

Legislative History for Connecticut Act

PA 14-54

HB5044

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|-------------|---|-----------|
| House | 1460-1473 | 14 |
| Senate | 2920-2923 | 4 |
| Environment | 302-304, 330-332, 408- <u>423, 685-696</u> | 34 |
| | | 52 |

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 5
1361 – 1680**

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DEPUTY SPEAKER RYAN:

The bill passes. Will the Clerk please call
Calendar Number 36.

THE CLERK:

Yes. On today's Calendar page four, Calendar 36,
Favorable Report of the Joint Standing Committee on
the Environment, substitute House Bill 5044, AN ACT
CONCERNING DOMESTICATED HORSES.

DEPUTY SPEAKER RYAN:

Representative Gentile of the -- the esteemed
Chairman of the Environment Committee of the -- from
the 104th District. Ma'am, you have the floor.

Wait -- wait one second, ma'am. The gentlelady
from the Environment Committee is taking out a bill.
I wish you'd all pay attention to her. Could we
please -- if you have any conversations, bring them
outside the Chamber.

Ma'am, proceed.

REP. GENTILE (104th):

Thank you, Mr. Speaker. Good afternoon.

DEPUTY SPEAKER RYAN:

Good afternoon.

REP. GENTILE (104th):

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Mr. Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER RYAN:

The question is acceptance of the Joint Committee's favorable report and passage of the bill. Representative Gentile, you have the floor.

REP. GENTILE (104th):

Thank you, Mr. Speaker. Mr. Speaker, the Clerk has an amendment, LCO number 3548. I would ask that the Clerk please call the amendment and I'd be granted leave to summarize.

DEPUTY SPEAKER RYAN:

Will the Clerk please call LCO 3548, which would be designated House Amendment A.

THE CLERK:

House Amendment A, LCO 3548, introduced by Representative Gentile.

DEPUTY SPEAKER RYAN:

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection? Hearing none, Representative Gentile, you may proceed with summarization.

REP. GENTILE (104th):

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Thank you, Mr. Speaker. Mr. Speaker, a horse is a horse, of course, of course. But this bill is in response to a decision by the Supreme Court, which leaves open the issue of whether horses have a natural propensity for a vicious nature and therefore owners or keepers of such animals can be held liable for not automatically taking precautions or safety to prevent such injuries.

Mr. Speaker, that in -- in essence is the bill and I would move for adoption of the amendment.

DEPUTY SPEAKER RYAN:

Thank you, madam. I'm certainly glad I quieted down the Chamber for that.

REP. GENTILE (104th):

I have one more, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Are there any further comments on the amendment before us? Any further comments?

Oh, the question before the Chamber is adoption of House Amendment Schedule A. Will you remark on the amendment? Representative Shaban of the 135th District.

REP. SHABAN (135th):

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Thank you, Mr. Speaker. If I may, a few questions to the proponent of the amendment, which will become the bill.

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. SHABAN (135th):

Thank you, sir. I'm not going to try and top the horse line, although I'll see what I can do. I -- I sense great disappointment. The difference between the initial bill and this amendment, while subtle I think, is probably important for some folks to know. So if I may ask a few questions through you.

Through you, Mr. Speaker, section one, that's -- that section is new compared to the original act that we passed out of the Environment. Through you, Mr. Speaker, what is the import and impact of section one? Through you.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, section one addresses horses as a species and specifies that they are not inherently danger as a species.

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Representative Shaban.

REP. SHABAN (135th):

And thank you, Mr. Speaker. Continuing on, in section one, that -- I believe the Chairwoman was just speaking about section one A. Section B speaks about specific horses and -- and through you, Mr. Speaker, if the Chairwoman could expound for the Chamber why -- why are we doing this?

Why -- why say species are not inherently dangerous, then talk about the specific horse? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, the gentleman is correct. Section B does address a specific horse, and as I said in my opening remarks, this is in direct response to a decision of the Connecticut Supreme Court.

DEPUTY SPEAKER RYAN:

Representative Shaban.

REP. SHABAN (135th):

And thank you, Mr. Speaker. And I know it's Section C in the -- same Section One, Section C,

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speaks to striking strict liability in a same civil action. So with that, and I -- I thank the Chairwoman for her -- just putting a little gloss on it, rise in support of the bill.

I think it's a -- it's a common sense -- it's a common sense measure made to push back at what might otherwise have been a -- inherent to a body of case law that could impact not only horse owners as owners, but also, you know, their insurance premiums and just folks who potentially own one horse on a, you know, four or five-acre lot.

If that animal is designated as inherently dangerous, that has an impact just beyond civil suits. It has an impact on the insurance rating system as well.

So I -- I thank the Chairwoman for her responses. I urge adoption of the amendment, which will become the bill.

DEPUTY SPEAKER RYAN:

Thank you, sir. The question before the Chamber is adoption of House Amendment Schedule A. Will you remark on the amendment? Representative Hovey of the 112th District.

REP. HOVEY (112th):

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Thank you, Mr. Speaker. Through you, a question to the proponent of the amendment.

DEPUTY SPEAKER RYAN:

Please proceed, ma'am.

REP. HOVEY (112th):

Thank you, Mr. Speaker. I know the amendment becomes the bill, but with that having been said, there recently was a Supreme Court decision that said that horses were inherently vicious, and is it my understanding, madam, that this is in direct response to that decision and in order to protect the equine industry in the State of Connecticut and the small individual equine owner from liability this legislation was brought forward?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

And through you, Mr. Speaker, the good lady is absolutely correct.

DEPUTY SPEAKER RYAN:

Thank you, madam. Representative Hovey.

REP. HOVEY (112th):

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Thank you, Mr. Speaker, and thank -- I thank the gentlewoman for her response. Mr. Speaker, we have recently seen what is known as legislation from the court and this is a prime example of a group of individuals who really know very little about the industry whatsoever and most specifically about the entity that they are -- are (inaudible), I guess, is that a word about or against.

And in this particular situation, it put at risk a billion dollar industry in the State of Connecticut. And we as a group -- and I thank the Governor for being a strong advocate on behalf of the equine industry and our farms across the state in putting this legislation in. I urge everyone to support it. Thank you, sir.

DEPUTY SPEAKER RYAN:

Thank you, sir -- ma'am, excuse me. Representative Mikutel of the 45th District. Sir, you have the floor.

REP. MIKUTEL (45th):

Yes. Thank you, Mr. Speaker. A few questions for the proponent of the amendment.

DEPUTY SPEAKER RYAN:

Please proceed, sir.

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REP. MIKUTEL (45th):

Yes. I'd like to ask the Chairwoman what would be the ramifications to the State of Connecticut if this bill did not pass?

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that I do not know. I do not have the answer for that.

DEPUTY SPEAKER RYAN:

Representative Mikutel.

REP. MIKUTEL (45th):

Okay. Well, would it -- would it jeopardize the equine industry in the State of Connecticut if this bill did not pass?

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that could be a distinct possibility.

DEPUTY SPEAKER RYAN:

Representative Mikutel.

REP. MIKUTEL (45th):

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Yes. Would the failure of this bill were it not to pass, would it make horse owners uninsurable?

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, again, that is very likely.

DEPUTY SPEAKER RYAN:

Representative Mikutel.

REP. MIKUTEL (45th):

And does the Chairwoman know what the monetary cost would be to the state if this bill did not pass in terms of hurting the equine industry? Do you have a dollar figure as to what the horse industry generates in the State of Connecticut?

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, I would assume that the number would be significant because -- because it is my understanding that there are almost \$52,000 -- 52,000 horses in the State of Connecticut, that we have a third highest in the country. So the cost could be significant.

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DEPUTY SPEAKER RYAN:

Representative Mikutel.

REP. MIKUTEL (45th):

Yes. Thank you for -- for those answers, Madam Chairwoman. I rise in strong support of -- of the bill as amended. I think that to label a whole species of horse -- a horse as a species as inherently dangerous or vicious is -- is pretty ridiculous. And I don't know where this would end.

If -- if we're going to -- if the judges can label a species like horses inherently vicious, where -- where will it end? I mean, you might as well say dogs can be inherently vicious or cats can be inherently vicious.

So I think we're opening up a Pandora's box here. So I would urge my colleagues to -- and I know they will, overwhelmingly, support the bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, sir. Again, it is getting kind of loud in the Chamber. If people could take their conversations outside so the Chairman -- woman of the Environment Committee can hear the questions that are being addressed to her and the rest of us can hear the

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discussion. Representative Zupkus of the 89th.

Ma'am, you have the.

REP. ZUPKUS (89th):

Thank you, Mr. Speaker. I just wanted to rise to echo what my colleagues have said. I'm in strong support of this bill and being raised around horses all of my life and one of the towns I represent, Bethany, has a -- a large amount of horse owners.

They're very concerned if this bill doesn't pass because that is a very large part of our economy. So I encourage all of my colleagues to please support this bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Will you remark further on the amendment before us? Will you remark further on the amendment before us? If not, I will try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RYAN:

All those opposed, say nay. The ayes have it. The amendment passes. Will you remark further on the bill as amended? Representative Gentile, 104th.

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REP. GENTILE (104th):

Thank you, Mr. Speaker. Yes, as promised, one more. I'm tempted at this point to ask for a voice vote on the bill itself so that anybody in opposition could vote nay, but in -- in light of that, I guess a voice vote would -- I mean, a roll call vote is more appropriate.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Will you remark further on the bill as amended? Will you remark further on the bill as amended?

If not, will staff and guests please come to the Well of the House. Will the members please take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please report to the Chamber immediately.

DEPUTY SPEAKER RYAN:

Have all members voted? Have all members voted?

Will the members please check the board to determine if their vote is properly cast.

If all members have voted, the machine will be locked and the Clerk will take a tally.

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THE CLERK:

138, 0, 12.

DEPUTY SPEAKER RYAN:

Will the Clerk please announce the tally.

THE CLERK:

House Bill 5044, as amended by House A.

Total number voting 138

Necessary for passage 70

Those voting Yea 138

Those voting No 0

Absent and not voting 12

DEPUTY SPEAKER RYAN:

The bill is amended as passed. Will the Clerk
please call Calendar Number 131.

THE CLERK:

House Calendar Number 131 on page 36 of today's
journal. Favorable Report of the Joint Standing
Committee on Judiciary House Bill 5336, AN ACT
CONCERNING THE POSITION -- THE POSSESSION OF ALCOHOLIC
LIQUOR BY MINORS.

DEPUTY SPEAKER RYAN:

Representative Baram of the 15th. Sir, you have
the floor.

REP. BARAM (15th):

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THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

The Senate will come back to order. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, we have a number of additional items to add to the Consent Calendar.

THE CHAIR:

All right. Let's go.

SENATOR LOONEY:

First, Mr. President, Calendar page 4, Calendar --

THE CHAIR:

Hold on. Let's make sure we're in order, here. Get all our bills on Consent. Please proceed, sir.

SENATOR LOONEY:

Yes, thank you, Mr. President. The first item is Calendar page 4, Calendar 273, Senate Bill 480, 4-8-0.

Next, moving to Calendar page 14, Calendar 435, House Bill 5044.

On Calendar page 16, Calendar 450, House Bill 5371.

Also on Calendar page 16, Calendar 451, House Bill 5373.

On Calendar page 18, Calendar 464, House Bill 5293.

On Calendar page 19, Calendar 471, House Bill 5374.

On Calendar page 20, Calendar 472, House Bill 5380.

Also Calendar page 20, Calendar 488, House Bill 5222.

Moving to Calendar page 23, Calendar 504, House Bill 5309.

Also Calendar page 23, Calendar 505, House Bill 5484.

And on Calendar page 23, Calendar 506, House Bill 5487.

Moving to Calendar page 26, Mr. President, Calendar 519, House Bill 5375.

Also Calendar page 26, Calendar 520, House Bill 5471.

On Calendar page 30, Calendar 542, House Bill 5378.

Calendar page 33, Calendar 558, House Bill 5459.

And also we earlier today had placed Calendar page 37, Calendar 120, Senate Bill 237.

And one additional item, Mr. President, Calendar page 45, Calendar 158, Senate Bill 209.

So this would be our proposed Consent items at this time, Mr. President.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, and if the Clerk would then read the items on the Consent Calendar for verification so we might proceed to a vote.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 4, Calendar 273, Senate Bill 480.

Page 14, Calendar 435, House Bill 5044.

On Page 16, Calendar 450, House Bill 5371.

Also Calendar 451, House Bill 5373.

On Page 18, Calendar 464, House Bill 5293.

On Page 19, Calendar 471, House Bill 5374.

On Page 20, Calendar 472, House Bill 5380.

Calendar 488, 5222.

On Page 23, Calendar 504, House Bill 5309.

And Calendar 505, House Bill 5484.

Also Calendar 506, House Bill 5487.

And on page 26, Calendar 519, House Bill 5375.

Calendar 520, House Bill 5471.

Page 30, Calendar 542, House Bill 5378.

Page 33, Calendar 558, House Bill 5459.

On Page 37, Calendar 120, Senate Bill 237.

And on page 45, Calendar 158, Senate Bill 209.

THE CHAIR:

Thank you. Mr. Clerk. Please announce the pendency of a roll call vote and the machine will be opened.

THE CLERK:

An immediate roll call has been ordered in the Senate.
roll call on today's Consent Calendar has been ordered
in the Senate.

THE CHAIR:

Have all members voted? If all members have voted, please check the board to make sure your vote is accurately recorded.

If all members have voted, the machine will be closed and the Clerk will announce the tally.

THE CLERK:

On today's Consent Calendar.

| | |
|-----------------------------|----|
| Total Number Voting | 35 |
| Necessary for adoption | 18 |
| Those voting Yea | 35 |
| Those voting Nay | 0 |
| Those absent and not voting | 1 |

THE CHAIR:

Consent Calendar Number 1 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, would move for immediate transmittal to the House of Representatives of Senate bills acted upon today.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, would yield the floor to members for any announcements or points of personal privilege before adjourning and announcing tomorrow's Session.

THE CHAIR:

Any announcements or points of personal privilege? Announcements or points of personal privilege? Seeing none, Senator Looney.

SENATOR LOONEY:

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**ENVIRONMENT
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there actually is more going on out there certainly than the case in Vermont.

With regard to fracking waste, I am familiar with a number of counties and municipalities within New York State that have gone as far as to ban it.

I know New Jersey was looking at a number of regulations, which apparently Governor Christie chose to veto one of those, concerned about some interstate commerce clause issues, which I think eventually will have to be explored through the legal process.

Many states I understand are concerned about it. I think we're all at different stages. Massachusetts, again, shares a border with New York and I would imagine they'd be very concerned at this juncture with New York State hanging in the balance.

I think that as we begin to educate people about the potential hazardous ramifications, I think this will become much more of a topic of discussion and hopefully will be part of the national debate. I think it's yet to be seen what each individual state will do, but I think the example of Pennsylvania is alarming to many.

REP. BOWLES: Thank you, Representative. Thank you, Madam Chair.

REP. GENTILE: Thank you. Seeing no further questions, Representative Steinberg, thank you. Next on the list is Representative Lesser, followed by Senator Crisco. I believe Representative Lesser is out of the room at the moment, so would Senator Crisco like to come forward?

HB 5044

SENATOR CRISCO: Thank you, Madam Chairman. It's my pleasure to start. I come to speak, my name is

Senator Joe Crisco, representing the 17th Senatorial District. I come to speak in support of House Bill 5044 AN ACT CONCERNING DOMESTICATED HORSES.

Mr. Chairman and Madam Chairman and Ranking Members and distinguished members of the Environment Committee, I appreciate the opportunity to testify in support of House Bill 5044.

The bill is particularly important to the Town of Bethany. Bethany has long been known as a home to the riding community, to many equestrians, equestrian centers and riding stables. My constituents are members of the local horse club and are passionate equestrians.

Residents from other towns board their horses in Bethany stables and children from area towns learn to ride and care for horses at Bethany's equestrian centers.

A relatively new company, Lock, Stock and Barrel has become a center for riders, to obtain all their equipment in their grooming of bedding, blankets and medical supplies they need for their horses.

If horses are deemed to be vicious and inclined to mischief, they would become very difficult to insure and premiums will increase substantially. This would have a chilling effect on activity pursued by many Bethany residents and others and would have a devastating impact on the economic viability of the town stables, equestrian centers and the companies such as Lock, Stock and Barrel.

Passage of this bill will allow civil cases involving horses to be evaluated on a case-by-

case basis without the presumption, the presumption that horses are inherently vicious.

Favorable action by this Committee would be welcome news for the Town of Bethany and its riding culture. I therefore urge your support and thank you once again for the opportunity to testify in support of House Bill 5044.

REP. GENTILE: Thank you, Senator Crisco. Any questions? Senator Meyer.

SENATOR MEYER: Good afternoon, Senator.

SENATOR CRISCO: Good afternoon, Senator.

SENATOR MEYER: Do you know the genesis of this bill? Was there a lawsuit in which there was a finding that a horse had acted viciously and therefore insurance rates skyrocketed and led to this bill? Do you know? What was the origin of this bill?

SENATOR CRISCO: I recall hearing something about it, but I can't confirm that, Senator. I just know that, you know, my constituents called me and I met with them and they expressed their concern about the issue.

SENATOR MEYER: Thank you.

REP. GENTILE: Thank you. Any additional questions? Thank you, Senator Crisco. Is Representative Lesser in the room at this time? Okay. Again, just for informational purposes, I'm sure Representative Lesser is involved in another meeting, so if he should enter the room, we will alter a little bit from the schedule.

With that, can I call upon Eric Brown?.

ERIC BROWN: Good afternoon, Representative Gentile, and members of the Environment Committee. My name is Eric Brown and I'm Director of Energy

HB 5308
SB 237

But yes, absolutely. I think this is a regional concern. It's a regional issue and it is critical that we protect the water of Long Island Sound.

And we've seen in the past what's happened when we haven't done so. It's had an enormously deleterious effect on the water quality in Long Island Sound.

And given the efforts that seem underway and even in the states that do believe in unrestricted fracking, they've started to look very closely at this issue of fracking waste.

And so my concern is, as they come up with more and more restrictions on that, that's going to force that waste elsewhere and I want to make sure that if it is coming to Connecticut that you and myself and the rest of the folks on this Committee and this Legislature know what we're in for.

REP. GENTILE: Thank you. Any additional questions? Representative Lesser, thank you. I'm going to ask a favor. In consulting with my Co-Chair before he left the room, we have in our midst a young lady, 12 years old who has to leave. She's here with her parents and grandparents, so since my Co-Chair and I feel very strongly that our youth should be involved in government process, we would like Fiona Hines to come up and give her testimony to the Committee. I'm sure that it will be quick. Fiona, welcome. We're happy to have you.

FIONA HINES: Thank you for letting me go. Good afternoon, Senator Meyer, Representative Gentile and members of the Environment Committee. Thank you for this opportunity to testify in favor of House Bill 5044 about domesticated horses not being inherently vicious.

My name is Fiona Hines. I'm in the sixth grade in Woodbridge at Beecher Road School. I work at Locket's Meadow Farm in Bethany, Connecticut. Locket's Meadow Farm is a rescue organization, which saves farm animals from abuse and slaughter. In my experiences in working and riding on the farm, horses are not inherently vicious.

If brought up right, horses are sweet and kind. They've been used throughout the ages. Horses are a great emotional support. I work at Star Riders, which is riding therapy for autistic adults. When the riders get on they are doing hand movements to keep calm. After they have been on a sweet horse, they are very calm and do not need the hand motions any longer.

Ernie, the largest horse on the farm, weighing 2,200 pounds, is one of the sweetest horses. We put the smallest and most troubled people on him. Horses are amazing therapists.

In my personal experience, horses make me feel happy. When I am riding, I feel free and safe, because I'm with a kind creature I trust and care about. Horses make me feel safe, confident and brave.

You do have to be careful around some horses because they were beaten badly or have mental issues, like a horse named Bobby. As a colt, Bobby was beaten badly and now has mental issues. Though we must be careful around him, he is a sweet horse. Cheyanne, a horse who was in a very bad situation is now being trained to become a lesson pony. She is very, very sweet.

If horses are raised right, they can be perfect companions. A horse named Clementine is very sweet. She was born and raised on the farm and is going to begin training soon.

Thank you for your time and I hope that my testimony helped you learn more about how wonderful horses are, and I hope that this bill is passed so I can continue working with horses that I love.

REP. GENTILE: Thank you, Fiona. Now, Fiona, I have one question for you. How long have you been working with horses?

FIONA HINES: I have been working with horses around four years now.

REP. GENTILE: Good for you. Any questions? Thank you. We appreciate your being involved in the governmental process.

FIONA HINES: Thank you.

REP. GENTILE: And I thank the Committee and our audience for their indulgence. Chris Phelps, followed by Carmen Abramson.

CHRISTOPHER PHELPS: Thank you, Representative Gentile, members of the Committee. You know every time I testify before this Committee, it seems like I'm forced to testify after a really hard act to follow. What can you do?

SB237

HB5308

My name is Chris Phelps. I'm Campaign Director for Environment Connecticut. We are a member-supported, nonprofit environmental organization here in Connecticut. I've submitted testimony on four bills before you today.

SB67

Our testimony on the bottle bill as you might expect says it's a great bill that you really ought to pass.

We've also testified in opposition to portions of House Bill 5307 regarding pre-booming, but also in support in Section 1(a) of that bill as a good best practice that ought to actually be in statute.

With so much unknown, even about the contents of the chemicals being utilized in the process, establishing a moratorium on this waste is entirely appropriate.

Advancing on this and the related concepts before you today, will demonstrate Connecticut's leadership in the fracking policy and lay the groundwork for a future comprehensive strategy in collaborating with neighboring states or at the federal level.

This is an approach that has worked productively with greenhouse gases, via the Regional Greenhouse Gas Initiative, and I hope that we can continue to work with the like-minded states to continue toward the goal of a sustainable energy economy.

Please support 237 for passage in this Session. Thank you.

REP. GENTILE: Thank you, sir. Okay?

MATT WAGNER: Thank you.

REP. GENTILE: Hugh Hughes, followed by Henry Talmage. Okay. Henry.

HENRY TALMAGE: Good afternoon, Representative Gentile, members of the Committee. My name is --

REP. GENTILE: It's still afternoon, Henry, so you're okay.

HB5310 HENRY TALMAGE: Yeah. Just checking the date. I'm Henry Talmage, Executive Director of the Connecticut Farm Bureau. I've come before you today to testify mainly on House Bill 5044 AN ACT CONCERNING DOMESTICATED HORSES and also if I run out of time, also proposing Senate Bill 239 AN ACT CONCERNING USE OF PROPANE NOISE

MAKERS, and an in favor of House Bill 5310 AN ACT CONCERNING CONNECTICUT'S SEED LAW.

But what I want to use most of my time on is the bill AN ACT CONCERNING DOMESTICATED HORSES. This has been an issue, and as I think some of you know through a civil suit that is being decided by the Supreme Court, where a lower court ruled that horses were inherently vicious animals.

We were, Connecticut Farm Bureau along with the Connecticut Horse Council, submitted some testimony, an amicus brief, to which really would, the impact of that ruling would have devastating effects on the equine industry.

There are some 53,000 horses in Connecticut with a density of the third highest density per land mass in the country, and more horses in Connecticut than any other New England state, significant economic value, and an important part of agriculture, using 1-1q definition of agriculture, livestock including horses are part of agriculture and an important part at that.

If horses are in fact, defined as vicious, a species of vicious animals, there's a standard of care that would be required to keep horses away from the public, would be, would just devastate the industry and be essentially impossible to implement without extremely high capital costs.

Not to mention the whole insurance profile being able to get insurance on the liability part of it would be very, very difficult. We think that this would be a trigger to not only individuals who own horses, but also the hundreds of horse businesses an opportunity to pick up and move out of state to a more friendly, and this bill really addresses that

and in my mind, re-established the fact that we want horse agriculture in Connecticut. We want horses here and that these animals have a long, long history of service animals, utility animals in agriculture business, but also just the fact that, you know, horses are a part of our history and a part of agriculture.

Any animal can be dangerous. The question is, are all of them dangerous and the answer is no, and we need to make sure that we move forward with this bill in order to establish that beyond any doubt.

So I'd be happy to answer any questions you might have.

REP. GENTILE: Thank you, Henry. Seeing none, thank you for your patience.

HENRY TALMAGE: Okay. Thank you.

REP. GENTILE: Fred Mastele, followed by Dr. Harry Werner.

FRED MASTELE: Good afternoon, Representative Gentile and the rest of the Environmental Committee. My name is Fred Mastele. I reside in Durham, Connecticut. I am President of the Connecticut Horse Council, also serve on the Equine Advisory Council and I'm the Chairman of our Agriculture Commission in Durham. I'm also a horse owner and board horses in Middletown.

I would like you to, I would like to ask that you support House Bill 5044 AN ACT CONCERNING DOMESTICATED HORSES pretty much for the same reasons that Henry stated. There would be an economic impact to horse owners.

I know generally there seems to be the opinion that horse owners are fairly well, they have a lot of money I guess is the best way to state that, which is not necessarily true. A lot of

people that would be impacted by this particular decision that could be made by the Supreme Court are just people that work day to day trying to keep their horses in their back yard.

And several other reasons for passing this would be, horses are used quite extensively in therapeutic riding programs, summer camps, other things that involve youth as well as adults, so there would be an impact to those people also.

As Henry stated, there is a court before, excuse me, there is a case before the Supreme Court right now. In 2006 a boy was bitten by a horse in Milford. Two thousand and eight was the first time it went to trial. It wasn't heard in court until 2010. The original decision was no, that horses were not considered inherently vicious. The Appellate Court decided, an appeal to the Appellate Court decided differently and now it is in the Supreme Court.

So I would just like to ask that you, when you're considering this House Bill, that you support it and help to make sure that we don't lose more horse owners from Connecticut. We've seen an exodus of people from Connecticut along with their horses for several different economic reasons, but it's a concern because the economy, when it took the dive, people are still recovering from that and any extended or extra funding or resources needed to maintain their horses would be certainly a burden on them.

And that's pretty much all I have to say, and you have, I think you have my written testimony.

REP. GENTILE: We do, Fred, thank you. Are there any questions? Thank you. Oh, I'm sorry. Representative Moukawsher.

REP. MOUKAWSHER: Thank you. Has there been any history of horse owners being found to be liable for injuries to people by their horses?

I mean, this is sort of, this particular case has brought up a different, or is something new. But, I mean, is there any past history of --

REP. MASTELE: I'm not a lawyer and to my knowledge I don't know of any specific cases, but I'm sure that there are cases where that has been litigated.

REP. MOUKAWSHER: And I, you know, in looking at the language, I mean, I suppose we can parse out the language. It's kind of odd to me the language in the bill that talks about you know, there shall be a presumption that a horse that say bit someone is not inherently dangerous, does not possess a vicious propensity, and then it says what, it may be rebutted by the fact that the horse was not raised or kept by a person.

But, you know, it's in the context of somebody being sued on it, so it just seems odd to me that language is being used.

FRED MASTELE: I think what that's referring to is the domestication thing that if a human owned and raised the horse, I think that it's just saying that some horses may be wild.

I don't know if you've been to Maryland or Virginia --

REP. MOUKAWSHER: Well, I, yeah --

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FRED MASTELE: -- and seen some of the roaming horses there, you know, the Chincoteague ponies for example.

REP. MOUKAWSHER: Yeah.

FRED MASTELE: They do try to keep the public away from them for that reason, because they are inherently wild.

REP. MOUKAWSHER: Do we have any wild horses in Connecticut?

FRED MASTELE: Not that I'm aware of. I've ridden a couple that were kind of frisky, but.

REP. MOUKAWSHER: Okay. We'll work out the language. I was just curious about that.

FRED MASTELE: Well, actually Doug may be able to, who will be following me may be able to help you with that language.

REP. MOUKAWSHER: Thank you.

FRED MASTELE: Any other questions?

REP. GENTILE: Thank you.

FRED MASTELE: Thank you.

REP. GENTILE: Harry Werner, who will be followed by Doug Dubitsky.

HARRY WERNER: Good afternoon, Representative Gentile and members of the Environment Committee, and thank you for this opportunity to speak in strong and unequivocal support for Governor's Bill Number 5044 AN ACT CONCERNING DOMESTICATED HORSES.

I am Dr. Harry Werner, a Connecticut equine practitioner for 40 years. I'm a past president of both the Connecticut Veterinary Medical Association and the American

Association of Equine Practitioners and presently a Director of the World Equine Veterinary Association.

Quote, inherently dangerous and in possession of a vicious propensity, end quote, is an apt description of precisely the opposite of a horse, pony, donkey, or mule. In nature, these are prey animals, not predators. As such, they've evolved over millions of years as animals of flight when they are alarmed.

They are programmed to flee, certainly not to attack. Their domestication by and service to men, women and children began over 6,000 years ago and continues uninterrupted today.

At the end of my written transcript are reference resources. I invite any whose support of this bill is in question, to visit these websites.

These are serious organizations with missions of social welfare in which the bond between horses and humans is central. The clinical term for this interaction is hippotherapy, derived from the Greek word hippos, meaning horse and existing as a physical occupation on speech therapies. Historically, the concept of hippotherapy finds its earliest recorded mention in the ancient Greek writings of Hippocrates.

Two examples of such organizations today include the Horses and Humans Research Foundation, which exists as a partner with the University of Denver's Graduate School of Social Work and Research and applications using horses and focusing on child maltreatment, post-traumatic stress disorder, autistic children and disaster crisis intervention.

The second is the Professional Association of Therapeutic Horsemanship International, treating adults with children, I'm sorry, treating adults and children with autism, Down Syndrome, traumatic brain and spine injury and a host of other disorders that you have in the notes I've provided.

In fact, the Wounded Warrior Project has just funded \$200,000 in partnership with PATH for WWP alumni scholarships. Additionally, there are over 850 clinical centers around the United States and abroad, including 17 different cities and towns in Connecticut currently operating PATH clinics for people with different challenges.

These are only two examples, these organizations. There are more than 1,000 organizations that provide hippotherapy service in the United States.

Additionally, there are a growing number of prison venues that are utilizing unwanted horses in a dual mission, rescue for the horse, rehabilitation for the incarcerated person.

I also want to emphasize their added importance to many of the citizens of our state. In addition to hippotherapy centers, horses, ponies, donkeys and mules are widespread throughout our state and kept as pasture animals ridden and driven for pleasure in competition and loved and cared for by countless children and their families.

I ask that you consider the many Connecticut business men and women whose livelihoods depend on providing horses for sale and lease, boarding facilities, rider instruction and horse training.

REP. GENTILE: Thank you, Werner, could you please summarize.

HARRY WERNER: The possible effects of this legal description of an equine as dangerous and vicious include unwarranted risk exposure to litigation and unsustainable encumbrance from escalated insurance costs. Thank you for this opportunity.

REP. GENTILE: Thank you, Doctor. Any questions? Thank you. Doug Dubitsky.

HB5044

DOUG DUBITSKY: Good afternoon, Representative Gentile and members of the Committee. My name is Doug Dubitsky. I'm an attorney, an equine attorney in the State of Connecticut. I represented before the Connecticut Supreme Court the Connecticut Horse Council and the Connecticut Farm Bureau in the case that appears to have precipitated this bill.

The case was Vandrella v. Astriab Limited Partnership and just briefly it, essentially a child was bitten by a horse and the lower court dismissed the case on summary judgment finding that the horse owner did not have notice that this particular horse was, had any type of vicious propensity.

On appeal, the Appellate Court found essentially yes, that the horse owner was on notice because this was a horse, and that regardless of the individual propensity of this particular horse, because it was a horse, and horses as a species could be considered inherently vicious.

So what's happening now is essentially a legislative response to what could be a very devastating decision at the Supreme Court, and one of the things that the Connecticut Horse Council and the Connecticut Farm Bureau argued

in our amicus brief is that it really is up to the Legislature to make that decision and not up to the courts, because this a major policy change.

This essentially would change what has been the common law for centuries and also what is the current law in every other state in the nation.

If this bill did not go through and if the Supreme Court rules that horses can be considered inherently vicious, Connecticut would be the only state in the nation that would have that situation, and that would be devastating to the horse industry, and it would be, and it would really throw a wrench into a lot of the businesses and individuals that have horses in the state.

It would essentially blur the line between domestic animals and wild animals, moving horses almost into the category of wild animal.

What would happen is, it would tend to cause most farms to close, because how, because a lot of businesses, horse businesses in this state, their business model is pairing young children with horses, teaching children how to ride.

As the Doctor indicated, also equine therapy. They would not be able to function if horses were considered inherently vicious.

Now, one change that --

REP. GENTILE: Doug, could you please summarize?:

DOUG DUBITSKY: Absolutely. One change that I think is important, though, this bill as it's written currently only discusses the owner of the horse. It should also include the keeper of the horse because many horses are kept at a facility where the owner is not responsible for their care and feed, but the keeper of the

horse is, so this bill should be amended to also include liability of the keeper of the house, and I'd be glad to take any questions.

REP. GENTILE: Thank you, Doug. Representative Ziobron.

REP. ZIOBRON: Thank you, Doug, and welcome. Thank you very much for your testimony.

DOUG DUBITSKY: Thank you.

REP. ZIOBRON: So I'm reading here the bill. Is it your suggestion then that if the bill was to be amended, do you have a copy of the bill in front of you by any chance?

DOUG DUBITSKY: I do.

REP. ZIOBRON: Okay. That you're suggesting that it should state, in any civil, right in the first sentence, Section 1(a), in any civil action brought against the owner or keeper?

DOUG DUBITSKY: That's correct.

REP. ZIOBRON: Is that what you're suggesting?

DOUG DUBITSKY: That's correct. And also in the second section, Section b, it should also be in any civil action brought against the owner or keeper of any horse.

REP. ZIOBRON: And is it of your opinion that keeper, the definition of a keeper in that terminology is sufficient?

DOUG DUBITSKY: Yes. It's fairly well flushed out in case law and the statutes as to what a keeper of a horse is. The similar term is used, actually I think it's the exact same term with regard to dogs in our general statutes, so owner or keeper is a well-known term.

REP. ZIOBRON: Great. Thank you very much for your testimony. Thank you, Madam Chair.

REP. GENTILE: Thank you. All right, Doug. Thank you. Oh, I'm sorry. Was there another questions? No, go right ahead, Representative Moukawsher.

REP. MOUKAWSHER: I just want to know. The language seems a little, kind of odd to me. But let's say prior to that case, what was the liability of a horse owner prior to this pending case? I mean, what was the established law?

DOUG DUBITSKY: The established law is that a horse is judged, a horse's propensity for viciousness is judged on the individual basis. So if you have an individual horse that has shown a great propensity to bite, kick, be violent, then the knowledge of that is imputed to the owner, or the keeper.

So if you're the owner of a horse that you know always kicks somebody, or, you know, has a propensity to bite, then you have a higher level of responsibility to make sure that that horse is kept away from people who it might kick or bite.

However, what this bill does is, it says that essentially all horses are judged on the same standard, whether or not they ever had a propensity.

Now, I think the language that you're concerned about is at the end of Section a, where it talks about such presumption may be rebutted by evidence that such horse, pony, donkey or mule was not raised or kept by a person.

REP. MOUKAWSHER: That struck me as a little odd.

DOUG DUBITSKY: It sounds a little odd, but I'll tell you what the purpose of that is. In our

brief, we explain that horses, the disposition of horses and how they act is primarily influenced by how they're raised by people.

And what this appears to intend is that if one of the ways that you can rebut the presumption that a horse is not inherently vicious is to show that it's a wild horse, because a wild horse would not, his behavior would not be influenced by the way it was kept and maintained by people.

So that's, it does sound a little strange, but it has a correct function.

REP. MOUKAWSHER: Well, the only reason, the beginning of Paragraph a. is talking about in a civil action brought against an owner or a keeper as you suggested, so by definition, wouldn't that be, I mean, who's going to get sued if this horse is wild?

DOUG DUBITSKY: Well, there are programs mostly run by the federal government where people actually acquire horses, wild horses, and there are probably not a lot of wild horses in Connecticut, but any ones that there are, are owned by somebody.

And if you, let's say you bring a wild horse in from the west and he is clearly a wild horse that has not been raised or trained by people, what this is saying is, that horse would be considered, would likely be considered inherently vicious and showing that that horse was not raised by people will rebut the presumption that the horse is not inherently vicious.

REP. MOUKAWSHER: And just, you know, just to follow through. The second part, part b. says that the fact that a horse caused an injury to a

person is not sufficient to establish a duty of the owner to restrain it.

So that's almost like contrary to what you said the prior law was. I mean, it seems to be going beyond, you know, what we have currently as a law where you'd be on notice if a horse injured somebody that it might have a propensity for harming somebody.

DOUG DUBITSKY: Well, what it's saying is that the simple fact of injuring somebody is not sufficient. However, if you had a horse that constantly bit somebody, had a propensity to bite, that would likely be sufficient, simply because it injured somebody.

You know, horses are big and people are small in comparison. So if a horse moves over and pushes you against the wall, you can get hurt. But that doesn't, that's not an indication of viciousness in any way. All it is, is an indication that this particular horse that did something that injured somebody, but it isn't any type of indication that this horse is vicious.

So what this is saying is that to show that a given horse is vicious it needs to go beyond the simple fact of injuring somebody and I would say that if the horse were a biter and constantly bit somebody, I think that would be sufficient to show that this horse is a biter and that that would be a good way to rebut the presumption, or if it was constantly kicking, that would be a good way.

But, you know, simply the fact that it might have injured somebody is no indication of viciousness.

REP. MOUKAWSHER: Thank you.

REP. GENTILE: Representative O'Dea.

REP. O'DEA: Thank you, Madam Chairwoman. Good afternoon. Thank you for your testimony. Sorry to prolong it a little, but I have a question.

The dog bite statute. I've represented a number of homeowners who have had dogs and the dog bite statute basically says that whatever damage your dog does you're responsible for unless the dog was teased, in any way, shape or form.

So I've had cases where actually a dog has jumped on a person, knocked them down and they've broken a leg and the homeowner is liable for all those damages, personal, you know, pain and suffering as well.

So why are we treating the horse, by the way, I'm very supportive of the legislation. I've heard the testimony, some very compelling testimony by a 12-year-old who was very good in presenting her argument.

But why are we treating a horse different than a dog? How would you summarize that?

DOUG DUBITSKY: Well, essentially, horses and all livestock have generally been treated as domesticated animals and they have been for centuries and in every single state.

What Connecticut has done is carved out an exception for dogs and it is said, dogs, the damage done by dogs is under strict liability, so it really doesn't matter if it's a vicious dog, or even if you trip over a dog. The Legislature has carved out this strict liability exception for dogs, and there are some other states that have done that, too.

REP. O'DEA: By the way, that's one of the reasons I don't have a dog, much to my kids' chagrin, but yes.

DOUG DUBITSKY: So, but horses have never been part of that strict liability scheme, nor have any other domesticated animals except dogs. So dogs are the exception and there is no other state that puts horses anywhere near strict liability.

Also in strict liability are things like tigers and cobras and what we're saying, what has traditionally been the law over the centuries is that because horses are a domesticated animal that is useful to humans and has been trained and domesticated as have other farm animals and other pets like cats, that we've always treated them under the scheme that any given animal is judged on its own propensities and not just as a breed as a whole.

Because with regard to viciousness, dogs are not judged on their viciousness because they're not, you don't look at a dog and say well, this dog is a biter. Therefore you should have done this. This dog is not, and therefore you could have done something else. The Legislature has just said all dogs are strict liability, period.

It's never been done in any state before with regard to horses.

REP. O'DEA: Thank you. I was just trying to get you to say maybe we should change the law for dogs to make it the same as horses, but, I couldn't get you there. So anyway, thank you, Madam Chairwoman. Thank you for your testimony.

REP. GENTILE: Let's not put the cart before the horse. Any other questions? Okay? Thank you.

DOUG DUBITSKY: Thank you.

REP. GENTILE: Chris Begley followed by Amanda Esposito.

**JOINT
STANDING
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HEARINGS**

**ENVIRONMENT
PART 2
593 – 1065**

2014



STATE OF CONNECTICUT

DEPARTMENT OF AGRICULTURE

Office of Steven K. Reviczky
Commissioner

**Governor's Bill No. 5044, AN ACT CONCERNING DOMESTICATED HORSES**

The Connecticut Department of Agriculture supports Governor Malloy's Bill No. 5044, AN ACT CONCERNING DOMESTICATED HORSES. It has been estimated that the state's equine population is as high as 51,671 horses, and that Connecticut has the third-highest horse population density in the nation.

The equine sector contributes significantly to the state's economy. Draft horses, breeding facilities, and farms producing hay and other equine feeds are an important segment of production agriculture. Boarding, training, and show facilities; trail riding stables; and agritourism-related businesses that providing hay-, carriage-, and pony-rides; as well as large animal veterinary practices and other businesses serving the equine sector also are important to Connecticut's economic health.

The Connecticut Department of Agriculture had many members of the equestrian community express their strong concerns with the determination made by the court. Connecticut has a long history of support for the equine community, including codifying equestrian activities in the definition of agriculture as defined by Connecticut General Statutes section 1-1q.

This proposal would protect horse owners, many of whom are farmers, from prohibitively expensive liability associated with a 2012 appellate court ruling that horses are naturally vicious animals. The bill recognizes that horses are, in fact, domesticated animals, and should be regarded as such.

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Testimony in Support of: HB-5044 An Act Concerning Domesticated Horses

Testimony presented by Frederick J. Mastele, President of the Connecticut Horse Council, Chairman of the Connecticut Equine Advisory Council, and Chairman of the Durham Agriculture Commission.

Dear Senator Meyer, Representative Gentile and members of the Environment Committee;

I submit this testimony in behalf of the organizations I represent.

There are several reasons why I feel this bill should be passed, however first and foremost is because there is currently a case before the CT Supreme Court concerning a young boy that was bitten by a horse at a farm in Milford in 2006. When originally tried in 2008 the lower court ruled in favor of the horse owner determining horses were not inherently vicious animals. There was an appeal of the case in 2010 and the Appellate Court reversed the decision ruling that horses were inherently vicious. In September of 2013 the CT Supreme Court heard arguments from both sides and are currently in deliberation with a decision pending.

If horses are determined to be inherently vicious it would have a devastating economic impact on the equine community. According to insurance experts, it will result in an increase of insurance costs and possibly make horses uninsurable. In addition, an unfavorable decision could result in legislation that could restrict the uses of horses for certain programs and activities, and how the public would need to be protected from them.

The economic decline had a major impact on the equine industry, with horses being abandoned and literally having to be given away because the owners could no longer afford keeping them. We are still in the midst of a recovery and an increase in insurance or other costs would prove to be detrimental once again. Over the past 10-15 years, due to economic issues such as the taxing of horses, higher fuel costs, increases in property taxes, etc., many horse owners left Connecticut for more horse friendly states.

Horse owners and equine related businesses provide jobs and generate tens of millions of dollars of revenue for the state. I feel it would be better for the state to keep the equine industry alive and well by passing this legislation than to cause an economic hardship that would certainly drive more horse owners out of the state and impact the related businesses that serve them (feed stores, tack shops, veterinarians, etc.).

Respectfully Submitted,
Frederick J. Mastele



Good afternoon and thank you for this opportunity to speak in strong and unequivocal support of: **Governor's Bill No. 5044 - AN ACT CONCERNING DOMESTICATED HORSES.**

I am Dr. Harry Werner, an equine practitioner of 40 years in North Granby, Connecticut. I am a past president of the Connecticut Veterinary Medical Association, past president of the American Association of Equine Practitioners and presently a Director of the World Equine Veterinary Association.

"Inherently dangerous and in possession of a vicious propensity" is an apt description of precisely the opposite of a horse, pony, donkey or mule (i.e., equids). In nature, these are prey animals, not predators. As such, they evolved over millions of years as animals of flight when alarmed. They are programmed to flee, certainly not to attack. Their domestication by and service to men, women and children began over 6000 years ago and continues uninterrupted today.

At the end of my written transcript you will find several reference resources. I invite any whose support of this bill is in question to visit these websites. These are not the domain of a few people infatuated with horses; rather, they represent serious organizations with missions of social welfare in which the bond between horses and humans is central.

The clinical term for this interaction is: *hippotherapy*, derived from the Greek word *hippos* (horse) and defined as a form of physical, occupational and speech therapy in which a therapist uses the characteristic movements of a horse to provide carefully graded motor and sensory input. A foundation is established to improve neurological function and sensory processing, which can be generalized to a wide range of daily activities. Historically the concept of hippotherapy finds its earliest recorded mention in the ancient Greek writings of Hippocrates.

A few examples of such organizations include:

1. **Horses and Humans Research Foundation:**
 - A partner with the Institute for Human Animal Connection at the University of Denver's Graduate School of Social Work in "Transforming Trauma: Research Developments and Methods For Trauma-Informed Animal-assisted Interventions" – a cooperative effort highlighting research and applications focusing on Child Maltreatment, Post-Traumatic Stress Disorder and Disaster/Crisis Intervention.

- The funding of “A Pilot Study – The Effect of Hippotherapy on Children With Autism Spectrum Disorders”; published 2013 in The American Journal of Occupational Therapy.

2. The Professional Association of Therapeutic Horsemanship International:

- Mission: “promotes safety and optimal outcomes in equine-assisted activities and therapies for individuals with special needs.”
- These needs include:
 - Hyperactivity disorders
 - Amputation patients
 - At-risk youth
 - Autism
 - Cerebral palsy
 - Down Syndrome
 - Family counseling
 - Grief counseling
 - Learning disabilities
 - Muscular dystrophy
 - Multiple sclerosis
 - Spina bifida
 - Spinal cord injuries
 - Stroke
 - Substance addiction
 - Traumatic brain injury
 - Visual and auditory impairment
- Over 850 PATH clinical centers around the US and abroad, **including 17 different cities and towns in Connecticut:**
 - West Haven
 - Ellington
 - Naugatuck
 - Columbia
 - Old Lyme
 - Killingworth
 - Stonington
 - Roxbury
 - Middletown
 - New Canaan
 - East Haddam
 - Stafford Springs
 - Uncasville
 - Bristol

- o Brooklyn
- o Easton
- o Ridgefield

3. **The Wounded Warrior Project** has funded \$200,000 in partnership with PATH to award WWP Alumnae scholarships to attend and benefit from PATH clinics throughout the United States.

The aforementioned are only a few examples of horses helping people. There are at least 1,000 more centers that provide hippotherapy services that are not part of PATH International.

Additionally, there are a growing number of prison venues in the United States that are utilizing unwanted horses in a dual mission; rescue for the horses and emotional/psychological rehabilitation for incarcerated persons.

I can say it no better than did the Chief Executive Officer of PATH, Ms. Kay Green, in a letter to our own Chief Justice Chase T. Rogers last September: **“Currently, at our 850 member centers, over 7,500 inherently non-vicious horses change and enrich the lives and health of 56,000 individuals with special needs.”**

I have stressed the vital role that horses play in human health care but also want to emphasize their added importance to many of the citizens of our state. In addition to hippotherapy centers horses, ponies, donkeys and mules are widespread throughout our state and kept as pasture animals, ridden and driven for pleasure and competition and loved and cared for by countless children and their families in organizations such as 4H and Pony Clubs of America.

Finally, I ask that you consider the many Connecticut businessmen and women whose livelihoods depend, in whole or in part, on providing horses for sale and lease, operating boarding facilities and offering rider instruction and horse training. The possible effects of a legal description of an equid as “inherently dangerous and in possession of a vicious propensity” include unwarranted risk exposure to frivolous litigation and encumbrance from escalated insurance costs.

I respectfully urge full support of the Governor’s Bill Number 5044 and I thank you for this opportunity to speak.



Harry W. Werner VMD

February 28, 2014

RESOURCES:

American Hippotherapy Association: www.americanhippotherapyassociation.org

Certified Horsemanship Association: www.CHA-chse.org

Equine Assisted Growth and Learning Association: www.eagala.org

Federation of Horses in Education and Therapy International (HETI): www.frdi.net

The Professional Association of Therapeutic Horsemanship Intl: www.path.org

Horses & Humans Research Foundation: www.horsesandhumans.org

US Pony Clubs: www.ponyclubs.org

Connecticut 4-H Program: www.4h.uconn.edu

New life for horses ... with prisoners - CNN.com
www.cnn.com/2010/CRIME/09/18/maryland.prison.horses/

Prison Programs Provide Second Chances For Inmates And Horses
www.chronofhorse.com/.../prison-program

At Colorado prison, wild horses tame inmates - today
www.today.com/.../colorado-prison-wild-horses-tame-i...

Wild Horse Program - Department of Corrections - State of Wyoming
www.corrections.wy.gov/wildhorse/index

Rehabilitating Horses and Prisoners - New York Times
www.nytimes.com/.../rehabilitating-horses-and-prisoners

US Will Pay \$2 Million So Prison Inmates Can Teach Wild Horses www.cnsnews.com

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**Testimony of
Fiona Hynes
Volunteer, Locket's Meadow Farm**

**Before the
Environment Committee
of the Connecticut General Assembly
Regarding
H.B. 5044, AAC Domesticated Horses**

February 28th, 2014

Good Afternoon, Senator Meyer, Representative Gentile and members of the Environmental Committee. Thank you for this opportunity to testify in favor of House Bill 5044 about domesticated horses not being inherently vicious.

My name is Fiona Hynes. I'm in the sixth grade in Woodbridge at Beecher Road School. I work at Locket's Meadow Farm in Bethany, CT. Locket's Meadow Farm is a rescue organization which saves farm animals from abuse and slaughter. In my experiences in working and riding on the farm, horses are not inherently vicious.

If brought up right horses are sweet and kind. They have been used throughout the ages. Horses are a great emotional support. I work at Star Riders which is riding therapy for autistic adults. When the riders get on they are doing hand movements to keep calm, after they have been on a sweet horse they are very calm and do not need the hand motions any longer. Ernie, the largest horse on the farm weighing 2,200 pounds, is one of the sweetest horses. We put the smallest and most troubled people on him. Horses are amazing therapists.

In my personal experience, horses make me feel happy. When I am riding I feel free and safe, because I'm with a kind creature I trust and care about. Horses make me feel safe, confident, and brave.

You do have to be careful around some horses because they were beaten badly or have mental issues, like a horse named Bobby. As a colt, Bobby was beaten badly and now has mental issues. Though we must be careful around him he is a sweet horse. Cheyanne, a horse who was in a very bad situation is now being trained to become a lesson pony. She is very, very sweet. If horses are

raised right they can be perfect companions. A horse named Clementine is very sweet. She was born and raised on the farm and is going to begin training soon.

Thank you for your time. I hope that my testimony helped you learn more about how wonderful horses are and I hope that this bill is passed so I can continue working with horses that I love.



Fiona and Captain of the Dance



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**Environmental Committee Public Hearing
Friday, February 28, 2014
Testimony in Support of,
Governor's Bill No. 5044, An Act Concerning Domesticated Horses**

Honored Chairs, Ranking Members and Members of the Environmental Committee

I would like to take this opportunity to thank you for considering Governor's Bill 5044 and I offer the following testimony in favor of this proposal.

The recent Appellate Court ruling which deemed horses "inherently dangerous" is alarming. I speak on behalf of numerous horse owners in my district when I say this characterization is absurd. Growing up on a farm with horses myself, I feel personally obliged to voice my concerns with this ruling. Horses are *not* "a species naturally inclined to do mischief or be vicious." Rather, they are gentle, majestic animals and have been part of our history for generations.

Furthermore, I am concerned about the ways in which this ruling can impact horse owners directly. It will most likely make horses more expensive to insure and possibly open up their owners to further lawsuits. Allowing this ruling to stand would be incredibly harmful to the equine industry in our state. Indeed, this industry is a substantial one. According to a 2006 report by the UConn College of Agriculture and Natural Resources, Connecticut has a higher population of horses than any other New England state.

It is my hope that we can come together to protect the interests of horse owners in my district and in rural communities throughout Connecticut.

Thank you for your consideration and please support Governor's Bill 5044, An Act Concerning Domesticated Horses.

Lezlye Zupkus, State Representative, 89th District



State of Connecticut
SENATE

SENATOR JOSEPH J. CRISCO, JR.
Seventeenth District

DEPUTY CAUCUS LEADER
FEDERAL RELATIONS LIAISON

Chair
Insurance & Real Estate Committee
Internship Committee
Vice Chair
Banks Committee
Commerce Committee
Member
Legislative Management Committee

Testimony

In Support of
H.B. No. 5044: An Act Concerning Domesticated Horses

February 28, 2014
Environment Committee

Good afternoon Senator Meyer, Representative Gentile and distinguished members of the Environment Committee.

For the record, I am Senator Joe Crisco. I represent the 17th District, which includes the towns of Ansonia, Beacon Falls, Bethany, Derby Hamden Naugatuck and Woodbridge.

Thank you for the opportunity to testify in support of HB 5044: An Act Concerning Domesticated Horses.

This bill is particularly important to the Town of Bethany and many of its residents.

Bethany has long been known as a home to the riding community -- to many equestrians, equestrian centers and riding stables. My constituents are members of local horse clubs and are passionate equestrians. Residents from other towns board their horses at Bethany stables and children from area towns learn to ride and care for horses at Bethany's equestrian centers. A relatively new company, Lock, Stock and Barrel, has become a center for riders to obtain their tack, boots and clothing, and the grooming, bedding, blankets and medical supplies they need for their horses.

If horses are deemed to be vicious and inclined to mischief, they would become very difficult to insure, and premiums would skyrocket. This would have a chilling effect on an activity pursued by many Bethany residents and would have a devastating impact on the economic viability of the Town's stables, equestrian centers and a company such as Lock, Stock and Barrel.

Passage of this bill would allow civil cases involving horses to be evaluated on a case-by-case basis, without the presumption that the horse is inherently vicious.

Favorable action by this Committee would be welcome news for the Town of Bethany and its riding culture. I, therefore, urge your support.

Thank you, again, for the opportunity to testify in support of HB 5044: An Act Concerning Domesticated Horses.

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Connecticut Farm Bureau Association
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February 28, 2014

Submitted by: Henry N. Talmage, Executive Director, Connecticut Farm Bureau Association

The following testimony is submitted on behalf of the Connecticut Farm Bureau, a statewide nonprofit membership organization of over 5,000 families dedicated to farming and the future of Connecticut agriculture.

Senator Meyer, Representative Gentile and Members of the Environment Committee:

HB 05044. AN ACT CONCERNING DOMESTICATED HORSES; The Connecticut Farm Bureau supports HB 05044 and we commend the Governor and supporters of this bill for their leadership on this issue. The equine industry is included in the definition of agriculture as defined under Section 1-1q of the Connecticut General Statutes. There are over 50,000 horses in Connecticut and we have the 3rd highest density of horses in the nation and the highest number of horses of any New England state. To put this in perspective, we have more than double number of horses than milking cows in Connecticut. The Connecticut Farm Bureau along with the Connecticut Horse Council submitted an amicus brief to the CT Supreme Court last year as it heard arguments relating to a civil suit where a lower court ruled that horses are as a species, inherently vicious animals. If the Supreme Court upholds the lower court ruling it will have devastating effects on the horse industry in Connecticut. Liability insurance would likely be prohibitively expensive if available at all. In addition the standard of care required to keep the public away from horses would require massive capital investment for secure, double-fenced paddocks and pens that would be necessary. We fear that horse farmers and horse owners will leave Connecticut in droves to relocate their operations to other states. We wholeheartedly support the passing of HB 05044 which will establish the presumption that domesticated horses are not inherently dangerous and do not possess a vicious propensity. This will make it possible for Connecticut to continue our long-standing tradition of being leaders in the New England equine industry.

SB 00239. AN ACT CONCERNING THE USE OF PROPANE NOISE MAKERS TO REPEL WILDLIFE; The Connecticut Farm Bureau opposes SB00239 as we believe it is unnecessary. There is currently a comprehensive permit program administered by the Department of Agriculture that has specific requirements for hours of operation, decibel levels and assessment of demonstrated need by farmers. Additionally, the permit process gives the Commissioner of Agriculture processes to deal with local complaints and allows the Commissioner of Agriculture to rescind operating permits in connection with non-compliance and complaints from local municipalities.

HB 05310. AN ACT CONCERNING CONNECTICUT'S SEED LAW; The Connecticut Farm Bureau supports HB05310 as it brings the Connecticut seed law up to date by adopting the Association of American Seed Officials Uniform State Seed Law. This is important as it will give the Department of Agriculture a seed law that is consistent with other states and representative of current industry needs and practices.