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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Agriculture...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)



P.O. Box 508 • Delavan, Wisconsin 53115

October 16, 2003

Chairman Ott, Chairman Schultz, Members of the Assembly Committee on Agriculture, Members of the Senate Committee on Agriculture, Financial Institutions and Insurance:

Thank you for holding this hearing. I am here to ask for your support for AB 536.

I am Sally Krause, resident of Walworth County, City of Delavan, current president of Wisconsin Federated Humane Societies, Inc. and member of the Advisory Council who worked on creating and recommending minimum standards for DATCP's rule making authority for the original Pet Facilities legislation.

I have many thoughts on this bill, but I will only address three: humane society inclusion, the bill as a prevention measure, and the new revenue to be realized by the state and many counties in the form of sales tax.

Allow me a little history! When this concept was first being presented by Marc Duff, there was some concern for the inclusion of humane societies and the burden it might cause some. When consulting my Federation board, I found them adamantly in favor

of including humane societies. People often ask how humane societies are regulated! The Wisconsin Federated strongly feels that shelters should not be held to any lesser standard than commercial operations. We strive for good conditions. Humane societies exist in varying stages of development. When one is found to be sub-standard, the Federation strives to raise those standards to acceptability. Better conditions produce better, healthier pets, which ultimately provides better protection to the consumer. Humane societies have resources, national and local. There is no good reason for mediocrity!

My second point: from Day I, I have considered this bill, in its various forms, and with rules included, as being a prevention measure. Most of you are aware of some major seizure or surrender in your area. The list of counties exposed to this no-win situation is long. There is always a huge financial burden to the owner, if he/she even has the means, and seldom does. The county or the humane society or rescue group then gets the expense. Humane societies and many rescue groups daily function in a very stressful environment. The housing and care of seized animals adds stress. Law enforcement agencies, who already operate with busy schedules and stretched resources, understandably often hold different priorities. AB 536 will prevent much of this just by addressing a situation while still in the early inspection and education stages. Obviously, some

Page Three
October 16, 2003
Hearing on AB 536

collectors, not selling, will slip through the cracks, but those in the business of selling pets will be covered under this bill.

Selling as a business brings me to my last point. I believe I am safe in saying many of the facilities selling animals as pets are not currently paying sales tax. Many who should be subject to sales and use tax reporting will contribute new revenue to the state and counties that are applicable. Instead of expenses to a county, added revenue reverses the picture. Locating these facilities early not only adds revenue but shows DATCP those in need of regulation, and consequently, licensing.

In closing, allow me to repeat what I asserted earlier today and in past testimony. AB 536 insures a level playing field for all pet dealers, commercial kennels, shelters and rescue groups. Better conditions produce better, healthier pets, which, in the end, provide protection for the consumer.

Sally Krause, President
Wisconsin Federated Humane Societies, Inc.
P.O. Box 508
Delavan, Wisconsin 53115



**Wisconsin Senate and House Committees on Agriculture
Joint Hearing on A.B. 536, the Pet Facilities Act
October 16, 2003**

TESTIMONY ON BEHALF OF DORIS DAY ANIMAL LEAGUE

Doris Day Animal League
227 Massachusetts Avenue, N.E., Suite 100
Washington, D.C. 20002
Submitted by: Julia Janak, Advocacy Manager

"It has been a long struggle to get the most basic care for dogs. It's time for all dogs used in the breeding industry to be afforded basic care." – Doris Day, Actress and President of the Doris Day Animal League

On behalf of our 6,784 members and supporters in Wisconsin, and 370,000 nationwide, the Doris Day Animal League would like to register its support of A.B. 536, the Pet Facilities Act. This important legislation would set basic humane standards for breeding facilities, including proper shelter, ventilation, flooring and nutrition. The Pet Facilities Act is self funded through increased dog license fees and income tax derived from the sale of pets.

A growing number of dealers are selling and breeding dogs on their own premises and evading federal and most state regulations and licensing requirements. Many sellers of puppies, including puppy mills, advertise over the internet or in the newspaper and deliver or ship the puppy to the consumer. At no time do consumers have the opportunity to view the handling and care conditions of the puppy,¹ let alone the conditions the breeding female is kept in.

A "puppy mill" is a facility that continuously breeds female dogs, housing the females and their puppies in deplorable conditions. Inadequate food, water, and sanitation, constant exposure to the elements and dilapidated housing are commonplace. A lack of veterinary care, lack of socialization and lack of disease control are common as well. People go out to buy that perfect puppy as a pet from these puppy mill dealers, who breed dogs on their own premises, only to find that the puppy they purchased is sick. For example a man purchased a Pekingese puppy from a newspaper advertisement but did not even get home before the puppy became ill. He "took the dog to a veterinarian who said the dog has intestinal problems from living in filthy conditions."²

As a result of these inhumane conditions, many puppies sold from these mills suffer from chronic physical ailments and may be fearful of people and other animals. "Some of the dogs shudder and shake, bite people out of fear, and defecate on themselves. Some of the

¹ USDA/APHIS, Licensing and Registration Under the Animal Welfare Act

² Curry Decl. ¶ 2, J.A. 89

dogs that were repeatedly bred have never walked on the ground. They have been in a cage their whole life.”³ The abusive conditions have been the subjects of television reports and newspaper articles nationwide.

The Pet Facilities Act proposes an increase in dog license fees from \$8.00 to \$10.50 for an unaltered male. While this increase is important, it is minimal compared to the \$21.00 fee for an unaltered male dog imposed by the city of San Mateo, CA. We hope the committee will consider augmenting the fee to encourage only the most responsible breeders.

Facts on Pet Overpopulation

- Two unaltered dogs, and their descendents, can number 67,000 in six years.
- Two unaltered cats, and all their unaltered descendents, can number as many as 420,000 in just seven years.
- It costs U.S. taxpayers an estimated \$2 billion each year to round up, house, kill and dispose of unwanted animals.
- Over half of dog guardians and nearly two-thirds of cat guardians rank pet overpopulation as the most important pet issue.
- A recent survey found that \$176 is the average cost to handle a homeless animal.
- An estimated 5 million cats and dogs are killed each year. That’s one every six and a half seconds.

Legal History of Exempting “Direct to the Public” Dealers and Breeders

In May 2000 the Doris Day Animal League sued the U.S. Department of Agriculture citing its violation of the Animal Welfare Act ("AWA") in consistently ignoring its statutory obligation to require commercial retail dealers who sell dogs and cats from their own premises to be licensed and meet minimum standards for humane care and treatment. Many of these dealers, commonly called "puppy mill breeders," breed and raise these animals in deplorable conditions causing thousands of dogs and cats to suffer from inhumane treatment. Consumers who expect to adopt a healthy dog often end up with an ill or injured puppy.

The AWA excludes "retail pet stores" from the statute’s requirements; however the USDA has illogically extended the exemption beyond traditional retail pet stores to include persons selling puppies directly from their homes. In July 2001, the U.S. District Court ruled for the Doris Day Animal League based upon the merits of the case. The Court explained that the "text, structure, legislative history, and purpose of the AWA demonstrate that the plain meaning of ‘retail pet store’ does not include a person who sells dogs and cats for use as pets from their own premises."

³ Wilkes-Myers Decl.¶ 26, J.A. 78

Subsequent to the U.S. District Court decision in the dogs' favor, the Department of Justice on USDA's behalf appealed the decision. In an about face, the Appellate Court reversed the lower court's strong decision in November 2002.

However, states have begun to consider legislative remedies to correct the federal oversight. Last summer, approximately 200 dogs were seized from filthy conditions in a woman's home outside Charlotte, NC. The state is currently considering ways to prevent this tragedy, rather than using the anti-cruelty statute after the dogs have been neglected and/or died and the damage has been done.

Appropriate Regulation as Delineated by the Pet Facilities Act

Many breeders are charging that the Wisconsin state legislation is prepared "to send the government into our living rooms." This is simply false based on the parameter set forth in the bill's language. Any hobby breeder who even breeds a litter each year is fully protected by the 25 puppies per year threshold. This argument has been overused by an industry that simply fights any regulation at the federal or state level.

This bill is utterly necessary to ensure that a federal loophole is closed and that puppies and the people who buy them are protected. Thank you for your consideration and interest in the humane treatment of animals.





301 North Broom Street, Madison, WI 53703 ■ (608) 257-3665 ■ fax (608) 257-8989 ■ wvma@wvma.org

Margaret J. Terhar, DVM
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Paul J. McGraw, DVM
President Elect

Randy J. Schuett, DVM
Past President

Leslie G. Grendahl
Executive Director

**Joint session of the
Senate and Assembly Committees on Agriculture
Testimony by
The Wisconsin Veterinary Medical Association**

**Assembly Bill 536
October 16, 2003**

Good afternoon Chairmen Ott and Schultz and the members of your respective committees. My name is Dr. Pete MacWilliams. I am representing the Wisconsin Veterinary Medical Association as the chair of its Legislative Committee. Accompanying me is Ms. Leslie Grendahl, WVMA's executive director. The WVMA represents 85 percent of Wisconsin's veterinarians.

I am here to support the concept of AB 536, which would establish standards for the boarding and care of animals. Veterinarians will always support legislation that seeks to ensure proper care and treatment of animals.

While the bill attempts to exempt veterinarians from what would be an added licensing requirement, it fails to recognize that veterinary clinics also board animals for non-medical purposes.

One of the functions of government is to protect the public. In keeping with that responsibility, veterinarians are regulated and licensed through the Wisconsin Department of Regulation and Licensing.

Veterinarians, through their licenses, are already held to a higher standard than others who board animals. Should a complaint be brought against a veterinarian for inhumane treatment of a boarded pet, without this legislation, that veterinarian would already be subjected to a full investigation with possible disciplinary consequences ranging from a reprimand, suspension or revocation of his or her license. These penalties far exceed any fine that may be imposed as a result of this bill.

The Wisconsin Veterinary Medical Association would respectfully ask that AB 536 be amended to exempt veterinary clinics thereby preventing the need for an additional, costly and unnecessary layer of governmental regulation.

As an association, we are eager to work with this bill's sponsors to address the concerns of veterinarians. It would be our goal to work for passage of this important legislation.

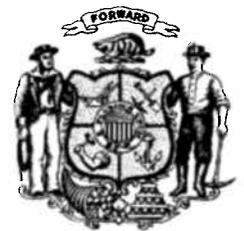
Thanks you very much for your consideration.

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WISCONSIN STATE LEGISLATURE



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**Office of State Representative
Al Ott**

Fax

To: Heidi Braun **From:** Erin Napralla – Clerk, Assembly Committee on Agriculture

Fax: 414-342-5222 **Pages:** 4

Phone: **Date:** 10-24-03

Re: AB 536 – Record of Committee Proceeding

Urgent **For Review** **Please Comment** **Please Reply**

• Comments:

Ms. Braun:

Please find following the Record of Committee Proceeding for AB 536 per your request.

If you have any further questions, please call me at 1-888-534-0003.

Thank you.

Sincerely,

Erin Napralla
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
3rd Assembly District

10/23/2003

Dear Representative. Alvin Ott & Sen. Chair Senator Dale Schultz

I would like to know if there are minutes or official documents from the Finance Committee hearing that took place last week, Thursday, October 16, 2003..

If so, how does one obtain these ?

Sincerely

A handwritten signature in cursive script that reads "Heidi Braun".

Heidi Braun
Menomonee Falls, Wi.

Fax 414-342-5222



Napralla, Erin

From: Moll, Keeley A DATCP
Sent: Monday, October 27, 2003 12:47 PM
To: Napralla, Erin
Subject: FW: Terri Tinsley Testimony - Pet
FYI

The letter below is with regards to testimony against the PFL by Terri Tinsley. Ms. Tinsley was the last speaker at the Pubic Hearing before the Agriculture Committee on October 16, 2003. At the Hearing, Ms. Tinsley appeared to represent the concerns for Jefferson County Humane Society, claiming the PFL would hurt "her humane society" financially.

Please review the statement below, written by current Executive Director of Jefferson County Humane Society, Ms. Lisa Patefield. It is clear from Ms. Patefield's statement that **Jefferson County Humane Society fully supports the PFL bill. Ms. Patefield also states that the PFL will represent NO financial hardship to Jefferson County Humane Society**, contrary to Ms. Tinsley's testimony.

It has come to my attention that Ms. Tinsley's testimony is being used by opposition to the PFL bill to "prove" that the PFL would hurt humane societies financially. Please share the message below Ms. Patefield to those who are spreading this false information.

Thanks you,
Eilene Ribbens Rohde
Wisconsin Puppy Mill Project - Director
AWARE - Alliance of Wisconsin Animal Rehoming Efforts - President

----- Original Message -----

From: "Humane Society of Jefferson County" <hsjc@ticon.net>
To: "Egress" <egress@dotnet.com>
Sent: Monday, October 27, 2003 10:20 AM
Subject: Terri Tinsley

Hi-

I am sending this to you with hopes that you can forward my message using your address book. I am glad that we had an opportunity to talk Saturday and that I will have a chance to respond in an effort to correct some bad information that has been disseminated.

I became the Executive Director at the Humane Society of Jefferson County in March of 2002. I arrived here, we had just gotten involved with the Petfinder project. Terri had been a big help in getting us up and running. At that time, Terri was a regular volunteer, coming here every other Friday to take pictures of our adoptable animals for the Petfinder website. Shortly after my arrival, we acquired our own digital camera and informed Terri that although we had appreciated her assistance, her help was no longer needed here. Since then, Terri has only been to this shelter a very few times, once to bring us a German Shepard that was dog aggressive and she was unable to keep. She is NOT a volunteer at the Humane Society of Jefferson County, nor has she been for a year and a half. For that reason, I was extremely agitated and frustrated to find that Terri had represented herself that way during the recent round of testimony. Furthermore, the monetary figures she cited as potential loss of revenue for this shelter were not factually based. I have no idea where Ms. Tinsley arrived at that number as to my knowledge, she was never privy to any financial documents pertaining to this shelter.

The Humane Society of Jefferson County currently contracts with 17 separate municipalities. The money that we receive monthly is based on a per person charge, which is then multiplied by the

population of that individual municipality. As a part of our services, we do collect running-at-large fees as well as license money. What Terri did not know or did not accurately convey, is that we return that money collected to each municipality, on a monthly basis. It is not our money, we do not hold on to it, therefore we will have no loss of revenue as stated by Ms. Tinsley. Very unfortunately, Terri's testimony seems to have given the impression that somehow passing of this bill will hurt not only this Humane Society but others. I cannot fathom how a bill that toughens the standards by which our animals are kept, will hurt any humane society and I am uncertain what information Ms. Tinsley used to form her passionate, yet flawed, testimony.

It is my opinion that Ms. Tinsley clearly was not in possession of the facts regarding the Humane Society of Jefferson County. That she represented herself as associated with this organization is erroneous. Her opposition to the bill should be viewed as a personal opinion, not one sanctioned or approved by the organization that I head. We are in complete support of the bill and I, early on, addressed the committee as a shelter building consultant, acknowledging the dire need for the passing of this bill.

On behalf of the Humane Society of Jefferson County, we support the bill, have always supported the bill, and will welcome the passage of such. Thank you very much for allowing me the opportunity to address this issue.

Sincerely,

Lisa C. Patefield
Executive Director
Humane Society of Jefferson County

HOW THE "Puppymill Bill" will NEGATIVELY IMPACT MY CITY (Fort Atkinson, WI) and my local shelter (Humane Society of Jefferson County)

CURRENT LAW

Fort Atkinson City Dog License fees:
\$6.00 – spayed/neutered
\$11.00 unspayed/unneutered

.05% of the minimum dog license paid to state.

Melody Ebbert, City Clerk, estimates there are 1200 dogs licensed currently in Fort Atkinson.

If all those dogs were spayed/neutered, Fort Atkinson would receive \$7,200:

Fort Atkinson pays 30 CENTS per spayed, or (\$360.00 total) to the state, while the other \$6,840.00 funds the local humane society.

PROPOSED LAW:

Minimum license fee is "increased" to \$5.50/\$10.50, which is LESS than what Fort Atkinson currently charges.

Assuming Fort continues to charge \$6.00/\$11.00, thus would receive \$7,200:

Fort Atkinson pays \$2 per license, or (\$2400.00 total) to the state, while only \$4,800 is left to fund the local humane society.

Fort Atkinson's local animal shelter LOSES \$2040 (if all licenses were for spayed dogs).

THE PROBLEMS WITH THIS BILL:

1. Already straining a strained funding source (local humane society funding)
2. Doesn't address cat licensing, yet any shelter will tell you cats are a bigger population for them than dogs. This law forces dog licensing fees to be used to pay for cats at shelters
3. Legitimizes puppy mills in our state

Terri Tinsley
DOG INVOLVEMENT RESUME

840 Messmer St. Fort Atkinson, WI 53538 (920) 568-0443

2003: Financial Supporter and Volunteer, Jefferson County Dog Park Project

Donated \$250 as first corporate sponsor. MediaPaws (our video company) filmed, edited, created, produced and distributed the 2.5 minute dog park commercial now airing on public access cable TV in Fort and Lake Mills. Assisted with website layout, uploading, hosting.

2001-Present: Listowner, Wisconsin Dog (and other pet) Rescue

www.widogrescue.com and <http://groups.yahoo.com/group/WIDogRescue>

Expanded the group from 4 shelter members to over 25, and from 20 rescue groups to approximately 75. Create and distribute an annual Breed Rescue Book; wrote standards for membership as a reputable rescue, project-managed many educational opportunities for all communities (more info on website), created from scratch and currently maintain two group websites, co-created "Angel Fund", a grant for WIDogRescue members. Other list accomplishments:

- When Eau Claire or Marathon Co. shelters are full and dogs face euthanasia, shelter members post a "help" message. Sheboygan, River Falls, Elm-Brook, Washington Co. shelters and various rescues save the dogs. This wouldn't happen without the list.
- Coordinated and transported 500 lbs. of dog food, 500 lbs. of cat food, and 550 lbs. of cat litter donation to the Sparta shelter
- Raised \$1,670 for sheltie rescue emergency vet bill and \$350 for Papillon rescue vet bill
- Kept big dogs out of the hands of a man looking for a "large, fighting" dog. Malamute Rescue posted their experience; When the man called St. Bernard Rescue, he was denied
- Saved a cocker spaniel puppy from being auctioned to the highest bidder on Q106 Radio
- Offered 5013c workshops so members could become legally non-profit
- Revised MADACC rules so rescue could help those rejected by WHS
- Fall 2000: Offered seminar at the UW Vet School. Topics included behavior assessment, fundraising ideas, and foster home/caretaker burnout.
- Created "How to communicate and what to say" when calling "free to a good home" ads
- Created/shared a "Standard Rejection Letter" that doesn't tell the bad candidate what to lie about the NEXT time they try to get a rescue or shelter dog

Terri Tinsley's DOG INVOLVEMENT RESUME

2002-Present: President, Arf's German Shepherd Rescue Inc. (501c3 public charity)

www.arfrescue.com

2003: As of October 16, 2003, placed 41 German Shepherds, referred owner-surrenders to local shelters or other rescue groups, and provided dog owner education via email and phone calls.

2002: Worked closely with fifteen shelters and countless rescue groups to place homeless German Shepherds; provided education via email and phone calls.

2002-Present: Member, HUMANE ANIMAL WELFARE ASSOCIATION (Waukesha, WI)

Volunteer for fundraising efforts including WaterFest; coordinate breed rescue issues and "Do Not Adopt" database info. Met with Executive Director Jay Blankenship on numerous occasions to discuss fundraising, rescue efforts, temperament assessment and grants. Supported in-house low-cost spay/neuter (SNIP) program.

2002: Project Manager, Blue Dog Training and Behavior's Advanced Behavior Seminars

Videotaped and edited example footage, invited shelters and rescues in WI to attend, coordinated site selection, registration, set-up, AV-equipment, evaluations. Two seminars held: Madison Holiday Inn attendance 152; Washington County Humane Society approximately 55-75.

2002: Project Coordinator, Maddie's Fund Grant Group

Invited six shelters and five rescue groups to draft a Maddie's Fund Grant for \$1 Million. Researched grant requirements, documented issues to be resolved. Shelters included Elm-Brook, Washington County Humane, HAWS, MADACC, Ozaukee Co. and Jefferson Co.

2002-2003: Member, Dog Federation of Wisconsin

Spoke against AB-486 (the "new" version of AB-278 that I helped write/introduce to legislature in 2001); supported DFOV efforts to have this new bill fail.

2001-2002: Member and Volunteer, HUMANE SOCIETY OF JEFFERSON COUNTY

Created their Petfinder website, uploaded application forms, updated pictures every two weeks, responded to email inquiries. Once a month I created a video profiling the shelter's adoptable dogs and cats that ran on five cable access channels (Fort, Lake Mills, Cambridge, Whitewater, Waterloo), created a "how to properly clean kennels" video for new employees of the shelter. Assisted in partnerships with rescue to save more adoptable dogs, updated shelter's rescue "database", fostered a heartworm-positive dog, fostered a cage-aggressive American Eskimo Dog.

2001: Attendee, Three-Day Sue Sternberg/Patricia McConnell Seminar

Terri Tinsley's DOG INVOLVEMENT RESUME

2001: Project Manager, Temperament Assessment Educational Seminar Madison, WI
Videotaped and edited example footage, created presentation, invited shelters and rescues in WI to attend, coordinated site selection, registration, set-up, AV-equipment, snacks, evaluations. Approximately 50-75 attendees *including Humane Society of Jefferson County board member Cindy Didion.*

2000-2001: Supporter, Co-Author, Assembly Bill -278 / SB 55 ("The Puppymill Bill")
Bill was co-authored by the WI Puppymill Project members and a New Berlin Legislator. Testified in favor of the bill during hearings; coordinated efforts with other groups to publicize and attend hearings. Sent letters to Rep. David Ward's office on behalf of the bill.

1999-2000: Founding Member, "Wisconsin Puppymill Project" listserv
This list studied WI Statutes and laws to determine the best way to go about ending puppymills in WI.

1999-Present: Member, WISCONSIN DOG RESCUE
WDR is a listserv shared by WI Shelters and WI Rescue groups, to provide communication and coordination to help place more adoptable pets into forever homes.

1998-2001: Webmaster, Wisconsin Sheltie Rescue
www.wisheltierescue.com
Created from scratch the entire web presence for this group, uploaded pictures, coordinated and participated in fundraising events, fostering, home visits, temperament assessments, more.

Professional "Dog World" Memberships

- 🐾 ASPCA (Society for the Prevention of Cruelty to Animals)
- 🐾 Dog Federation of Wisconsin (Legislative)
- 🐾 Humane Animal Welfare Society (Waukesha, WI)
- 🐾 Past member: Humane Society of Jefferson County





WISCONSIN LEGISLATURE

P.O. BOX 8952 · MADISON, WI 53708

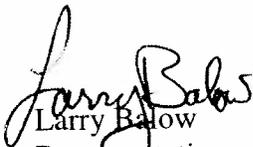
November 21, 2003

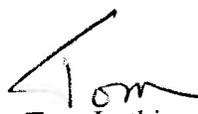
Representative Al Ott
Chairman, Assembly Committee on Agriculture
Room 318 North, State Capitol
Madison, WI

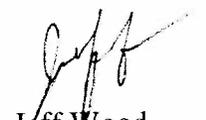
Dear Chairman Ott,

Thank you for holding a public hearing on Assembly Bill 536, the Pet Facilities Bill. As authors of the bill, we respectfully request you hold an executive session on Assembly Bill 536 on December 11, 2003.

Sincerely,


Larry Batow
Representative
68th District


Tom Lothian
Representative
32nd District


Jeff Wood
Representative
67th District





Hello, my name is Steve Fitzsimmons. I am the President of the Madison Area Cagebird Association of Wisconsin (<http://macaw.axisdata.com>). I am here today to provide testimony and to say that I support the Pet Facilities Bill and the amendment to include birds.

According to the American Pet Products Manufacturers Association, there are 17.5 million companion birds in the US, or 1 in 7 households have a pet bird. Most of these birds are sold to people through pet stores. - I receive many complaints from concerned people throughout the state regarding the conditions birds are kept in at pet stores. I refer these people to their local humane societies for help, where the humane society is powerless to take action. Some examples of the complaints I receive are dirty water, dirty food, dirty cages, overcrowded cages, sick birds, un-weaned birds, inappropriate perches and no perches. The pictures I took just yesterday at a local pet store illustrate this better.

Over the past few years, I have attended numerous educational seminars given by highly respected avian veterinarians here, such as Dr. Sakas, Dr. Joanne Paul Murphy and Dr. Pere. These avian veterinarians talk about the health dangers of dirty water, food and cages. They talk about how quickly bacteria breed in a dirty environment and how quickly a bird can become sick. They go on to point out how quickly diseases from one bird to another can spread and also from bird to human. Unsanitary conditions in pet stores are very harmful to birds, and humans.

Improper perch sizes, or perches the same size cause birds to develop sores under their feet, like open wounds, which can lead to infection. Selling un-weaned chicks, that is taking the baby away from its mother too soon and selling to inexperienced customers to hand feed, leads to many of these birds dying from being overfed and suffocating, being underfed and starving, or burning the birds throat from feeding formula too hot.

Overcrowded cages add stress to the animal. Birds get less food, and must fight for a perch. The cage becomes dirtier faster and diseases between birds spread faster too.

Birds are masters at hiding illness. They use all their strength to hide their illness. When the bird starts to show signs of illness, as we have been taught by avian vets what to look for, we are told to take immediate action to save the birds life. Birds sitting fluffed up in a corner, or having diarrhea are two signs we look for. What does the pet store do with their sick birds? Well, they try to sell them to you. At some point the bird disappears. I have received information that some pet stores put these sick birds in plastic bags in the refrigerator as a way to kill them out of sight. When the bird dies the store can then submit the bird to their vendor for a refund. It is cheaper than calling the vet. How many pet stores have an avian vet who visits regularly? Also, keep in mind some of the diseases birds can get can transfer to humans, such as psittacosis. This is a fatal disease in birds, and can bring severe flu like symptoms to humans. Dirty cages, water and food increase the chances of such outbreaks, and help the disease spread faster. People may not know the bird is sick, and bring it home where their entire family then becomes ill.

The Pet Facilities Bill gives the DATCP the tools to help motivate store owners who treat animals poorly to do better. Thank you for considering my testimony.



WISCONSIN STATE LEGISLATURE



An Open Letter Regarding the Pet Facilities Law:

This is an issue as near and dear to my heart as any. The only reason I am not here in person is because my 86 year old mother is in failing health, and I have had to leave on an emergency trip to be at her side. Little else would prevent me from attending this important hearing.

One of America's dirtiest secrets is that our "best friends," --- the animals who herd our cows, assist the blind, comfort the elderly, and bring joy to untold thousands of children and adults --- can be raised and sold with less care and concern for their health and welfare than if they were toasters. Most citizens of Wisconsin are not aware that there is virtually no standard of care for raising and selling companion animals. Puppies can, and are, raised in conditions that would turn the stomach of the average citizen. This does not just happen in other states. Wisconsin has its share of puppy mills, and because of our lack of standards, is at risk for attracting many more. People in the dog world talk with scorn about a selected number of states in the country, known as "puppy mill havens," because they have no standards for regulating such facilities. How horrible to have our state associated with such appalling images.

I am not going to list in detail all of the appalling conditions found in many commercial facilities--I'm sure others will do that today. However, speaking as a Ph.D. Zoologist, a Certified Applied Animal Behaviorist and a nationally recognized expert on canine aggression, I will testify that raising and selling puppies from large "industrial" facilities can and has led to significant amounts of pain, injury and heartbreak. These serious consequences accrue to many animals, including the dogs who suffer inside the facilities. For example, one well-known puppy mill here in Wisconsin kept the mother dogs in a tiny, hanging wire cage for the entire seven-week period that they raised their pups. The pups and the mother never left the cage, so the pups played with their own feces for lack of something better to do, and the mother was unable to leave her tiny cage for a moment's break from her tiny, swinging cage. Perhaps even worse, she was never able to get one minute of peace from her puppies, an unnatural and exhausting situation for any dog (or human for that matter!).

The sad consequences of unregulated facilities, in which there is no state-wide standard of care, are also felt by the pups that are bred and sold with no thought to physical or emotional health. I have seen countless "puppy-mill dogs in my office at Dog's Best Friend, Ltd. who were in clear physical pain from structural deformities. Others were simply dangerous because they were bred with no thought to the genetic basis of disposition. Dog bites are a serious national health problem, and account for the second most common claim to insurance companies. Genetics and early environment are two of the three factors that influence whether a dog will bite or not, and once a dog is sold as a pup, those two factors are already signed, sealed and delivered. The thoughtless breeding of dogs, with no consideration for selection for sound dispositions, should be criminal. It can and does lead to serious injury to humans, death for the dog, and heartbreak for the family. Probably at least one of you on the panel has had a dog who wasn't safe, and know how difficult it can be to decide whether to have to euthanize your child's best friend because the dog bit a neighbor.

There's a lot of suffering that could be eliminated or decreased by establishing a simple, reasonable standard of care for dogs and other companion animals raised in commercial facilities. So many problems can't be so easily fixed, and what a joy it must be to have an opportunity to alleviate so much suffering with so little economic impact. Surely this program will be easier to fund than perhaps any other in the books. I've worked with tens of thousands of pet owners in the past twenty years, and I can think of possibly only two or three who would object to having a dollar or two added to their dog license fee every year if it meant creating a reasonable standard of care for the animals who we welcome into our homes. That suggests that over 99.999 percent of the dog owners of Wisconsin would welcome such an additional fee, not object to it. Additionally, if you asked each and every one of the citizens of Wisconsin who pay dog license fees if they object to some small portion of their fees decreasing suffering in other animals besides dogs, I've no doubt they wouldn't blink. Dog lovers are usually animal lovers, and can't abide the idea of needless suffering.

This is a program whose time has come, and it's a win/win for all of us. The standards are reasonable and will not put facilities at risk if they raise animals humanely. It creates an opportunity for this legislature, in times of too much bad news and economic crises, to pass legislation that will be overwhelming popular with the general public, can be easily funded through an existing licensing structure and will allow you to sleep a little better tonight, knowing that you stepped up to the plate did something good and right for animals, and the people who love them. Good for you.

Sincerely,

Patricia B. McConnell, Ph.D.
Certified Applied Animal Behaviorist

Patricia B. McConnell, Ph.D.
Certified Applied Animal Behaviorist
Adjunct Associate Professor, UW - Madison

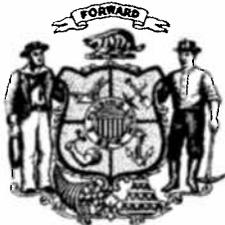
Contact through:

Dog's Best Friend, Ltd.
P.O. Box 447
1039 Mills Street
Black Earth, WI 53515

Phone: 608 767-2435
FAX: 608 767-3726



WISCONSIN STATE LEGISLATURE



I consider this to be an honor and a privilege to testify on Assembly Bill 536. In my position as a Patrol Deputy for the Clark County Sheriff's Dept., I respond to a lot of Animal neglect and abuse complaints. Because of the large number of complaints that come into our department, I asked to take the Humane Officer training and completed this training and was certified in September of 2002. I handle the majority of animal neglect/abuse complaints that come into our department.

I do have an extensive background and experience with animals, primarily with dogs. I am a born and raised North Dakota farm boy. I've owned and operated farms in both No. Dakota and Wisconsin. My first formal training/experience with dogs was in the USAF. I was a K-9 Military working dog handler for 4 years. I am a Viet Nam veteran, I served overseas for 3 years with a dog at my side and truly learned the meaning of having a dog as a partner and lifesaver. After the Military, I attended L.A. Pierce College and studied Animal Science/Health. I worked a K-9 police dog on the streets of L.A. for about three years. From there I went to Northern Calif. Where I trained Guide Dogs for the Blind for 4 years. I am a Licensed Guide Dog Instructor. I worked for several Sheriff and Police Departments in Northern Calif. As a K-9 instructor/handler. In 1981 I started my own dog training business which my wife and I still own and operate today. I got out of Law Enforcement when I got married and moved back to the farm in ND so we could raise our children in a good environment. I bought a farm in Wisconsin and farmed here for about 8 years. I got back into Law Enforcement in Clark County when I assisted them with training their Bloodhounds for tracking. I started as a Reserve Deputy and after a couple years was hired full time. I completed the WI certification program for LE officers. I've been with CLSO for almost 7 years. I am a member of the Wisconsin K-9 Handlers Association and the North American Police Work Dog Association and I'm also a licensed AKC judge for working dog trials. I love my job as a Deputy and my role as a LE Humane Officer.

Because of my background training and experience, my job with Clark Co. Sheriff's Dept. is two-fold. (1) I am a patrol deputy; I handle all complaints and work traffic enforcement. (2) Being a certified Humane Officer, I'm the "Animal Police". We get a large number of animal complaints; about 15-20 per week. I had our Admin. Secretary pull some figures out of the computer to give you an idea of what's happening in Clark County. Last year, 2002, we had 615 animal complaints, 42 were dog bites. This was our 3rd highest complaint. Accidents were #1, Ambulance calls were #2. 911 hang-ups were #4. Out of the 615 complaints, about 70% were dog/cat complaints, the rest were large animal complaints. This year to date, we've received 531 animal complaints, 34 were dog bites. Out of the 531 comp., about 75% are dog related. Again, this is our 3rd highest complaint. Ambulance calls are #1, and Accidents are #2. Car-Deer accidents are #4. (I've hit 3 with my squad and 1 with my personal vehicle).

Clark County is experiencing an influx of large scale puppy mills. (define) These puppy mills are being forced out of other states by either regulations or animal rights people. They come to Clark County and buy small dairy farms. They either convert old dairy

barns or build new steel pole sheds and house anywhere from 60 to 200 dogs. There is one being built right now that will hold 300 dogs. These puppy mills house dogs in 3x3 cages, 2 ½ ft high. Raised about 3ft off the ground. The bottom of the cage is nylon coated mesh wire with about 1-2inch squares so the feces and urine will fall thru. They put shavings underneath to soak up the urine. They have automatic feeders and water nipples plumbed in to each cage. These dogs are locked up in the cages 24hrs. a day, 7 days a week. They never get outside, never see sunshine, never get fresh air and never get exercise. They are never socialized /never see people. Few of these dogs have names, they have a number. One of the biggest health issues I've seen in this set-up, is that their feet become deformed from always standing on the wire and never having a flat surface to walk on. Their toes actually grow up & down and crooked. If you take them out and put them on the ground, they have difficulty walking on a flat surface. Now, I'm not a bleeding heart, but this is JUST PLAIN WRONG!!!

We have at least 6 of the operations in our County right now. There is probably more than that and I just have not found them yet. They are smart, sneaky and very good at hiding these operations. They know about laws and regulations from other states. You drive by their farms, you will never see a dog. Everything is hidden inside and out of sight. Most of these operations only sell to brokers, not to the public. They sell entire litters to brokers for about 1/3 of the retail price of a puppy. The broker sells the puppies to pet stores for about 2/3 the retail price of a puppy and then the pet store retails the puppy out to the public.

One example, I found about one of these that had 160 dogs, totally hidden in a steel pole building. Moved here from out of state. I went to investigate. The owner asked me if I had received a complaint against him. I told him no. He then refused to show me the dogs. He said he has a private kennel and does not allow the public in. As I was leaving, he asked me if I was going to come back with a warrant. I told him he could bet on it. He asked me how deep the manure has to be before I consider a problem. I told him I didn't know, it has to be kept clean. He told me he was a professional breeder and runs a good operation. He did allow me in to look at his facilities and dogs. It was insulated, intake and exhaust fans on a timer and thermostat. One portion of the building was sectioned off for a whelping room. The other section was filled with the 3x3 cages with 2-3 dogs in every cage. It was very clean, the noise inside was deafening. All the dogs were current in vaccinations and kennel license.

We have no regulations for puppy mills in the state of WI. There are no minimum standards and no method of enforcement other than Ch. 951 (crimes against animals). It has to get pretty bad before you can enforce and charge under this chapter. If the State had regulations and inspections, you could prevent a lot of these cases from going to Ch. 951. In May of this year, Clark County adapted and passed an Abatement Order. This is a Court Order issued to animal owners who are found to be in violation of a WI SS under 951. It lists the violation, tells them what needs to be done to correct it, and gives them 10 days to take care of it. The AO remains in effect for 3 years. My approach is to educate vs. prosecute. If they comply with the AO, I usually won't seek charges unless they are extreme cases of abuse.

My 1st puppy mill case was a horrible one. I found 87 dogs in a 12x40ft lean-to shed. They were kept in 4x4ft chain-link kennels with anywhere from 6-10 dogs in each kennel. There was no sanitation or ventilation. The feces were about 6-12" deep. Hay was used as bedding and when it was filthy, more hay was put on top. It was never cleaned regularly. The stench of feces & urine was so strong that my eyes watered and it was difficult to breath. The dogs were filthy and un-kept. A lot of the dogs had injuries from fighting with each other. A complainant told me that the dogs would actually kill each other. Some of the longhaired dogs that were not groomed had the hair grown shut over their eyes. A few dogs' eyes actually ulcerated and went blind. This person had the eyes removed and continued to breed them. You don't have to see to have puppies. This person used 5 different veterinarians for different health problems so that one Vet would not see all the problems. These dogs were all infected with several kinds of parasites. They was no rabies/vaccinations and the kennel license was renewed for 7 dogs. This person was charged with rabies & license violations along with a lot of other charges for abuse/neglect. This person was convicted on some of the charges, fined and given probation and ordered not to own any animals for 5 years. This person told me that the dogs were going to be sold at an auction in Missouri. (to other puppy mill operators.) This person did sell some of the dogs, but also farmed out about 50 of them to other places in the county. I ran into those later and began charging those people along with the original owner. Finally, about 1/2 of the dogs went to rescue organizations and they half wound up going to other puppy mills out of Clark County. One of these people actually moved out of Clark County to get away from me and is still back in business. These puppy mill people do work together and help each other out.

A 3rd case, I found about 75 dogs, moved here from out of state, made the mistake of advertising and selling to the general public. We started getting complaints on a daily weekly basis. The public was shocked when they saw this commercial operation. This was another 3x3 elevated crate operation. The dogs were unsocialized and couldn't walk on a leash or flat surface. Sanitation was an issue. The owner after my 3rd visit and after being issued an abatement order, became upset with me and asked why people are complaining. She asked don't they like the smell or what?? This is still an on-going case and the AO has worked as far their sanitation issues.

I am presently working on a case which is open and I can't give a lot of details. This is a back-yard breeder whose calls himself a hobby-breeder. Has about 60 dogs, all outside, small chicken wire pens with 3-6 dogs in each pen. The pens are on dirt or gravel. They become muddy, are never cleaned frequently and sanitation is definitely an issue. There are electrical cords running everywhere. The dogs have access to the cords and can bite and chew on them. He thinks cleaning once a week is sufficient. He had no shot records, no vaccinations and no license. He feeds the cheapest, poorest food on the market. He told me he is not a business (although he sells dogs) this is just a hobby. He likes dogs. He is not complying with the AO and I'm in the process of requesting charges on him.

These are some of the worst cases I've had to deal with, there are many others and I could go on and on.

When you think of all the good things that dogs do for mankind; Leading the blind, Police dogs that protect and detect drugs, bombs, find bad guys that run away. Search & Rescue dogs (9-11) that find lost people and bodies; Service dogs that assist Quadriplegics and Paraplegics in wheelchairs. Hearing impaired dogs, seizure dogs, Therapy dogs that go to hospitals, nursing homes, etc. Dogs have rights and someone has to look out for them and give them some kind of protection.

I am here today to encourage you to pass this bill, to give these dogs some protection, to establish some type of regulation so they are treated humanely, fairly and can live a decent life. I thank you for the opportunity to speak on behalf of this bill and for hearing me out. I would also like to thank my Sheriff, Louis Rosandich for allowing me to come to Madison and speak on this issue. Thank you, I will now answer any questions you may have.

Deputy Douglas Weil/328
Clark County Sheriff's Department





ASPCA[®]

THE AMERICAN SOCIETY FOR THE
PREVENTION OF CRUELTY TO ANIMALS

MEMORANDUM IN SUPPORT WISCONSIN AB 536

The American Society for the Prevention of Cruelty to Animals (ASPCA) and its 7,800 Wisconsin State supporters urge you to enact AB 536, the Pet Facilities Licensing and Inspection Act.

AB 536 would give the Department of Agriculture, Trade and Consumer Protection the much-needed ability to inspect and license kennels, animal shelters, and pet shops. It would give the Department the authority to promulgate rules regarding humane care of animals in these facilities and minimum standards for animal shelter and kennel facilities. The law would provide for criminal penalties for persons who operate facilities without a license.

This bill is no longer just a humanitarian concern; it is a public health matter. In the summer of 2003 nineteen Wisconsin residents became ill after coming into contact with pet prairie dogs suspected of having monkeypox virus. In an article dated June 9, 2003 state officials admitted that the lack of better records made it difficult to trace the whereabouts of 30 prairie dogs linked to the outbreak. Donna Gilson, a spokeswoman for the state Department of Agriculture, Trade and Consumer Protection stated, "There's no record keeping required here," she said. "It's not like selling cattle or deer or elk. These animals can come into and move throughout the state without any kind of documents."

Many other states including Illinois already have inspection and licensing programs at animal facilities. In Illinois it was relatively easy to trace the owners of the diseased prairie dogs because of pet shop records. The animals and people were quarantined in a matter of days.

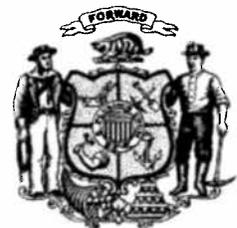
Inspecting and licensing pet facilities is critical to protect the public health. It would also benefit consumers. Animals that are raised in unsanitary conditions can have health problems. Monkeypox is just one example. Some canines in puppy mills have been diagnosed with brucellosis. Dogs that are inbred can produce puppies with congenital deformities.

The ASPCA has been inundated by calls from our members asking us to help stop the inhumane conditions and public health threats that exist in the unlicensed pet trade. It should be the Department of Agriculture, Trade and Consumer Protection's responsibility to protect the public by regulating pet shops and commercial breeders.

It is imperative that AB 546 be passed to start regulating pet facilities in Wisconsin. The ASPCA urges you to support this important public safety legislation.



WISCONSIN STATE LEGISLATURE





**Wisconsin Humane Society
Urges Legislative Support for Assembly Bill 536**

-- Help Prevent Puppy Mill Abuse: Pass AB 536 --

On a daily basis, animals that were originally obtained from puppy mills and other unscrupulous breeders are surrendered to the Wisconsin Humane Society because they are sick, aggressive or behave badly. These animals were treated poorly from birth. They didn't receive proper care, love and nutrition. In addition to being cruel and abusive to the animals, this mistreatment creates anxiety for the guardians/owners and can cost them a lot of money.

AB 536 is a critical step toward the appropriate treatment and care of companion animals in Wisconsin. It is needed, unfortunately, because many breeders and pet stores do not currently provide humane care for their animals.

The Wisconsin Humane Society will also have to comply with this legislation and subsequent rules, and we are happy to be included because we already provide care and treatment above and beyond the standards set forth in the legislation. In addition, we know this proposal will ultimately result in better care for animals everywhere and less cost for consumers and our shelter.

We urge your support for AB 536!! Thank you.

(Testimony submitted by Barry Ashenfelter, WHS Public Policy Advocate)

The mission of the Wisconsin Humane Society is to build a community that values animals and treats them with respect and kindness.

WHS is the largest, oldest and most active animal shelter in Wisconsin. Over 15,000 animals are cared for each year at this facility. WHS also takes in dogs and cats from smaller and rural shelters that have run out of space to house the animals or don't have appropriate medical technology to address the animals' needs. WHS runs the state's largest shelter veterinary clinic and surgery center, as well as one of the country's largest wildlife rehabilitation hospitals. Wildlife experts treat over 5,000 wild animals each year. WHS staff and humane educators work with children and adults in the greater Milwaukee area to promote kindness, compassion and animal welfare.



MEMORANDUM

From: Representatives Tom Lothian (AB536 co-author)
To: Members, Assembly Committee on Agriculture

Representative Petrowski and a few members of the public, some working anonymously are waging a campaign to kill AB536, the pet facilities law. Some of you may have been told things about the bill, its intent and consequences that are not true. This memo outlines just some of those items that are being discussed but are not being represented accurately. Of course, there may be more as Representative Petrowski and some others opposing the bill have refused for months to meet with the authors or submit suggestions to the authors for changes or amendments.

MYTH: AB536 is a slippery slope and livestock are or could be included.

TRUTH: Lines 18 and 19 on page three of AB536 specifically defines "Livestock" as "cattle, horses, swine, sheep, goats, deer, llamas, and related species," and line two on page four specifically excludes livestock with the language, "other than livestock". The term related species at the end of the livestock definition broadly protects farmers regardless of what their livestock is.

MYTH: AB536 includes game animals such as game animals.

TRUTH: Lines 19 on page three of AB536 specifically excludes "game species."

MYTH: Funding is an increase in taxes or dog license fees.

TRUTH: Funding, in an amendment cooperatively created with and introduced by Representative Hines, eliminates all references to dog licenses, dog license fees, dog license taxes. The amendment funds the bill through facility license fees of those being inspected and licensed, just like Colorado where a very similar program is working.

MYTH: AB536 will force small, hobby-type breeders to erect buildings with running water or separate facilities to house their litters.

TRUTH: Minimum standards could include things like access to water and provision of adequate food, etc. as well as minimum standards for ventilation. Minimum standards favor those being inspected in that they may more easily demonstrate compliance, versus specific standards, which by nature would be less flexible in their application.

MYTH: Animal activists or groups such as PETA or AWARE are behind AB536.

TRUTH: No animal activist groups were involved with bill drafting, nor did any testify or even register in favor of the bill. In fact, the only two organizations that have registered in favor of the bill are the Wisconsin Humane Society and the Wisconsin Veterinary Medical Association.

MYTH: Even small breeders (less than 25 animal sales per year) would face regulation.

TRUTH: Only those operations involving 25 or more animals per year for sale would be covered, as is stated throughout the bill. Someone selling 24 in a year would not be included. The number 25 mirrors federal, USDA standards.



COLORADO

35-80-101 - Short title.

This article shall be known and may be cited as the "Pet Animal Care and Facilities Act".

35-80-102 - Definitions.

As used in this article, unless the context otherwise requires:

(1) "Animal shelter" means a public or private facility licensed pursuant to this article and the rules and regulations adopted pursuant thereto.

(1.5) "Bird hobby breeder facility" means any facility engaged in the operation of breeding and raising birds for the purpose of personal enjoyment that does not transfer more than thirty birds per year.

(2) "Canine hobby breeder facility" means any facility which transfers no more than twenty-four dogs per year or breeds no more than two litters per year, whichever is greater.

(2.5) "Commercial dog breeder" means a dog breeder that transfers at least one hundred dogs per year, excluding racing greyhounds that are not intended to be companion pets.

(3) "Commission" means the state agricultural commission.

(4) "Commissioner" means the commissioner of agriculture, or the designee of the commissioner.

(5) "Committee" means the pet animal advisory committee created in section 35-80-115.

(6) "Department" means the department of agriculture.

(6.3) "Dispose" or "disposition" means adoption of a pet animal, return of a pet animal to the owner, release of a pet animal to a rescue group licensed pursuant to this article, release of a pet animal to another pet animal facility licensed pursuant to this article or to a rehabilitator licensed by the division of wildlife or the United States fish and wildlife service, or euthanasia.

(6.5) "Dog breeder" means any firm, person, or corporation which is engaged in the operation of breeding and raising dogs for the purpose of selling, trading, bartering, giving away, or otherwise transferring same, excluding racing greyhounds that are not intended to be companion pets.

(7) "Euthanasia" means to produce a humane death by techniques accepted by the American veterinary medical association.

(8) "Feline hobby breeder facility" means any facility which produces or transfers no more than twenty-four cats per year.

(9) "Livestock" means cattle, horses, mules, burros, sheep, poultry, swine, llama, and goats, regardless of use, and any animal that is used for working purposes on a farm or ranch, and any other animal designated by the commissioner, which animal is raised for food or fiber production.

(10) "Pet animal" means dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds, fish, reptiles, amphibians, and invertebrates, or any other species of wild or domestic or hybrid

animal sold, transferred, or retained for the purpose of being kept as a household pet, except livestock, as defined in subsection (9) of this section. "Pet animal" does not include an animal that is used for working purposes on a farm or ranch.

(11) "Pet animal facility" means any place or premise used in whole or in part, which part is used for the keeping of pet animals for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading, or otherwise transferring such animals. "Pet animal facility" also includes any individual animals kept by such a facility as breeding stock, such licensing of individual breeding stock to be inclusive in the pet animal facility license. "Pet animal facility" shall not mean a common carrier engaged in intrastate or interstate commerce. For purposes of this article, two or more animal facilities that have the same or a similar purpose and operate from one place or premises shall be considered a single pet animal facility.

(11.8) "Small animal breeder facility" means any facility that transfers more small mammals than the maximum number established by the commissioner by rule for each particular species.

(12) "Small animal hobby breeder facility" means any facility that transfers a number of small mammals that is less than the maximum number established by the commissioner by rule for each particular species.

(13) "Small dog breeder" means a dog breeder that transfers at least twenty-five but no more than ninety-nine dogs per year.

35-80-103 - Scope of article.

(1) Any person who operates a pet animal facility that is licensed as of December 31, 1993, by the United States department of agriculture shall not be subject to the routine inspection provisions of this article but shall be subject to all other provisions, including but not limited to those concerning licensure and investigation of reported violations.

(2) The provisions of this article shall not apply to:

(a) Any veterinary hospital which boards pet animals for the purpose of veterinary medical care only and does not actively solicit boarding business in any way;

(b) Any research facility, circus, or publicly or privately owned zoological park or petting zoo licensed or registered under the provisions of the federal "Animal Welfare Act Of 1970", 7 U.S.C. sec. 2131 et seq., as amended;

(c) Any bird hobby breeder facility, canine hobby breeder facility, feline hobby breeder facility, small animal hobby breeder facility, or any other hobby breeder facility as defined by the commissioner which is specific to other pet animal species;

(d) Any pet animal training facility where the pet animal owner or such owner's designee, other than a training facility operator, is present during the duration of the animal's stay;

(e) Any kennel operated for the breeding or sale or racing of racing greyhounds that are not intended to be companion pets;

(f) Any facility licensed pursuant to article 60 of title 12, C.R.S., for the racing of greyhounds;

(g) Any wildlife regulated by the division of wildlife or department of natural resources;

(h) Livestock, as defined in section 35-80-102 (9).

(3) (a) Any pet animal facility structure in existence and licensed by the department of health through 1991 that was in compliance with that department's regulations for such licenses shall be exempt from any conflicting requirements of this article or rules and regulations of the commissioner concerning physical premises.

(b) Any laws or rules promulgated for pet animal facilities shall not require the construction of any new buildings or major reconstruction of the existing physical premises of facilities specified in paragraph (a) of this subsection (3).

35-80-104 - Pet animal facility license required.

Any person operating a pet animal facility shall possess a valid pet animal facility license issued by the commissioner in accordance with this article and any rules and regulations adopted by the commissioner in accordance with the provisions of this article.

35-80-105 - Pet animal facility - licensure requirements - application - fees.

(1) Each applicant for a pet animal facility license shall submit an application providing all required information in the form and manner required by the commissioner.

(2) Each location of a pet animal facility shall be separately licensed.

(3) If a pet animal facility operates under more than one business name from a single location:

(a) No additional pet animal facility license shall be required for the different business names;

(b) The pet animal facility operator must maintain separate records pursuant to section 35-80-107 for each such business name; and

(c) The name of each business providing services that are related to those of a pet animal facility shall be listed with the commissioner in the form and manner designated. The commissioner may require that a separate fee be paid for each such business name.

(4) Each applicant for a pet animal facility license shall pay an annual license fee in the amount specified by the commissioner, which amount shall not exceed two hundred dollars per license.

(5) Each pet animal facility license shall expire on March 1 of each year.

(6) Each licensee shall report to the commissioner, in the form and manner the commissioner shall designate, any change to the information provided in the application or reports previously submitted within fifteen days of any such change.

(7) Licenses issued pursuant to this article shall not be transferable.

35-80-106 - Pet animal facility license - renewal.

(1) Each pet animal facility shall apply to renew its license on or before the first working day of March for the year of renewal. Said application shall be in the form and manner prescribed by the commissioner and shall be accompanied by the required renewal fee.

(2) If the application for renewal is not postmarked on or before the first working day of March for the year of renewal, a penalty fee of ten percent of the renewal fee shall be assessed. No license shall be renewed until the renewal fee and any penalty fee are paid.

(3) If the application and fee for renewal are not postmarked on or before April 1, the license shall not be renewed and the pet animal facility shall apply for a new license.

35-80-106.3 - Animal holding periods - disposition of unclaimed animals - immunity from actions over disposition of a pet animal.

(1) Any pet animal held by or in the custody of a licensed animal shelter, whether public or private, and not reclaimed by the owner shall be held by the animal shelter for a minimum of five days after acquisition by the animal shelter before it may become available for adoption or otherwise disposed of at the discretion of the animal shelter. For purposes of this section, "days" means days during which the shelter is open to the public. If the animal shelter acquires the pet animal from the owner or an authorized representative of the owner, the pet animal becomes the property of the animal shelter at the time of transfer of the pet animal, and the pet animal may be disposed of by and at the discretion of the animal shelter. If the pet animal is abandoned, as defined in section 18-9-201 (1), C.R.S., the pet animal becomes the property of the animal shelter upon acquisition and may be disposed of by and at the discretion of the animal shelter. Pet animals, which in the opinion of a veterinarian are experiencing extreme pain or suffering, may be disposed of immediately by the animal shelter through euthanasia after the animal shelter has exhausted reasonable efforts to contact the owner; however, for pet animals with identification, the animal shelter shall exhaust reasonable efforts to contact the owner for up to twenty-four hours.

(2) An animal shelter and any employee thereof that complies with the five-day minimum holding period as set forth in subsection (1) of this section or that disposes of a pet animal in accordance with the provisions of subsection (1) of this section for owner-surrendered animals, abandoned animals, or suffering animals shall be immune from liability in a civil action brought by the owner of a pet animal for the shelter's disposition of a pet animal.

(3) Nothing in this section shall preclude a town, city, city and county, or county from adopting, maintaining, or enforcing an ordinance that exceeds the five-day minimum holding period as set forth in subsection (1) of this section. Nothing in this section shall preclude a licensed animal shelter, whether public or private, from adopting, maintaining, or following a policy that exceeds the five-day minimum holding period as set forth in subsection (1) of this section.

35-80-106.5 - Psittacine bird leg band - fee.

(1) Each applicant for a Colorado psittacine bird leg band shall be issued a bird leg band number by the commissioner after paying the required application fee, and each holder of a

bird leg band number shall pay an annual renewal fee on or before October 1 of each year.

(2) The application and renewal fees described in subsection (1) of this section shall be set forth in rule adopted by the commissioner.

35-80-107 - Record-keeping requirements.

Each pet animal facility shall keep and maintain records in the form and manner designated by the commissioner. Such records shall be retained for a period of two years and shall be kept at the address specified in the license application for the pet animal facility.

35-80-108 - Unlawful acts.

(1) Unless otherwise authorized by law, it is unlawful and a violation of this article for any person or entity:

(a) To perform any of the acts of a pet animal facility for which licensure is required without possessing a valid license under this article;

(b) To solicit, advertise, or offer to perform any of the acts for which licensure as a pet animal facility is required without possessing a valid license to perform such acts;

(c) To refuse to comply with a cease and desist order issued pursuant to section 35-80-111;

(d) To refuse or fail to comply with the provisions of this article;

(e) To make a material misstatement in a license application, a license renewal application, or to the department during an official investigation;

(f) To impersonate any state, county, city and county, or municipal official or inspector;

(g) To refuse or fail to comply with any rules or regulations adopted by the commissioner pursuant to this article or any lawful order issued by the commissioner;

(h) To aid or abet another in any violation of this article or any rule promulgated by the commissioner under the provisions of this article;

(i) To import or have in such person's possession for the purpose of selling, trading, giving, or otherwise transferring certain species of birds designated by the commissioner that have not been legally banded with a leg band applied during the prefeathered stage of development and appropriate to the size and species of the bird;

(j) To sell, barter, exchange, or otherwise transfer, possess, import, or cause to be imported into this state:

(I) Any type of turtle with a length in carapace of less than four inches; or

(II) (A) Any species of nonhuman primate.

(B) Such prohibitions, with respect to nonhuman primates, shall not apply to a zoological park or a research institute licensed or registered under the provisions of the federal "Animal Welfare Act of 1970", 7 U.S.C. sec. 2131, et seq., as amended, nor shall they apply to the

keeping of a nonhuman primate as a household pet by any person who owned such primate on or before July 1, 1973, or to the keeping by a disabled person of a nonhuman primate specially trained to assist such person.

(k) To sell, transfer, or adopt dogs or cats under the age of eight weeks; and

(l) To sell, transfer, or adopt guinea pigs, hamsters, or rabbits under the age of four weeks, and such other pet animal species as may be specified by the commissioner.

(1.5) Paragraphs (i), (j), (k), and (l) of subsection (1) of this section shall apply to all persons and entities, including those specifically exempted under section 35-80-103 (1), (2) (a), (2) (c), (2) (d), and (2) (e).

(2) It is unlawful and a violation of this article for any person operating a pet animal facility:

(a) To refuse to permit entry or inspection in accordance with section 35-80-110;

(b) To sell, offer for sale, barter, exchange, or otherwise transfer immature domestic fowl in lots of less than twenty-five as pets;

(c) To sell, offer for sale, barter, exchange, or otherwise transfer raccoons or other animal species of wildlife that are prohibited to be kept as pets by the division of wildlife in the department of natural resources;

(d) To import or cause to be imported any pet animal for the purpose of sale, resale, trade, or barter by a pet animal facility operator unless such operator is the holder of a valid pet animal facility license issued pursuant to this article;

(e) To allow a license issued pursuant to this article to be used by an unlicensed person;

(f) To make any misrepresentation or false promise through advertisements, employees, agents, or otherwise in connection with the business operations licensed pursuant to this article or for which an application for a license is pending; and

(g) To fail to take reasonable care to release for sale, trade, or adoption only those pet animals that are free of undisclosed disease, injury, or abnormality.

(3) It is unlawful and a violation of this article for any employee or official of the department or any person designated by the commissioner pursuant to section 35-80-109 (6) to disclose or use for his or her own advantage any information derived from any reports or records submitted to the department pursuant to section 35-80-110 or to reveal such information to anyone except authorized persons, including officials or employees of the state, the federal government, and the courts of this or other states.

(4) The failure by any person to comply with the provisions of paragraph (a) or (b) of subsection (1) of this section or paragraph (f) of subsection (2) of this section is a deceptive trade practice and is subject to the provisions of the "Colorado Consumer Protection Act", article 1 of title 6, C.R.S.

35-80-109 - Powers and duties of the commissioner.

(1) The commissioner is authorized to administer and enforce the provisions of this article and any rules and regulations adopted pursuant thereto.

(2) The commissioner is authorized to adopt all reasonable rules and regulations for the administration and enforcement of this article, including, but not limited to:

(a) Minimum standards of physical facility, sanitation, ventilation, heating, cooling, humidity, spatial and enclosure requirements, nutrition, humane care, medical treatment, and method of operation, including the minimum holding period for and disposition of stray or abandoned pet animals that are, in the opinion of the commissioner, necessary to carry out the provisions of this article;

(b) Maintenance of records concerning health care, euthanasia, and transactions involving pet animals;

(c) The establishment of qualifications for any applicant and standards of practice for any of the licenses authorized under this article, including the establishment of classifications and subclassifications for any license authorized under this article;

(d) The issuance and reinstatement of any license authorized under this article and the grounds for any disciplinary actions authorized under this article, including letters of admonition or the denial, restriction, suspension, or revocation of any license authorized under this article; and

(e) The amount of any license fee for a pet animal facility license. Such license fee may be different for different classifications and subclassifications of any license authorized under this article.

(3) The commissioner is authorized to conduct hearings required under sections 35-80-112 and 35-80-113 pursuant to article 4 of title 24, C.R.S., and to use administrative law judges to conduct such hearings when their use would result in a net saving of costs to the department.

(4) The commissioner is authorized to determine the amount of any licensing fee authorized under this article based on the actual cost of administering and enforcing the article and any rules and regulations adopted pursuant thereto.

(5) The commissioner is authorized to enter into cooperative agreements with any agency or political subdivision of this state or with any agency of the United States government for the purpose of carrying out the provisions of this article, receiving grants-in-aid, and securing uniformity of rules.

(6) The powers and duties vested in the commissioner by this article may be delegated to qualified employees of the department.

(7) The commissioner shall appoint an advisory committee pursuant to section 35-80-115.

35-80-110 - Inspections - investigations - access - subpoena.

(1) The commissioner, upon his or her own motion or upon the complaint of any person, may make any investigations necessary to ensure compliance with this article.

(2) Complaints of record made to the commissioner and the results of his or her investigations may, in the discretion of the commissioner, be closed to public inspection, except to the person in interest, as defined in section 24-72-202 (4), C.R.S., or as provided by court order, during the investigatory period and until dismissed or until notice of hearing and charges are served on a licensee.

(3) At any reasonable time during regular business hours, the commissioner shall have free and unimpeded access upon consent or upon obtaining an administrative search warrant:

(a) To those portions of all buildings, yards, pens, and other areas in which any animals are kept, handled, or transported for the purpose of carrying out any provision of this article or any rule promulgated pursuant to this article; and

(b) To all records required to be kept and may make copies of such records for the purpose of carrying out any provision of this article or any rule promulgated pursuant to this article.

(4) The commissioner shall have full authority to administer oaths and take statements, issue subpoenas requiring the attendance of witnesses before him or her, and require the production of all books, memoranda, papers and other documents, articles, or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation. Upon the failure or refusal of any witness to obey any subpoena, the commissioner may petition the district court, and, upon a proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey such an order of the court shall be punishable as a contempt of court.

35-80-111 - Enforcement.

(1) The commissioner or the commissioner's designee shall enforce the provisions of this article.

(2) (a) Whenever the commissioner has reasonable cause to believe a violation of any provision of this article or any rule promulgated pursuant to this article has occurred and immediate enforcement is deemed necessary, he or she may issue a cease and desist order, which may require any person to cease violating any provision of this article or any rule promulgated pursuant to this article. Such cease and desist order shall set forth the provisions alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all actions cease forthwith. At any time after service of the order to cease and desist, the person may request, at such person's discretion, a prompt hearing to determine whether or not such violation has occurred. Such hearing shall be conducted pursuant to the provisions of article 4 of title 24, C.R.S., and shall be determined promptly.

(b) In the event that any person fails to comply with a cease and desist order within twenty-four hours, the commissioner may bring a suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of this article.

(c) No stay of a cease and desist order shall be issued before a hearing thereon involving both parties.

(3) Whenever the commissioner possesses sufficient evidence satisfactorily indicating that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this article or any rule adopted under this article, the commissioner may apply to any court of competent jurisdiction to temporarily or permanently restrain or enjoin the act or practice in question and to enforce compliance with this article or any rule or order issued under this article. In any such action, the commissioner shall not be required to plead or prove irreparable injury or the inadequacy of the remedy at law. Under no circumstances shall the court require the commissioner to post a bond.

35-80-112 - Disciplinary actions - denial of license.

(1) The commissioner, pursuant to the provisions of article 4 of title 24, C.R.S., may issue letters of admonition or deny, suspend, refuse to renew, restrict, or revoke any license authorized under this article if the applicant or licensee:

(a) Has refused or failed to comply with any provision of this article, any rule adopted under this article, or any lawful order of the commissioner;

(b) Has been convicted of cruelty to animals as defined in article 9 of title 18, C.R.S., or any similar statute of any other state;

(c) Has had an equivalent license denied, revoked, or suspended by any authority;

(d) Has refused to provide the commissioner with reasonable, complete, and accurate information regarding the care of animals when requested by the commissioner; or

(e) Has falsified any information requested by the commissioner.

(2) In any proceeding held under this section, the commissioner may accept as prima facie evidence of grounds for disciplinary action any disciplinary action taken against a licensee from another jurisdiction if the violation which prompted the disciplinary action in that jurisdiction would be grounds for disciplinary action under this section.

(3) No licensee whose license has been revoked may apply or reapply for a license under this article until two years from the date of such revocation.

35-80-113 - Civil penalties.

(1) Any person who violates any provision of this article or any rule adopted pursuant to this article is subject to a civil penalty, as determined by the commissioner. The maximum penalty shall not exceed one thousand dollars per violation.

(2) No civil penalty may be imposed unless the person charged is given notice and opportunity for a hearing pursuant to article 4 of title 24, C.R.S.

(3) If the commissioner is unable to collect such civil penalty or if any person fails to pay all or a set portion of the civil penalty as determined by the commissioner, the commissioner may bring suit to recover such amount plus costs and attorney fees by action in any court of competent jurisdiction.

(4) Before imposing any civil penalty, the commissioner may consider the effect of such penalty on the ability of the person charged to stay in business.

35-80-114 - Criminal penalties.

Any person who violates the provisions of section 35-80-108 (1) (a), (1) (b), (1) (c), or (1) (f) commits a class 2 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

35-80-115 - Advisory committee - sunset review - repeal.

(1) There is hereby established a pet animal advisory committee to advise the commissioner in establishing regulations under this article and to provide ongoing review of this article. The members of the advisory committee shall receive no compensation or reimbursement from the state of Colorado or the department for expenses incurred in the performance of their duties. The advisory committee shall consist of sixteen persons appointed by the commissioner as follows:

- (a) One person who represents animal rescue;
- (b) One person who represents bird breeders;
- (c) One person who represents small dog breeders;
- (d) One person who represents cat breeders;
- (e) One person who represents small animal breeders;
- (f) One person who represents boarding kennels;
- (g) One person who represents pet groomers;
- (h) One person who represents pet animal retailers;
- (i) One person who represents pet animal wholesalers;
- (j) One person who represents animal control officers;
- (k) One person who represents animal shelters;
- (l) One veterinarian licensed pursuant to article 64 of title 12, C.R.S.;
- (m) Three members of the general public, none of whom shall represent or have a financial interest in any of the groups listed in this subsection (1); and
- (n) One person who represents commercial dog breeders.

(2) All members of the advisory committee shall be residents of this state.

(3) In the event of a vacancy on the advisory committee prior to the completion of the member's full term, the commissioner shall appoint a person to complete the remainder of the term. Such person shall represent the same group as the member he or she is replacing, pursuant to subsection (1) of this section.

(4) The initial appointments of the animal rescue representative, the small animal breeder, the pet animal wholesaler, one member from the general public, and the commercial dog breeder shall expire on January 1, 1995. The initial appointments of the bird breeder, the representative of boarding kennels, the representative of animal control officers, the small dog breeder, and one member from the general public shall expire on January 1, 1996. The initial appointment of all other members shall be for a term of three years. Thereafter, members of the advisory committee shall serve for terms of three years.

(5) (a) This section is repealed, effective July 1, 2000.

(b) Prior to said repeal, the advisory committee appointed pursuant to this section shall be

reviewed as provided for in section 2-3-1203, C.R.S.

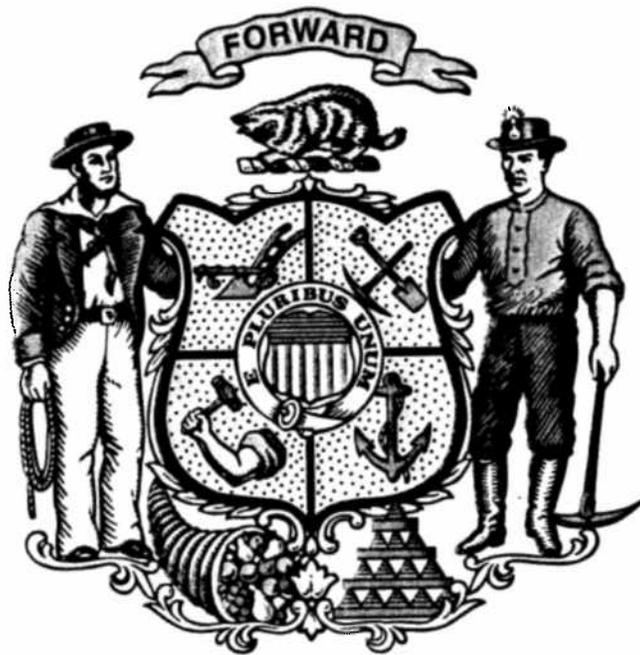
35-80-116 - Pet animal care and facility fund - fees.

All fees and civil fines collected pursuant to this article shall be transmitted to the state treasurer who shall credit the same to the pet animal care and facility fund, which fund is hereby created. All moneys credited to the fund shall be a part of the fund and shall not be transferred or credited to the general fund or to any other fund except as directed by the general assembly acting by bill. Notwithstanding the provisions of this section to the contrary, all interest derived from the deposit and investment of this fund shall be credited to the general fund, in accordance with section 24-36-114, C.R.S. The general assembly shall make annual appropriations from the fund to the department of agriculture for direct and indirect expenses incurred in carrying out the purposes of this section.

35-80-117 - Repeal of article - sunset review.

(1) This article is repealed, effective July 1, 2000.

(2) Prior to such repeal, the licensing functions of the commissioner shall be reviewed as provided for in section 24-34-104, C.R.S.



Legislation Affecting Breeders / Puppy Mills

Massachusetts

Support: H. 2274 (Fresolo) requires any person who produces one or more litters per year and sells the offspring to be licensed as a commercial breeder. On 1/1/03 the bill was introduced and referred to the Joint Committee on Natural Resources and Agriculture.

Support: H. 3197 (Kujawski) Requires any person who produces one or more litters per year and sells the offspring to be licensed as a commercial breeder. On 1/1/03 the bill was introduced and referred to the Joint Committee on Natural Resources and Agriculture.

Oppose: H. 3198 (Kujawski) establishes that the inspectors of the Massachusetts Food and Agriculture Department have the sole authority to inspect pet shops. Current law allows the MSPCA and the Animal Rescue League of Boston to inspect these facilities. On 1/1/03 the bill was introduced and referred to the Joint Committee on Natural Resources and Agriculture.

Nebraska

► **Support:** L.B. 274 [Chambers] requires licensure of pet shops, requires dealers, pet shops, shelters, and breeders to provide purchasers with spaying and neutering information, requires spay/neutering of all dogs and cats released from shelters or animal control facilities, and sets standards of care of dogs and cats for commercial breeders (including socialization). 3/20/03 Signed into law by the Governor.

New Jersey

Support: A. 2846 (Guear) requires dogs licensed out of state that are brought into NJ to be licensed in NJ within 60 days, and raises penalties for violations of law requiring licensing of dogs and of kennels, pet shops, shelters and pounds. On 5/8/03 it passed the Assembly Committee on Agriculture and Natural Resources.

Support: S. 2627 (Ciesla) directs the Department of Health and Senior Services to review current regulations concerning the proper care and housing of animals, determine the proper care and housing for each species of animal sold by kennels, pet shops and any other retail establishments selling animals, and adopt rules and regulations providing for the proper care and housing of animals by kennels, pet shops and other retail establishments selling animals that prohibit the overcrowding of animals. Bill was introduced on 6/9/03.

Support: S. 2628 (Ciesla) prohibits the sale of any dog by kennel, pet shop or other retail establishment without name, address and phone number of who provided the dog to the kennel, pet shop, or other retail establishment that sells dogs is provided to the person purchasing the dog at the time of sale, and establishes \$ 500 fine for each violation (supplementing Title 4 of the Revised Statutes.) The bill was introduced on 6/9/03.

Vermont

► **Support:** H. 464 (formerly H. 459 – then modified)(Dept. of Agriculture) increases the licensing fees for pet merchants from \$30 to \$150, allows the department to contract with local veterinarians to provide inspection services, mandates the department to work with the Vermont animal cruelty task force to improve the existing system for licensing pet merchants, and appropriates \$25,000 to a special fund to support the licensing of pet merchants. The bill became eligible for the Governor's desk on 5/30/03.

The Pet's Bill of Rights



1. We have the right to be **full members of your family**. We thrive on social interaction, praise, and love.
2. We have the right to **stimulation**. We need new games, new toys, new experiences, and new smells to be happy.
3. We have the right to **regular exercise**. Without it, we could become hyper, sluggish...or fat.
4. We have the right to have **fun**. We enjoy acting like clowns now and then; don't expect us to be predictable all the time.
5. We have the right to **quality health care**. Please stay good friends with our vet!
6. We have the right to a **good diet**. Like some people, we don't know what's best for us. We depend on you.
7. We have the right **not to be rejected** because of your expectations that we be great show dogs or show cats, watchdogs, hunters, or baby-sitters.
8. We have the right to receive **proper training**. Otherwise, our good relationship could be marred by confusion and strife—and we could become dangerous to ourselves and others.
9. We have the right to **guidance and correction** based on understanding and compassion, rather than abuse.
10. We have the right to **live with dignity**...and to die with dignity when the time comes.





Can Wisconsin Afford NOT to Pass The PET FACILITIES LAW?

The signs are everywhere!

Across Wisconsin, people are running pet businesses without a license, without standards or regulations, AND without collecting and paying sales tax or personal income tax on their business profits. Who “cleans up” after these businesses? Wisconsin’s shelters, breed placement and animal rescue organizations bear the expense.



- ▶ A three year survey of “casual” classified ad pet sellers revealed that **89% do not collect or submit sales tax**. With costs for dogs, for example, ranging from \$50 to over \$1,000, bringing pet dealers under licensing, inspection and regulation will ensure the flow of much needed tax dollars for WI.
- ▶ By State law, **finest for violators will help to support education**.
- ▶ The original funding proposal is budget neutral and self funding through licensing fees. **The PFL Program pays for itself AND generates income through sales tax compliance**. (Please see read detailed funding information at: <http://www.egresetch.com/WisconsinPFL/funding.html>)
- ▶ A recent poll of AWARE members revealed that they **support an increase in pet licensing fees** if the money is needed and will support the programs included in the Pet Facilities Law.

AWARE members encourage Wisconsin Senators and Representatives to support Pet Facilities Law Bill AB 536. Wisconsin needs pet businesses to pay their fair share by collecting and submitting sales tax and paying income tax on their profits, while providing suitable care for pet animals.

Deb Block—Secretary
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