

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

10928 HOUSE LABOR & COMMERCE

Subject: HB272

Date: Sun, 04 May 2003 21:15:20 -0800

From: kurt <l13@gci.net>

To: Representative_Tom_Anderson@legis.state.ak.us,
Representative_Nancy_Dahlstrom@legis.state.ak.us,
Representative_Harry_Crawford@legis.state.ak.us,
Representative_Carl_Gatto@legis.state.ak.us, Representative_Bob_Lynn@legis.state.ak.us,
Representative_David_Guttenberg@legis.state.ak.us,
Representative_Norman_Rokeberg@legis.state.ak.us

CC: Representative_Bruce_Weyhrauch@legis.state.ak.us

I would appreciate a moment of your time to read this e-mail. I am NOT in the new or used car industry.

I am concerned that HB272 is unreasonably restrictive and would prevent small businesses from fair competition with larger dealerships. Failure to protect small dealerships allows the possibility of the larger dealerships (as distributors of "new" vehicles) to dictate how the used car business should be run. Franchise dealerships could effectively monopolize the market for their brand by ensuring that no aftermarket support was available for a specific brand's products. Used car dealerships should simply be able to identify who can repair their cars if a local dealership refuses to repair cars sold on their lot. As a consumer, I would not purchase a vehicle from a major dealership such as Cal Worthington, or Alaska Sales and Service if I believed that they would not repair my car if I had purchased it from a smaller dealership.

I also would not support anyone who believes that passing this bill without the exclusion of the amendment to section 1b is in the best interests of any one individual, or group of individuals in the community. While I support much of the bill, the people who gain the most from the passing of this bill are the large dealerships who I assume have donated to have this bill sponsored.

Please do not pass this bill until the amendment to **Sec. 08.66.015 1b** is excluded.

Kurt Loutzenheiser

Subject: Re HB272

Date: Sun, 04 May 2003 16:00:17 -0800

From: liz <lizl@gci.net>

To: josh_applebee@legis.state.ak.us

I was just informed of the bill #HB272, and am appalled that someone would even consider this to be acceptable. Section 1 alone would put many people out of work, and I can only assume that someone must be getting a large contribution to an election campaign from a major dealership to have even agreed to present this ridiculous idea in the first place. Competition is one of the things that has helped this country become what it is today, and to allow such a drastic upheaval in the car sales market would affect many individuals. I, for one, would not like to have to go and see Cal, and only Cal, if I want a Ford. Limiting peoples' choices is not a way to win votes.

I would ask that you please pass this message onto Representative Tom Anderson, as he is the chairperson of the Labor & Commerce committee which should be hearing this bill tomorrow. I am currently pursuing citizenship of this country and would hope that most representatives are wiser and more reasonable than Bruce Weyhrauch, the author of this bill that seems to violate the rights of Americans, in particular that of Alaskans.

Thank you for your time.
Sincerely,
Liz Loutzenheiser.

Subject: HB272, Section 1

Date: Sun, 4 May 2003 17:41:26 -0800

From: "Teri" <teri.petram@wcclp.com>

To: <Representative_Tom_Anderson@legis.state.ak.us>

CC: <Representative_Bob_Lynn@legis.state.ak.us>, <Representative_Bruce_Weyhrauch@legis.state.ak.us>, <Representative_Carl_Gatto@legis.state.ak.us>, <Representative_Nancy_Dahlstrom@legis.state.ak.us>, <Representative_Norman_Rokeberg@legis.state.ak.us>, <Representative_Harry_Crawford@legis.state.ak.us>, <mailto@legis.state.ak.us>

To Whom This May Concern,

May 4th, 2003

I have worked at Lyberger's Car & Truck Sales in Anchorage since August 2000 as a finance manager. It is my responsibility to make sure all the appropriate state and federal paperwork is signed by each customer that buys a car.

When Lyberger's first opened for business the manufacturers of domestic vehicles (GM, Dodge, Ford, Lincoln, Chrysler, etc) all honored factory warranties on imported Canadian vehicles.

U.S. franchises obviously would prefer not to have competition from registered importers or other used car dealers. As a result they have put pressure on the manufacturers to allow them to legally not honor warranties on Canadian Imported vehicles.

Since August 2000, the rules on warranty coverage for imported vehicles have changed several times.

In the beginning we were told by local dealers that they would not honor the warranty on our imported vehicles. Then after several complaints were made to various Northwest Factory representatives the local dealers were told that they would have to honor the warranty since, after all, the *factories were paid for warranty coverage* when the vehicles were originally sold as long as the correct importation paperwork has been filed.

Several local franchised dealers have purchased many of these Canadian vehicles at the same local dealer auctions we attend. They may not disclose this to their customers but they do indeed buy and sell Canadian vehicles.

In January 2003, after much pressure from U.S. franchises, Dodge announced that their franchises would no longer honor warranty claims on any 2003 model or later imported vehicle. GM also announced that they would no longer cover warranties on vehicles imported with less than 7500 miles or less than 6 months old.

Fair enough, Lyberger's is currently paying to put a replacement warranty on each of these vehicles.

We are extremely careful with each customer and have them sign three different documents that disclose the above mentioned. I

am faxing a copy of each for you to decide if we are being straight forward enough with our customers. We also provide them with a copy of a Carfax history on the vehicle and copies of any service receipts we may have. We have always done everything possible to make sure our customers are treated fairly and honestly. We are always in compliance with the laws regarding imported vehicles from Canada.

I would like to point out a few statements customers hear about us from the local new car dealers that are untrue:

They sell flood vehicles.

They roll the odometers back.

They don't pass emissions.

They are made in Mexico and aren't the same quality as ours.

They have no factory warranty. (untrue on Ford's and older GM's or Dodges)

I would like to invite you to our dealership the see for yourself before allowing HB 272 section 1 to pass as proposed. I am also happy to answer any questions you may have regarding this issue.

Best Regards,

Teri Petram

(907) 227-8327 cell

To The Chairman or Cochairman,

I am concerned about the motives behind HB272 section 1. Not only I but also my family and friends have been long and loyal customers of used car dealers, particularly Lyberger's Car & Truck Sales.

Lyberger's has always been more than fair with us when we are looking for slightly used vehicles. They have been thorough and honest on where they get their vehicles, how the English metric changeover of the odometers are disclosed and we love how much money we can save by purchasing a vehicle with a few thousand miles on it. I will never go pay the new car dealers price for the same vehicle with a fewer miles. The new car dealers have no right to mark up their prices two to ten thousand dollars, it is absurd!

So to avoid any miscommunication I and my family are strongly against HB272 Section 1 and it should be eliminated after realizing we as consumers should have a choice on where we will spend our money!

Ben Smith

A handwritten signature in black ink, appearing to read 'Ben Smith', written in a cursive style.

When you buy in Alaska today, a current year model, new or nearly-new vehicle, you have a choice.

You can buy that automobile from a franchised dealer with a comfortable showroom, full service and mechanical repair garage and auto body repair facility. These franchised dealers offer full warranty coverage on vehicles they or other franchised dealers sell. And most have auto body repair capability at the dealership or a nearby location. They offer in a word, convenience.

Or, you can shop at a non-franchised dealer. There, most will show you their vehicles on an outdoor lot, regardless of the prevailing weather. Many of them offer no service or repair facilities at all. Even if you buy a current year model, you will want to buy an after-market warranty to ensure you can get common after-sale problems fixed at an independent mechanic's shop. And you will have to visit an independent auto body repair shop to get a ding or fender-bender fixed.

So why do so many folks shop at non-franchised automobile dealerships? They do it to save a few dollars they feel can be better spent elsewhere. And they're willing to tolerate some inconvenience as a result of exercising this choice.

Up 'till now, there has been a quiet truce between the franchised and non-franchised dealers. This truce was only interrupted occasionally when the buyer of a vehicle from a non-franchised dealer attempted to take it to a franchised dealer for mechanical repair under warranty. Occasionally, the owner would be told to take the vehicle elsewhere, as that dealer only repaired vehicles that were sold at franchised dealerships.

Fair enough! After all, the non-franchised dealer that sold the vehicle was under obligation by current State law, to explain all this to the buyer at the time of sale.

But Alaska's franchised dealers persuaded the recently (2002) elected District 4 Republican Representative Bruce Weyhrauch to introduce a bill to change all that. They did so by convincing him that the Alaska Automobile Dealers Association (AADA) had collaborated with the Attorney General's Office of Fair Business Practices to create what is now known as HB 272. HB 272 is meant to change once again, the Motor Vehicle Sales & Dealers Act. If enacted, your choice of where to purchase a current year model vehicle will be limited to:

- 1) a dealer that "has a current sales and service agreement with the manufacturer" (a franchised dealer), or
- 2) a dealer selling "a current model used vehicle received as a trade-in in the normal course of business."

The truth is, the AADA never held a general membership meeting, at least not one to which non-franchised dealers were invited, to vote on or even discuss this matter.

What is the aim of HB 272 - it's aimed squarely at NAFTA! That's right, the North American Free Trade Act is the target of HB 272. You see enterprising, non-franchised, Alaskan auto dealers have found a niche they can fill and make money doing it. As you well know, the Alaskan auto buyer is not able to roam from state to state as freely as their lower-48 counterpart, in search

of the best deal or the lowest tax. So these enterprising dealers were traveling to Canada, where the exchange rate and other variables enabled them to purchase Canadian vehicles for resale to Alaskans at a competitive price. I say competitive because, although thousands less than the price offered by most franchised dealers, as said earlier the purchase of one of these Canadian vehicles is not without sacrificing convenience.

But then, isn't that what free enterprise is all about? And wasn't our nation's free enterprise system meant to stimulate competition? And isn't every consumer the beneficiary? Whether or not you have bought and intend to buy from a franchised dealer, every vehicle you have or will ever own, you cannot afford to let HB 272 pass. For if you do, you create a non-competitive climate for Alaska's automobile dealers. And in that environment, every consumer loses.

Contact your legislator today and urge that HB 272 be defeated.

*1068827 Ontario Inc. o/a Grace Motors
11211 Longwoods Rd.
Delaware, ON N0L 1E0*

May 2, 2003

Tom Anderson Office
Attn: Josh Applebee

Re. House Bill #272

To Whom It May Concern:

We are a Canadian company currently exporting late model vehicles to all parts of the United States, including Alaska. We are opposed to Bill 272 and we believe that it would restrict trade of automobiles between our company and the state of Alaska. We are operating under the North American Free Trade Agreement, and we understand that it is illegal for a government to impose restrictions of trade against foreign companies based in Canada. We can't help but think that this would find the state of Alaska liable to a possible lawsuit under NAFTA. Also, this kind of regulation usually results in increase of prices for the consumer. We hope that you would consider this matter very carefully and we look forward to a favorable decision.

Best regards,



John Vink
President

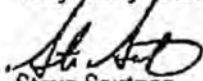
Phone: (519) 652-9766 Fax: (519) 652-1381

Thousands, if not millions, of current model year U.S vehicles need to be remarketed every year throughout the country. Rental cars, short-term leases, repossessions, and trade-ins are just a few types of vehicles that have to be sold through auto auctions, wholesalers, franchised dealers, and independent dealers. House bill NO 272 does not take these issues into consideration. I know of no other legislation of this kind in the Lower-48 states. If this bill passes in its present form, where does future legislation stop? What other current model year products do we have to produce legislation for: household appliances, machinery, recreational equipment, products sold on E-Bay?

Warranty issues and disputes are nothing new to the automobile business. Warranty issues on imported vehicles can be addressed by proper disclosure to the consumer by the selling dealer. In cases where manufacturers have voided warranties on imported vehicles, many dealers offer quality aftermarket warranties at time of purchase.

In summary, I believe that leaving the market free to compete is fair and is in the best interest of the consumer and the automobile dealer body as a whole.

Very Truly Yours,



Steve Sautner

President

Dealers Auto Auction of Alaska, Inc.

Lyberger's Car and Truck Sales, LLC



9530 Old Seward Hwy † Anchorage, Alaska 99515.

HB272

Representative Weyhrauch,

I believe the issue here needs to be simplified. We need to use common sense. There is a new car and a used car. Since the beginning of time when a automobile came off the assembly line and shipped to the franchised dealer that vehicle was a new vehicle. When a customer(consumer) purchased that vehicle it became used. The manufacturer was paid for their vehicle at the price they were asking. The franchised dealer was paid for their vehicle from the customer at the price they were asking. This vehicle is now a used vehicle. The MCO from manufacture to dealer was turned into a state for a title in the customers name.

The customer could not resale that vehicle as a new nor could a used car dealer sell it as new because it is not new, **it is a current model**.

My point is that there is a difference between a new and used vehicle, the word **current** can not distinguish between new and used. With this HB272 the word current is being the bad word, and this is why.

Carrol Lyberger
Carrol Lyberger



6324 Nielson Way
Anchorage, AK 99518
Phone: 907-563-8343
Fax: 907-563-8307

May 1, 2003

Senator John J. Cowdery
State Capitol, Suite 101
Juneau, AK 99801

RE: House Bill No. 272
Regarding motor vehicle sales

Dear Senator Cowdery,

I would like to bring to your attention the above referenced house bill that is currently being debated. Section 1 of the bill is short, but is a very controversial section within the automobile dealer community. As a vendor of auction services to the dealer community, I would like to offer my views on this issue.

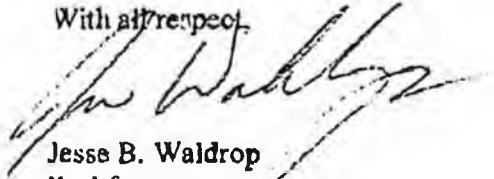
Let me start off by stating that our auction provides services for both new and used car dealers. We strive to be fair to all dealers and we often arbitrate disputes regarding purchases and sales between these dealers. Section 1 of this bill addresses the current practice of used car dealerships selling new or current model year vehicles. I am sure that the real intent of this section is not necessarily to protect consumers, but to protect the product exclusivity of franchised auto dealerships. While I certainly understand that new car dealerships have paid large sums of money for new car franchises and the right to exclusively market a product line in their territory, I do not believe government legislation limiting free market factors is the way this controversy should be handled.

Automobile franchises arise from agreements between the auto manufacturers and their respective franchised dealerships. The manufacturers have the ability, through wholesale pricing and policing of their franchisees, to limit the availability of new products that enter the market through non-traditional channels. Current model year products are sold through various channels throughout the U.S. every year. The surge in recent years of new Canadian vehicles being imported into the U.S. has arisen due to free trade legislation, manufacturers that discount their wholesale prices to Canadian dealers, and fluctuations in currency exchange rates. Manufacturers have the ability to adjust wholesale pricing to Canadian dealers and to police Canadian dealers who violate their franchise agreements by selling new vehicles to exporters.

To whom it may concern:

I am writing in regards to your location in Anchorage, AK. I arranged an appointment to have my vehicle worked on March 17, 2003 with your dealership. When I arrived one of your employees saw that I had a Lyberger's Auto Sales tag on the front of my vehicle. Joe Cordero, the Service Manager went to talk Todd Harris, the General Manager. Joe came back to tell me that my vehicle did not have warranty. When I tried to explain that I did have warranty on my vehicle he rudely informed again that I did not. I then told him again that I did. Before I could finish he practically got into my face and told me again that I did not have warranty. After a few more minutes of arguing about the warranty I felt humiliated and embarrassed in front of your employees and the customers. I then asked him why he could not accept my Heritage Warranty and he said, "he would not accept Heritage Warranties and with a deceitful smile on his face he would only accept cash in full before working on my vehicle." I then took my vehicle back to Lyberger's and an employee named Bubba called Todd Harris at Lithia and said he would write a check for the cost of any repairs for my vehicle. Todd Harris said he would not accept Heritage Warranties on any 2003 Jeep vehicles, only 2002 and below or accept any cash to have my vehicle fixed. I had to settle for a non-authorized Jeep mechanic to have my repairs done. I felt like I was very inconvenienced and disappointed in the only authorized Jeep dealership in Anchorage. I will be calling Heritage Warranties, the Better Business Bureau, and N.A.D.A. on the way I was treated at Lithia Jeep. I feel discriminated against that I did not purchase my vehicle at Lithia. I am also disappointed with the disrespect I received from your employees and especially your General Manager, Todd Harris. I am sorry that Lyberger's provides better deals on Jeep vehicles than your own Lithia location. I do not think that warrants disrespect for Jeep owners that purchase vehicles from other dealers and denied service and disrespect from your service department. The service department represents Lithia Jeep's reputation and I will not be recommending anyone to purchase or have repairs done with your dealership.

With all respect,



Jesse B. Waldrop
Feel free to contact me:
907-644-6214
907-351-4333

**NAATA
THE NORTH AMERICAN AUTOMOBILE
TRADE ASSOCIATION**

70 East Beaver Creek Rd., Suite 30, Richmond Hill, Ontario
Canada L4B 3B2
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FAX TRANSMITTAL

To Mr. Ed Sniffen Lorri Urban-Manager, Member Services
Fax: 907-276-8554 Fax: 1-905-882-7051
Phone: 907-269-5100 Phone: 1-905-882-7040, Ext 2171
E-mail: clyde_sniffen@law.state.ak.us.com E-mail: lorri@naata.org

Date: Thursday, March 13, 2003 2 pages (including cover)

Dear Mr. Sniffen

The attached letter is in response to a consumer complaint made against Lithia Jeep in Anchorage, AK, for denial of Heritage warranty on a Canadian motor vehicle. Jesse Waldrop the consumer is very upset that Lithia refused his after market warranty, as well as the treatment he received. I appreciate any effort to assist the consumer in this matter. If you have any questions please feel free to contact me directly.

Regards

Lorri Urban

70 East Beaver, 30 Unit
Richmond Hill, Ontario
Canada L4B-3B2

Hyberger Problem.

STATE OF ALASKA

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

FRANK H. MURKOWSKI,
GOVERNOR

1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-5903
PHONE: (907)269-5100
FAX: (907)276-8554

April 1, 2003

CONFIDENTIAL

Lori Urban
NAATA
70 East Beaver Creek Rd., Suite 30
Richmond Hill, Ontario
Canada L4B 3B2

Re: Chrysler Warranty Policy on Canadian Vehicles

Dear Ms. Urban:

Thank you for your letter dated March 13, 2003 regarding Mr. Jesse B. Waldrop. You attached a letter from Mr. Waldrop in which he explains that Lithia Chrysler Jeep in Anchorage refused to honor a Heritage after-market warranty on his 2003 Jeep. The Jeep was originally manufactured for sale in Canada. Mr. Waldrop purchased the vehicle from Lyberger's Car and Truck Sales in Anchorage.

Motor vehicle manufacturers, such as Chrysler, have seen a tremendous increase in the sales of newer, current model Canadian vehicles by non-franchised used car dealers because of the favorable exchange rates between Canada and the U.S. Some of these vehicles have fewer than 100 miles on them, and show up on used car lots before the franchised dealers can get them from the manufacturer. Used car dealers can sell these vehicles for thousands less than the identical U.S. counterpart. This has significantly impaired the ability of franchised dealers to compete with dealers selling Canadian imports.

The State of Alaska has been monitoring this issue for a couple years. Alaska statute 08.66.015 was passed in 1993 to stop this practice. That law prohibits the sale of new or current model year motor vehicles unless the motor vehicle retains the original certificate of origin. Thus, technically, Lyberger's cannot sell any current model year vehicles that are imported from Canada. We have declined to enforce this statute, however, because it unnecessarily prohibits the sale of *any* current model used vehicle by *anyone*, including franchised dealers. Thus, enforcing this statute would render every

Lori Urban
NAATA

April 1, 2003
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current model used vehicle "non-sellable" by any motor vehicle dealer in the state. We do not believe this was the intent of the law, and are considering ways to amend the statute to address this issue.

Nonetheless, it is clear that the Alaska Legislature does not favor the practice of used car dealers selling low-mileage, current model Canadian vehicles that are imported for the sole purpose of undercutting the local franchised dealers. As I'm sure you know, this becomes particularly troublesome for franchised dealers who invest substantial sums of money to acquire and maintain their dealerships, including repair facilities, sometimes elaborate showrooms, and other expenses not incurred by other used car dealers. The "return" on this investment is the promise made to the dealer by the manufacturer that only authorized dealers can sell new products from the manufacturer. Because of the issues described above, manufacturers are having a difficult time keeping that promise.

To address this issue, Chrysler has adopted a policy that directs its dealers to not honor after-market warranties on current model year Canadian vehicles. This includes the Heritage warranty held by Mr. Waldrop. I spoke with Lithia's General Manager Todd Harris who states this policy is enforced for all current model Chrysler products, regardless of where they are purchased. There is no evidence that Mr. Lyberger is being "singled out." Nothing in Alaska's Unfair Trade Practices Act or Restraint of Trade Act requires a motor vehicle dealer to honor after-market warranties, and I cannot see how such a practice is inherently unfair or deceptive. Consumers who purchase such warranties are told (or should be told) about the scope of, and limitations on, after-market warranty products and service contracts.

Chrysler's policy does not prevent the sale of current model Canadian vehicles, nor does it prevent a consumer from having repairs done. Lithia indicated it would repair Mr. Waldrop's vehicle on a cash basis. Mr. Waldrop can also get his vehicle repaired by another repair facility, albeit an unauthorized one. These are simply things a consumer must consider when making the decision to purchase a current model Canadian vehicle without a factory warranty.

Other aspects of Mr. Waldrop's letter, however, do raise some concerns that I will discuss with Lithia. It appears that Lithia may not have dealt with Mr. Waldrop in a professional manner, and may have misled him about the nature of the warranty he does have. Lyberger's should also make it very clear to its customers that local dealers may not honor any warranty on current model vehicles. This should help avoid unreasonable expectations on behalf of the consumer.

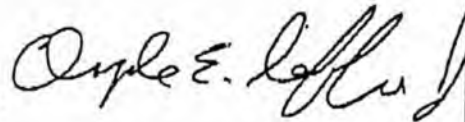
Lori Urban
NAATA

April 1, 2003
Page 3

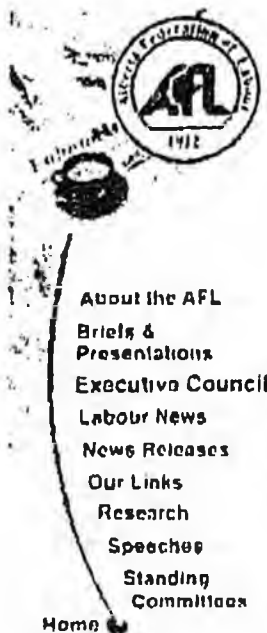
Thank you again for bringing this to my attention. Please let me know if you have any questions.

Sincerely,

GREGG D. RENKES
ATTORNEY GENERAL

By: 
Clyde E. Sniffen, Jr.
Assistant Attorney General

CES/sjm



Labour News

Government Humiliated in Free Trade Lawsuit

By Tom Fuller

July 1998 will be remembered by many as the month the free trade chickens finally came home to roost. Over the last decade, in debates over the Free Trade Agreement (FTA), the NAFTA, and the Multilateral Agreement on Investment (MAI), critics of "trade liberalization" have argued that such treaties seriously limit the government's ability to pass legislation designed to protect the the public interest in areas like environmental protection. These arguments were pooh-poohed as leftist paranoia by the wealthy and powerful free trade lobby. "What", they asked, "does Free Trade have to do with the environment?"

Well, last month gave us the answer -- and the MMT/Ethyl Corporation fiasco proves just how right the "paranoids" were.

MMT is an octane booster -- a gasoline additive designed to eliminate engine knocking. It was introduced in 1977 to replace tetraethyl lead, an earlier octane enhancer that had been shown to be a serious environmental toxin. Unfortunately MMT soon proved to have problems of its own. Its critical ingredient -- manganese -- can also have health effects. High levels of airborne manganese are associated with some very serious neurological symptoms up to and including death.

In 1995 the Canadian government banned both the import and the interprovincial trading of MMT. Of course the threat to public health wasn't enough in itself to bring about this legislation: it took complaints from auto manufacturers to prod the government into action. Car makers reported that that MMT was damaging the catalytic converters in automotive pollution control systems

It seemed logical enough at the time. While the scientific evidence wasn't absolutely conclusive, there seemed to be sound reason to worry about the effects of MMT on public health and the environment. Rather than risk these effects, the government took the prudent course and banned the substance.

In the age of Free Trade however, prudence, logic and the public interest come a distant second to the rights of business. MMT's manufacturer, the Ethyl Corporation of Richmond, Virginia announced that it was suing the Government of Canada, claiming \$251 million in damages. The suit was filed under a provision of the North American Trade Agreement that allows corporations to sue governments -- before that treaty such a suit would have been impossible.

Ethyl Corp. claimed that the ban on MMT would reduce the value of its manufacturing plant, hurt its future profits, and damage its reputation. The

Government Humiliated in Free Trade Lawsuit

Page 2 of 2

federal government huffed and puffed and vowed to fight the suit until its own lawyers quietly informed it that Ethyl was right -- under NAFTA the right of an American Corporation to hypothetical future profits outweighs probable but unproven environmental damage and danger to public health.

The Government of Canada had to accept defeat and public humiliation. It has been forced to agree that it will withdraw the ban on MMT, compensate Ethyl Corp. to the tune of about \$19 million taxpayer dollars, and issue a statement that the additive is neither an environmental nor a health risk (a statement that defies both the evidence and common sense).

Of course the corporate press had to find a way to spin the story so that it didn't cast Free Trade in a negative light. The Globe and Mail tried to portray it as a power struggle between industries ("Ottawa loses in battle between Big Auto, Big Oil") while the Edmonton Journal played the story as yet another example of government inefficiency ("Ottawa bungled the MMT issue").

Unfortunately for them, no amount of media spin-doctoring can obscure the point of this sorry affair: under the rules of Free Trade the rights of an American corporation to make a profit outweigh the obligations of the government of Canada to take prudent precautions in the public interest. In the first major test of the effects of NAFTA on Canadian sovereignty and environmental protection, corporate power came out a clear winner.

(Note. Albertans who are tempted to agree with the Journal's account of the affair as "federal bungling" should consider this: it was an Alberta government court challenge to the ban on interprovincial trading of MMT that made the Ethyl Corporation victory certain. Of course it shouldn't surprise anyone that Alberta ended up on the side favoured by the petroleum industry. When it comes to defending the interests of "Big Oil," the Klein Tories have no shame; when it comes to the environment and public health, they have no policy.)

HB

275

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: April 17, 2003

FURTHER REFERRALS: Resources

Date of Committee Action: March 29, 2004

The LABOR AND COMMERCE Committee considered:

HB 275

HOUSE BILL NO. 275

VETERINARIANS AND ANIMALS

"An Act relating to veterinarians and animals."

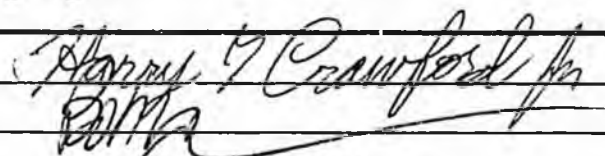
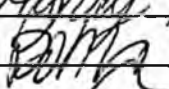
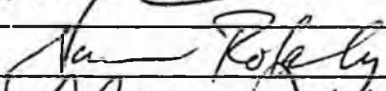
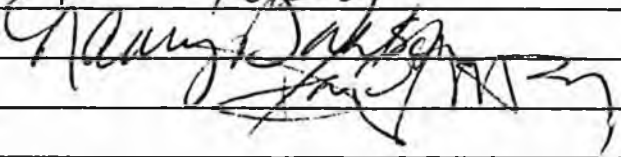
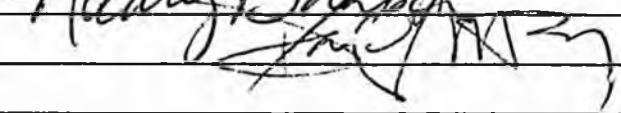
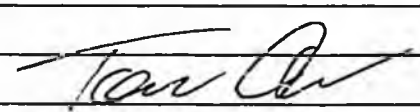
Recommends it be replaced with [] HCS or [X] CS for HB 275 (LBC)
 For Senate Bills with new title: [] Technical Title [] New Title: HCR _____ [] Same Title New Title

- [] attach amendments
- [] add new referral to _____ Committee
- [] Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LEG
 LAW
 LWF
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DEC		X		
LAW				X

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	CRAWFORD	X			
	LYNN	X			
	ROKEBERG			X	
	DAHLSTROM			X	
	GUTTENBERG				X
Chair: 	ANDERSON	X			
Chair:					

23-LS0940\S
Luckhaupt
3/29/04

CS FOR HOUSE BILL NO. 275()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES CHENAULT, Gruenberg, Heinze, Foster, Seaton, Masek, Kerttula

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to animals; and to the care of and to cruelty to animals."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 03.55 is amended by adding new sections to read:

4 **Article 1A. Care of Animals.**

5 **Sec. 03.55.100. Minimum standards of care for animals.** (a) The
6 minimum standards of care for animals include

7 (1) food and water sufficient to maintain each animal in good health; if
8 potable water is not provided to an animal at all times, it must be provided daily and in
9 sufficient quantity to maintain the good health of the animal;

10 (2) shelter provided an animal indoors that is maintained at a
11 temperature compatible with the good health of the animal; shelter provided an animal
12 outdoors must

13 (A) provide sufficient shade to protect the animal from sunlight
14 likely to cause heat exhaustion of the animal;

15 (B) protect the animal from inclement weather to an extent

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sufficient to maintain the animal in good health; and

(C) be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal;

(3) sanitation of indoor or outdoor enclosures or shelters that includes periodic removal of animal waste material, dirt, and trash sufficient to maintain the animal in good health;

(4) medical care must be provided an animal at times and to the extent necessary to maintain the animal in good health;

(5) other standards as set by the department by regulation.

(b) Determinations as to the sufficiency of food, water, shelter, space, sanitation, ventilation, rest, medical care, or good health; the extent of injury or disease; and whether methods of destruction or euthanization are humane, as used in this chapter, shall be based on the professional opinion of a veterinarian licensed under AS 08.98.

Sec. 03.55.110. Investigation of cruelty to animals complaints. (a) A person who believes that cruelty to animals has taken place or is taking place may file a complaint with a public or private animal control agency, humane animal treatment shelter or organization, the department, or with a peace officer. An agency or organization that receives a complaint on which it wishes to take action shall refer the complaint to a peace officer.

(b) A peace officer who receives a complaint of animal cruelty may apply for a search warrant under AS 12.35 to the judicial officer in the district in which the alleged violation has taken place or is taking place. If the court finds that probable cause exists, the court shall issue a search warrant directing a peace officer to proceed immediately to the location of the alleged violation, to search the place designated in the warrant, and to take into custody the property, including animals, specified in the warrant. The warrant shall be executed by the peace officer and returned to the court.

Sec. 03.55.120. Seizure of and lien on animals. (a) A peace officer who seizes and removes an animal may deliver the animal to a veterinarian licensed under AS 08.98 or to a person, a public or private animal control agency, humane animal treatment shelter or organization, or other custodial agency to be sheltered, cared for,

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and provided medical attention.

(b) The peace officer shall immediately notify the animal's owner in writing of the seizure and removal of the animal and under whose custody the animal is to be sheltered and cared for. Notification may be posted at the owner's residence or may be mailed to the owner.

(c) If the animal's owner is unknown and cannot be ascertained with reasonable effort, the animal shall be considered a stray or abandoned.

(d) The state, a municipality, a person, or another entity that supplies shelter, care, veterinary attention or medical treatment for an animal seized under this section shall make every reasonable effort to locate the owner.

Sec. 03.55.130. Destruction and adoption of animals. (a) If a determination is made by a veterinarian licensed under AS 08.98 or by a peace officer in consultation with a veterinarian licensed under AS 08.98 that an animal seized under AS 03.55.100 - 03.55.140 is injured or diseased to such an extent that, in the opinion of the veterinarian, it is probable the animal cannot recover, the veterinarian or the peace officer at the direction of the veterinarian, may humanely destroy the animal or arrange for the animal's humane destruction.

(b) Upon diagnosis and recommendation of a veterinarian licensed under AS 08.98, a public or private animal control agency, humane animal treatment shelter or organization, or other custodial agency may euthanize a severely injured, diseased, or suffering animal at any time.

(c) An owner of an animal destroyed under this section may not recover damages for the destruction of the animal unless the owner shows that the destruction was not warranted by the facts as known to the veterinarian or the peace officer.

(d) Except as provided in (a) or (b) of this section, the person or entity having custody of an animal may not adopt, provide for the adoption of, or euthanize the animal within 10 business days after the animal is taken into custody. An owner may prevent the animal's adoption or destruction by

(1) petitioning the court of the judicial district in which the animal was seized for the animal's immediate return, subject, if appropriate, to court-imposed conditions; or

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(2) posting a bond or security with the court of the judicial district in which the animal was seized in an amount determined by the court to be sufficient to provide for the animal's care for a minimum of 30 days from the date the animal was seized.

(e) If the custodial agency still has custody of the animal when the bond or security posted under (d)(2) of this section expires, the animal becomes the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall require the owner of the animal to renew the bond or security for the agency's continuing costs for the animal's care.

(f) The state may not be required to reimburse a person, a public or private animal control agency, humane animal treatment shelter or organization, or other custodial agency that voluntarily assists with a seizure or receives custody of an animal seized under this section, for costs of shelter, care, veterinary assistance, or medical treatment rendered to the animal.

Sec. 03.55.140. Peace officers to enforce provisions; certain department employees as peace officers. (a) Peace officers may enforce AS 03.55.100 - 03.55.140.

(b) The commissioner may designate employees to enforce AS 03.55.100 - 03.55.140 and AS 11.61.138 - 11.61.145.

Sec. 03.55.190. Definition. In AS 03.55.100 - 03.55.190, "animal" means a vertebrate living creature not a human being, but does not include fish.

* **Sec. 2.** AS 11.61 is amended by adding a new section to read:

Sec. 11.61.138. Cruelty to animals in the first degree. (a) A person commits cruelty to animals in the first degree if the person

(1) knowingly inflicts severe and prolonged physical pain or suffering on an animal;

(2) kills or injures an animal by the use of a decompression chamber;

(3) kills a dog or cat for the purpose of preparing or serving the animal for human consumption;

(4) kills or injures a domestic animal by the use of poison;

1 (5) owns or is responsible for the care of an animal and recklessly fails
2 to provide the minimum standards of care for the animal under AS 03.55.100;

3 (6) violates AS 11.61.140(a)(1), but the violation is committed against
4 a herd, collection, or kennel of 10 or more animals; or

5 (7) violates AS 11.61.140 and the person has been previously
6 convicted of a crime under this section, AS 11.61.140, or a law or ordinance of
7 another jurisdiction with elements similar to a crime under this section or
8 AS 11.61.140.

9 (b) In (a)(1) - (5) and (7) of this section, each animal that is subject to cruelty
10 to animals, constitutes a separate offense.

11 (c) It is a defense to a prosecution under this section that the conduct of the
12 defendant

13 (1) constituted the humane destruction of an animal for just cause;

14 (2) conformed to accepted veterinary or animal husbandry practices;

15 (3) was necessarily incidental to lawful fishing, hunting or trapping
16 activities.

17 (d) In this section, "animal" has the meaning given in AS 11.61.140.

18 (e) Cruelty to animals in the first degree is a class A misdemeanor. The court
19 may also

20 (1) require forfeiture of any animal affected to the state, or to a
21 municipality, person, or other entity that supplies shelter, care, or medical treatment
22 for the animal;

23 (2) require the defendant to reimburse the state, or a municipality,
24 person, or other entity for all reasonable costs incurred in providing necessary care,
25 shelter, veterinary attention or medical treatment for any animal affected;

26 (3) prohibit or limit the defendant's ownership, possession, or custody
27 of animals for any period of time.

28 * **Sec. 3.** AS 11.61.140 is repealed and reenacted to read:

29 **Sec. 11.61.140. Cruelty to animals in the second degree.** (a) A person
30 commits the crime of cruelty to animals in the second degree if the person

31 (1) recklessly abandons a domestic animal on a highway, railroad, or

1 in another place where it may suffer injury, hunger, or exposure, or become a public
2 charge;

3 (2) while operating a propelled vehicle, knowingly strikes and injures
4 an animal and fails to

5 (A) stop as close as possible to the scene of the accident; and

6 (B) notify

7 (i) the owner of the animal if the owner of the animal
8 can be reasonably discovered; and

9 (ii) the appropriate law enforcement agency;

10 (3) sets a steel jaw, leg-hold, snare, spring, or similar trap that has the
11 capacity to injure or kill an animal;

12 (4) while operating a pickup truck or other open motor vehicle, fails to
13 secure an animal riding in the open area of the vehicle.

14 (b) It is a defense to a prosecution under (a)(3) of this section that the conduct
15 of the defendant in setting the trap was

16 (1) for a commercially reasonable purpose; or

17 (2) necessarily incidental to lawful hunting or trapping activities.

18 (c) Proof that an animal has been left unattended or without food or water for
19 72 hours or more is prima facie evidence that the animal has been abandoned under
20 (a)(1) of this section.

21 (d) In this section, each animal that is subject to cruelty to animals, constitutes
22 a separate offense.

23 (e) In this section, "animal" means a vertebrate living creature not a human
24 being, but does not include fish.

25 (f) Cruelty to animals is a class B misdemeanor. The court may also

26 (1) require forfeiture of any animal affected to the state, or to a
27 municipality, person, or other entity that supplies shelter, care, or medical treatment
28 for the animal;

29 (2) require the defendant to reimburse the state, or a municipality,
30 person, or other entity for all reasonable costs incurred in providing necessary care,
31 shelter, veterinary attention or medical treatment for any animal affected;

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(3) prohibit or limit the defendant's ownership, possession, or custody of animals for any period of time.

* Sec. 4. AS 12.55.155(c) is amended by adding a new paragraph to read:

(31) the defendant's conduct during the commission of the offense manifested deliberate cruelty to an animal or exposed an animal to the threat of serious physical injury; in this paragraph, "animal" has the meaning given in AS 11.61.140.

* Sec. 5. AS 47.17.020(a) is amended to read:

(a) The following persons who, in the performance of their occupational duties, or with respect to (8) of this subsection, in the performance of their appointed duties, have reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect shall immediately report the harm to the nearest office of the department:

- (1) practitioners of the healing arts;
- (2) school teachers and school administrative staff members of public and private schools;
- (3) peace officers and officers of the Department of Corrections;
- (4) administrative officers of institutions;
- (5) child care providers;
- (6) paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs as defined in AS 18.66.990;
- (7) paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol;
- (8) members of a child fatality review team established under AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created under AS 47.14.300;
- (9) a person who has a duty under state law or municipal ordinance to investigate animal cruelty, abuse, or neglect.

23-LS0940\Q
Luckhaupt
3/26/04

CS FOR HOUSE BILL NO. 275()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES CHENAULT, Gruenberg, Heinze, Foster, Seaton, Masek, Kerttula

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the care of and to cruelty to animals."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1. AS 03.55 is amended by adding new sections to read:**

4 **Article 1A. Care of Animals.**

5 **Sec. 03.55.100. Minimum standards of care for animals. (a) The**
6 **minimum standards of care for animals include**

7 (1) **food and water sufficient to maintain each animal in good health; if**
8 **potable water is not provided to an animal at all times, it must be provided daily and in**
9 **sufficient quantity to maintain the good health of the animal;**

10 (2) **shelter provided an animal indoors that is maintained at a**
11 **temperature compatible with the good health of the animal; shelter provided an animal**
12 **outdoors must**

13 (A) **provide sufficient shade to protect the animal from sunlight**
14 **likely to cause heat exhaustion of the animal;**

15 (B) **protect the animal from inclement weather to an extent**

1 sufficient to maintain the animal in good health; and

2 (C) be structurally sound and maintained in good repair to
3 protect the animal from injury and to contain the animal;

4 (3) sanitation of indoor or outdoor enclosures or shelters that includes
5 periodic removal of animal waste material, dirt, and trash sufficient to maintain the
6 animal in good health;

7 (4) medical care must be provided an animal at times and to the extent
8 necessary to maintain the animal in good health;

9 (5) other standards as set by the department by regulation.

10 (b) Determinations as to the sufficiency of food, water, shelter, space,
11 sanitation, ventilation, rest, medical care, or good health; the extent of injury or
12 disease; and whether methods of destruction or euthanization are humane, as used in
13 this chapter, shall be based on the professional opinion of a veterinarian licensed
14 under AS 08.98.

15 **Sec. 03.55.110. Investigation of cruelty to animals complaints.** (a) A
16 person who believes that cruelty to animals has taken place or is taking place may file
17 a complaint with a public or private animal control agency, humane animal treatment
18 shelter or organization, the department, or with a peace officer. An agency or
19 organization that receives a complaint on which it wishes to take action shall refer the
20 complaint to a peace officer.

21 (b) A peace officer who receives a complaint of animal cruelty may apply for
22 a search warrant under AS 12.35 to the judicial officer in the district in which the
23 alleged violation has taken place or is taking place. If the court finds that probable
24 cause exists, the court shall issue a search warrant directing a peace officer to proceed
25 immediately to the location of the alleged violation, to search the place designated in
26 the warrant, and to take into custody the property, including animals, specified in the
27 warrant. The warrant shall be executed by the peace officer and returned to the court.

28 **Sec. 03.55.120. Seizure of and lien on animals.** (a) A peace officer who
29 seizes and removes an animal may deliver the animal to a veterinarian licensed under
30 AS 08.98 or to a person, a public or private animal control agency, humane animal
31 treatment shelter or organization, or other custodial agency to be sheltered, cared for,

1 and provided medical attention.

2 (b) The peace officer shall immediately notify the animal's owner in writing of
3 the seizure and removal of the animal and under whose custody the animal is to be
4 sheltered and cared for. Notification may be posted at the owner's residence or may be
5 mailed to the owner.

6 (c) If the animal's owner is unknown and cannot be ascertained with
7 reasonable effort, the animal shall be considered a stray or abandoned.

8 (d) The state, a municipality, a person, or another entity that supplies shelter,
9 care, veterinary attention or medical treatment for an animal seized under this section
10 shall make every reasonable effort to locate the owner.

11 **Sec. 03.55.130. Destruction and adoption of animals.** (a) If a determination
12 is made by a veterinarian licensed under AS 08.98 or by a peace officer in consultation
13 with a veterinarian licensed under AS 08.98 that an animal seized under AS 03.55.100
14 - 03.55.140 is injured or diseased to such an extent that, in the opinion of the
15 veterinarian, it is probable the animal cannot recover, the veterinarian or the peace
16 officer at the direction of the veterinarian, may humanely destroy the animal or
17 arrange for the animal's humane destruction.

18 (b) Upon diagnosis and recommendation of a veterinarian licensed under
19 AS 08.98, a public or private animal control agency, humane animal treatment shelter
20 or organization, or other custodial agency may euthanize a severely injured, diseased,
21 or suffering animal at any time.

22 (c) An owner of an animal destroyed under this section may not recover
23 damages for the destruction of the animal unless the owner shows that the destruction
24 was not warranted by the facts as known to the veterinarian or the peace officer.

25 (d) Except as provided in (a) or (b) of this section, the person or entity having
26 custody of an animal may not adopt, provide for the adoption of, or euthanize the
27 animal within 10 business days after the animal is taken into custody. An owner may
28 prevent the animal's adoption or destruction by

29 (1) petitioning the court of the judicial district in which the animal was
30 seized for the animal's immediate return, subject, if appropriate, to court-imposed
31 conditions; or

1 (2) posting a bond or security with the court of the judicial district in
2 which the animal was seized in an amount determined by the court to be sufficient to
3 provide for the animal's care for a minimum of 30 days from the date the animal was
4 seized.

5 (e) If the custodial agency still has custody of the animal when the bond or
6 security posted under (d)(2) of this section expires, the animal becomes the agency's
7 property unless the court orders an alternative disposition. If a court order prevents
8 the agency from assuming ownership and the agency continues to care for the animal,
9 the court shall require the owner of the animal to renew the bond or security for the
10 agency's continuing costs for the animal's care.

11 (f) The state may not be required to reimburse a person, a public or private
12 animal control agency, humane animal treatment shelter or organization, or other
13 custodial agency that voluntarily assists with a seizure or receives custody of an
14 animal seized under this section, for costs of shelter, care, veterinary assistance, or
15 medical treatment rendered to the animal.

16 **Sec. 03.55.140. Peace officers to enforce provisions; certain department**
17 **employees as peace officers.** (a) Peace officers may enforce AS 03.55.100 -
18 03.55.140.

19 (b) The commissioner may designate employees to enforce AS 03.55.100 -
20 03.55.140 and AS 11.61.138 - 11.61.145.

21 **Sec. 03.55.190. Definition.** In AS 03.55.100 - 03.55.190, "animal" means a
22 vertebrate living creature not a human being, but does not include fish.

23 * **Sec. 2.** AS 11.61 is amended by adding a new section to read:

24 **Sec. 11.61.138. Cruelty to animals in the first degree.** (a) A person
25 commits cruelty to animals in the first degree if the person

26 (1) knowingly inflicts severe and prolonged physical pain or suffering
27 on an animal;

28 (2) kills or injures an animal by the use of a decompression chamber;

29 (3) kills a dog or cat for the purpose of preparing or serving the animal
30 for human consumption;

31 (4) kills or injures a domestic animal by the use of poison;

1 (5) owns or is responsible for the care of an animal and recklessly fails
2 to provide the minimum standards of care for the animal under AS 03.55.100;

3 (6) violates AS 11.61.140(a)(1), but the violation is committed against
4 a herd, collection, or kennel of 10 or more animals; or

5 (7) violates AS 11.61.140 and the person has been previously
6 convicted of a crime under this section, AS 11.61.140, or a law or ordinance of
7 another jurisdiction with elements similar to a crime under this section or
8 AS 11.61.140.

9 (b) In (a)(1) - (5) and (7) of this section, each animal that is subject to cruelty
10 to animals, constitutes a separate offense.

11 (c) It is a defense to a prosecution under this section that the conduct of the
12 defendant

13 (1) constituted the humane destruction of an animal for just cause;

14 (2) conformed to accepted veterinary or animal husbandry practices;

15 (3) was necessarily incidental to lawful fishing, hunting or trapping
16 activities.

17 (d) In this section, "animal" has the meaning given in AS 11.61.140.

18 (e) Cruelty to animals in the first degree is a class A misdemeanor. The court
19 may also

20 (1) require forfeiture of any animal affected to the state, or to a
21 municipality, person, or other entity that supplies shelter, care, or medical treatment
22 for the animal;

23 (2) require the defendant to reimburse the state, or a municipality,
24 person, or other entity for all reasonable costs incurred in providing necessary care,
25 shelter, veterinary attention or medical treatment for any animal affected;

26 (3) prohibit or limit the defendant's ownership, possession, or custody
27 of animals for any period of time.

28 * Sec. 3. AS 11.61.140 is repealed and reenacted to read:

29 **Sec. 11.61.140. Cruelty to animals in the second degree.** (a) A person
30 commits the crime of cruelty to animals in the second degree if the person

31 (1) recklessly abandons a domestic animal on a highway, railroad, or

1 in another place where it may suffer injury, hunger, or exposure, or become a public
2 charge;

3 (2) while operating a propelled vehicle, knowingly strikes and injures
4 an animal and fails to

5 (A) stop as close as possible to the scene of the accident; and

6 (B) notify

7 (i) the owner of the animal if the owner of the animal
8 can be reasonably discovered; and

9 (ii) the appropriate law enforcement agency;

10 (3) sets a steel jaw, leg-hold, snare, spring, or similar trap that has the
11 capacity to injure or kill an animal.

12 (b) It is a defense to a prosecution under (a)(3) of this section that the conduct
13 of the defendant in setting the trap was

14 (1) for a commercially reasonable purpose; or

15 (2) necessarily incidental to lawful hunting or trapping activities.

16 (c) Proof that an animal has been left unattended or without food or water for
17 72 hours or more is prima facie evidence that the animal has been abandoned under
18 (a)(1) of this section.

19 (d) In this section, each animal that is subject to cruelty to animals, constitutes
20 a separate offense.

21 (e) In this section, "animal" means a vertebrate living creature not a human
22 being, but does not include fish.

23 (f) Cruelty to animals is a class B misdemeanor. The court may also

24 (1) require forfeiture of any animal affected to the state, or to a
25 municipality, person, or other entity that supplies shelter, care, or medical treatment
26 for the animal;

27 (2) require the defendant to reimburse the state, or a municipality,
28 person, or other entity for all reasonable costs incurred in providing necessary care,
29 shelter, veterinary attention or medical treatment for any animal affected;

30 (3) prohibit or limit the defendant's ownership, possession, or custody
31 of animals for any period of time.

1 * Sec. 4. AS 47.17.020(a) is amended to read:

2 (a) The following persons who, in the performance of their occupational
3 duties, or with respect to (8) of this subsection, in the performance of their appointed
4 duties, have reasonable cause to suspect that a child has suffered harm as a result of
5 child abuse or neglect shall immediately report the harm to the nearest office of the
6 department:

7 (1) practitioners of the healing arts;

8 (2) school teachers and school administrative staff members of public
9 and private schools;

10 (3) peace officers and officers of the Department of Corrections;

11 (4) administrative officers of institutions;

12 (5) child care providers;

13 (6) paid employees of domestic violence and sexual assault programs,
14 and crisis intervention and prevention programs as defined in AS 18.66.990;

15 (7) paid employees of an organization that provides counseling or
16 treatment to individuals seeking to control their use of drugs or alcohol;

17 (8) members of a child fatality review team established under
18 AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created
19 under AS 47.14.300;

20 (9) a person who has a duty under state law or municipal
21 ordinance to investigate animal cruelty, abuse, or neglect.

CONCEPTUAL AMENDMENT AND CLEAN UP LANGUAGE

Page 2 line 28 Seizure a of and lien of animals.
Remove "and lien on"

Page 2 line 9 remove "department" and insert the
State Veteranerian as employed by any Department in
State of Alaska.

Page 4 line 16 and 17 omit "certain department
employees as peace officers"

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB275CS-DPS-ASTD-3-31-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Act Relating to Care and Cruelty of Animals RDU Alaska State Troopers
 Component AST Detachments
 Sponsor Rep. Chenault
 Requester H. Labor & Commerce Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill establishes standards of care for animals and processes for investigating complaints of animal cruelty. It also creates the crimes of Cruelty to Animals in the First Degree, a class A misdemeanor, and Cruelty to Animals in the Second Degree, a class B misdemeanor.

The bill also requires that those officers involved in the investigation of cruelty to animal complaints must report child abuse or neglect if such is detected in the course of their investigation.

This is no expected fiscal impact to the Department of Public Safety.

Prepared by: Lt. Al Storey Phone 907-269-4532
 Division Alaska State Troopers Date/Time 4/1/04 8:31 AM
 Approved by: Commissioner William Tandeske Date 4/1/2004
 Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB275-EC-EH-2-17-04
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
Title Veterinarians and Animals RDU Environmental Health
Component Laboratory Services
Sponsor Representative Mike Chenault
Requester House Labor & Commerce Component No. 2065

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	183.9	183.9	183.9	183.9	183.9	183.9
Travel	80.0	80.0	80.0	80.0	80.0	80.0
Contractual	370.0	345.0	345.0	345.0	345.0	345.0
Supplies	83.0	33.0	33.0	33.0	33.0	33.0
Equipment	80.0	5.0	5.0	5.0	5.0	5.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	796.9	646.9	646.9	646.9	646.9	646.9

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	120.0	120.0	120.0	120.0	120.0	120.0
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	676.9	526.9	526.9	526.9	526.9	526.9
1005 GF/Program Receipts	120.0	120.0	120.0	120.0	120.0	120.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	796.9	646.9	646.9	646.9	646.9	646.9

Estimate of any current year (FY2004) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

POSITIONS	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Full-time	3	3	3	3	3	3
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill requires the department to set up and manage a state wide animal protection program for livestock and domestic animals. This bill would require state veterinarians employed by the commissioner to investigate complaints of animal mistreatment or neglect within three days of receiving a complaint and compile a report of the investigation and findings. Upon determination that mistreatment or neglect has occurred, the veterinarian must immediately remove and provide care for animals that are being mistreated or neglected. Additionally, the veterinarian must refer violations of state law relating to animal mistreatment and neglect to the Department of Law and be available for testimony as required by the courts. Regulations would be promulgated as required.

Prepared by: Kristin Ryan, Director Phone 907-269-7644
Division Environmental Health Date/Time 2/17/04 5:45 PM
Approved by: Kurt Fredriksson, Deputy Commissioner Date 2/17/2004
Agency Department of Environmental Conservation

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. HB275-EC-EH-2-17-04

ANALYSIS CONTINUATION

A state run animal protection system will require additional state staff to conduct and coordinate investigations, boarding, and care with local government animal control organizations and private veterinarians. On the road system within a 200 mile radius of the Office of the State Veterinarian (OSV) office in Palmer, OSV staff will conduct animal maltreatment and neglect investigations. Through contracts with private veterinarians, animal control organizations and animal shelters, the OSV will establish a network of qualified investigators in other parts of the state, that will conduct an investigation and submit a report. In parts of rural Alaska not covered by this network, OSV staff will respond to complaints, conduct an investigation and if warranted travel to the community to inspect the animal(s). Contracts with animal control organizations, animal shelters and private veterinarians will provide boarding and required care for animals removed as a result of a positive finding of mistreatment or neglect. Cases involving removal and care of an animal outside the established network may require transportation to communities within the network. The OSV staff and contract network participants will provide testimony as required to the courts. The OSV will develop and maintain a complaint and investigation tracking system for reporting and management purposes. The OSV will also develop and maintain an educational program that provides information and resource referrals for the proper care of animals through the department's internet site, pamphlets and participation in mushing and other animal activities and events.

The additional OSV staffing will be two Veterinarian Technicians and one Administrative Assistant. The Veterinarian Technicians will conduct investigations, coordinate animal transportation, maintain and coordinate contracts with animal control shelters and private veterinarians, provide education on proper animal care, and other duties as assigned to maintain the state animal protection system. The Administrative Assistant will provide administrative support to the OSV staff, maintain the animal protection database, manage the administrative requirements of the contracts and other duties as assigned to maintain the state animal protection system.

Travel costs are primarily for the required travel to remote areas around the state not covered by contracts with animal control organizations or a private veterinarian. Travel costs are also included for education activities and participation in mushing and other animal activities and events.

Contractual costs cover contracts with animal control organizations, animal shelters and private veterinarians. Additional contractual costs cover staff support, animal transportation, vehicles, development of educational materials, development and maintenance of the database system, Palmer office lease, and other similar contractual costs.

Supplies costs for the first year include the set up of the Palmer office, investigation processing and data collection supplies for contractors, educational materials, general office supplies and other related costs. Thereafter, the ongoing annual supply costs would be less.

Initial equipment costs include computing and communications equipment, office furniture and furnishings, an animal transportation vehicle, animal cages for transportation and other equipment as required to establish a animal protection program. Thereafter, the ongoing annual equipment costs would be less.

The bill requires a defendant to reimburse the state for the expense of caring for neglected animals.

(See attached)

FISCAL NOTE

STATE OF ALASKA
 2004 LEGISLATIVE SESSION
 Line Item Description

BILL NO. HB275-EC-EH-2-17-04

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services					
2 Veterinarian Technicians	\$134.1	\$134.1	\$134.1	\$134.1	\$134.1
1 Administrative Assistant	<u>\$49.8</u>	<u>\$49.8</u>	<u>\$49.8</u>	<u>\$49.8</u>	<u>\$49.8</u>
Sub-total	\$183.9	\$183.9	\$183.9	\$183.9	\$183.9
Travel					
Inspection related travel	\$80.0	\$80.0	\$80.0	\$80.0	\$80.0
Contractual Services					
OSV Staff support	\$22.0	\$22.0	\$22.0	\$22.0	\$22.0
Palmer Office lease	\$80.0	\$80.0	\$80.0	\$80.0	\$80.0
Investigator contracts	\$115.0	\$115.0	\$115.0	\$115.0	\$115.0
Boarding & care contracts	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0
Animal transport cost	\$20.0	\$20.0	\$20.0	\$20.0	\$20.0
Database systems	\$30.0	\$5.0	\$5.0	\$5.0	\$5.0
Educational material	<u>\$3.0</u>	<u>\$3.0</u>	<u>\$3.0</u>	<u>\$3.0</u>	<u>\$3.0</u>
Sub-total	\$370.0	\$345.0	\$345.0	\$345.0	\$345.0
Supplies					
Staff and office supplies	\$3.0	\$3.0	\$3.0	\$3.0	\$3.0
Investigation supplies	\$60.0	\$20.0	\$20.0	\$20.0	\$20.0
Educational materials	<u>\$20.0</u>	<u>\$10.0</u>	<u>\$10.0</u>	<u>\$10.0</u>	<u>\$10.0</u>
Sub-total	\$83.0	\$33.0	\$33.0	\$33.0	\$33.0
Equipment					
Office equipment/furnishings	\$20.0	\$3.0	\$3.0	\$3.0	\$3.0
Animal transport vehicle	\$50.0	\$0.0	\$0.0	\$0.0	\$0.0
Animal transport cages/crates	<u>\$10.0</u>	<u>\$2.0</u>	<u>\$2.0</u>	<u>\$2.0</u>	<u>\$2.0</u>
Sub-total	\$80.0	\$5.0	\$5.0	\$5.0	\$5.0
Total:	\$796.9	\$646.9	\$646.9	\$646.9	\$646.9

Personal Services New Position Detail

Department of Environmental Conservation

Scenario: A Scenario for FY2005 Fiscal Notes (3605)
 Component: Laboratory Services (2065)
 RDU: Environmental Health (207)

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Annual Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#018	Veterinarian Technician	FT	A	GP	Palmer	2A	18 B	12.0		47,316	0	0	19,712	67,028

Justification:

This position will conduct animal abuse and neglect investigations, coordinate animal transportation and care, coordinate contracts with animal control shelters and private veterinarians, provide training on the proper care of animals and other activities associated with HB 275.

Funding Detail:

1004	General Fund Receipts	100.00%	67,028
Total Funding:		100.00%	67,028

18-#019	Veterinarian Technician	FT	A	GP	Palmer	2A	18 B	12.0		47,316	0	0	19,712	67,028
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Justification:

This position will conduct animal abuse and neglect investigations, coordinate animal transportation and care, coordinate contracts with animal control shelters and private veterinarians, provide training on the proper care of animals and other activities associated with HB 275.

Funding Detail:

1004	General Fund Receipts	100.00%	67,028
Total Funding:		100.00%	67,028

18-#027	Administrative Assistant	FT	A	GP	Palmer	2A	13 B	12.0		33,360	0	0	16,427	49,787
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Justification:

Provide administrative support to the State Veterinarian staff; maintain animal protection database, manage administrative requirements for contracts with animal shelters and private veterinarians and other associated administrative duties.

Funding Detail:

1004	General Fund Receipts	100.00%	49,787
Total Funding:		100.00%	49,787

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.

Personal Services New Position Detail

Department of Environmental Conservation

Scenario: A Scenario for FY2005 Fiscal Notes (3605)
Component: Laboratory Services (2065)
RDU: Environmental Health (207)

Component Summary:

Total New Positions: 3

<u>Fund Description</u>	<u>Fund Percent</u>	<u>Fund Amount</u>
1004 General Fund Receipts	100.00%	183,843
Total Funding:	100.00%	183,843

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: HB275-LAW-Env-3-28-04
 Bill Version: HB275
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An act relating to veterinarians and animals." RDU CIVIL
 Component Environmental
 Sponsor Representative Chenault
 Requester House Labor and Commerce Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 Under this bill, veterinarians employed by the state would have responsibilities in addition to those outlined in AS 03-25.020, related chiefly to the well being of livestock and domestic animals . The bill also classifies crimes of cruelty to animals and criminal negligence. It adds persons who have a duty under state law or municipal ordinance to investigate animal cruelty, abuse or neglect to those who are required to report suspected harm arising from child abuse and neglect.

 Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
 Division Administrative Services Date/Time 3/28/04 11:10 AM
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 3/28/2004
 Agency Department of Law

PO Box 2032
Palmer, Alaska 99645

April 8, 2004

Re: House Bill 275

To Whom It May Concern:

Thank you for the opportunity to testify regarding House Bill 275 on April 7 during the Judiciary Committee Hearing. Having been out of state for work most of the winter, I have not been able to keep up with the progress of this bill.

I am involved in animal related industries and own close to twenty animals on our farm in Palmer. While in general, I am supportive of any legislation that prevents suffering of animals; I have a few concerns and questions regarding House Bill 275. Especially after listening to the committee hearing yesterday.

First and foremost being the expanding of the powers of the veterinarian from caregiver to law enforcement official; and the complete absence of protection the owners' rights to his or her property.

A veterinarian in private practice should not be able to, nor made to enforce cruelty statutes. (Page 2 lines 10 through 14) This power should remain with a state official.

Animals are by definition property in this state and cautions should be added to the scope of this bill to ensure protection of the owner in the event the alleged abuses were not intentional or the real owner was helpless to prevent it (i.e. out of state, incapacitated in some fashion, or feel sufficient care is being given.) An example of this would be my belief as a physical therapist/rehabilitation specialist for animals that keeping horses confined in stalls with deep bedding is not good care. To me, this is no different than animals being locked up in zoos. They are a grazing animal and require miles of walking room daily for optimum health, especially for hoof health. Others would contend that leaving them turned out with simple shelters is cruelty. The same would be true in differences in how farm animals, livestock, and sled dogs are cared for as compared to the family pet.

I feel some of the language is based on the assumption that animals in Alaska have civil rights rather than property status. I understand that we all have an interest in preventing cruelty to animals, but not to the extent that owners' rights are forgotten. I feel animals should be treated as if they have the same rights as humans, but I also know you cannot legislate morality. I am in favor of having some laws in place to prosecute true offenders, but feel this legislation goes too far without regard to the fact that animals are chattel.

I am also wondering how custodial care can be given to an animal without it conflicting with the veterinary statute (AS 08.98), which clearly states one must be a licensed veterinarian to change the physical or mental well being of an animal wild or domestic

living or dead. Or, be a licensed veterinary technician under the direct supervision of a licensed veterinarian.

I am currently under a Cease and Desist order from Occupational Licensing for this. I provide non-veterinary care for animals and have been shut down for over two years. (I have a business license for Animal Husbandry issued by the state of Alaska, only to find out that animal husbandry is listed in state statutes, but not legally defined. More on this below.)

How will the State legally allow for one group of custodial caregivers to operate with the possibility of reimbursement for their services (Page 4 line 11) and those of us in the private sector, with the owners permission, are breaking the law by doing so? Isn't preventing owners of animals the benefits of rehabilitative care in conjunction with veterinary care for their animals in itself abuse? What happens when injuries are sustained that are not repairable by traditional medical means and the owner chooses not to destroy his property? Is he then guilty of cruelty because he can't try rehabilitation and his animal continues to suffer?

One solution to this would be to add the following:

...other standard practices commonly performed on farm or domestic animals in the course of routine farming, or *animal husbandry, or animal care or treatment when performed by the owner, the owner's employee, or the owner's agent acting with the owners approval or at the request of a state agency.

This could be added on page one or two with the lists of requirements for minimum care.

*The following definition of animal husbandry is taken from the US Patent Office Classification System. "... provides for methods or apparatus for the propagation, rearing, training, exercising, amusing, feeding, milking, grooming, housing, controlling, handling, or general care of a living animal...

These two paragraphs would define the difference between farming and companion animals and the standards of care required, allow for more care and education to be provided before the state intervenes, protect the owners right to choose care they deem appropriate for their property, and allow individuals to care for animals when taken into custody by state agencies.

Thank you for your time and consideration. I look forward to your response.

Sincerely,



Tracie Audette, Owner
FairHaven
745-1151 (home)
373-8191 (cell)

Subject: [Fwd: HB323 Crawford]

Date: Thu, 18 Mar 2004 10:09:15 -0900

From: Ethel <doneethel@gci.net>

To: Representative_Tom_Anderson@legis.state.ak.us

----- Original Message -----

Subject: HB323 Crawford

Date: Wed, 17 Mar 2004 13:10:06 -0900

From: Ethel <donethel@gci.net>

To: Representative Kelly Wolf@legis.state.ak.us

CC: akspca <akspca@gci.net>, "akspcaclinic@gci.net" <akspcaclinic@gci.net>, "bob gerlach@dec.state.ak.us" <bob_gerlach@dec.state.ak.us>, Ralph and Sarah Clampitt <rsclampitt@gci.net>, representative_harry_crawford <representative_harry_crawford@legis.state.ak.us>, Gwen <muttnpug@alaska.net>, Harry <Representative_HarryCrawford@legis.State.Ak.US>, Judy <sleepingladybouvier@hotmail.com>, representative_kevin_meyer <representative_kevin_meyer@legis.state.ak.us>, Anna Laroche <Anna_Laroche@law.state.ak.us>, Lynn <lmelling@KTUU.com>, Debbie Moore <pathways@alaska.net>, newsromm <newsroom@adn.com>, Ralph and Sarah Clampitt <rsclampitt@gci.net>, "SHAFFER2001@GCI.NET" <shaffer2001@gci.net>, "sleddogAC@aol.com" <sleddogAC@aol.com>, "Snowbirder@webtv.net" <Snowbirder@webtv.net>, THE PULSE <pulse@anchortown.com>, Lori Jo of Wordsworth <petnews@alaska.net>, Jim Stanley <jitsatty@alaska.com>

Please support Harry Crawford's Animal Cruelty Bill 323.

We have tried for years to work with Chinault's office and I have to say that Sue Wright is a problem and has alienated people from the Republican Party by trying to make this a 'political football'.. She is impossible to work with and in fact, has stuck her nose into private matters, always representing Chenault's office. She has ethics charges filed against her and it is a question of another being being considered filed against her.

At any rate, she has tried to get her bill 275, (which has no support) through, or at least she has been saying this for over two years. Hopefully, you can talk to Chenault and let him know, she is damaging his image as well as the Republican Party. This should not be !

House Bill 323 has great support and should not be a political football !!!!! It does not have a monetary price tag. It needs to be passed this year ! Please check with Crawford's office.

Thank you,

Ethel D. Christensen
founder 1966
and volunteer director Alaska SPCA

Subject: animal cruelty bill

Date: Thu, 18 Mar 2004 10:05:58 -0900

From: Ethel <donethel@gci.net>

To: Representative_Tom_Anderson@legis.state.ak.us

Please hear HB323 ASAP. I will send you copies of emails that I sent yesterday to explain where the 'bottleneck' is in JNU.

Ethel D. Christensen
Founder 1966
and Vol Director Alaska SPCA

Subject: Help Stop Animal Abuse!

Date: Fri, 27 Feb 2004 01:42:42 -0600

From: Shannon Basner <eyeoraven@aol.com>

Organization: ASPCA

To: Representative_Tom_Anderson@legis.state.ak.us

February 27, 2004

Representative Tom Anderson
State Capitol, Room 432
Juneau, AK 99801-1182

Dear Representative Anderson,

As a constituent, I respectfully urge you to support HB 323, recently introduced by Representative Harry Crawford, which if passed, would greatly improve the treatment and care of animals in Alaska without overburdening state agencies or putting further strain on Alaska's budget!

In the past couple of years there have been numerous cases of serious animal abuse and neglect that have occurred in Alaska, such as the case of Jon and Athena Harman who ran a collie breeding operation in Nikiski. Although local residents filed numerous complaints against the Harmon's for their poor treatment of their dogs, neither Nikiski, which has no local government, nor the Kenai Peninsula Borough, which has no animal control powers, had the ability to take corrective action. Law enforcement officers who stopped the Harmon's at the Montana border found their 45-by-8-foot tractor trailer filled with crates, wooden chambers and plastic airline crates, stacked three deep and packed with 166 collies, 5 other dogs, and 10 cats. Shelby veterinarian Hardee Clark said the animals "didn't have any bedding. They were filthy, lying in urine. Thin. It was pretty overwhelming." There was so much urine, in fact, that some of it had dripped out of the truck and frozen to its sides. The Harmon's were arrested and charged with 181 counts of animal cruelty. Because Montana has strict animal cruelty laws, authorities were able to confiscate all of the animals.

HB 323 seeks to rectify this situation. It defines animal cruelty as objectively as possible based on the health of the animal and the professional opinion of a licensed veterinarian, but excludes common agricultural, veterinary and trapping practices.

1. It provides a procedure under which a peace officer can immediately remove abused animals from their owner by applying to a judicial officer for a search warrant and providing probable cause that abuse is in fact taking place.
 2. It allows a peace officer who confiscates animals pursuant to a search warrant to turn the animals over to volunteer organizations for care and shelter. It also provides that organizations that accept animals under such conditions cannot look to the state for reimbursement of their expenses.
 3. It requires an owner whose animals are confiscated to either post a bond for care and medical attention given to the animals or face relinquishment of ownership so that the animals can be adopted out.
- Please help Representative Crawford in his fight against animal abuse and vote in favor of HB 323.

Sincerely,

Shannon Basner
18045 Amonson Rd
Chugiak, AK 99567-6801

Subject: Help Stop Animal Abuse!

Date: Fri, 27 Feb 2004 01:43:52 -0600

From: Pam Wolf <mrs_howl@excite.com>

Organization: ASPCA

To: Representative_Tom_Anderson@legis.state.ak.us

February 27, 2004

Representative Tom Anderson
State Capitol, Room 432
Juneau, AK 99801-1182

Dear Representative Anderson,

As a constituent, I respectfully urge you to support HB 323, recently introduced by Representative Harry Crawford, which if passed, would greatly improve the treatment and care of animals in Alaska without overburdening state agencies or putting further strain on Alaska's budget!

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 3. It requires an owner whose animals are confiscated to either post a bond for care and medical attention given to the animals or face relinquishment of ownership so that the animals can be adopted out.
- Please help Representative Crawford in his fight against animal abuse and vote in favor of HB 323.

Sincerely,

Ms. Pam Wolf
12 Lynne st
Gustavus, AK 99826

Subject: Help Stop Animal Abuse!

Date: Fri, 27 Feb 2004 01:44:11 -0600

From: Lorna Grant <l.r.grant@ru.ac.za>

Organization: ASPCA

To: Representative_Tom_Anderson@legis.state.ak.us

February 27, 2004

Representative Tom Anderson
State Capitol, Room 432
Juneau, AK 99801-1182

Dear Representative Anderson,

As a constituent, I respectfully urge you to support HB 323, recently introduced by Representative Harry Crawford, which if passed, would greatly improve the treatment and care of animals in Alaska without overburdening state agencies or putting further strain on Alaska's budget!

In the past couple of years there have been numerous cases of serious animal abuse and neglect that have occurred in Alaska, such as the case of Jon and Athena Harman who ran a collie breeding operation in Nikiski. Although local residents filed numerous complaints against the Harmon's for their poor treatment of their dogs, neither Nikiski, which has no local government, nor the Kenai Peninsula Borough, which has no animal control powers, had the ability to take corrective action. Law enforcement officers who stopped the Harmon's at the Montana border found their 45-by-8-foot tractor trailer filled with crates, wooden chambers and plastic airline crates, stacked three deep and packed with 166 collies, 5 other dogs, and 10 cats. Shelby veterinarian Hardee Clark said the animals "didn't have any bedding. They were filthy, lying in urine. Thin. It was pretty overwhelming." There was so much urine, in fact, that some of it had dripped out of the truck and frozen to its sides. The Harmon's were arrested and charged with 181 counts of animal cruelty. Because Montana has strict animal cruelty laws, authorities were able to confiscate all of the animals.

HB 323 seeks to rectify this situation. It defines animal cruelty as objectively as possible based on the health of the animal and the professional opinion of a licensed veterinarian, but excludes common agricultural, veterinary and trapping practices.

1. It provides a procedure under which a peace officer can immediately remove abused animals from their owner by applying to a judicial officer for a search warrant and providing probable cause that abuse is in fact taking place.

2. It allows a peace officer who confiscates animals pursuant to a search warrant to turn the animals over to volunteer organizations for care and shelter. It also provides that organizations that accept animals under such conditions cannot look to the state for reimbursement of their expenses.

3. It requires an owner whose animals are confiscated to either post a bond for care and medical attention given to the animals or face relinquishment of ownership so that the animals can be adopted out. Please help Representative Crawford in his fight against animal abuse and vote in favor of HB 323.

Sincerely,

Lorna Grant
15 Temlett Street
Grahamstown, AK 61390

Subject: Help Stop Animal Abuse!

Date: Fri, 27 Feb 2004 10:08:43 -0600

From: Tim Colbath <aelas@alaska.net>

Organization: ASPCA

To: Representative_Tom_Anderson@legis.state.ak.us

February 27, 2004

Representative Tom Anderson
State Capitol, Room 432
Juneau, AK 99801-1182

Dear Representative Anderson,

As a constituent, I respectfully urge you to support HB 323, recently introduced by Representative Harry Crawford, which if passed, would greatly improve the treatment and care of animals in Alaska without overburdening state agencies or putting further strain on Alaska's budget!

In the past couple of years there have been numerous cases of serious animal abuse and neglect that have occurred in Alaska, such as the case of Jon and Athena Harman who ran a collie breeding operation in Nikiski. Although local residents filed numerous complaints against the Harmon's for their poor treatment of their dogs, neither Nikiski, which has no local government, nor the Kenai Peninsula Borough, which has no animal control powers, had the ability to take corrective action. Law enforcement officers who stopped the Harmon's at the Montana border found their 45-by-8-foot tractor trailer filled with crates, wooden chambers and plastic airline crates, stacked three deep and packed with 166 collies, 5 other dogs, and 10 cats. Shelby veterinarian Hardee Clark said the animals "didn't have any bedding. They were filthy, lying in urine. Thin. It was pretty overwhelming." There was so much urine, in fact, that some of it had dripped out of the truck and frozen to its sides. The Harmon's were arrested and charged with 181 counts of animal cruelty. Because Montana has strict animal cruelty laws, authorities were able to confiscate all of the animals.

HB 323 seeks to rectify this situation. It defines animal cruelty as objectively as possible based on the health of the animal and the professional opinion of a licensed veterinarian, but excludes common agricultural, veterinary and trapping practices.

1. It provides a procedure under which a peace officer can immediately remove abused animals from their owner by applying to a judicial officer for a search warrant and providing probable cause that abuse is in fact taking place.
 2. It allows a peace officer who confiscates animals pursuant to a search warrant to turn the animals over to volunteer organizations for care and shelter. It also provides that organizations that accept animals under such conditions cannot look to the state for reimbursement of their expenses.
 3. It requires an owner whose animals are confiscated to either post a bond for care and medical attention given to the animals or face relinquishment of ownership so that the animals can be adopted out.
- Please help Representative Crawford in his fight against animal abuse and vote in favor of HB 323.

Sincerely,

Mr. Tim Colbath
POBox 8051
Nikiski, AK 99635

Subject: Help Stop Animal Abuse!

Date: Fri, 27 Feb 2004 06:30:18 -0600

From: lauren jain <laurenjain@yahoo.com>

Organization: ASPCA

To: Representative_Tom_Anderson@legis.state.ak.us

February 27, 2004

Representative Tom Anderson
State Capitol, Room 432
Juneau, AK 99801-1182

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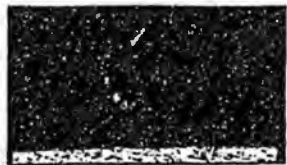
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- Please help Representative Crawford in his fight against animal abuse and vote in favor of HB 323.

Sincerely,

Miss lauren jain
37 defence enclave
new delhi, AK 10092



Ward Farms

P.O. Box 1087 - Delta Junction, Alaska 99737 - Phone (907) 895-5415 Fax 895-5416

February 21, 2004

House Labor & Commerce Committee

Testimony on: HB 275 "An Act relating to veterinarians and animals"
HB 323 "An Act relating to the care and cruelty to....."

I submit this testimony for the record as an individual with a background as:

A commercial agriculture livestock producer – lifelong & 30 yr in Alaska
Chairman of USDA, Farm Service Agency – State Committee
Affiliated with Farm Bureau & North American Elk Breeders Assn

I consider both of these bills to be bad pieces of legislation, not for the noble intentions but for the impact they will have on legitimate businesses, private rights, and the administrative and legal obligations of state government.

This legislation is written and crafted to protect dogs and personal pets as evidenced in the sponsor's statements. It is a result of isolated cases of abuse caused by people who aren't qualified to own or care for animals. Unfortunately, this legislation will affect all animal owners including commercial livestock businesses. It even goes so far as to govern wildlife. It paints a broad brush of standards that must be maintained for all animals. It goes far beyond the protection of dogs and pets.

It grants virtually anyone the ability to file a complaint against an animal owner and the state is then required to investigate and file a report on the findings. (AS03.25.020,(8)) & (AS03.55.110) People who can file a complaint could include: 1) an average citizen who judges animal welfare on the basis of how they raise their household pets and have no expertise in animal husbandry or livestock management, 2) a biased group like PETA or other wacko animal rights groups who's agenda is opposed to any animal ownership, 3) a municipal dog catcher, cop, or other anointed officer who has no training or qualifications to judge livestock care, 4) or even private veterinarians who for the most part in Alaska have no large animal experience and are unqualified to evaluate livestock care. The state officials who are required to investigate the complaint don't have the training or expertise to accurately judge the management standards of livestock in commercial agriculture. This legislation will open up commercial agriculture to wholesale harassment by virtually anyone who wants to interfere or pass judgment on the management of a private business.

(AS.03.55.100-190) This legislation sets fixed standards of care that can't be evenly applied to all animals. The animals defined in statute include everything except people and fish. It requires a judgment of "wellbeing" without any means of defining that standard. You cannot apply the standards of care of a household pet to all other animals. It sets penalties that can reach a felony level of punishment imposed by those untrained in animal husbandry. It requires seizure of animals with no mechanism to care for those animals once seized.

In AS11.61.138c2 you provide defense from prosecution if actions "conformed to accepted veterinary or animal husbandry practices". This does not prevent the arbitrary complaint by an unqualified person, the mandatory investigation by an untrained officer, or the burden placed on the accused of proving they are in compliance. You become guilty by accusation until you can prove yourself innocent.

The real irony of this legislation stems from the ongoing effort of the legislature to eliminate all the agriculture programs within state government. The employees of the Division of Agriculture have the training and statutory authority to protect animals in Alaska yet they are slowly being eliminated from DNR. I would fully expect that the Division of Agriculture and the animal protective services granted in statute will be gone in a couple years. Even the State Veterinarian whose job is to protect animal health and welfare is not trained in livestock care. Dr. Bob Gerlach who recently replaced Bert Gore is working hard as the State Veterinarian but his training is not in large animals as I'm told he's trained in fisheries.

Now it appears with the elimination of all the state structure to monitor and protect livestock health in Alaska, your solution is to pass new laws which allows for vigilante justice by the people. Commercial livestock producers already have a vested interest in the welfare of their animals knowing that profitability is dependant on the proper care and management of their livestock. We don't need the added burden of ignorant critics, biased special interest groups, or untrained officials who can interfere with the management of our business. It would be another matter if you funded a well equipped agency that hired qualified professionals whose job is to assist in the proper management of livestock enterprises and protected the health and disease status of all animals in Alaska. There is no chance you will step up to the plate and assist business in Alaska so at least allow us to govern our affairs in accordance with our own training and professional experience.

My request to the committee is:

Exempt animals being raised for food or fiber by commercial agriculture from the standards and requirements of this legislation. Leave the oversight of commercial livestock solely in the hands of and at the discretion of the State Veterinarian.

Be careful how you pass any laws in Alaska unless you provide for the proper administration and responsible enforcement of those laws.

Signed:



Bill D. Ward

Delta Jct
907-895-5415

STATE OF ALASKA

REPRESENTATIVE
MIKE CHENAULT

Official Business

Interim:
145 Main St. Loop, Second Floor
Kenai, Alaska 99611
(907) 283-7223
Fax: (907) 283-3075



HOUSE OF REPRESENTATIVES

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Toll Free: (800) 469-3779
Fax: (907) 465-2833

SPONSOR STATEMENT

HB - VETERINARIANS AND ANIMALS

Two years ago in Sterling, State Troopers, animal rescuers, veterinarians and a member of my staff witnessed possibly the worst case of mass animal cruelty in Alaska. Dozens of dogs some frozen to the ground, but still alive, were found on a parcel of land in the Sterling area. Some were locked in an abandoned bus, some tied to trees and stakes. None had the bare margin of food, water, or humane shelter. The only bedding was canine feces or ice. *A video is available for viewing with the warning that is quite graphic and not for the faint of heart.*

A week ago, a police officer stopped a drunk driver who had his dog tied to the bumper of his truck. While the dog received emergency medical treatment, it was put down as a result of being dragged for several miles.

It is appalling to find any human being capable of such horror. In fact, many individuals who are later convicted of grave crimes to fellow humans are found to have seriously abused animals at some time in their lives.

I have previously distributed animal cruelty information. I hope one of your staff had the opportunity to read it. The purpose of this memo is to appeal to your humane side and ask for your support to stop cruelty to animals. This is an issue decent human beings should never have to consider. Common sense and compassion dictates how we should treat animals, unfortunately we cannot depend on fellow human beings to be decent and provide basic food, water and shelter for animals. This is not an issue for partisan politics, as most of us have delightful memories of childhood pets.

Please join me in setting an example to stop abuse of animals. You and I have the opportunity to show our children how kind and compassionate animals can be while teaching responsibility of animal care.

My family has a dog-named Destiny that is a loving, mischievous companion to each of us. Although she has to be into what ever I am doing, be it painting or repairing the kitchen sink, the kids are learning the responsibility of caring and providing for another living being, and important part of becoming an adult.

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Elder Abuse and Animal Cruelty

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J.A. Hallett

On January 20, 2001, an anonymous caller to the Washington, D.C. Humane Society reported that her neighbor's daughter had thrown a dead dog into the trash dumpster. Animal control officers arrived at the scene to discover that the dead dog was only the tip of the iceberg. They also found an emaciated and disoriented 90-year-old woman. The floor of the house was covered with trash and dog feces, parts of the ceiling had caved in, and mildew covered the walls.

Reports indicated that the daughter often left her elderly mother alone for several weeks at a time. The animal control officers rescued the remaining dogs and contacted adult protective services, which

arranged to have the woman transported to a hospital. The two agencies coordinated their actions to meet the needs of victims of two different types of abuse—yet all of whom required emergency care. If it hadn't been for the report of a dead dog, the suffering of both human and animal victims would have continued unnoticed.

Animal cruelty or neglect can often be a warning sign of other forms of abuse, including elder abuse. That's why The HSUS has joined forces with the Department of Health and Human Services' Administration on Aging to share information on the animal cruelty/elder abuse connection. We're coordinating our efforts around Older Americans Month, the period set aside each May to honor the country's senior citizens.

Want to learn more?
Sign up for the First Strike Newsletter!

Name:

e-mail address:

The informational campaign is clearly needed. According to the National Elder Abuse Incidence Study*, "approximately 450,000 elderly persons in domestic settings were abused and/or neglected during 1996." When the cases of elderly self-neglect were added, the numbers rose to more than 550,000.

What's more, according to the study, "data show that family members were the perpetrators in nine out of ten (89.7 percent) substantiated incidents of domestic elder abuse and neglect. Adult children of elder abuse victims were

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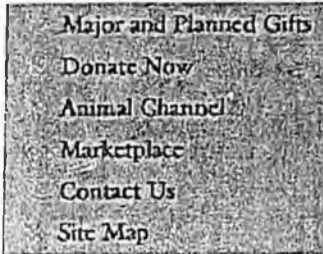
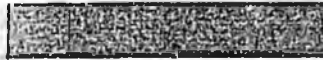
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The Vigilance Elder Cruel

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the most likely perpetrators of substantiated maltreatment (47.3 percent). Spouses represented the second largest group of perpetrators (19.3 percent)."

When a family member abuses an elderly relative's pet, the motivations may be complex. The perpetrator may neglect or abuse an elder's pet as a form of control or retaliation, out of frustration over their caretaking responsibilities, or as a way to extract financial assets.

Many older adults are particularly attached to their pets. Companion animals not only play a vital role in the lives of older adults, they also represent important links to the past. Pets provide comfort and stress relief, humor, attention, protection, and they foster social interaction between older adults and others. This special relationship, however, also makes pets vulnerable to abuse by those who want to exert power and control over an elderly person.

Cases of extreme animal neglect may also reflect an older adult's inability to provide adequate care for him or herself, and thus indicate the need for assistance.

The good news is that domestic elder abuse and animal cruelty can be investigated and stopped—if these actions are brought to the attention of authorities such as adult protective services, animal care and control, the local humane society, or law enforcement. All of these agencies can also help prevent violence by working together cooperatively and forming inter-agency collaborations or partnerships.

Cross-reporting suspected abuse of animals or elders is crucial, too. Two states have already made cross-reporting a requirement: A California law requires animal control officers to report suspected elder abuse, and Illinois requires the same of veterinarians.

The information below was included in our promotional packet for Older Americans Month, which reached hundreds of people who provide services to the elderly.

There are ways that all of us can help prevent animal cruelty and elder abuse. They include:

- **Become familiar with the signs of elder abuse.** These include physical abuse, sexual abuse, emotional abuse, neglect, abandonment, and financial or material exploitation.
- **Check the physical condition of pets.** Ask about any recent health problems or injuries. Pets are often malnourished in abusive homes; their ribs may be visible, and their food bowls may be empty.
- **Examine the animals' behavior.** Pets in abusive homes are often frightened, withdrawn, aggressive, or overly protective.
- **Ask questions.** If a pet is suddenly missing or has been moved outside, ask why. Responses to these questions may lead you to discover animal cruelty, and give the older person a chance to share concerns or report abuse.


- Find out who to call in your community if you suspect animal cruelty or elder abuse. The blue pages in your phone book will include numbers for local social service and animal protection agencies.
- Support legislation to improve animal cruelty and elder abuse laws.


The First Strike® campaign can help in the process of bringing professionals together from a variety of agencies. We facilitate workshops and provide educational materials specifically for various professionals working to prevent family violence. For more information, please call our First Strike toll free line at 1-888-213-0956. For a free brochure on the connection between elder abuse and animal cruelty, please e-mail firststrike@hsus.org.



**The study was conducted by the National Center on Elder Abuse at the American Public Human Services Association (formally known as the American Public Welfare Association) and the Maryland-based social science and survey research firm, Westat.*

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 Survey of Professionals in Adult Protective Services

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Why do batterers threaten, abuse, or kill animals?

- To demonstrate and confirm power and control over the family.
- To isolate the victim and children.
- To eliminate competition for attention.
- To force the family to keep violence a secret.
- To teach submission.
- To retaliate for acts of independence and self-determination.
- To perpetuate the context of terror.
- To prevent the victim from leaving or coerce her/him to return.
- To punish the victim for leaving.
- To degrade the victim through involvement in the abuse.

Why should we recognize animal abuse as a form of battering?

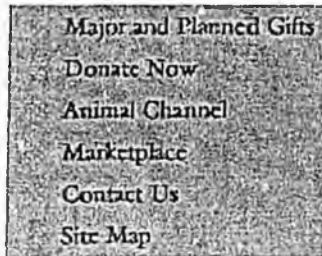
- Animal abuse exposes the deliberateness of battering rather than loss of control.
- Animal abuse and child abuse are closely related.
- Animal abuse is often a tool used by batterers to emotionally control or coerce victims.
- Threatening, injuring, or killing animals can indicate the potential for increased violence or lethality.
- Victims may postpone leaving out of fear for their pets' safety.
- Identifying animal abusers can help identify other victims of violence within the family.

What can victims of domestic violence do to protect their pets?

- Develop an emergency plan for sheltering the pets, themselves, and their children (Review a copy of the First Strike® planning guide, *Making the Connection: Protecting Your Pet From Domestic Violence.*)
- Establish ownership of the pets (obtain an animal license, proof of vaccinations or veterinary receipts in victim's name to help prove they



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own the pets).

- Prepare the pets for departure (collect vaccination and medical records, collar and identification, medication, bowls, bedding, etc.).
- Ask for assistance from law enforcement or animal care and control officers to reclaim the pets if left behind.

What are suggested intake questions regarding pets that should be asked by a domestic violence shelter?

- Do you now have a pet? If yes, how many and what kinds?
- Have you had a pet in the past 12 months? If yes, what kinds?
- Has your partner ever hurt or killed a family pet? If yes, describe.
- Has your partner ever threatened to hurt or kill a family pet? If yes, describe.
- Have you ever hurt or killed a family pet? If yes, describe.
- Have any of your children ever hurt or killed a family pet? If yes, describe.
- Was the animal considered the child's, yours, your partner's or the family's pet?
- Did your concern for a pet's welfare keep you from coming to a shelter sooner than now? If yes, explain.
- Did you leave the abusive partner because of the abuse of a pet? If yes, describe.

What can advocates do to raise awareness about the connection between animal cruelty and domestic violence in their communities?

- Take animal abuse seriously.
- Contact their counterparts in other agencies.
- Develop cross-training and cross-reporting among animal welfare, domestic violence, child abuse and other related agencies.
- Support strong anticruelty laws.
- Develop community anti-violence coalitions.
- Develop community based programs to promote empathy and humane education.
- Encourage research on the connection.

- Work with local animal shelters, veterinarians, veterinary schools and boarding kennels to develop emergency housing programs for pets.
- Collect data in their own agencies.
- Add questions to intake forms about animal cruelty.

What does The HSUS's First Strike campaign do to help other organizations?

- Provide First Strike materials and related information.
- Assist with outreach efforts (e.g., workshops, contacts, etc.).
- Provide information and contacts for model programs across the country.
- Provide advice, support, and technical assistance.
- Provide assistance on cases involving animal cruelty.
- Assist with legislative efforts.
- Help raise awareness of domestic violence, child abuse and other forms of human violence among animal protection organizations and activists.

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Animal Cruelty and Family Violence: Making the Connection

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Pets are part of the family in the majority of American households, where nearly three-quarters of families with school-age children have at least one companion animal. These animals are often treated like members of the family,

but if the family is experiencing violence they can become targets as well. Pets are often an important source of comfort and stability to the victims of abuse, particularly children. But abusive family members may threaten, injure, or kill pets, often as a way of threatening or controlling others in the family.

A 1997 survey of 50 of the largest shelters for battered women in the United States found that 85% of women and 63% of children entering shelters discussed incidents of pet abuse in the family. Children who have witnessed domestic violence or who have been the victims of physical or sexual abuse may also become animal abusers themselves, imitating the violence they have seen or experienced. A study conducted in 1995 noted that 32% of the pet-owning victims of domestic abuse reported that one or more of their children had hurt or killed a pet. Similarly, a 1983 study noted that children were reported to be abusive to animals in more than a third of a sample of pet-owning families referred to New Jersey's Division of Youth and Family Services for suspected child abuse.

It is essential for those who respond to family violence to be alert to this connection. Professionals in domestic violence intervention, law enforcement, child protection, human and veterinary medicine, education, and animal care and control should get to know their counterparts in other professions and work together to establish strategies for a coordinated response to these needs.

In fact, professionals who help families in crisis are increasingly recognizing the role that animals play in the dynamics of family violence. Many law enforcement agencies are training officers who respond to domestic violence calls to be alert for signs that a situation is life-threatening. These include situations where the batterer has threatened suicide, is displaying a firearm, or has hurt or killed a family pet.

In addition, local domestic violence shelters and animal protection organizations have begun partnering to develop "safe havens" for the pets of domestic



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violence victims because many victims delay leaving the abusive batterer out of fear for their pets' safety. All too often, batterers punish victims for leaving by abusing or killing the pets. Yet, with the help of over 100 safe haven programs currently operating around the United States, many domestic violence victims no longer have to choose between their safety and their pets.

The First Strike® campaign can help in the process of bringing professionals together from a variety of agencies. We facilitate workshops and provide educational materials specifically for various professionals working to prevent family violence. For more information, please call our First Strike toll free line at 1-888-213-0956.

References

Ascione, F. R. 1995. Domestic violence and cruelty to animals. Paper presented at the 4th International Conference on Family Violence, Durham, NH, July 24, 1995.

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Report of Animal Cruelty Cases (2002)

Since 2000, The Humane Society of the United States has conducted a yearly non-scientific study of animal cruelty cases to gather information about the people who typically commit these crimes. The 2002 report is based on information from 1,400 animal cruelty cases involving at least 1,674 perpetrators. The information is taken from well-documented sources, including media reports and reports from local humane societies and other animal welfare organizations.

While the statistics reflect specific cases, the report provides a relevant snapshot of animal cruelty and neglect in the United States. Of the animal cruelty cases in the report, 830 (59%) involved intentional cruelty toward animals and 570 (41%) involved extreme animal neglect. The report includes cases of animal fighting (dog fighting and cockfighting), and animal hoarding/collecting.

Overall, some of the results are consistent with findings in the 2001 Report, such as:

- Adult and teenage males commit a high percentage of intentional animal cruelty.
- Males have a higher percentage of involvement in animal neglect than females, but the gender gap is much more significant with regard to intentional cruelty.
- Females have a higher percentage of involvement in animal hoarding cases than males.
- Companion animals are the most common victims of animal cruelty, though cruelty to cats is not reported as frequently as cruelty to dogs.
- Shooting, beating, torturing, and mutilation are the most common forms of intentional cruelty.
- Males are significantly more often the perpetrators when animal cruelty occurs in connection with family violence.

To view or print the complete *2002 Report of Animal Cruelty Cases*, download the PDF.

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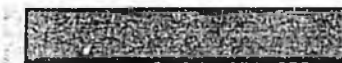
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Brought to you by:

Robin Roth
Faye Powell
Johnny Calaque



A Social Sentinel: Acts of Animal Cruelty Can Point to an Offender's Potential for Violence Against Humans

Most people are aware that animals play an important role as sentinels of disease and toxins in our environment. The proverbial canary in the coal mine is a well known example: the sick canary served as a warning sign for impending physical danger to the miners.

Recently, more and more evidence suggests that animals can play a similar role with regards to social violence. Some of the most striking evidence for a link between animal cruelty and human violence lies in the case histories of many of the 20th century's most infamous criminals.

- Mass-murderer and cannibal Jeffrey Dahmer killed neighbors' pets and impaled a dog's head on a stick.
- Patrick Sherril, who murdered 14 co-workers and then killed himself, strangled his pets, then tied them up and allowed his own dog to mutilate them.
- David Berkowitz, the so-called "Son of Sam," shot his neighbor's labrador retriever.
- Albert DeSalvo, the "Boston Strangler," shot arrows into boxes of trapped cats and dogs.
- Brenda Spencer, who fired 40 shots into a crowd of children, murdering and wounding 9, had a history of setting the tails of neighborhood cats and dogs on fire.
- Edmund Emil Kemper III, who murdered his mother and 7 other women, used to abuse cats and dogs.
- Carol Edmund Cole, who murdered 35 people, admitted that his first violent act was strangling a puppy.
- Richard Allen Davis, kidnapper and murderer, doused cats with gasoline and set them on fire.

Studies of prison inmates reveal that as many as 75% of violent offenders had early records of animal cruelty. There is also a high correlation between family violence and animal cruelty. A study in 1983 of New Jersey families referred to youth and family services for reasons of child abuse reported that 88% of cases had at least one member of the household who physically abused animals. An English researcher found that 83% of families reported for animal abuse also had children listed at high risk of abuse or neglect.

We close with the words of Immanuel Kant: "He who is cruel to animals becomes hard also in his dealings with men. We can judge the heart of a man by his treatment of animals."

This information was compiled and researched by Eleanor Shelburne DVM of Portland Veterinary Medical Association's animal welfare committee.

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Children and Animal Cruelty: What Parents Should Know



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As natural "explorers," don't all children sometimes harm animals?

Absolutely not. While some children kill insects, few torture pets or other small creatures. If allowed to harm animals, children are more likely to be violent later in life. Animal cruelty, like any other violence, should never be attributed to a stage of development.

What kind of children are cruel to animals?

Serious or repeated animal cruelty is seen more often in boys than in girls. Children as young as four may harm animals, but such behavior is most common during adolescence. Cruelty is often associated with children who do poorly in school and have low self-esteem and few friends. Children who are cruel to animals are often characterized as bullies and may have a history of truancy, vandalism, and other antisocial behaviors.

What does animal cruelty indicate about family dynamics?

Researchers say that a child's violence against animals often represents displaced hostility and aggression stemming from neglect or abuse of the child or of another family member. Animal cruelty committed by any member of a family, whether parent or child, often means child abuse occurs in that family.

What should I do if my child or a neighbor's child has harmed an animal?

If you suspect your child has deliberately harmed an animal, talk to your child. Try to discover what caused the cruelty. Communicate with your child, your child's teachers, and your child's friends. The more you know about your child's activities, the better able you will be to guide your child in making compassionate and humane choices.

Something as serious as animal cruelty, however, should not be handled alone. Seek help from a family counselor, school counselor, pediatrician, or clergy member. If you know another child who has harmed an animal, report what you know immediately to your local animal-welfare organization or police department. Alert the child's school principal or guidance counselor.

What should I tell my child about the other child's behavior?

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Explain that animal abuse is often a sign of other serious problems and should be addressed by the proper authorities. Knowing that a friend has serious problems can be quite troubling for a child, as can witnessing animal cruelty. Your child may need to sort out the feelings the incident raises.

What should I do if an otherwise "good" child harms an animal one time?

Though innocent exploration may be corrected simply by talking with the child, any time a child causes an animal pain or suffering you should be concerned.

What is the difference between innocent exploration and calculated animal cruelty?

Innocent exploration may come of simple curiosity, but calculated animal cruelty is motivated by a desire to harm. While even innocent acts of cruelty should be addressed, it is particularly important to intervene when a child is insensitive to the obvious distress of an animal, repeats a harmful behavior, or derives pleasure from causing an animal pain.

How can I teach my child to respect animals?

Teach by example; use real-life situations to instill a sense of respect for all life. Invite your child to help you feed the birds or rescue a bug. With older children, discuss animal-cruelty cases publicized in the news. Encourage children to speak up for animals.




How can my child's school incorporate humane education?

Humane education should be part of every school curriculum. The Youth Education Division of The HSUS publishes materials that help teachers establish a classroom theme of kindness, respect, and tolerance. For subscription information, contact The HSUS's Youth Education Division, the National Association for Humane and Environmental Education (NAHEE), at

67 Norwich Essex Turnpike
East Haddam, CT 06423-1736

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2001 Report of Animal Cruelty Cases

The 2001 Report of Animal Cruelty Cases, The HSUS's non-scientific study of 1,677 animal abuse cases throughout the United States, reveals that a sizable portion of the intentionally violent acts against pets, farm animals, wildlife and exotics were committed by male teens under the age of 18. Overall, teenagers accounted for 20% of the intentional acts of cruelty against animals, and of those teens, a whopping 95% were male.

These statistics dovetail with findings from the Office of Juvenile Justice and Delinquency Prevention, which reported that juveniles are responsible for 16% of all violent crime arrests, including 18% of assaults. Significantly, however, the teenage rates of animal abuse are low when compared with other juvenile crimes known to be associated with animal cruelty. Juveniles, for example, are involved in 53% of all arson arrests and 41% of all vandalism arrests.

The Humane Society of the United States was the first organization to conduct a national study of animal cruelty cases and to quantify the people who typically commit these crimes. The HSUS's first study, conducted from January through December of 2000, assessed the demographics of animal abusers, the types of animals abused, and the incidence of family violence in high-profile animal cruelty cases throughout the United States.

To view or print the complete *2001 Report of Animal Cruelty Cases*, download the PDF.



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Violence

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Animals In Print The On-Line Newsletter



24 September 2002 Issue

The Animal Tour Bus From Hell

Commentary by Margery Glickman

Margery Glickman is the director of the Sled Dog Action
Coalition.



Beyond the borders of Alaska's large cities, acts of barbarism against animals can easily happen. Alaska, without a statewide humane officer to enforce animal cruelty laws, leaves animal control up to over-burdened state troopers who do not adequately understand the animal cruelty laws. The saga of how the Alaska SPCA saved 66 animals from brutal treatment in Sterling, Alaska shows why a statewide humane officer, with an adequate support staff, is desperately needed to prevent atrocities in the future.

Here's what happened. With each advancing step, Alaska SPCA volunteer Nancy Wall's flashlight illuminated scenes of devastation and misery on a dark bitterly cold winter afternoon in Sterling when she went to check on Carolyn Boughton's animals. "The snow was littered with the bodies of Boughton's dead cats. There were legs and skulls from cats who had been torn apart and eaten," Wall said.

Each time Wall moved her flashlight along the ground she found more horrors. "I tripped over dead dogs," she said.

One Bouvier des Flandres, a large black herding and guard dog, died tethered to a tree on a short chain when his legs became entangled in the wire from a fallen tarp. Two other dogs choked to death trying to free themselves from their tethers, their collars pulled back on their eyes. A pinch collar (a collar with blunt prongs that pinch the dog's skin when the collar is tightened) dug deep into one dog's neck.

In the dark, Wall could smell the stench long before she saw its source -- an old Greyhound tour bus. "I looked in the window and nausea almost overwhelmed me," Wall said. Through the windows she could hear the plaintive cries of the animals Boughton kept captive inside.

Wall brought in state troopers, who instead of removing Boughton's animals from their hellish conditions, told Boughton she had several days to make improvements.

Determined to help the animals, Wall convinced Boughton to transfer their ownership to the Alaska SPCA. Diane Zarfoss and her team of one veterinarian and six Alaska SPCA rescuers then drove 2 1/2 hours from Anchorage to save the remaining dogs from their agony.

"The situation was devastating," Zarfoss said. "We had to wear gas masks to go inside, because the smell of urine and feces was so strong." The bus was stripped on the inside and plywood boxes with dogs were stacked along the walls. Each box had two to four holes the size of a quarter, but otherwise the dogs were enclosed in solid plywood. Some boxes held two dogs.

Zarfoss explained that the boxes were filled with urine and feces piled six to eight inches thick and that the dogs' fur was matted with excrement. Their eyes were weepy from living in their own feces and urine, and with the -20 degree temperature, their eyes froze shut. One Kerry blue terrier's eye was so damaged that it was later removed and all the dogs received eye medication."

Food bowls weren't placed in the wooden crates, Zarfoss said. The dogs were on the brink of starvation and dehydration. Some Kerry Blue Terriers tried to chew their

way out but died when their legs were wedged into the cracks in the plywood. "Other dogs froze to death. With their food bowls just out of reach," Zarfoss said, "the dogs tethered outside died lunging to get at them. In desperation, some had dug holes to get at tree roots to eat."

Domestic animals get little protection from abuse

The Alaska SPCA warned state troopers about the animals' steadily deteriorating situation months before, but the troopers would not intervene. Alaska has more protection for wild animals than for domestic ones, particularly dogs, cats and horses. "It is a disgrace that the laws and big budgets for domestic animals are frowned upon by the politicians," Alaska SPCA Executive Director Ethel Christensen said.

Christensen says that for decades the Alaska SPCA has had complaints from tourists and others asking it to do something about the atrocities in the areas of the State where there are no local laws. The Alaska SPCA has begged for help from the State to tighten laws and for a statewide humane officer to enforce them. Now is an ideal time to create this position.

Animals get a new start in life

The Alaska SPCA rescued 66 dogs including Bouvier des Flandres, Kerry blue terriers, malamutes and Australian shepherd-husky mix dogs and brought them to Anchorage in airline kennels which the people of Anchorage had donated. There the Alaska SPCA set up triage for the dogs in a rented warehouse where the dogs were medicated, groomed and fed. A group of Alaska SPCA volunteers worked long and hard to give these dogs a new start in life. A malamute named Stormy was the last of the 66 dogs to be adopted; he left for a new home several weeks ago with a wagging tail and a bounce in his step.

Cost of rescue puts Alaska SPCA in dire financial straits

The cost of the rescue exceeded \$30,000, forcing the Alaska SPCA to take out a mortgage on its shelter property. The Alaska SPCA is maxed out financially as it

has never received help from any governmental source.

"These are the very people that support the sled dogs for economic reasons," Christensen said. "And, little do they realize the picture they have painted to those outside Alaska."

The Alaska SPCA is a non-profit, privately funded organization with no affiliation with the government or any other organization. The organization's founder and Executive Director, Ethel Christensen, has not taken a salary since she began the organization in 1966.

How you can help:

Please send your tax-deductible donations to the Alaska SPCA:

Alaska SPCA
549 W. International Airport Road, Ste B2
Anchorage, AK 99518

Write to Alaska Governor Tony Knowles to ask that a statewide humane officer, with an adequate support staff, be hired immediately.

Email: <http://www.gov.state.ak.us/emailform.html>.

Visit the Alaska SPCA website page www.alaskasPCA.org/gmshelter.html to view pictures of Boughton's property and to see the welcome the dogs received in Anchorage.

Margery Glickman is the director of the Sled Dog Action Coalition.

STAFF: GLICKMAN37@AOL.COM

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Please send comments and submittals to the Editor: Linda Beane Ljbeane1@aol.com



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Judge's Sentence Could Set Precedent in Maryland Cruelty Cases



Montgomery County, Maryland Government building where the beating death of a puppy last year.

Noting that people share a unique responsibility to protect companion animals from harm, a Maryland judge sentenced the first person convicted under the state's felony animal cruelty law to 14 months in jail for the

The sentence was seen as a clear victory for the animal protection community. It may also set a precedent for others convicted of animal cruelty in Maryland, said an HSUS attorney.

On Wednesday, January 15, Montgomery County Circuit Court Judge Durke G. Thompson sentenced Rick Speight to serve 14 months of a suspended three-year sentence and ordered the 21-year-old to receive anger-management counseling. Once released, Speight will also serve a two-year probation. Speight has been in jail since August 2002, and the judge ruled that time already served would count toward Speight's 14-month sentence.

Speight was convicted on October 30, 2002, when a jury found him guilty of beating a puppy to death with his fists. The animal suffered a fractured liver and died of blunt-force trauma. The conviction largely rested on the testimony of two witnesses, who were enticed to testify after The HSUS and the Montgomery County Humane Society jointly offered a \$5,000 reward leading to a conviction in the crime.

During the sentencing hearing, the defense attorney attempted to convince the judge that Speight was working to turn his life around and that he posed no threat to society. The attorney also noted that Speight was a new father with responsibilities to his child. (His girlfriend and their child were in the courtroom for the sentencing, but the judge asked them to step outside when the child started coughing.) The assistant state's attorney, however, noted a previous conviction on Speight's record and pointed out that the felon had not expressed any remorse for his actions against the puppy, neither now nor during the October trial.

Before handing down a sentence, Judge Thompson allowed testimony from an

Victims of First

Relief Info

HSUS: the First Prosecution Animal Md.

expert who's researched the connection between animal abuse and human violence. The HSUS's First Strike program draws the same connection, and our experts, like this one, are often asked to testify in similar hearings.

When sentencing Speight, Judge Thompson seemed acutely aware of the felon's future, according to one courtroom observer. The judge believed that Speight posed no threat to society, but that he had failed to live up to his obligations as a custodian of a companion animal, which has legal rights against bodily harm. The judge thought sentencing Speight to the maximum penalty under the law (three years in jail) would not serve the felon well, since he would not have access to counseling during that period. But Thompson felt that Speight needed to be held accountable.

"There's never a perfect outcome in situations like this," says Ann Chynoweth, special counsel to The HSUS. "We realize that this sentence means that Mr. Speight will not be able to fulfill his parental duties, but we're pleased that the court handed down this tough-but-fair sentence, particularly since it is the first one under the new felony law. We think it should be precedent-setting in Maryland."

Likewise, Virginia M. Prevas, manager of The HSUS's First Strike program, viewed the sentence favorably. "The sentence sends out a clear message that animal cruelty is taken seriously in Maryland," said Prevas, who attended the sentencing. "Not only did the jury believe that Mr. Speight was guilty of this horrendous crime, but the judicial system also acted accordingly and gave him the sentence he deserved."

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Abuse of Animals by Veterinarian



"With an open hand, I hit him on the side of his chest trying to get him to lay down.... adding that the dog had a broken back, was in pain and was unable to lay down to receive treatment. I hit him right by the front legs, as soon as I did, it stopped crying."
(Quoted by Dr. Steven Ginsberg)

~UPDATE~

THIS SITE REMAINS IN MEMORY OF LUCY

In September of 2000, following an investigation after numerous employees filed allegations, the state combined seven separate complaints into the charges against Dr. Steven Ginsberg including abuse and neglect to animals. In August of 2001 the case was closed after a settlement and some disciplinary action was taken against Dr. Ginsberg's licence.

Why is it that the abuse charges were dropped? What happend to the other allegations of abuse and neglect filed by the other employee witnesses concerning many other animals ?

If there was a trial instead of a settlement, would the abuse charges have been so

conveniently dropped like they were?

This site tells the story of Lisa Marie Tabor, a vet technician who saw Steven Ginsberg, a veterinarian in Kalamazoo, Michigan, abuse the animals that were placed in his care by unknowing clients. Her statement tells what she saw happen to Lucy, the seven month old female springer spaniel pictured here.

~Michigan Department of Consumer & Industry Services takes action against Kalamazoo veterinarian Steven J. Ginsberg D.V.M, Aug 2001~



~Administrative complaint filed by state, Sept 2000 ~



~Documentation of other incidents~



~Kalamazoo County prosecutor denies a warrant request, November 17, 2000 news article~



~Michigan State Attorney General files charges against Steven Ginsberg, DVM, September 13, 2000 news article~



~State and Local investigation, November 28th, 1999 news article~



Verbal Allegations by former employees

Transcript 1



Transcript 2



Contact Authorities

By Lisa Marie Tabor

This veterinarian is still practicing:

**Steven Ginsberg,
DVM
Crestview Animal
Hospital**

Help Lucy by expressing your concern to the following AUTHORITIES in charge.



Just 5 weeks after Dr. Ginsberg let Lisa Marie go and after striking Lucy for "crying", another technician (name withheld) working for Dr. Ginsberg delivered documentation of other incidents to her. Shortly after delivering this document, the technician insisted Lisa Marie destroy it, stating that Dr. Ginsberg had just given her a pay raise and also a "bonus" and she will not "go against him now". (names removed for the purpose of privacy).

Notice the outdated medications on the lower part of the document.

Jenny 10/27/99

- 10-22-99 "Kitty"
~~didn't let any of us know that the~~
 - didn't let any of us know that the
 cat had leukemia
 - cat on same side as other cats

- 10-14-99 Prince
 - Smacked in face while trimming
 nails in front of me because
 he wouldn't hold still.

- 10/21/99 hit me on my rear end - approx 10 near
 ear crop - my checking out

UPFront - Pills
 Fulvicin U/F expired 6/99
 Chloramphenicol Capsules USP 500mg 4/99
 Phenylpropanolamine Hydrochloride 25mg 6/99
 Thiazine 3mg 8/99
 Thiazine 2mg 4/99
 Viokase-V 7/99
 Viokase-V 9/99
 Amitriptyline HCL 50mg 2/99
 Acepromazine 10mg 3/99
 Phenobarbital 16.2mg 5/99
 Phenobarbital 30mg 7/96
 Aminophylline 100mg 10/94
 Primidone 50mg 6/97
 2- Efficard 10mg 6/99
 in drawer to the left of the autoclave and below it

Local vet focus of state probe

Veterinarian says he's surprised, disappointed by allegations of animal abuse.

BY MIKE TYREE
KALAMAZOO GAZETTE

State and county authorities are investigating allegations of animal abuse and neglect leveled against a longtime Kalamazoo veterinarian.

The Michigan Bureau of Health Services is investigating three separate complaints against Steven Ginsberg, a doctor of veterinary medicine who practices at Crossview Animal Hospital, 6044 Gull Road.

Allegations include "instances of substandard care and treatment," according to a statement the state regulatory agency faxed to the Kalamazoo Gazette, although spokeswoman Lori Dopson declined to make additional comment.

Ginsberg, who's practiced in Kalamazoo for 30 years, confirmed that state investigators recently visited his clinic and asked for records in two cases.

One complaint involves a dog that died when its collar became entangled in a cage at Ginsberg's clinic, but Ginsberg said authorities have told him nothing about other complaints.

The Kalamazoo County Sheriff's Department also is investigating the case, Lt. Gail Sampson said, although she would not discuss details.

Several of Ginsberg's former employees say they've com-

Please see **PROBE, A4**

PROBE

From Page A3

plained to authorities that Ginsberg physically abused animals in their presence.

Lisa Tabor, a Vicksburg woman who briefly worked for Ginsberg in August, said she saw the veterinarian forcefully strike a severely injured dog.

"The doctor took the palm of his hand and slugged her on the chest," said Tabor, whom Ginsberg fired from her job as an animal technician a few days after the alleged incident. "The doctor was very, very angry. There was force. It wasn't any tap on the nose."

Denies abuse

Ginsberg denies abusing animals in his care, although he acknowledged striking the Springer spaniel referred to by Tabor while treating the dog for injuries it received after being hit by a car.

"With an open hand, I hit him on the side of his chest trying to get him to lay down," Ginsberg said, adding that the dog had a broken back, was in pain and was unable lay down to receive treatment. "I hit him right by the front legs, as soon as I did, it stopped crying."

The dog's owner had asked Ginsberg to euthanize the animal, but Ginsberg said he instead tried to save the dog, spending his own time and resources on what he called "a sweet" dog.

"I was trying to be a good Samaritan," he said. "I thought maybe this dog had a chance. I have no regrets on how I tried to take care of that dog."

The owner eventually retrieved the dog from Ginsberg and gave it to Tabor, who tried to nurse it to health. The dog eventually was euthanized, Tabor said.

Ginsberg believes Tabor's complaints may be motivated by revenge because he fired her after less than a week's employment.

"She was really upset that I let her go," Ginsberg said. "That's definitely what it's about."

Other complaints

Tabor's isn't the only complaint being considered by state and county investigators.

Kalamazoo resident Ron Thompson filed a complaint with the state after his Labrador-terrier mix named

neutered, and Thompson said it was "a tremendous shock" to hear from Ginsberg that Sheba had died.

He called, offered his condolences and mentioned that Sheba was dead," Thompson said. "My wife asked how and he said he wasn't sure, she may have hung herself on her cage."

"The manner in which she died didn't seem possible," Thompson continued. "For her to get her head caught between (cage bars) would be awkward."

"That was an accident," Ginsberg said. "I've been here 30 years and never had that happen to a dog before. She had a collar and choked herself to death. That was a terrible accident, which I felt terrible about."

Garrett Bowen worked for Ginsberg for a year, doing lawn work, cleaning pens and assisting in the clinic. He said he was among several of Ginsberg's former employees who approached Kalamazoo County Animal Control officials with complaints about their former boss.

"I just told them how he treated dogs, hitting dogs in the face if they didn't cooperate right, shaking them, hitting dogs on the top of the nose with his knuckle," Bowen said.

"It's just terrible how he treats them."

Ginsberg said he's surprised and disappointed to hear that former employees are alleging animal abuse. But he said he occasionally must use force to control the animals he treats.

"I'll use an open hand and hit them sometimes," he said. "I've slapped dogs sometimes when they try to bite. But I don't believe I've been abusive to any dogs whatsoever."

If sheriff's department detectives find evidence that Ginsberg abused or neglected animals, they could seek misdemeanor animal abuse or cruelty charges. The state's investigation could affect Ginsberg's license to practice veterinary medicine.

Ginsberg said he's never had problems with state regulators and fears adverse publicity could damage his business and reputation.

"It's just kind of mind-boggling to me that this is all happening," Ginsberg said. "I think I've done a good job over the years trying to save these animals."

(verbal allegations made by
employee on 10/14/99)

employee name
withheld for privacy

AC Officer: "Okay".

"A cat. The first month I worked there.."

AC Officer: "Mmm hmhm"

"Uh, a cat came in, had feline infectious peritonitis FIP, which is their lungs, their lung cavity fills up with fluid, which in turn they drown themselves basically. We had frogged the cat out on its back on the surgery table..."

AC Officer: "Mmm hmhm"

"He will stick a needle with syringe under, in the, in the chest cavity and draw out fluid, so this cat can breath. The cat of course, that hurts, was not cooperating, screaming, I was trying to hold it, uh advanced stages of FIP. He got mad, grabbed the cat by the scruff of the neck, um, you know, raised his arms as far as he, as far out as he could, totally extended his arm, brought the cat down face first on the surgery table. It died two minutes later. I left crying. He (Inaudible)"

AC Officer: "He killed the cat?"

"That's what I saw, but it also had FIP, that's why I brought that up. It was advanced stages of FIP, you don't know unless we do a test, you know we didn't do an autopsy, but two seconds after he slammed it's face on the surgery table, it was dead. I put, I was crying, put it on oxygen

AC Officer: "Okay"

"...(Inaudible), he left the room, went in his office, slammed the door. Tell the people their

AC Officer: "Was the cat alive when he raised it up in the air?"

"Yes".

AC Officer: "And, it hit the table, now was it two minutes or two seconds?"

"Just a, one minute, if that, you know, one minute. I, I, I'm just speaking in time frame, I don't mean to exaggerate or anything, but"

AC Officer: (Tapping) "Sure".

"..in one minute it was gone".

69-99- -00

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The twisted case of animal collector Vikki Kittles offers a look at the psycholo of people who feel a compulsion to acquire more animals than they can care fo

Also read the update on this story



Vickie Rene Kittles, also known as Susan Dietrich, was convicted on 42 counts of Animal Neglect in Astoria, Oregon in February 1995 after five weeks of trial, months of delay, and years of suffering for the animals she claimed to love. Kittles has a history of such incidents and is likely to begin the same destructive cycle all over again after she completes her 7-month sentence in Oregon.

Josh Marquis, District Attorney for Clatsop County and the Prosecutor in charge of Kittles' case tells the story below.

The case concluded what some called the world's longest dental appointment without anesthesia. Kittles was able to drag the case out almost two years thro endless manipulation of people and the legal system. She was afforded nine different court-appointed lawyers - none of whom met with her satisfaction, ar went through six judges. The judge who tried the case was so traumatized that refuses to have anything further to do with the case or Vickie Kittles.

Kittles, who has a long criminal record of assaultive conduct dating back to the late 60s, surfaced most publically in Broward County Florida in the early 1980 when she was charged with various crimes after neighbors complained about t scores of dogs and two horses she kept in her mother's suburban house. Kittles claimed then - and now - that she is the victim of a massive government conspiracy, somehow tied to the Drug Enforcement Administration, that sought poison her and "her" dogs.

"As D.A. I usually handle murder cases, and Kittles is in my opinion one of the most dangerous, evil people I have ever encountered. She has enough psychos to be exasperating, and enough cunning to bend the system to her will. Like an really nasty virus, she should be confronted and stopped before she can ruin m lives - of people and dogs."

She was eventually run out of one part of Florida only to surface in another wi her aged mother, Jean Sullivan, who has not been seen since living in filth with her daughter in rural Manatee County, Florida. From there Kittles (alone) wen

to Mississippi, where she convinced some good-hearted souls that she would "save" scores of dogs by taking them to a "no-kill" shelter in Colorado.

From Mississippi she fled to Colorado where she once again claimed persecution. She left a wake of well-meaning vets with unpaid bills and sponsors whom she turned on when they failed to give her everything she wanted. From Colorado in the late 80s she travelled to rural Washington where she and "her" dogs were delivered by a semi-truck. True to form, she was successful in conning some wealthy backers to send her \$15,000 which she used to buy a school bus that became her home, and the prison for over 100 dogs. She once again wrung every bit of kindness - and money - out of her would-be benefactor before accusing him too of being involved in a plot.

"When the dog was autopsied there was absolutely no food in its system or ANY body fat - a sign of long and painful starvation."

She then moved across the Columbia River to rural Clatsop County Oregon where she was finally confronted by Animal Control Supervisor Tommi Brunich on April 16, 1993. Brunich found a positively surreal scene in which Kittles shrieked threats at officers and neighbors while grasping a dog that was continually convulsing. The dog, which had received no veterinary care but that "special knowledge" possessed by Kittles, died despite the best efforts of local vets. When the dog was autopsied there was absolutely no food in its system or ANY body fat - a sign of long and painful starvation.

The scene on board the bus was worse - 115 dogs, four cats, and two roosters crammed into a bus caked with urine and feces, stinking so bad that officers used gas masks to go inside. Kittles boasted at trial that she had not let any of the dogs off the bus for weeks to prevent them from getting fleas. The dogs were, however, suffering from almost every other parasite, including hookworm, whipworm, and in at least 16 cases, deadly heartworm.

After Kittles was arrested she threatened to sue anyone who touched "her" dog. Despite her claims of love for the dogs she visited them only once and actually convinced a judge to FORBID the state from getting medical treatment for any of the dogs.

When I took office in the spring of 1994 Kittles was merrily holding the whole court system hostage, alternately ranting and raving, and filing literally hundreds of self-styled legal motions. Eventually we got the dogs treated for heartworm, and despite Kittles' best efforts to delay the trial, were scheduled to finally go to court on August 2, 1994. Despite strong objections from my office the judge had permitted Kittles to live out of state - just across the river, and when the trial day came, Kittles refused to show up, requiring an extradition fight which took 3 months just to get her back to Oregon.

"Animal collectors are much like drug addicts in their pathology, and much more interested in themselves than 'their' animals."

In a trial that should have taken two days, Kittles berated the judge, me, the witnesses, the jurors, and the audience, and only later in the trial was finally