



NATIONAL
ANIMAL LAW
COMPETITIONS

LEGISLATIVE
DRAFTING & LOBBYING
COMPETITION

2013 PROBLEM

DO NOT RISK DISQUALIFICATION! COMPETITORS ARE NOT ALLOWED TO RECEIVE ANY HELP ON THE PROBLEM BEFORE THEIR BILL AND FACT SHEET IS SUBMITTED (DUE JANUARY 18, 2013.). PRIOR TO THAT DEADLINE, COMPETITORS MAY NOT DISCUSS THE PROBLEM WITH ANYONE, INCLUDING PROFESSORS, COACHES, STUDENTS, COLLEAGUES, OR ANY OTHER INDIVIDUAL.

You work for a state animal protection organization that operates a veterinary hospital, a law enforcement department, several animal shelters and an advocacy department. Your organization, Protection Society for Animals (PSA), was formed in 1886 and has deep ties in the community. PSA receives no federal, state or local support and relies on donations, bequests, foundation support, special events and fees for services to fund the organization.

You are pulled into a meeting with the President, several board members, and the vice president of the law enforcement department. The law enforcement department operates with several officers who are appointed as special police officers for the state. The meeting is in response to a decision that has just come down in state court where the judge returned a finding of not guilty in a case of alleged animal cruelty that your agency's officers investigated and for which they issued a complaint, based on the interpretation of "necessary sustenance."

In this case, the law enforcement department sent an officer to respond to a complaint about a man walking a dog who looked to be injured and severely matted. The dog was having trouble walking, so much that it concerned several onlookers. Upon questioning, the person walking the dog said he was only temporarily providing care for the animal and that her owner was out of state. The law officer told the man that the dog needed veterinary care and he needed to seek it. The next day, the man had still not done so and upon refusal to seek this care, the officer seized the dog. A veterinary examination revealed that dog had ear and skin infections and several other serious health problems caused from neglect.

Your state cruelty statute was updated from a misdemeanor to a felony within the last decade. While widely hailed as an improvement in the current statute by animal advocates and law enforcement officials, some have worried that removing the misdemeanor penalty has resulted in fewer convictions with unsympathetic judges not wanting to impose a felony-level penalty for what they sometimes still perceive as more minor offenses (despite your organization's efforts to educate them about animal abuse, in particular the relationship between animal cruelty and violence toward people).

As a result, you have been charged with drafting and lobbying a bill that would create a citation system for certain animal cruelty offenses as another means to enforce the cruelty statute.

Your state's current animal cruelty statute:

Overdriving, torturing and injuring animals; failure to provide proper sustenance

A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or to another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a felony.

After the meeting, you have several questions: you need to determine if an express revision of the cruelty statute is required and how such a scheme would work, which government agency/department would authorize this (including collecting fines), and for what violations a citation could be issued and when.

The director of law enforcement is excited about this idea and notes that this would give them a demonstrable history of a case, in the event it elevated beyond a situation for which a citation might provide an appropriate remedy to a more severe offense. He suggests you look to other agencies that might have a citation system, including possibly the environmental police or other types of statutes that may have both a civil and criminal penalty.

You are instructed to:

1. Draft a bill to authorize such a citation system. Note: you may use information from any state to guide your research.
2. Create a fact sheet for your bill; and
3. Approach members for their sponsorship, co-sponsorship, and their votes. The legislature has 200 members (160 representatives and 40 senators).

Your bill number, designated by the state legislature, is H. 1500

Read the official competition rules for further details.

LOBBYING ROUND #1

You have drafted the bill, have had it reviewed by various other stakeholders and are now ready to find a sponsor. After thorough research and strategizing, you decide to ask Representative Campbell to sponsor your bill. That is the goal of this meeting.

RESPRESENTATIVE LEE CAMPBELL (D)

Representative Campbell is a moderate Democrat who has mostly voted in favor of animal protection bills, including legislation to put restrictions on body-gripping traps and to phase out greyhound racing. Representative Campbell represents a mostly suburban district with some urban areas. PSA's farm animal shelter is in the Representative's district. This shelter houses horses, cows, pigs, ducks and other farm animals, as well as companion animals awaiting adoption. It is the largest of any of your organization's facilities and is frequently used by your organization and state police to house animals from local seizure and hoarding cases. The shelter also operates a summer camp for kids aged 8-14, and Representative Campbell's daughter has attended. The Representative's family lives with 2 Labrador retriever mixes and attends events at the shelter from time to time.

Representative Campbell is chair of the Committee on Final Reading, which is a powerful Committee that all bills must go through before they pass the House of Representatives. The Committee is tasked with making sure bills are drafted correctly and are constitutional, but also can operate as a place for bills to die. Representative Campbell also serves as a member on House Ways and Means and has been part of a subcommittee that has looked at ways to

creatively raise revenue for the state, and personally feels this should not be done through gaming revenue (an issue that has been a hot topic in the legislature).

Representative Campbell has been in the legislature since 1995 and prior to that was a prosecutor for several years. The Representative had a reputation of being tough on crime, ambitious and no-nonsense. While in the D.A.'s office, Representative Campbell personally handled several cases. One particularly distressing case was a shih tzu that was left outside during a cold snap and suffered frostbite so severe she lost her foot.

While Representative Campbell has not filed an animal protection bill before, your organization has had your eye on trying to get the Representative to do this for a while and several staff people think this could be an ideal issue for the Representative to champion. You do have a slight concern that Representative Campbell may think that such a citation program may not be tough enough and expect that you might have to convince the Representative that based on years of experience, your law enforcement department strongly believes that this will be an effective tool to prevent animal cruelty. A few constituents have contacted her claiming this bill would be harmful to animals and weaken the cruelty law.

Representative Campbell is well respected in the House and has worked with the Speaker on several issues, including health care and pension reform. The Representative generally votes with leadership, but has from time-to-time broken with ranks and "voted off" (against leadership), most notably in last year's vote on gaming, despite rumors of retribution, which can often include losing a chairmanship. Both Representative Campbell and the Speaker went to the same college as undergraduates, and were elected at the same time to House and for many years were seated next to each other in the House chamber.

LOBBYING ROUND #2

You are meeting with Representative Alex Murphy to co-sponsor your bill. At this time, the Cruelty Prevention Act, has been introduced and you now have 23 co-sponsors in the House and 15 in the Senate. You understand that you need to continue to build your co-sponsor list with key members to get the bill ready for a committee hearing and, hopefully, floor action.

REPRESENTATIVE ALEX MURPHY (R)

Representative Murphy is a moderate Republican with a fairly rural district with some suburban pockets. The Representative's district has many hunters and some trappers and they are fairly vocal about recent legislation in other states relating to "animal rights activists" taping what happens in the traps and using those images "out of context" to try to get them on cruelty charges and to also make them look bad in the media. Representative Murphy is a former police lieutenant, a member of the NRA and supports the local gun owners' group and also has an A-rating from them.

Representative Murphy has family pictures in the office and they have always included the family's dogs. You noticed via the Representative's Twitter feed that Murphy recently attended a local animal shelter's grand re-opening. Representative Murphy followed you back on Twitter.

You've noticed that the Representative's fundraisers are often in the form of a "pig roast" or "turkey fry" event.

Representative Murphy has aspirations to be next Chair of Judiciary Committee and does not want to take on controversial issues right now that are avoidable because the Representative is trying to remain objective in order to appeal to the Speaker when the next Chairperson is chosen. Representative Murphy does not want to create any unnecessary critics who could interfere with this plan. In the past, the Representative has sometimes agreed to help your organization out "behind the scenes" but does not want to be the face of your issues. You know that efficiency of the court system is important to the Speaker of the House and that several media outlets have been writing more and more about waste and inefficiencies in various state agencies.

You recently approached the state police association lobbyist and she gave you a sense that they will support this, though she still needs to get an official vote at the board level.

LOBBYING ROUND #3

You are meeting with Representative Sean Oakley, the Chair of Joint Judiciary Committee, to request a hearing and favorable report for your bill. At this stage, your bill has been introduced and has 34 House co-sponsors and 19 Senate sponsors, but has not advanced. Your goal is to convince Chairman Oakley to support this bill and advance it quickly out of his committee.

REPRESENTATIVE OAKLEY (D)

Chairman Oakley is the Chair of the Judiciary Committee (a joint House and Senate committee), a very busy committee that receives more bills than any other legislative committee. Chairman Oakley is a defense attorney and still practices part time. The Chairman has held the chairmanship for many years and is known to keep tight control over the committee and what bills move. Chairman Oakley is more likely to weigh in on a bill that originates in the House (Chairman Oakley's chamber), as opposed to the Senate, though the Chairman usually weighs the Senate chair's position when considering what bills to poll (and therefore potentially move forward) in the Committee.

The Chairman believes that there are already too many laws on the books and that many bills that interest groups and legislators file are not necessary. The Chairman often points to the shelves of law books in the office, asking advocates if this is a "solution in search of a problem." The Chairman's spouse is a known animal-lover who often talks about issues read about in alerts with the Chairman at home.

Several years ago, a group of animal advocates protested in Chairman Oakley's district at the local dog park after it was perceived that the Chairman was holding on to a bill that would prohibit a state housing authority from requiring that cats be declawed or dogs be devocalized. The biggest town in the Chairman's district is known to be especially dog friendly and therefore you have a lot of members and supporters in the district. While Chairman Oakley was bothered by this protest at the time and believed it was unwarranted, the Chairman eventually let the bill out of the Committee so that it could advance through the process.

Chairman Oakley has received some criticism in the local paper with a few editorials that have focused on letting the role as a defense attorney interfere with consideration of bills that would toughen the laws that the defense bar opposes. You have a good relationship with the other, and larger, paper that covers part of the Chairman's district (as well as others) that you think would be interested in a story that places Chairman Oakley in a different light, especially since the papers often compete and almost seek to take differing positions. You also have a board member who, while not the most active board member, sits on the Editorial Board of the paper, and feel confident you could help persuade the paper on this issue.