



## NATIONAL ANIMAL INTEREST ALLIANCE

*Supporting the people who care for America's animals*

June 26, 2009

The Honorable Assemblymember Hayashi  
Chair, Assembly Business and Professions Committee  
1020 N Street, RM 124  
Sacramento CA 95814

Via fax (916)-319-2118

### **Letter in opposition to SB 250 as amended on May 28, 2009**

Attention: Chief Consultant, Ross Warren, Business and Professions: Please place our group on the Committee Oppose list for SB 250

Dear Chairman Hayashi and Committee Members:

I am writing on behalf of the National Animal Interest Alliance in opposition to SB 250, a seriously flawed and costly bill that will come before your committee on June 30th.

NAIA is a national organization whose role is to provide a moderate, balanced, fact-based perspective within the animal welfare debate. We are proud to represent a variety of animal interests including organized dog and cat enthusiasts, agriculture, medical research, veterinary medicine, wildlife management and pet owners across America. We have several thousand members in California who are interested in finding effective solutions to animal control and welfare problems while preserving responsible pet ownership.

We oppose legislation that attempts to mandate pet sterilization because it is ineffective, unenforceable, unfair and costly to communities. SB 250 is a classic example of robbing Peter to pay Paul. By focusing on one area alone – the reproductive status of pets – it will create unintended consequences in a number of other areas. The costs associated with SB 250 come in two main forms: 1) loss of public support resulting in reduced licensing compliance rates and reduced revenues; and 2) increased Hayden Act reimbursements to local communities for the costs associated with administering the new mandate. Because of these and many other issues, the California Department of Finance opposes SB 250:

[http://www.dof.ca.gov/legislative\\_analyses/LIS\\_PDF/09/SB-250-20090624015733PM-S\B00250.pdf](http://www.dof.ca.gov/legislative_analyses/LIS_PDF/09/SB-250-20090624015733PM-S\B00250.pdf)

What lies at the heart of this issue is the need for local government to develop a respectful relationship between pet owners and the laws they are expected to obey. It has been repeatedly demonstrated that punitive animal laws viewed by the public as unreasonable, unaffordable or invasive will drive people away from the system. Only an estimated 17% of California dog

owners currently license their pets, (1,395,970 licenses/8,255,805 estimated CA dogs) and this number is likely to decrease if SB 250 is passed.

The chart below illustrates how licensing numbers in California have declined as laws have become more punitive over the last couple decades.

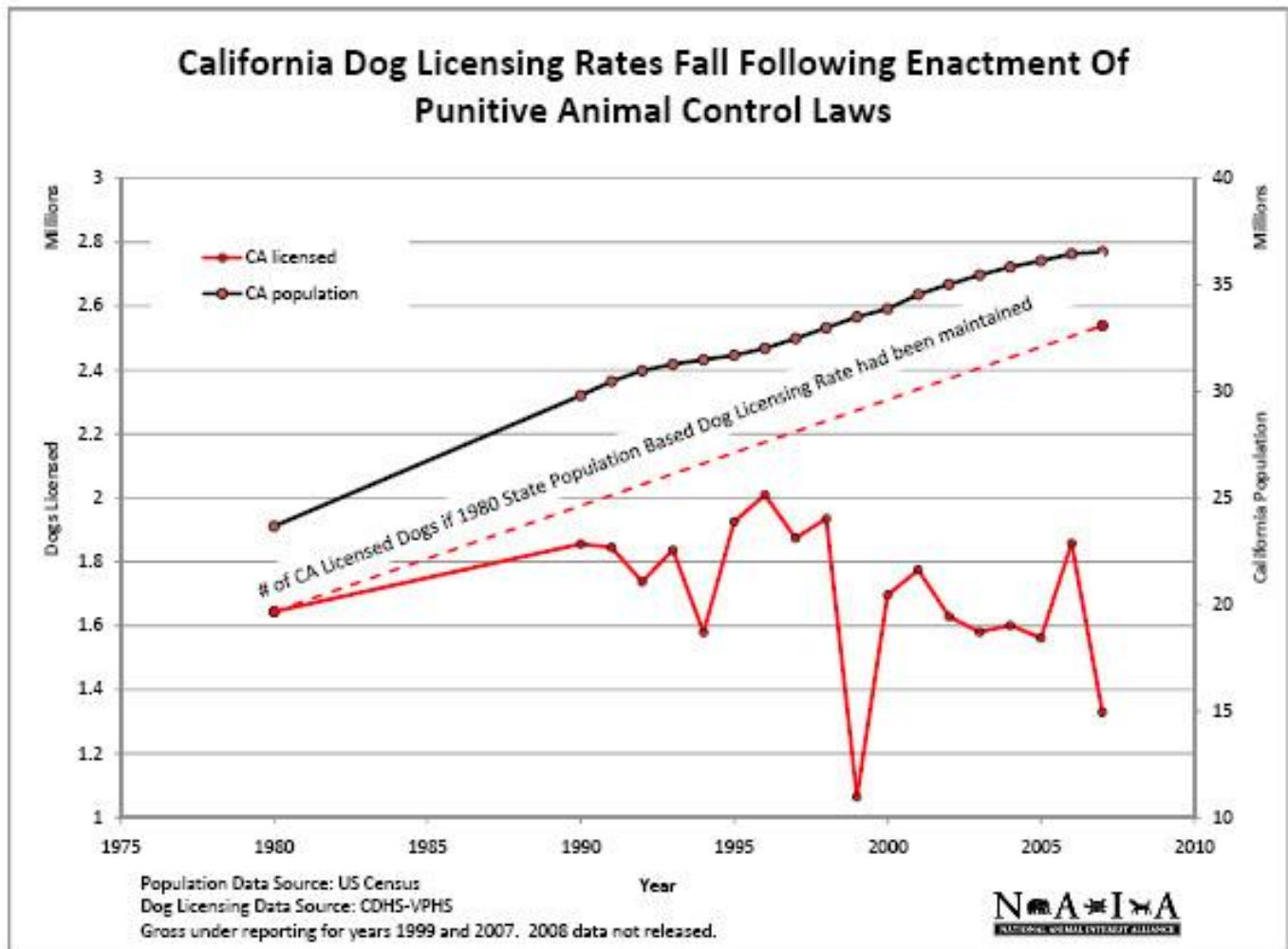


Figure 1 –The trend shown above corresponds in time to the introduction of coercive licensing schemes in California. The downward trend of this licensing curve is actually accelerating as more counties within California adopt increasingly punitive approaches.

NAIA has long supported affordable, accessible, voluntary spay neuter as an effective tool for lowering shelter numbers and encouraging responsible pet ownership. We also support laws that hold pet owners responsible for the problems created by their pets, while giving them opportunities to comply with the licensing and leash laws when honest mistakes are made. SB 250 employs a “one-strike-and-you’re-out” approach by mandating spay-neuter for the first violation of any one of a list of laws that includes minor offenses. This is not only unfair, but it also threatens to undermine efforts by local control agencies to increase licensing and compliance rates in their communities.

When considering SB 250, please keep in mind that the study of pet population dynamics is in its infancy and there are very few well-researched studies. This is critical to recognize, because when proponents of the Hayden Act, a bill that mandated longer shelter hold times for pets, advised the legislature “that the measure would not impose a state-reimbursable mandate because shelters would receive increased adoption and owner-redemption fees,” they were relying on untested theories. Unfortunately, proponents of the Hayden Act were wrong in some of their assumptions and the California Commission on State Mandates found that the additional cost to local governments was a state reimbursable mandate, one which is estimated to cost California over \$23 million in 2008-2009. 1.

Today you are being asked to support SB 250 and once again you are being advised that the measure will not result in additional reimbursements to local governments; the proponents now say that “the bill will be self-funding through the penalties it imposes.” Please be advised that there is no place in the United States where such a theory has ever proven true. In the face of punitive ordinances, what happens instead and can be documented in repeated instances is that many people give up their pets or do not reclaim them when they are impounded due to the high fees involved. This leaves pets to occupy our animal shelters until they are either adopted if they are lucky or euthanized if they are not. Because of this well-established pattern, the economic impact of SB 250 could be devastating to California. If only 1,000 such pets are relinquished or left unclaimed in animal shelters, for instance, the cost to California would be more than \$60,000, but that’s just a fraction of the actual number of additional animals that will be abandoned and euthanized in California shelters as a result of SB 250.

Our estimates, which are based on actual outcomes following passage of similarly punitive animal laws in California and other parts of the country, reliably predict that SB 250 would increase state reimbursements to local governments by \$1 million to \$22 million dollars annually. 2.

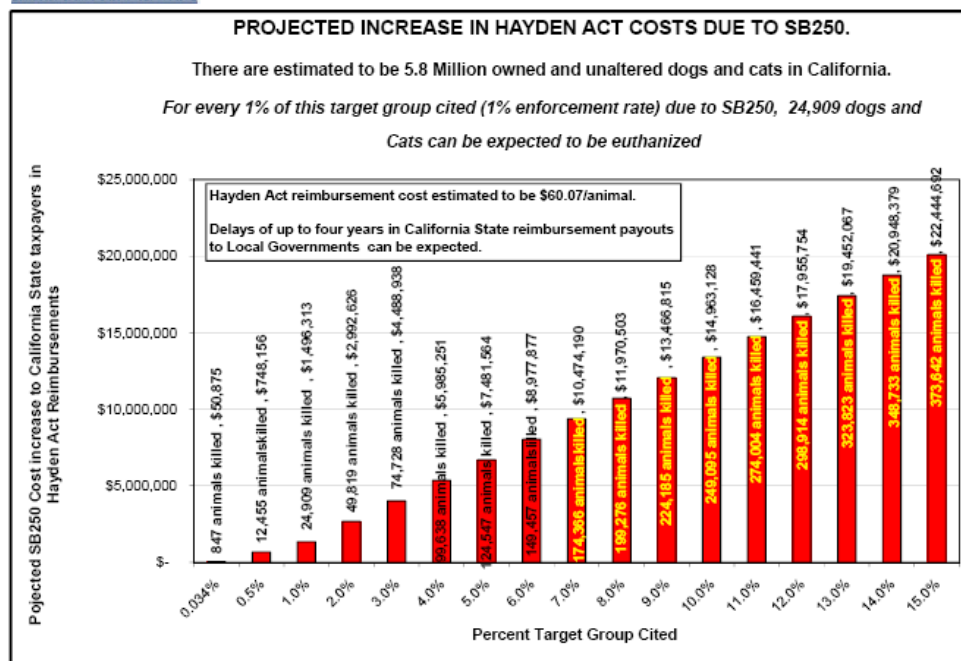


Figure 2

Here's why: It is a well known and undisputed fact among animal control personnel that an inverse relationship exists between license fees and compliance rates and punitive fees and pet relinquishment and abandonment rates.

Generally speaking, the higher the license fee, the lower the compliance rate. Punitive fines produce a similar result: the higher the fine, the more likely a pet owner is to relinquish or abandon his pet, or simply not to reclaim it if it is impounded. That is why punitive animal laws and ordinances, from Los Angeles, California to Louisville, Kentucky, have resulted in lower license compliance rates; increased animal control enforcement costs; higher impound and pet owner relinquishment rates and lower pet-owner reclaim rates. Please see the following recent examples:

The City of Los Angeles which had seen their dog euthanasia rate decline by 67% between 2002 and the end of 2007 passed a punitive mandatory spay-neuter law on February 1, 2008. So far this year they have seen a 20% increase in dog intakes and a 30% increase in dog and cat euthanasias as well as a significant decline in licensing compliance. 3.

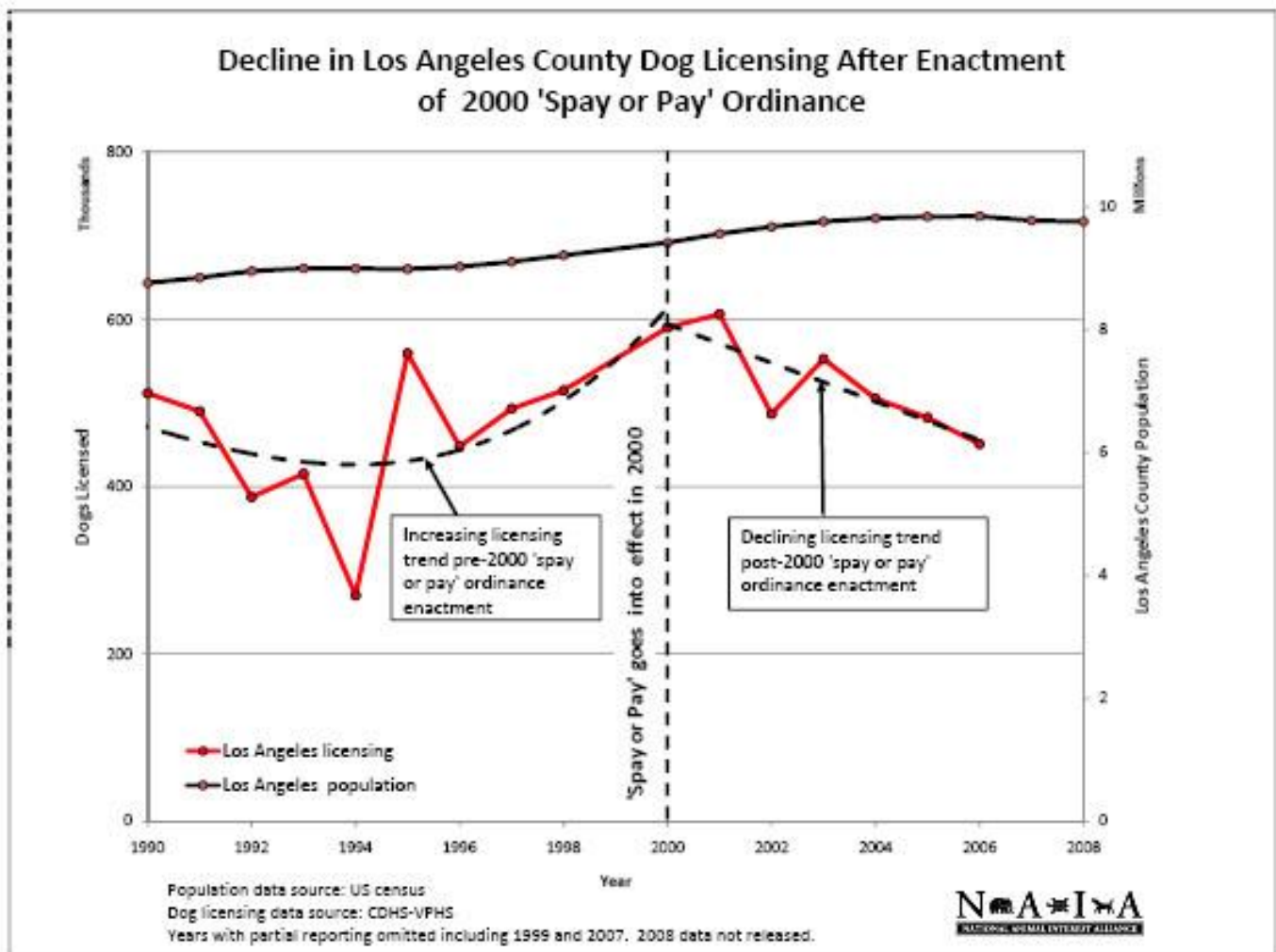


Figure 3

In December 2006, Louisville, Kentucky passed a punitive pet ordinance that imposed a number of burdensome fees, unaltered pet license fees, expensive licenses, and punitive restrictions. This ordinance is currently the subject of a lawsuit brought by the citizens of Louisville. Information that was obtained from a deposition taken in that court action shows that shelter intake and euthanasia rates are up and owner reclaim rates are down for the first half of the following year. If the trend presented continues, the intake and euthanasia rates are on track to double the numbers from the previous year. 4.

History shows that for many pet owners, the fear of being cited or assessed high fines is enough to trigger relinquishment or abandonment of pets. No actual citation has to occur. This is critically important to keep in mind when considering this bill, because SB 250 creates 5.8 million new citable offenders, specifically, Californians who own intact dogs and cats. Because SB 250 is both punitive in nature and revolutionary in scope, it has the potential to cost the state of California up to \$22 million more than the Hayden Act does today. If even 1% of this huge class of 5.8 million potential offenders abandons or relinquishes their pets as a result of a citation or fear of citation, euthanasia rates will soar and the economic consequences to California will be severe. Because the Hayden Act mandates longer hold times for shelter pets, costs to local governments will soar, requiring state reimbursements of over \$1 million for that small number alone.

As referenced earlier, the punitive nature of this bill will cause licensing rates to drop, something that will lower revenues to local animal control agencies.

The language about complaints that appears in the bill makes mere allegations actionable offenses. A disgruntled neighbor who dislikes his neighbor or simply doesn't like animals could file a complaint resulting in a pet owner being cited and fined for owning an intact pet, without the original complaint ever being cited or substantiated. This will lead to increased enforcement costs for local governments as they respond to complaints.

In closing, it appears to us that the only thing this bill will accomplish is to make the keeping of an intact pet an actionable offense, thereby creating a pool of potential offenders of more than 5.8 million. There is strong evidence to predict that it will increase shelter intake, hold times and euthanasia rates in the state; lower licensing compliance rates, increase enforcement costs due to complaints and cost the state of California somewhere between \$1 million and \$22 million in the process.

Please vote no on this misguided bill.

Sincerely,



Patti Strand, Chairman and National Director

Footnotes:

1. LAO Report on the Animal Adoption Mandate
2. Data analysis and graphs prepared by Angie Niles illustrating licensing trends and projected costs of SB 250 due to increased owner abandonment and euthanasia caused from passage of SB 250. Sources include, American Pet Product Manufacturers, California Department of Health Services, Veterinary Public Health Section, NAIA Shelter Project and "Characteristics of Shelter-Relinquished Animals and Their Owners Compared With Animals and Their Owners in U.S. Pet-Ownning Households," John C. New Jr.
3. Shelter data reported at [http://www.sheltertrak.com/stat\\_laas002.php](http://www.sheltertrak.com/stat_laas002.php)
4. Shelter data was obtained through deposition in lawsuit against the City of Louisville, Kentucky, Jefferson County and the Metro Government.
5. See also, the NAIA Guide to Pet Friendly Ordinances at <http://www.naiaonline.org/pdfs/PetFriendlyGuide.pdf>