



Irish Wolfhound Club of America, Inc.

September 15, 2009
Governor Schwarzenegger
Capitol Office
Sacramento, CA 95814

Subject: **VETO AB 1122 as Amended 6/29/2009**

Dear Governor Schwarzenegger;

I am writing on behalf of the Irish Wolfhound Club of America (IWCA) and the IWCA Legislative Committee (IWCA-LC). The IWCA is the parent club for Irish Wolfhound owners nation-wide, as well as the anchor for 14 Regional and Local Clubs. Two of the oldest of those regional clubs are located in California, thereby giving this breed a substantial California presence with a strong vested interest in the activities of its elected officials.

The IWCA and IWCA-LC concur with the AKC's opposition to AB 1122. The IWCA agrees with the AKC in its support of reasonable and enforceable laws that protect the welfare and health of dogs without restricting the rights of owners and breeders who take their responsibilities seriously. Unfortunately, this bill if enacted does not meet those criteria.

AB 1122 would create a new crime for selling, displaying or offering for sale or giving away as part of a commercial transaction a live animal on any street, highway, public right-of-way, parking lot, carnival or boardwalk. The unintended consequences of this bill would be severe. Many Californians are struggling to find housing in the current economic crisis. When a family loses their home they often lose their pets as well. By eliminating the citizens of California's rights to sell, display or even give away their animals, the state would be leaving many families with no other choice than to leave their beloved pets to an uncertain fate at the local pound. City and county shelters would be overwhelmed with pets that could have been placed in caring homes by their previous loving families, and those families would be left with the added psychological trauma of knowing their pets were at risk for an untimely end in a strange place.

The Bureau of Labor Statistics reported an 11.2% unemployment rate for California, March 2009. According to UCLA Anderson Forecast Senior Economist Jerry Nickelsburg, the current forecast (for California) "reflects a deeper and longer recession than we previously thought." It would be far more humane, for both pets and people, to leave California's families with the option to re-home their pets by selling or giving away as they deem best. Please do not support this ill-considered bill.

Additionally, the **California Department of Finance is opposed to this bill** with an amendment date of June 29, 2009 due to "...unknown costs associated with the enforcement and implementation of prohibiting the sale of live animals in specified venues, may require additional unbudgeted resources for the California Department of Food and Agriculture (CDFA) should a new animal disease become established in California, and may result in unintended prohibitions of certain animal sales." "According to CDFA, this bill may cause poultry sales to occur in an underground market, and thus potentially allow diseases to spread, go undetected, and become well entrenched in the state." "Should a disease such as avian influenza be detected in California, the CDFA would be responsible for increased surveillance in domestic poultry populations." "The costs associated with the increased surveillance could range from \$5,000 to \$500,000, require three positions, and require laboratory testing, depending on the type and location of the disease."

With the current fiscal crisis in California do we need to add additional burdens to a state department for legislation that is potentially costly, will require additional staffing and resources for a new program or augmenting a current program and will fall short of meeting its intended goals?

The IWCA-LC on behalf of the IWCA membership, many of whom are residents of California, respectfully urges you to **please veto AB 1122**.

Respectfully submitted,

Scotia Colleen Brosnan
Irish Wolfhound Club of America, Inc.
Legislative Committee
P.O. Box 6322
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Attachment: Department of Finance's Bill Analysis

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 29, 2009
POSITION: Oppose
SPONSOR: California Animal Association

BILL NUMBER: AB 1122
AUTHOR: T. Lieu

BILL SUMMARY: Animal Abuse: Sale of Live Animals: Flea Markets

This bill would prohibit, and make a crime of, the sale of animals on roadsides or in other outdoor venues, as specified.

FISCAL SUMMARY

The implementation and enforcement of the provisions of this bill by a peace officer, animal control officer or humane officer are of an extremely large scale, and could require additional resources. Additionally, it is unlikely that existing resources could be allocated specifically for verification and enforcement of the criteria for the exempted venues.

According to the CDFA, this bill may cause poultry sales to occur in an underground market, and thus potentially allow diseases to spread, go undetected, and become well entrenched in the state. Should a disease such as avian influenza be detected in California, the CDFA would be responsible for increased surveillance in domestic poultry populations. The costs associated with the increased surveillance could range from \$5,000 to \$500,000, require three positions, and require laboratory testing, depending on the type and location of the disease.

Any local government costs resulting from the mandate in this measure would not be state-reimbursable because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

COMMENTS

The Department of Finance is opposed to this bill because it has unknown costs associated with the enforcement and implementation of prohibiting the sale of live animals in specified venues, may require additional unbudgeted resources for the CDFA should a new animal disease become established in California, and may result in unintended prohibitions of certain animal sales.

Existing law prohibits offenses related animal neglect, animal abuse and the killing of animals.

The bill is intended to address concerns related to animal health and safety resulting from unregulated and irresponsible breeding practices which lead to the outdoor sale of pets. However, the scope of this bill is broad enough that it may cover behavior that it does not intend to prohibit.

This bill would prohibit a commercial transaction involving a live animal on any street, highway, public right-of-way, parking lot, carnival, or boardwalk. This bill would allow any peace officer, animal control officer, or humane officer, as specified, to issue notice describing the charge and penalty for the violation of the sale of live animals in specified venues.

The provisions of this bill would exclude events held by specified farmers clubs; state, district agricultural

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Analyst/Principal (0221) R. Baker	Date	Program Budget Manager Todd Jerue	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

AUTHOR

AMENDMENT DATE

BILL NUMBER

T. Lieu

June 29, 2009

AB 1122

association, or county fairs; livestock consignment sales; public animal control agencies or shelters; rescue groups; federally regulated stockyards; regulated live animal markets as specified; cat, dog, or bird shows as specified; and the sale of fish or shellfish as specified.

Specifically, this bill would:

- Result in an infraction not to exceed \$250 for a first violation
- Result in a misdemeanor not to exceed \$1,000 for any violation which causes or permits any animal to suffer, be injured, or become endangered
- Result in a misdemeanor not to exceed \$1,000 for a second or subsequent violation

Code/Department Agency or Revenue Type	SO LA CO RV	PROP 98	FC	(Fiscal Impact by Fiscal Year)			Fund Code
				(Dollars in Thousands)			
				2009-2010	2010-2011	2011-2012	
8885/Comm St Mndt	LA	No		----- No/Minor Fiscal Impact -----			0001
8570/Food & Ag	SO	No		----- See Fiscal Summary -----			0111
<u>Fund Code</u>	<u>Title</u>						
0001	General Fund						
0111	Department of Agriculture Account, Ag Fd						