

January 20, 2011

TO: South Dakota Legislators

CC: South Dakota State Veterinarian

FROM: SD Association of Cooperatives
SD Cattlemen's Association
SD Farm Bureau
SD Pork Producers Council

RE: Animal Care statutes

South Dakota's livestock care laws have served the state well for the past 20 years. And a group that reviewed those laws this past summer concluded no statutory changes are needed.

The Animal Care Law Review group spent the summer gathering input on the state's laws dealing with animal care and humane treatment. The group was spearheaded by the SD Cattlemen's Association, SD Pork Producers Council, SD Association of Cooperatives, and SD Farm Bureau, working in concert with the State Veterinarian.

Under current law, complaints of neglect, abuse or mistreatment involving livestock are handled by the Animal Industry Board. A staff veterinarian or agent will investigate the complaint and make a report to the State Veterinarian, based on professional observations. Of approximately 100 complaints received each year, 60-70% involve horses; 30% involve cattle, and 5% are for other species of livestock.

Most complaints are found to be groundless. If an investigation shows that animals are being mistreated or neglected, the Animal Industry Board first tries to work with the owner to make sure the animals receive proper care. For example, there are times when extreme weather conditions or short term limited resources have prompted concern. In these cases, wise intervention, obtaining feed, and education resolve the issue quickly for the benefit of the animals. In extreme cases, the State Veterinarian will work with local law enforcement to impound the animals, and will supply information if the state's attorney wishes to pursue prosecution.

Complaints involving non-livestock species are handled by local law enforcement or local humane societies which have been authorized by a municipality or a county commission. A local judge must review and approve Animal Control Officer appointees, based on education, experience, and training. This allows judges in different areas across the state to consider the training, education, and experience that best fits their locality. The Animal Industry Board generally does not get involved in these complaints.

Five key findings:

1) The definition of "livestock" in our current statute is adequate.

Chapters 40-1 and 40-3 define livestock as cattle, horses, sheep, swine, and other livestock, including poultry.

2) The current penalty structure for animal abuse cases pertaining to livestock is adequate.

South Dakota is one of four states that does not have a felony penalty for animal abuse. This statement is trotted out by radical anti-agriculture groups as evidence that South Dakota needs to change its laws.

The reality is, South Dakota has a proud and rich history of animal ownership and husbandry. This is reflected in the way we care for our animals, with farmers and ranchers often sacrificing personal comfort to attend to their animals' well-being. In those instances where livestock are not being taken care of properly, a system is in place to attend to those animals.

In the event that a penalty is warranted, it is important to note that South Dakota's misdemeanor penalties are at least as strict as some other states' felony penalties.

3) Additional discussion regarding the regulation of dog breeding facilities may be needed.

The group noted there should be a distinct separation between dog breeding operations and livestock.

Commercial dog breeders that sell dogs to brokers and other wholesale outlets are regulated by USDA. Complaints of neglect, abuse, or mistreatment of all animals, including those at commercial breeding facilities, are governed by SDCL 40-1.

SDCL 40-1-41 defines "commercial breeding operations" but that definition may need to be clarified. It was pointed out by the dog breeders who participated in the review that they can have their business wiped out on the basis of one complaint, and the complaint doesn't necessarily have to be valid. Breeders should be given a chance to remedy concerns about their facilities or animal care before the animals are impounded.

4) There may need to be closer scrutiny of the certification and authority for humane societies and animal control officers.

Current state law gives Animal Control Officers (ACOs) and authorized local Humane Society agents broad powers pertaining to search and seizure, impoundment, and euthanasia of animals. There may be an information gap among local officials and judges regarding their responsibilities in ensuring that qualified animal control officers are appointed.

5) Additional education and outreach efforts are needed on animal care issues and laws.

County Commissioners and other local authorities need to have a better understanding of their responsibility in designating a humane society or animal control officer to address non-livestock animal concerns.

About the Humane Society of the United States (HSUS) - We support and applaud the work of the local humane societies and pet shelters that take care of stray or unwanted dogs and cats. Please do not confuse them with the Humane Society of the United States (HSUS), which is a Washington, D.C., anti-agriculture lobbying group.

According to HSUS tax records, less than one-half of one percent of the money they raise annually actually goes to help animals. Instead, HSUS works for "meaningful victories for animals in Congress, state legislatures, courtrooms and corporate boardrooms." Their efforts are not aimed at helping local humane societies buy food or pay the utility bill - rather, they promote legislative initiatives to dictate agricultural practices, not based on sound science or veterinary recommendations, but on its own stated desire "to create meaningful social change for animals."