



Irish Wolfhound Club of America, Inc.

September 10, 2009
Governor Schwarzenegger
Capitol Office
Sacramento, CA 95814

Subject: **VETO AB 241 as Amended 8/24/2009**

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 oppose AB 241 in its current form as it's a misguided bill containing unenforceable, arbitrary numerical limitations and biased requirements that do nothing to improve animal welfare and do not begin to address the underlying issues of responsible ownership and proper animal husbandry. If this bill were to become law responsible breeders and professional handlers will be driven to leave California and will destroy the sport of owning, breeding, and showing dogs and cats.

Given that ***\$14 billion dollars is generated annually within the California economy*** for the sport of dog and cat showing, and spent on purebred dogs which include spending money on events, dog clubs, show exhibitors, breeding, veterinary care, and other species of pets just to name a few sources of the revenue. Dog shows are a family sport, with the large spectator draw generates additional revenues for cities and towns statewide. With California's economy being in dire straits why would the legislature want to discourage revenue coming into California's coffers?

This bill would prohibit anyone who sells dogs or cats to the public or at wholesale from owning, possessing, controlling or having charge or custody of more than a combination of 50 adult intact dogs and cats for the purpose of breeding or raising them for sale as pets. That number or any other numerical limit has no bearing on anyone's ability to maintain their animals in humane, healthy conditions. Some people are unable to manage even one pet; while other people take excellent care of 100 to 200 or more animals because they have the resources to do so.

Additionally, the bill defines ...“adult dog” means any dog that is four months of age or older...” At an AKC sanctioned dog show you can enter a puppy up to the age of twelve months and not any younger than six months of age. The large and giant breeds do not reach full maturation until the age of three years of age and the smaller breeds at the age of twelve to sixteen months of age; therefore, we do not agree with the author's definition of an “adult dog.”

Further, this bill requires owners to sterilize, sell, transfer or relinquish animals above the cap and empowers peace officers, humane officers or animal control officers to seize animals of those in violation without a warrant. This bill strips California animal owners of constitutional protections against warrantless search & seizure enjoyed by every other citizen in our country. In effect, AB

241 creates a class of criminals while only offense is to have more than 50 animals, even though in most cases, those animals will be kept in healthy, humane conditions. Moreover, where are those excess animals that are seized going to go? They will just fill up our shelters, instead of being perfectly well cared for in their own homes and kennels.

The Mendocino County Board of Supervisors met on July 21, 2009, and the Board Action is as follows: "Upon motion by Supervisor Brown, seconded by Supervisor Smith, and carried unanimously; **IT IS ORDERED that the Board of Supervisors takes a position of opposition to AB 241 and SB 250.**"

The Department of Finance's Bill Analysis dated July 23, 2009 advises the ..."reduction or elimination of legitimate large-scale breeding facilities could have a negative impact on California's economy by reducing state and local sales tax revenues, state income tax revenues, and the number of jobs in the state, resulting in increased costs to the state for unemployment benefits."..."this bill at minimum, would reduce annual state and local sales tax revenues by \$175,500, increase the state's cost of unemployment benefits by \$134,680, and result in income losses ranging from \$480,000 to \$912,000 (based only on pet food sales and veterinary services) for local businesses and suppliers, who depend on large-scale breeders that invest in large amounts of pet food, supplies, and veterinary care for their animals."

The IWCA and IWCA-LC support enforceable and reasonable laws that protect the welfare and health of dogs and owners who take their responsibilities seriously. We believe animal health and welfare concerns can be addressed by utilizing California's state animal cruelty laws as well as local nuisance ordinances.

The IWCA-LC on behalf of the IWCA membership, many of whom are residents of California, respectfully urges you to **veto AB 241**.

Respectfully submitted,

Scotia Colleen Brosnan
Irish Wolfhound Club of America, Inc.
Legislative Committee
P.O. Box 6322
Folsom, CA 95763
(916) 983-8704

Attachments

Department of Finance Bill Analysis Dated July 23, 2009
Mendocino County Board of Supervisors Board Minutes Dated July 21, 2009

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: July 23, 2009
POSITION: Oppose
SPONSOR: American Society for the Protection of Cruelty Against Animals, The Humane Society of the United States, Social Compassion in Legislation

BILL NUMBER: AB 241
AUTHOR: P. Nava

BILL SUMMARY: Dogs and Cats: Breeding For Sale

This bill would prohibit and make it a misdemeanor for a person to own, possess, or have control of more than a combined total of 50 adult unsterilized dogs and cats at any time used for the purpose of breeding or raising dogs or cats for sale as pets.

FISCAL SUMMARY

This bill would likely result in an increase to the General Fund cost of the Animal Adoption mandate which requires local entities to retain impounded animals for up to six days.

This bill would also result in decreased state and local sales tax revenues, decreased state income tax revenue, and increased state costs for unemployment benefits due to the reduction or elimination of large-scale breeding facilities.

COMMENTS

The Department of Finance is opposed to this measure because it would likely result in increased General Fund costs for an existing state-mandated local program, increased unemployment benefits, and decreased tax revenues to the state.

Current law:

- Makes it a misdemeanor to permit an animal to be in any building, enclosure, street, lot, or judicial district without proper care and attention.
Provides that any peace officer, humane society officer, or animal control officer (officer) shall take possession of the abandoned or neglected animal and shall provide proper care and treatment for the animal until the animal is deemed to be in a suitable condition to be returned to the owner.
Provides that when the officer has reasonable grounds to believe that prompt action is required to protect the health or safety of the animal, the officer shall immediately seize the animal and comply with existing procedures, as specified.

(Continued)

Analyst/Principal Date Program Budget Manager Date
(0222) R. Baker Todd Jerue

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

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

P. Nava

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COMMENTS (Cont'd)

- Requires that an animal confined in an enclosed area be provided with an adequate exercise area.
- Regulates pet stores, including but not limited to adequate, sanitary facilities and proper nutrition, care, and treatment of animals.
- Designates any person or association that sells, transfers, or gives away 50 or more dogs in the preceding calendar year as a "dog breeder." It also provides that all dog breeders are subject to the provisions of the Polanco-Lockyer Pet Breeder Warranty Act that provides numerous consumer protections for persons who purchase dogs from dog breeders, and requires that dog breeders maintain sanitary breeding facilities and provide dogs with adequate food, water, shelter, exercise, living space, opportunities for socialization, and veterinary care.

This bill would limit the number of adult unsterilized dogs and cats that a person may have at any time that are used for breeding purposes to produce offspring for sale as pets. Finance notes that there is no definition of "adult" which could make this bill difficult to enforce on a consistent basis and could become a source of litigation.

This bill would make exemptions for public animal control agencies and shelters, duly incorporated private animal shelters, veterinary facilities, and research facilities; however, this bill does not make exemptions for boarding, handling, and sporting dog or training facilities that may have more than 50 adult unsterilized animals at one time.

This bill would imply that the quality of a breeder is determined by the quantity of animals the breeder has. Finance notes that this is not necessarily true, and that simply limiting the number of intact animals would not guarantee assurance of the humane treatment of animals. Using quantity to assess breeding operations ignores more meaningful indicators such as standards of care, conditions, staffing levels, and outcomes, none of which are addressed by this bill. The Cat Fanciers' Association expresses concern that the number 50 is arbitrary and unrelated to the care and condition of the animals, and as such, could be lowered at any time in the future.

Finance also notes that this bill would discriminate against responsible, legitimate breeders that may have large, adequately-run facilities. Not all large-scale breeding operations and commercial kennels are substandard kennels. In fact, legitimate large-scale facilities may even provide more quality care, treatment, and facilities.

According to the California Department of Food and Agriculture, this bill may have an indirect economic impact on large-scale breeding facilities that supply pets for sale. While it's difficult to estimate the exact number of large-scale breeders in the state, the National Animal Interest Alliance (NAIA) indicates that over 40 kennels would be impacted by this measure. By reducing the number of larger facilities or shutting them down, this bill could influence suppliers and brokers that normally purchase animals from these breeding facilities to acquire dogs and cats from out-of-state sources, making it difficult to assure that pets are raised under satisfactory conditions. Sales of animals from outside sources would compete with California shelters and others trying to find homes for displaced animals.

Furthermore, the reduction or elimination of legitimate large-scale breeding facilities could have a negative impact on California's economy by reducing state and local sales tax revenues, state income tax revenues, and the number of jobs in the state, resulting in increased costs to the state for unemployment benefits. According to the NAIA, this bill, at a minimum, would reduce annual state and local sales tax revenues by \$175,500, increase the state's cost of unemployment benefits by \$134,680, and result in income losses ranging from \$480,000 to \$912,000 (based only on pet food sales and veterinary services) for local businesses and suppliers, who depend on large-scale breeders that invest in large amounts of pet food, supplies, and veterinary care for their animals.

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

AUTHOR

AMENDMENT DATE

BILL NUMBER

P. Nava

July 23, 2009

AB 241

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	
8885/Comm St Mndt	SO	No		-----	See Fiscal Summary	-----			0001