

2015 National Animal Law Competitions Legislative Drafting & Lobbying Competition

You are the Legislative Liaison for the Bliss Farm Bureau, a non-governmental organization that represents the interests of state agricultural producers in the State of Bliss. The bulk of the Bliss Farm Bureau's annual funding comes from dues paid by such producers and by other state agribusinesses. A significant amount of funding also comes from Bliss citizens who may not have any particular interest in agricultural issues, or even have any knowledge about what the Bliss Farm Bureau does, but who choose to pay a small, annual membership fee in order to receive reduced rates on their car insurance. The agricultural community considers the Bliss Farm Bureau to be "The Farmer's Voice in the Legislature," and as such expects you to vigorously defend their interests.

Last year, one of the state's major beef processing facilities, Westmark Meat Packing (Westmark), was the subject of an undercover investigation by an organization called Compassion For Animals (CFA). CFA is a national, animal advocacy non-profit committed to exposing the treatment of farm animals and the conditions in which they are raised and slaughtered. CFA's primary means of accomplishing this goal is to contract with individuals to seek employment at agricultural facilities and then make audio-visual recordings of what they witness while working there. If CFA determines that animal cruelty or food safety violations have taken place, it turns the recordings over to law enforcement and government agencies. CFA then pressures those entities to file criminal cruelty charges and/or take regulatory action against the facility owners, plant managers, and other employees. In order to increase public awareness of farm animal welfare, CFA also releases these hidden camera recordings to the media and distributes them over social networking websites.

The video evidence gathered during CFA's three-week investigation at Westmark showed individual employees repeatedly striking and jabbing cattle with sharp wooden sticks and using tractors to hoist or drag sick "downer" cows to the slaughter area. CFA's investigation led to the largest beef recall in state history (134 million pounds), administrative sanctions and record fines against the company, and criminal convictions for a handful of animal handlers. The recall cost taxpayers \$150 million dollars. After the recall, Westmark fired all the employees captured breaking the law in the CFA video and installed 24-hour cameras throughout its facility. The company now feels it has done all it can to ensure such violations never occur again on its premises, yet CFA is still trying to disrupt Westmark's business operations by calling for supporters to boycott products made with Westmark beef. Due to these efforts Westmark already has lost some business as fast-food companies and other retail chains do not want consumers to associate their brands with practices that are publicly perceived to constitute animal cruelty.

Westmark is one of the largest agricultural employers in the state of Bliss and carries a lot of clout with the Bliss Farm Bureau. Many other major Farm Bureau members live in constant fear that they will be CFA's next target for infiltration, and that the public simply are not knowledgeable enough to understand the context of the "accepted & customary" animal husbandry practices that appear in CFA's undercover videos. Your members are adamant that they never would knowingly allow any of their livestock to be abused, and that any such violations are merely the acts of rogue, low-education employees whom farm owners want to see

rooted out & prosecuted just as quickly as CFA does. That said, many of those same members have pressured the Farm Bureau to oppose and even block past animal protection bills that attempted to broaden the scope or increase the penalties for animal cruelty out of fear that such laws would be applied to their treatment of livestock during the normal course of food production.

The President of the Bliss Farm Bureau has directed you to draft and lobby to pass legislation to protect Bliss's agricultural businesses by preventing or substantially limiting further undercover surveillance at agricultural facilities. Such laws in other states currently are being challenged in federal courts as unconstitutional on multiple grounds, so you must draft your bill in a manner that will avoid such litigation and controversy. Because animal activists still might find a way to legally infiltrate agricultural operations in the State of Bliss, you also need to draft a way for agribusiness operators to immediately identify such undercover investigators and remove them from their facilities as quickly as possible before they acquire additional footage that might be deceptively edited, taken out of context and used to embarrass the industry.

Bliss Farm Bureau members additionally would like to see livestock cruelty handled differently than cruelty to companion animals. They feel it makes no sense for state law to give animals raised for slaughter all the same protections afforded to household pets. They also believe the majority of Bliss citizens (and even some animal advocacy organizations) care more about the treatment of dogs and cats than the treatment of farmed animals and so might be amenable to any administrative measures to accomplish this goal. Your boss has therefore authorized you to include some creative concessions to such animal organizations in your bill in order to win their support, or at least keep them from opposing it.

You are instructed to:

1. Draft a state bill that would accomplish the desired goals of Bliss Farm Bureau members. Note: you may use federal law and/or laws from any U.S. 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 on a state bill. The state legislature has 200 members (160 representatives and 40 senators).

Your bill number is House Bill 110.

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 state Representative Bowen to sponsor your bill. That is the goal of this meeting.

REPRESENTATIVE BOWEN (R)

Representative Bowen is a strong friend to Agriculture from a predominantly rural district. He comes from a long line of family farmers and was a well-regarded dairy science professor at Bliss A&M University. Both Representative Bowen and the Speaker of the House went to the

same college as undergraduates, were elected at the same time to House, and for many years sat next to each other in the House chamber. You believe Representative Bowen's animal agriculture background and political standing would make him the ideal sponsor and "face" of HB 110—even though he never has introduced an animal-related bill in the past.

It is public record that Representative Bowen received substantial contributions to his recent campaign from the Bliss Farm Bureau and other organizations that represent agricultural interests (such as the Bliss Cattlemen's Association, Bliss Dairymen's Association, National Pork Producers Council and the Beef Council). That support notwithstanding, Representative Bowen prides himself on "being his own man" and making his decisions independent of special interests. It also is no secret that Representative Bowen has ambitions to run for Governor in the next election cycle. Introducing a bill that is friendly to animal agriculture could greatly burnish his credentials and increase his statewide profile in the largely rural region.

Westmark also is located in Representative Bowen's district and the CFA investigation brought much negative national attention to the area. His family and the Westmark family have known each other for decades and he grew up with two of the brothers who currently own the meat processing plant. Representative Bowen believes that they are sincere about wanting to root out any animal cruelty as soon as it occurs.

Furthermore, Representative Bowen doesn't believe in introducing legislation symbolically. He is very protective of the "Bowen Brand" and only will put his name and considerable political weight behind bills that he believes stands a real chance of passage. Accordingly Representative Bowen will need a great deal of convincing as to why HB 110 is different than several similar bills in other states that either have failed to pass or are being challenged in the courts.

LOBBYING ROUND #2

You are meeting with Representative Davidson to co-sponsor your bill. At this time the Livestock 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 of both parties to get the bill ready for a committee hearing and, hopefully, floor action.

REPRESENTATIVE DAVIDSON (D)

Representative Davidson is an up and coming moderate Democrat from a primarily suburban district that still has some rural pockets. She is a former prosecutor who handled several animal cruelty cases during her tenure. These included shutting down dogfighting rings and winning a 10-year prison sentence for an animal abuser who brutally tortured a pit-bull puppy that he left for dead in a children's playground. That "Puppy Boo" case made national news and the resulting attention helped propel Representative Davidson into elected office.

Riding that wave, Representative Davidson has introduced and co-sponsored many animal protection bills during her 6 years in the legislature.

Unlike most other politicians, though, Representative Davidson does not have aspirations for higher office at this time. With a child in 5th grade and her husband caring for his elderly mother,

Representative Davidson is dedicated to representing her home city and trying to have as “normal” a family life as one can in politics. With this perspective, the opinions of outside national organizations carry very little sway with Representative Davidson, as she instead prefers to “keep it local” and make her decisions based on how the issues play in her immediate community.

As such, Representative Davidson is confused as to why the popular Sheriff Joe Kokomo is publicly opposing HB 110, given that she and Sheriff Joe worked so closely together on many animal cruelty prosecutions. She knows Sheriff Joe is a huge horse lover, so perhaps it has something to do with his concern over how those animals might be affected by the bill. She also heard him muttering something about how HB 110 could “tie my Deputies’ hands” regarding their own future animal abuse investigations. She will need to know more.

One of Representative Davidson’s most high profile supporters is the Bliss Humane Society (BHS), which is based in her home district. Recently Representative Davidson held a “rescue-a-thon” at the BHS shelter where she personally paid the adoption fees for the first 100 dogs adopted by her constituents. At that event, BHS’s Executive Director privately told Representative Davidson that the organization’s donor base is almost exclusively concerned with “Dog & Cat” issues, such as increasing adoptions, preventing hoarding and reducing companion animal cruelty. Consequently, BHS does not have strong feelings about HB 110—although they currently are opposing the bill as part of a larger coalition of regional and national animal protection groups. It is clear that Representative Davidson is unlikely to co-sponsor HB 110 as long as BHS opposes the measure. The good news is that BHS’s contract lobbyist recently hinted that the organization might at least switch their position to neutral on HB 110 if elements were added that might help BHS publicly fulfill their mission to protect companion animals.

Because the Republicans have only a slight majority in the House, it is key that you secure Representative Davidson as a co-sponsor—as many in her party look to follow her lead on animal protection matters. Be prepared to “horse trade” on major parts of your bill as she will need to protect her animal cruelty credibility and keep her local supporters happy.

LOBBYING ROUND #3

You are meeting with Representative Norton, who Chairs the powerful House Judiciary Committee. At this stage, your bill has been introduced and has 34 House co-sponsors and 19 Senate co-sponsors. Your goal is to convince Chairman Norton to support this bill and advance it quickly out of his committee.

REPRESENTATIVE NORTON (R)

Representative Norton views himself as the classic “Compassionate Conservative.” He generally votes with leadership, but has from time-to-time broken with ranks and voted against party doctrine. He did this most notably in last year’s vote on same-sex marriage—despite rumored threats of retribution within his party, which can include losing a Chairmanship.

Representative Norton has an 85% Humane Voter Scorecard rating by Bliss Alliance for Animal Legislation (BAAL) and in his position as Chair of the Judiciary Committee has been an

effective gatekeeper—allowing several important animal protection bills through to the floor of the chamber. Representative Norton’s wife also is on the board of the Bliss Farm Animal Sanctuary (BFAS) and he often appears with her at BFAS fundraisers—posing for photos with the animals every chance he gets. This achieves a dual objective of making him look supportive of agriculture to those unfamiliar with the goals of BFAS, while also making him appear to be pro-animal to those who do. Reaction to HB 110 within the Norton household is further complicated by the fact that his daughter immediately became vegan after watching the Westmark undercover investigation video.

Representative Norton has received thousands of emails opposing HB 110, many from outside the State of Bliss, let alone outside his voting district. While such correspondence is certainly less important to him, Representative Norton still would like to know why a bill titled “The Livestock Cruelty Prevention Act” is being uniformly opposed by every national animal protection organization. His centrist leanings have made Representative Norton the darling of those who would like to see him run for national office. Accordingly he will need to understand both the state and national implications of HB 110 and why he should balance one over the other if those repercussions are at odds.

Probably the most troublesome issue you face is that Representative Norton is a libertarian constitutionalist who opposes overreaching government regulations or intrusions into private conduct (hence his stance on same sex marriage and legalization of marijuana). It is therefore imperative that you explain how HB 110 will not run afoul of the constitution or incur the ire of the various civil liberties organizations that generously support his campaigns. A consummate politician, Representative Norton will not likely want to take on issues that are overly controversial in either direction given his national aspirations. He also is very concerned with maintaining good standing with both rural and urban voters, all of whom he will need if he is to move upward into higher office.

The House Judiciary Committee hears literally hundreds of bills each session. It would be very easy for Representative Norton to let HB 110 die a quiet death. It therefore is vital that you address all of his concerns and convince Representative Norton why it is in his own best interest to move HB 110 forward to the floor.

FINAL LOBBYING ROUND

THE FINAL ROUND LEGISLATOR INFORMATION AND LOBBYING OBJECTIVES WILL BE PROVIDED PRIOR TO THE FINAL ROUND OF THE COMPETITION.