopers.

Lately the State of Alaska has been getting some "bad press" in regards to the treatment of animals. Passage of this bill can only improve our image with national humane groups. Not only are these proposed changes simple and highly workable, they are both ethical and prudent legislation. Because of this I support and encourage House Bill No. 386 to be voted into law.

Sincerely,

A handwritten signature in cursive that reads "Bill Godek".

Bill Godek  
Chief Animal Control Officer, Kenai  
Vice President Alaska Animal Control Assoc.  
BG/kw

Representative Grussendorf,

I would like to thank you for sponsoring House Bill 386. I have read the work draft and support the changes that you have made.

Animal control receives several calls every year from concerned citizens seeking information on where to report animal abuse or neglect situations regarding animals located in the borough. The only option available to them is to report the problem to the State Troopers who are unable to respond due to lack of manpower and time to spend on cruelty investigations.

The changes you have made are important and allowing first and second class boroughs to enact ordinances to prohibit cruelty to animals is urgently needed.

Sincerely,

Sherry Bess, ACO  
Animal Shelter Manager  
City of Homer

2/14/96

# ALASKA ANIMAL CONTROL ASSOCIATION

March 20, 1996

Representative Ben Grussendorf  
State Capitol Building  
Juneau, Alaska 99801

Dear Representative Grussendorf:

On behalf of the Alaska Animal Control Association (AACA) we would like to go on record as being in support of CS House Bill 386.

This legislation will enable first and second class boroughs to adopt an ordinance to prohibit cruelty to animals and handle such cases in the boroughs. They currently do not have the authority to handle these cases and must rely on state troopers who consider them a low priority.

The current language in law AS 11.61.140 is very difficult to prove and courts have been unable to prosecute a number of neglect and cruelty cases. Bill 386 will improve the language in AS 11.61.140 and enable prosecutors to convict those that have participated in obvious acts of neglect and cruelty.

If there is anything I can do to facilitate passage of Bill 386 please let me know.

Sincerely,

  
Linda M. Blefgen  
President

Libby Riddles  
Blazing Kennels  
P.O. Box 872901  
Wasilla, AK 99687

Rep. Ben Grussendorf  
State Capital  
Juneau, AK 99801

March 19, 1996

Dear Representative Grussendorf,

As a representative of the mushing community, I would like to express my endorsement of the CSHB 386(JUD) bill that would enhance our current animal cruelty laws. I understand that this bill is also backed by the Mush with PRIDE organization of which I am a member.

It is apparent that in many animal abuse cases around the state, the current animal cruelty laws have not been adequate to protect the animals. It seems primitive that enforcement officers often have to have a dead animal to prove abuse or neglect. Bill CSHB 386(JUD) would give enforcement officers and neglect prosecutors more ability to protect all domestic animals.

As these animals cannot speak for themselves, those of us that are animal advocates must stand up and try to make sure that they are done right by. Your support of bill CSHB 386(JUD) is greatly appreciated by all of us.

With Best Regards,

Libby Riddles



CC: Will Forsberg, President  
Mush With PRIDE

# MUSH WITH PRIDE NEWS



Providing Responsible Information on a Dog's Environment

Will Forsberg, President  
Box 378  
Healy Ak. 99743

Rep. Ben Grussendorf  
State Capital  
Juneau, Ak. 99801

Feb. 25, 1996

Dear Rep. Grussendorf,

We are very pleased to see the rewrite of HB 386, the animal cruelty bill. We believe that the Alaskan statutes should be strengthened to protect domestic animals from abuse and neglect. The few instances each year of neglected sleddogs tarnishes the image of responsible mushers and our sport

We believe that some animal owners do not know what is expected of them in terms of good husbandry. For dog owners PRIDE offers a set of sleddog care guidelines. However, in some instances peer pressure and education are not sufficient. We believe that adoption of minimal husbandry standards by statute would serve to enlighten the uninformed animal owner as to acceptable practices. Minimal standards would also assist the authorities in assessing a "problem" situation. We support the minimal care standards proposed in Senator Randy Phillips animal cruelty bill, SB 238, and believe these standards are already in practice in most reputable sled dog kennels.

We also support the concept of variable citations for violations of the cruelty statutes so that authorities can issue a minor citation (class B misdemeanor) for lesser offenses and a more serious citation for repeat offenders and major offenses. This would allow for more timely and appropriate enforcement.

Your concern in this matter is very much appreciated. Please do not hesitate to call if we can be of further assistance in any way.

Sincerely,

A handwritten signature in cursive script that reads "Will Forsberg".

Will Forsberg, President  
Ph. or fax 907-683-2644

To Rep. Grossendorf  
From David Monson (PRIDE) Board of Directors  
Re House Bill No. 386

Pride is a group of over 400 sled dog enthusiasts both in and outside Alaska. We have watched the progress of HB 386 and endorse its passage tomorrow. We believe it is important to allow the first and second class breeders to have the authority prohibit cruelty to animals. We also believe the clarification in HB 386 as to State of Mind will allow the law to be enforced by the Department of Law -

If I may be of further help  
Please call -

David Monson



# THE ALASKA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, INC.

SPCA State Headquarters and Spay Clinic • 549 W. International Airport Road • Anchorage, Alaska 99518  
Phone: 562-2999

March 18, 1996

To whom it may concern:

The Alaska Society for the Prevention of Cruelty to Animals, is in full support of CSHB 386 (Judiciary). Efforts in past cruelty cases have been next to nothing. Alaska needs to have a stronger law to support our justice system in prosecution of animal abusers. The ASPCA in past years, has witnessed animal abusers in the worst scenarios. Due to insufficient laws, the District Attorney's office was unable to penalize these people. Animal abuse is and has been occurring throughout the state. Most people are unaware of the severity of some of these cases. Public awareness is increasing and the state needs to update legislation to deal with cruelty offenders.

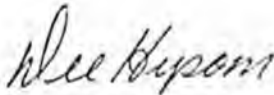
Statistics show that there is a definite link between animal cruelty and spousal, child abuse occurring within the home.

Again, the ASPCA, as well as most of the general public, is in strong support of CSHB 386 (Judiciary), and shows a very strong interest in the passage of this bill.

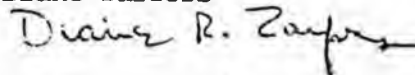
Sincerely,

  
Ethel Christensen, Director

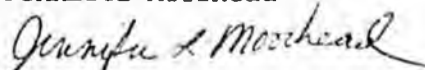
Dee Hysom



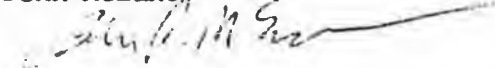
Diane Zarfoss



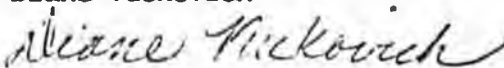
Jennifer Moorhead



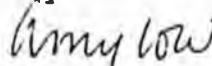
John McLane



Diane Vuckovich



Amy Low



"Kindness Uplifts The World"



# Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1000

March 18, 1996

Representative Ben Grussendorf  
Alaska State Legislature  
State Capitol Building  
Juneau, AK 99801

Dear Representative Grussendorf,

We support passage of CS for House Bill No. 386 (JUD).

Since a court decision in July, 1995 the Fairbanks North Star Borough Division of Animal Control has been unable to take action against persons who mistreat animals other than dogs. This decision left a large segment of the domestic animal population without protection, as the Alaska State Troopers are unable to place any priority on this problem. This bill will remedy our problem, and allow us to continue to enforce our ordinance to protect ALL domestic animals.

The changes to the wording regarding standard of proof are also highly recommended. It has long been known that the only good evidence to prove the crime of cruelty to animals under our current state statute is a dead animal. This new wording will save animals by allowing intervention by enforcement officers before the death of the animal becomes inevitable.

Please encourage passage this bill. Thank you very much.

Sincerely,

Laura Hood, Manager  
Division of Animal Control

cc: Jim Sampson, Borough Mayor  
Linda Anderson, F.N.S.B. Lobbyist



# Fairbanks North Star Borough

# Assembly

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1000

Fax 907/459-1224

February 13, 1996

The Honorable Ben Grussendorf  
Alaska State House Of Representatives

Dear Representative Grussendorf,

This letter concerns the proposed committee substitute for House Bill 386, relating to "Cruelty to Animals" which you pre-filed for the Second Session of the Nineteenth Legislature.

On October 12, 1995, the Fairbanks North Star Borough Assembly adopted Resolution 95-052; "A Resolution Relating To Cruelty To Animals." The resolution requests a member (s) of the Legislature to "introduce legislation which would allow municipalities, by ordinance, to exercise the power of preventing cruelty to animals and to be able to prosecute those guilty of animal cruelty." Your legislation satisfies that request and I sincerely appreciate the introduction of the bill.

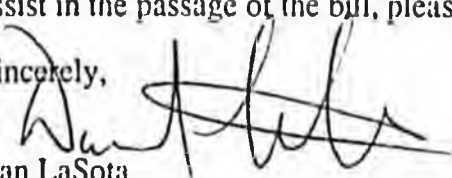
I'm sure you are aware of the resistance by municipalities throughout the state to have mandated responsibilities without state monetary assistance. I know that I normally would not be in favor of such legislation. This matter is different! A municipality does not have to accept this responsibility except by ordinance. Other provisions in the bill help clarify the definition of animal cruelty.

The prevention of cruelty to animals is important to the Fairbanks North Star Borough. It had been enforcing animal cruelty prevention powers and punishment for violations until the summer of 1995 when the court determined that the borough only had the power to practice the prevention of canine cruelty. The borough has trained staff and equipment in place which would allow it to exercise the broader animal cruelty prevention powers at little or no additional cost to our taxpayers.

The extent of legal animal control powers that the Fairbanks North Star Borough has exercised in recent years is varied. Attached, you will find a memo from the borough's legal department detailing the changes over the years.

In closing, I applaud your introduction of HB 386 and I believe it is the best vehicle to fulfill the Fairbanks North Star Borough's needs in this area. If there is any way I can assist in the passage of the bill, please let me know.

Sincerely,

  
Dan LaSota  
Fairbanks North Star Borough Assembly Member

# 'It was like a case out of Auschwitz'

## Officials seize 11 sickly dogs from home

By KATE RIPLEY  
Staff Writer

Borough animal control officials have seized 11 dogs from the home of a Fairbanks man they say starved one dog to death and caused the others to suffer without adequate water, food and veterinary care.

Officials are awaiting a final necropsy report on the dead dog before deciding whether to charge the man, Steve Ferraro, with violating the borough's animal cruelty law. The husky mix dogs were taken from Ferraro's home off the Elliott Highway earlier this month.

Ferraro said he's innocent and would not allow his dogs to suffer. In explaining the dead dog, he said he shot it in the head because it had parvo, a condition that attacks the intestines.

"They can't say I'm starving them to death. I'm not an animal criminal here," Ferraro said Monday. "My dogs never suffered one bit. Never one bit."

But Dr. R.W. Van Pelt, the veterinarian who examined all the dogs for the borough, said there was no evidence of a bullet wound anywhere on the dead dog's body.

"I know what parvo looks like, and it doesn't look like this," Van Pelt said. "This dog starved to death."

Van Pelt said he could nearly count every bone in the dog's body without opening it up.

"He had literally digested his own tissues. It was like a case out of Auschwitz," Van Pelt said. "It was one of the worst cases I've seen, and I've seen a lot of them."

Indeed, a week after the dogs were seized, three of the adults still looked skeletal and acted listless Friday at the borough animal shelter, offPager Road. Their ribs protruded from their sides and their hip bones jutted out sharply.

Four other adults were thin but in better shape. Most of the

dogs were infested with lice. All were severely dehydrated.

The dogs were seized from Ferraro's trailer, at about 8 Mile Elliott Highway, Feb. 15. They've been under the care of the borough since and are slowly improving.

Animal control officer Vicki Adkins said the dogs were taken into custody just in time. One mother and her 6-week-old pup weren't moving and had to be pulled out of their house. She was wobbly when Adkins stood her up.

"I think she would have died that night. She was dying," Adkins said of the shy cream-colored mother. The pup, found curled on top of its mother trying to stay warm, was hypothermic and full of worms.

Van Pelt also discovered two older pups, ages 4½ and 5½ months, have rickets, a bone disease caused by lack of vitamin D and calcium. The pups' front legs

See DOGS, Page B-2



Nora Gruner/News-Miner

**ABUSED**—Animal control officer Vicki Adkins holds one of the huskies that were removed from a home off the Elliott Highway. The dogs were all underweight and dehydrated.

## DOGS: Owner may face cruelty charges

Continued from Page B-1

are bowed and their back legs knock kneed. They are stunted, about the size of 3-month-old dogs, Van Pelt said.

The two pups seemed not to know of their health problems as they played in a large cage at the shelter Friday. They wagged their tails and walked around on their funny legs, happy to see visitors.

Ferraro admitted his dogs had worms, and he contends that's why they're so skinny. He said he was feeding them worm medication but found out later it was the wrong kind.

"It's my fault for not taking them to the vet, but I don't have

the money to take them to the vet," said Ferraro, who said he lost his latest job and doesn't own a vehicle that runs.

Ferraro said he has been mushing dogs for two years but is getting out of the sport because it's too expensive. He said he hasn't run his dogs much this winter.

Rather than get into a legal fight, Ferraro said he wants to work something out with the borough and have his dogs assigned to a friend.

It was a neighbor's complaint that led Adkins and Colleen Thompson, another animal control officer, to Ferraro's place Feb. 8. They could see the

mother and pup in front of the trailer and suspected other dogs were chained out back. The dead dog was stashed in an open shed in front of the trailer.

"That gave us probable cause to believe others would die," Adkins said.

Adkins wanted to get a search warrant right away, but an attorney wasn't available to help. She and Thompson made one more visit before obtaining the search warrant six days later.

People may be cited under the borough's animal cruelty law if they intentionally or negligently fail to provide dogs with adequate food, water, shelter or veterinary care to prevent physical suffering. The charge is a misdemeanor punishable by a \$500 maximum fine and up to 30 days in jail.

Adkins said that in her 16 years as an animal control officer she can remember the borough obtaining search warrants for similar cases only three times.

That's because many cruelty cases are borderline and difficult to prove, Adkins said. It's even more difficult in areas outside the borough, which falls under state jurisdiction.

Critics say the state law is vague and nearly requires an animal to die before authorities can act. Two bills in the Legislature would give those laws more teeth, but one, Senate Bill 238, has bogged down in the Senate Judiciary Committee while another, House Bill 386, is slowly working its way through the House.

Will Forsberg, of the educational group Mush with PRIDE, said animal cruelty laws must be strengthened.

"Authorities are at the scene, yet they don't have good enough statutes to go in and protect these animals until it's so extreme," Forsberg said. "That's what we've got to address."



LEGISLATIVE INFORMATION OFFICE  
119 N. CUSHMAN, SUITE 101  
FAIRBANKS, AK 99701  
452-4448

DATE: 4/11/96

Please accept the enclosed original(s) of written  
testimony for the

Senate CAPA (HB 386) teleconference scheduled on

4/10/96. A copy of this testimony was  
transmitted to your committee via fax.

Thank you,

*Fron/Flu L10*



# ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE SCARA  
 COMMITTEE ON 386 - Animal Care COMMITTEE NAME  
 DATED 4/10/96  
 BILL/SUBJECT

Sec. 2 -(B) 1 The addition of Animal Husbandry  
 to this Bill as well as the section 4  
 concerning Farm Animals is a very important  
 addition to HB 386

Thank you

SIGNED

TESTIFIER

REPRESENTING (OPTIONAL)

ADDRESS/PHONE NUMBER

Jimmie R. Ellison  
FARMER  
POB 55590 North Pole 482-1976



LEGISLATIVE INFORMATION OFFICE  
119 N. CUSHMAN, SUITE 101  
FAIRBANKS, AK 99701  
452-4448

DATE: 3/3/96

Please accept the enclosed original(s) of written testimony for the

Senate CIPA (HB386) teleconference scheduled on

3/3/96. A copy of this testimony was

transmitted to your committee via fax.

Thank you,

*Fran/764 410*



# ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE ANRA  
 COMMITTEE ON 386 Animal Cruelty DATED 4/3/96  
 BILL SUBJECT COMMITTEE NAME

The amendment to the statute adds to the authority of local animal control. Therefore even though production agriculture may be protected elsewhere in the statute we see the need to amend the amendment by inserting, on line one after "cruelty to" the word "companion, plus a written notation stating, "Not to include production agriculture". This would allow agriculture to continue under the state veterinary jurisdiction. The balance of the amendment we could support (We cannot support SB 238)

SIGNED Robert H. Lemble  
 TESTIFIER

Alaska Farm Bureau  
 REPRESENTING (OPTIONAL)

PO Box 75184 Fairbanks, AK 99707  
 ADDRESS/PHONE NUMBER



# ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE Community Affairs  
COMMITTEE ON CS 386 Animal cruelty DATED \_\_\_\_\_  
BILL SUBJECT COMMITTEE NAME

The Bill needs to be amended so that  
Farm animals are exempted from the control of  
Animal Control people

SIGNED [Signature]  
TESTIFIER

REPRESENTING (OPTIONAL)

POB 55580 N.E. 95-205

488-1976

ADDRESS/PHONE NUMBER

Post-it™ brand fax transmittal memo 7671 # of pages > 4

To: John Jorgerson	From:
Co:	Co:
Dept:	Phone #
Fax #	Fax #

*Not in packet*

**MEMORANDUM**

**To: The Senate Finance Committee**  
 Co-Chair Steve Frank  
 Co-Chair Rick Halford  
 Committee Members  
 Dave Donnelly  
 Randy Phillips  
 Steve Rieger  
 Bert Sharp  
 Fred Zharoff

**From: Sally Clampitt, Coordinator for the**  
 Anchorage & Mat Su Area  
 Alaska Equine Rescue  
 5540 East 98th Ave.  
 Anchorage AK 99516  
 Home phone - 346-1346  
 Work phone - 561-4487  
 Fax (days) - 562-4945

**Date:** Tuesday, April 17, 1996

**Re: Senate CS for CS for House Bill No. 386 (CRA)**  
**CRUELTY TO ANIMALS**

Gentlemen:

I have been a horse owner for more than 20 years, have been active in numerous horse-related organizations and activities, taught riding lessons for 6 years, and have acquaintances and friends from just about all areas of horsemanship in Alaska. I also have been privileged to serve as an area coordinator for the past 3 years for the volunteer organization known as Alaska Equine Rescue, (AER) a statewide organization promoting the responsible and humane care of horses in Alaska.

I am writing to you now as a private citizen as well as an active member of AER.

I have reviewed the above-referenced piece of legislation, and have the following comments:

- (1) The proposed CS to CS for HB 386 in no way resembles the honest and sincere concerns for animals that were expressed in its originating predecessors (HB386 and SB238). It has been picked to death. Although Community and Regional Affairs may have tried to perfect the letter of the law, they in fact have de-railed the intent of the law (and obviously succumbed to the pressures of a small but highly vocal special interest group) and the bill no longer does what it was originally intended to do.
- (2) The proposed legislation seeks to broaden the powers of first and second class boroughs to include the power to prohibit cruelty to animals, but at the same time eliminates all farm animals from this newly-bestowed borough jurisdiction. Increasing local authority to enforce animal cruelty regulations is excellent and is a much-needed change. However, farm animals should not be excluded from borough jurisdiction.

Memo to Senate Finance Committee  
Opposing certain language in animal cruelty bill  
April 17, 1996  
Page 2

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(3) I am told that representatives from the farming industry are concerned that extremist animal control officers will try to interfere with their agricultural and farming business. If this is in fact a legitimate concern, the language in lines 13 and 14 on page 1, and in line 1 on page 2 should provide the farmers with the protection they need to continue traditional animal husbandry practices...

"It is a defense to a prosecution ... of this section that the conduct of the defendant ... conformed to accepted veterinary or animal husbandry practice."

This carefully thought out language seems to provide excellent assurance that radical animal rightists will not be able to interfere with traditionally accepted animal husbandry practices.

(4) Lines 7 through 19 on page 2, then, which exclude farm animals from borough jurisdiction, should be eliminated in their entirety. Is there a particular reason why farm animals should not be protected by local law? If animal husbandry rights are protected, farmers should have no more to fear from borough jurisdiction than any private citizen who owns large or farm-type animals. The burden remains the same - that is, people who own animals - ALL ANIMALS - should take care of them humanely and responsibly. *This is true even of farm animals and animals bound for slaughter.*

(5) I was also told that the reason the farmers don't want to be accountable to borough animal control is because they think animal control officers will not know anything about farming and will butt into their business. Do you think that the average state trooper knows any more about farming than an animal control officer? Certainly not! Clearly, a person trained as an animal control officer will know more about animals than a State Trooper.

(6) I was told that the farmers don't want to be accountable to local borough agencies because they already have guidelines established by the Department of Agriculture and they prefer to be accountable to that Dept. But if you'll check Title 3, I believe you will find that there are no Dept. of Agriculture guidelines about cruelty to farm animals.

(7) Is there some particular reason why farm animals should not be protected by the same animal cruelty regulations as other animals (excluding traditional animal husbandry practices)? Does the farming community have a special entitlement to treat animals in a less humane way than other people have? Do farm animals have less right to be treated humanely than other animals? This is not logical. And this is not what good government is about. Good government should not be excessive, but more importantly, it shouldn't play favorites the way your proposed CS to CS HB386 does.

And what is a farm animal, anyhow? Is it a working animal? Is it an animal raised

Memo to Senate Finance Committee  
Opposing certain language in animal cruelty bill  
April 17, 1996  
Page 3

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specifically for slaughter? Is it cattle, pigs, goats, horses and sheep? Or is it all animals except dogs, cats and parakeets, for example? *Do you really want to get into the muddy area of defining what a farm animal is?* Should this definition define specific species of animals? Or specific uses of animals? What if I own a horse as a pleasure/competitive animal, and then I have to sell it and it ends up in the hands of a "farmer" - here is the very same horse - one day it's protected by certain laws, and the next day it isn't. Does this make sense? Of course not.

Let's say there are two men. They live in the same borough, and one is a farmer and one isn't. They both own horses. This bill says that one man must abide by borough animal cruelty laws and be accountable to the local borough authorities, and the other man doesn't. *Does this make sense?* Of course not. I suggest to you that the farming community knows very well how difficult it is to get the State Troopers to enforce cruelty laws, particularly in remote areas. In fact, as everyone knows, the State Troopers would rather not enforce animal cruelty regulations, and will avoid it if given the opportunity.

*So, what we have here is a bill which in effect puts farm animals in a very vulnerable position - the State Troopers won't protect them, and borough animal control can't protect them.*

I hope you will agree that horses used in commercial operations, such as guide-outfitting and hunting, trail riding, etc., should not be construed under any circumstances to be part of a farm operation. Horses used in commercial operations **MUST** be protected under all levels of law from cruelty and abuse.

Also, any exclusions for farm animals at any level should clarify that horses are not farm animals. Also, a farmer who has dairy cattle and also has a string of horses that are used to go pack hunting seasonally, is not protected from enforcement of cruelty regulations with regard to his horses.

And I must return to my original point - *what was the original intent of new, or amended and improved animal cruelty legislation?* It was to do a better job of protecting animals in our State, and to make it easier for authorities to prosecute when appropriate. It was **NEVER** intended to dilute our civic and moral responsibilities as humane caretakers, or to hang our political hats on the farming industry's reluctance to be accountable at the local level.

I sincerely hope that you will not consider approving the exclusion of farm animals from borough jurisdiction as outlined in the proposed legislation. *Please consider all of the real ramifications which will inevitably result from excluding farm animals.*

And last but not least, I ask each of you to take a brief personal inventory - do you personally really want to be responsible for establishing a statewide legal infrastructure as bizarre as this? Do

**Memo to Senate Finance Committee  
Opposing certain language in animal cruelty bill  
April 17, 1996  
Page 4**

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you really want to assume some personal, moral responsibility for the animals you are cheating out of protection if you pass this bill in its current form?

**Please do not delete farm animals from protection against cruelty at the local level. Some language must be found which meets the needs of the farming community with regard to their traditional animal husbandry practices, but at the same time protects these animals from cruelty and neglect.**

Thank you for your consideration. Please feel free to contact me if you have any questions.

Sincerely,



Sally Clampitt

**Distribution:**

AER Board of Directors  
AER Coordinators  
Dianne Zarsoff, SPCA-Anchorage  
Michelle Girault, Friends of Pets-Anchorage  
The Senate Finance Committee  
The Community and Regional Affairs Committee  
To the sponsors listed on the bill in its current form:  
Reps. Ben Grussendorf  
David Finkelstein  
Bettye Davis  
Caren Robinson  
John Davics  
Drew Pearce, President of the Senate  
Gail Phillips, Speaker of the House  
Delbert Smith, Deputy Commissioner of Public Safety  
Bill Godek, Member of The Alaska Animal Control Association