

2009 SENATE NATURAL RESOURCES

SB 2271

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2271

Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 30, 2009

Recorder Job Number: 8219

Committee Clerk Signature



Minutes:

Senator Lyson opened the hearing on SB 2271, relating to child abuse investigations and required reports of animal abuse. All members were present.

Senator Bakke introduced the bill (see attached testimony #1).

Senator Hogue I want to clarify your intent. The bill says if the department discovers abuse and now you are saying if any agency or public official observes abuse they have to report it.

Senator Bakke we are coming to the aid of children or spouses who are being abused. It is shameful when we see an animal that has gone through the same thing and we leave them there. The people who go into the homes to investigate and find that an animal has been abused to they should report it.

Senator Freborg does the bill require any other agency who may enter the home to report it as well?

Senator Bakke it is saying anyone who is in the position to observe an animal abused.

Senator Lyson I would say that 60 to 70% of the people in the heading of the bill would be child service workers. They are the ones who usually go into the home and see the abuse, and then they turn it over to law enforcement. I don't want the burden to be left on the Department of Human Resources.

Senator Bakke My intent was to be sure that someone makes a report to the appropriate authorities.

Nancy Kopp, North Dakota Veterinary Medical Association, spoke in opposition to the bill. It is a noble bill but it is not clear on who is responsible for what. There is a correlation between child abuse and animal abuse. I don't feel that this bill does anything but put an undue burden on the social workers. I question what type of training they have in identifying animal abuse. The word shall in line 9 is a mandate to notify the appropriate law enforcement agencies.

Del Martin, Veterinarian, spoke in opposition to the bill (see attached testimony #2).

Brian Kramer, North Dakota Farm Bureau, We support the human treatment of animals, but to mandate someone who does not have the knowledge of animals goes beyond what is needed. The social workers have the right now to report any signs of abuse but it is not mandatory.

Shari Dahl, North Dakota County Social Services Association, I don't know if we speak in opposition at this point but we certainly have a lot of questions. Would we have to find homes for these pets? Would we be responsible for removing them? It sounds like we would just have to notify someone but, your imagination can run wild when you are a child service protector and you have to include pets in your assessment.

Senator Lyson do you have any training to identify an animal in distress?

Shari Dahl we have no training in this sort of thing other than what we have learned on our own.

Senator Triplett is there a correlation in the research between people who abuse animals and people who abuse children?

Shari Dahl yes I can. There is research out there stating that there is a high correlation between abusing children and animals.

Senator Triplett what can you tell us about the research in terms of animal abuse that might lead towards child abuse.

Tara lee Muchhauser, Director of Children and Family Services, there is a clear connection between the two. A lot of times in our field it is sort of referred to “kick the dog” or the lowest or weakest person and then progress up. There is literature out there that confirms that it happens as one large incident. We know from the domestic violence literature that a lot of times in this type of situation there are a number of people who are harmed as well as the animal. Our child protective service workers are not trained to recognize animals in distress. They are human beings and have good intuition. They would take note of the abuse to animals and take action. They understand that the link is there. They understand that their work and impact is only as strong as their understanding the literature to do an intervention and work with the family in each circumstance.

Senator Hogue are the individual social workers encouraged or is there a policy to report other criminal activity in the home? In the bill it says people employed by the Department of Human Services and under contract. Do you have private entities going into homes to investigate?

Tara lee Muchhauser all of the service work in terms of assessment is done by county employees. It could be argued to include them because of their relationship with the Department of Human Services. The workers are trained and instructed to report other crimes. If they suspect or are aware of other activity they will take a law enforcement officer with them.

Senator Lyson closed the hearing on SB 2271.

2009 SENATE STANDING COMMITTEE MINUTES

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Senate Natural Resources Committee

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Hearing Date: February 13, 2009

Recorder Job Number: 9465

Committee Clerk Signature

Kat Lin

Minutes:

Senator Lyson opened SB 2271 up for discussion. This is a bill that was put forth in good faith. We have had several conversations trying to figure out how we could amend the bill. She found out that the state veterinarian is doing a study on this subject. She has asked for a Do Not Pass on the bill.

Senator Pomeroy moved a Do Not Pass.

Senator Schneider seconds the motion.

The bill received a Do Not Pass on a vote of 7 to 0.

Date: Feb 13 - 2009

Roll Call Vote #: 2271

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

Senate _____ Natural Resources _____ Committee

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Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Amendment

Motion Made By Sen. Pomeroy Seconded By Sen. Schneider

Senators	Yes	No	Senators	Yes	No
Senator Stanley W. Lyson, Chairman	/		Senator Jim Pomeroy	/	
Senator David Hogue, Vice Chairman	/		Senator Mac Schneider	/	
Senator Robert S. Erbele	/		Senator Constance Triplett	/	
Senator Layton W. Freborg	/				

Total (Yes) 6 No 0

Absent Sen. Hogue

Floor Assignment Sen. Lyson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2271: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2271 was placed on the Eleventh order on the calendar.

2009 TESTIMONY

SB 2271

SB2271

Chairman Lyson and members of the Natural Resources committee, for the record my name is Senator JoNell Bakke and I represent district 43 in Grand Forks. I bring before you today SB2271. I know that your chair has had some amendments drafted to clarify my intent with this bill. So, with your indulgence I will speak to my intent. I simple am asking that when law enforcement or any investigating agency observes that an animal or pet is being abused or appears to be in distress, they be required to report that to the proper authority who can then make their own investigation into the matter and take proper action.

There is a link and a legitimate fear that the individuals involved in violent acts against animals present a danger to the public that must be addressed. Intentional animal abuse is often seen in association with other serious crimes including drug offenses, gang activity, weapons violations, sexual assault and domestic violence and can be one of the most visible parts of an entire history of aggressive or anti social behavior.

I feel we just need to do something when we see it happening, so that we are taking a first step towards more responsibility when it comes to addressing acts of violence in our state, whether it is a adult, child, teen or pet.

Thank you for your attention to this matter and I would stand for any questions at this time.

SENATE BILL 2271

Chairman Lyson and members of the committee, my name is Dr. Del Rae Martin. I am a veterinarian in Mandan and serve on the NDVMA Executive Committee. Child abuse or neglect and animal abuse or neglect are complex and emotional situations. I would assume child service investigators have extensive training in recognizing child abuse and have to complete continuing education to keep current. My concern would be what training in recognizing animal abuse, would be provided to the investigators? If we enact a law to provide mandatory reporting of animal abuse by the child abuse investigators, will the investigators err on the side of caution and report everything? Assuming the appropriate law enforcement agency is the local police/sheriff office, are they able, qualified and have the facilities to handle the animals involved in the complaint, until the issue is resolved? Or will the burden of investigation be forwarded to the State Veterinarian's office? Will they have adequate staff to handle the investigation and again where will the animal's be housed and cared for and at whose expense? Within the last year I was involved in an animal abuse case. The medical costs of at least \$2,000.00 incurred in the case were shared by my hospital, Central Dakota Humane Society, and a private donor. The owner who surrendered the dog paid about \$200.00 and to my knowledge, with no legal action taken.

I would hope an investigator coming across a case of obvious animal abuse would feel compelled to report the situation to the appropriate law enforcement agency, just as I would feel compelled to report a child abuse or neglect situation without being mandated by law.

For these reasons, we would oppose Senate Bill # 2271 as presented.

I would be happy to answer any questions you may have.