



Dog Federation of Wisconsin
742 S. Indiana Ave.
West Bend, WI 53095
Doglaw @ dfow.net

ACTION ALERT—Updated 5/19/2009

AB250 Commercial Dog Breeders Licensure Act <http://www.dfow.org/AB-250.pdf>
And SB-208 (Senate Version Introduced May 18, 2009) <http://www.legis.state.wi.us/2009/data/SB-208.pdf>

After our legislative day on May 13, 2009, (please see Wisconsin Eye website for the video link)

http://www.wiseye.org/wisEye_programming/ARCHIVES-conf_conv.html#2156

our concerns stated below are still valid. Many of the legislators and their aides understood our concerns and we are grateful for that.

We do feel that it is necessary to make one clarification for comments made during the briefing. Those of us who use the American Kennel Club as our registry of choice have always had to abide by their rules and regulations. We are open to inspection by the registry. Most of us have no objection to AKC inspections because their inspectors understand the diversity of dogs.

We were told that there were going to be amendments to AB250 to change the language from 25 dogs sold to 25 dogs sold or 3 litters in a year. However, as of today, that amendment has not yet been introduced. We still feel that these numbers are too low for people who raise dogs in their home.

DFOW was given the first draft of this breeder licensing bill and was asked to give our opinion. We appreciated the opportunity to submit our concerns. Indeed, AB-250 & SB-208 as they are currently written did take some of DFOV's suggestions into consideration.

There are problems with these bills as they are written and because of this, we cannot support them in their current form. Please remember that a bill can be amended any time during the legislative process and become even more burdensome. We ask that you contact your elected representatives and ask them to refrain from supporting these bills in their current form.

DFOW concerns:

According to an email that was sent to legislators for sponsorship, there was apparently a paragraph that stated "Breeders selling between 25-50 dogs receive the most complaints in states that have already enacted similar legislation, and this is the area where the majority of the concerns have been raised in Wisconsin." DFOV asks "where is the proof for this statement"? We were told that DATCP had no way of tracing that information because there "was no breeder licensing requirement" in our State. We were also told that the largest number of complaints that DATCP received was for people not receiving registration papers on their dogs. How exactly does poor record keeping tie into dogs being raised in horrible conditions?

According to the fiscal estimate for AB250, it is estimated that 405 facilities that raise up to 49 dogs for sale in a year would need inspection. Also according to the fiscal estimate there are 170 facilities raising 50-99, 150 raising 100-249, 130 raising 250 or more, 145 non-profits, and 17 out of state dealers. The fiscal data presented is estimating that there are 1000 facilities that would need licensing in our State, based on statistics from Pennsylvania and Nebraska.

These bills make anyone selling 25 or more dogs in a year subject to licensing. This would affect people who may only whelp two or three litters of dogs in a year - retrievers and setters have large litters. DFOV feels that the licensing point at the sale of 25 dogs is too low as this would negatively impact those that raise dogs in their home as part of their hobby.

Many communities in SE Wisconsin do not allow businesses to be operated in a residential area. If you're licensed, you are a business. If you are licensed and raise puppies in your home, you will also have to waive your Fourth and Fifth Amendment rights in order to be licensed and open YOUR HOME to inspection by DATCP. Of course, if they have "reasonable grounds" to believe that the dog is being mistreated in violation of ch. 951., they can also seize your dogs and place them with ANY LICENSED person stated under sub. (2) of the bill who agrees to accept them.

The original email also stated that an advisory committee composed of interested parties named in the bills will help with the rule making process. We would like to point out that the advisory board as written in these bills consist of 10 persons, but only has 3-4 truly qualified persons listed. Person's selling dogs at retail, Humane societies, Animal control facilities, and *breed rescue groups do not know anything regarding breeding or proper husbandry methods. *Pure bred dog hobbyists who breed and are active in rescue are the exception to this statement.

The only dog experts on the named advisory committee are dog breeders selling fewer than 50 dogs per year, dog breeders selling more than 50 dogs per year, a sporting association whose primary activities involve dogs (DFOW suggested this), and a veterinarian. DFWO suggested that the veterinarian was one who specialized in canine reproduction or genetics. DFWO also suggested that there be a representative from each of the following: toy breed expert, rare breed expert, arctic breed expert, guardian breed expert, working dog breed expert, and a dog trainer who has experience in training dogs/people from each of the pure bred recognized groups of dogs. Frankly, if a person hasn't ever planned a breeding and followed it through, they are not qualified to write rules and regulations for those that do. In fact, a person who might be considered a commercial or large scale breeder can not speak for people who raise dogs in their home. They do not understand that you cannot follow rules and regulations written for commercial facilities in a home environment. So now we are down to two advisory representatives in a panel of 10 (there are two open positions and who knows what type of people may be selected) that might protect the interests of in-home breeders.

These bills do not make allowances for breed specific rescue groups who ARE NOT under the supervision of a licensed humane care group in the State. If you are a foster home for your parent club, you would not be exempt under this bill as it is written.

These bills allow DATCP to charge more for licensing fees "if they find it necessary to cover the costs of administering". Fees for licensing in the bill are \$250.00 for selling 25-49 dogs; \$500.00 for 50-99; \$750.00 for 100-249; \$1000.00 for 250 or more.

DATCP may also deny/refuse/renew/revoke an applicant if "they are not fit, qualified, or equipped to conduct the activity". Will the DATCP personnel charged with administering this bill also be licensed medical doctors? If they are not, they are not qualified to deny a person based on their personal interpretation of physical or mental fitness.

These bills include language that would demand that a person administering the rules is familiar with the diversity of dogs. We are concerned that those individuals will not receive proper training for this purpose as the advisory committee as stated in the draft is not made up of dog experts.

There is no false accusation clause in the current version of either bill. You would have no recourse if you were falsely accused of having to be licensed. Penalties state that a person who operates without a license may be fined NOT MORE THAN \$10,000.00, or imprisoned for not more than 9 months or both. The emotional and financial toll of a falsely accused individual should not be dismissed lightly. There should be penalties in place for those that falsely accuse, at least equal in nature to those that may be found guilty. At the legislative day, we were told that they were trying to address this issue.

These bills are not at the State level and individual communities would have the option of creating even more burdensome legislation.

These bills do not address co-ownership of dogs.

Please contact your elected officials and ask them to refrain from supporting bill AB 250 and SB 208 in their current form.

You may find your elected representatives here: <http://www.legis.wisconsin.gov/w3asp/waml/waml.aspx>

This link is for the State of Wisconsin legislation main page: <http://www.legis.state.wi.us/>

AB 250 is before the committee on Consumer Protection. Committee members may be found here: <http://www.legis.state.wi.us/w3asp/commpages/IndividualCommittee.aspx?COMMITTEE=Consumer+Protection&HOUSE=Assembly>

SB 208 is before the committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection. Committee members may be found here: <http://www.legis.state.wi.us/w3asp/commpages/IndividualCommittee.aspx?COMMITTEE=Small+Business%2c+Emergency+Preparedness%2c+Technical+Colleges%2c+and+Consumer+Protection&HOUSE=Senate>

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