



**North Dakota
Farm Bureau**

Bringing ag home

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House Agriculture Committee

March 7, 2013

Testimony of North Dakota Farm Bureau on SB 2211

Presented by Tom Bodine, Director of public policy

Good morning Mr. Chairman and committee members. For the record, my name is Tom Bodine, and I am here representing the members of North Dakota Farm Bureau. North Dakota Farm Bureau stands in opposition to Senate Bill 2211.

Caring for animals is central to what so many of our members do on a daily basis, whether on their farms and ranches, or in their homes. Regardless if the animals are for profit or pleasure our members feel strongly that we have a duty of care to the animals that we possess. Do not construe our opposition to this piece of legislation as a disregard for our duty of animal care.

North Dakota Farm Bureau is opposing Senate Bill 2211 for several reasons. The overriding reason we are opposing SB 2211 is simply because we see this as very dangerous to the industry. Who better than farmers and ranchers could decide what is neglect or abuse? Farmers and ranchers have not only a duty of care to the animals they raise but they have an economic incentive to provide proper care to the animals in their possession. In other words if we don't care for animals properly we are out of business. With that said, we must take great care not to confuse our obligation for the proper care of an animal's welfare with bestowing rights to animals that in my opinion are exclusive to the human species.

North Dakota Farm Bureau believes a strong animal agriculture sector is critical to the future of not only the industry of agriculture, but the entire economy of North Dakota. This is why any time we have identified a threat to animal agriculture, Farm Bureau has stepped to the plate to defend this industry by whatever means possible. Whether it was taking on county zoning authority in the North Dakota Supreme Court on behalf of members trying to site a hog barn, (and by the way, winning) or arguing in front of the Foster County Commission allowing a dairy to be sited in the Carrington area, (and again winning) or mounting an effort to amend the North Dakota Constitution to protect modern agricultural practices through initiated measure (again winning in every county in the state). As a result of the hard work of our members, staff and the citizens, North Dakota is the first state in the nation to place the unpatrolled importance of agriculture in its constitution!

I am pointing these things out not to be boastful or arrogant; I am pointing them out to remind you the North Dakota Farm Bureau has a strong and successful record of defending agriculture. Through our opposition to this bill, we are yet again supporting the best interest of agriculture, and our members.

1. We believe first and foremost that our members recognize the importance of property animal care be it for production or pleasure.

2. We initiated Measure 3 in response to what we see going on in other states with anti-agriculture animal activists. We believe this bill could put into law principles that could forever destroy the animal agriculture industry in North Dakota
3. We believe strongly North Dakotans and only North Dakotans should tell the citizens of this great state what to do and how to live.
4. North Dakota Farm Bureau strongly supports the good work our local shelters and rescues carry out every day in North Dakota. However, we will not support or condone the work of groups like the Humane Society of the United States and others who are nothing more than thinly veiled anti-agriculture activists!

Mr. Chairman and committee members, Farm Bureau can accept the felony penalty contained in this bill under section 36-21.2-03 pertaining to animal cruelty. We believe egregious acts of cruelty against an animal should be dealt with. Individuals that commit these unconscionable acts deserve to be, and should be, punished to the full extent of the law. However, the definition of cruelty contained in this bill is completely and totally subjective and could be, and likely would be, interpreted by activities to the detriment of agriculture. Farm Bureau cannot accept the subjective definition of cruelty contained in this bill and ask that you consider amendments that clearly and objectively define acts of cruelty so it is not left to the whim of the interpreter.

The other three sections of this bill 36-21.2-01 adequate care, 36-21.2-02 animal abuse, and 36-21.2-04 animal abandonment, we cannot accept any felony penalty associated with these sections of the bill. We can accept a penalty of a class A misdemeanor and would respectfully request the committee amend the felony penalty out of these sections of the bill. As we see it, extreme cases involving lack of adequate care, animal abuse, and abandonment could be construed as an act of animal cruelty and thus do not need to carry a felony penalty for each section.

Farm Bureau also believes an individual who is accused of a violation under this chapter should not be considered guilty until proven innocent. In other words if animals are confiscated, the accused should only bear the cost of seizure and proceedings if found guilty. Furthermore, we believe an accused acquitted of the charges against them should be entitled to legal remedy against the confiscation of their animals and their wrongful accuser.

Farm Bureau believes this bill or any bill speaking to these important issues should be about protecting animals, NOT punishing people. We believe SB 2211 must be extensively amended or North Dakota Farm Bureau will use all of our resources to kill the bill. To that end Mr. Chairman and committee members Farm Bureau will stand by our statement.

Thank you. I would be glad to answer questions.