

➤ Hearing Records ... HR (bills and resolutions)

**** 07hr_sb0308_SC-SBEPWDTCPP_pt01**

**WISCONSIN STATE
LEGISLATURE COMMITTEE
HEARING RECORDS**

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on
Small Business,
Emergency
Preparedness,
Workforce
Development,
Technical Colleges &
Consumer Protection**

(SC-SBEPWDTCPP)

COMMITTEE NOTICES ...

➤ Committee Reports ... CR
**

➤ Executive Sessions ... ES
**

➤ Public Hearings ... PH
**

➤ Record of Comm. Proceedings ... RCP
**

**INFORMATION COLLECTED BY
COMMITTEE FOR AND AGAINST
PROPOSAL ...**

➤ Appointments ... Appt
**

Name:

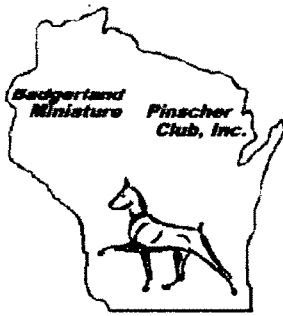
➤ Clearinghouse Rules ... CRule
**

➤ Hearing Records ... HR (bills and resolutions)
**

(companion bill: _____)

➤ Miscellaneous ... Misc
**

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DON LONGMORE

President

1505 92nd Street, Unit 36
Sturtevant, Wisconsin 53177
Phone: 262-886-3933
Email: dlminpin@wi.rr.com

November 24, 2007

The Honorable Robert Wirth
Chair, Committee on Small Business, Emergency Preparedness, Workforce Development,
Technical Colleges and Consumer Protection
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Wirth:

The Executive Board of the Badgerland Miniature Pinscher Club, Inc., a Wisconsin non-profit organization, is extremely concerned about **Senate Bill 308** that would require a person that has at least 8 breeding female dogs to be considered a commercial breeder for the following reasons:

- It is not clear what constitutes a "breeding female dog" since it is not defined in the bill.
- The number of puppies produced by a female dog varies considerably among the breeds. The normal litter size for a Miniature Pinscher is two or three puppies and six Miniature Pinscher puppies in a litter would be considered very large. A litter of eight to ten puppies from a large size breed would not be considered abnormal. Therefore, using this criterion would discriminate against the smaller breeds such as the Miniature Pinscher.
- Depending upon interpretation of what qualifies as a "breeding female dog", this bill may unjustly apply to responsible small, hobby breeders with one large litter of puppies comprised primarily of females.

The Badgerland Miniature Pinscher Club's Executive Board also objects to other areas of the bill that seems to lump the small, hobby breeders and the commercial breeders together. The objections are as follows:

- The requirement for the seller to provide information to the purchaser regarding the remedies available to him or her. This appears to be excessively burdensome for the small, hobby breeder, who may occasionally breed only a single litter comprised of one or two puppies.
- The remedy "return the dog, receive another dog of equivalent value, and obtain reimbursement of veterinary fees" may be impossible if the small, hobby breeder does not have another dog that meets this requirement.
- The bill requires that the seller shall provide remedies based solely on the determination of the buyer's veterinarian. The seller apparently has no opportunity to disagree or provide a defense.
- The word "pet" is not defined. Could the intent of this bill be circumvented by selling a "watchdog" instead of a pet?

We commend the effort to develop legislation relating to: the sale of dogs and regulation of commercial breeders, better known as "puppy mills". The Badgerland Miniature Pinscher Club, Inc. along with the Miniature Pinscher Club of America and The American Kennel Club supports reasonable and enforceable laws that protect the welfare and health of purebred dogs while not restricting the rights of breeders and owners who take their responsibilities seriously.

The Badgerland Miniature Pinscher Club has been in existence since 1990 and is dedicated to the preservation and advancement of the Miniature Pinscher breed, through selective breeding and exhibition. I, personally, have been involved in the breeding and showing of dogs for approximately fifty years. I have been president of the Badgerland Miniature Pinscher Club since its inception and was treasurer of the Miniature Pinscher Club of America for seven years and am presently the treasurer of the Combined Specialty Clubs of Greater Milwaukee. In 2002, I was a member of the Mount Pleasant, Wisconsin ad hoc task force charged with updating and clarification of its existing Animal Control Ordinance. I was appointed to this committee because of my interest in and the knowledge of dogs.

The Badgerland Miniature Pinscher Club, Inc., respectfully requests the Committee reconsider this bill as it is written. If you have any questions concerning the above, please contact me.

Sincerely,


Don Longmore

cc: Senator John Lehman

Badgerland Miniature Pincher Club membership





Wisconsin Hunters Rights Coalition

Wisconsin Chapters of Safari Club International
Wisconsin Bear Hunters' Association
Wisconsin Chapters of National Wild Turkey Federation
National Rifle Association
US Sportsmens Alliance
Sporting Heritage Inc

MEMBERS OF THE WISCONSIN LEGISLATURE

January 8, 2008

OUR POSITION ON SB 308

The Hunters Rights Coalition is very concerned about over regulation of our hunting heritage. Many of our Wisconsin hunters use dogs in the pursuit of their sport and any regulation of dogs, if not done correctly, could become a further deterrent to hunting. This, at a time when hunter numbers are steadily declining.

At the same time, we love our dogs! So we do not want to see inhumane treatment of dogs and have been involved in this issue of puppy mills for several years now.

We appreciate the authors of this bill for listening to our concerns and addressing some of them in the substitute amendment (LRBs0180/1). It was particularly important that the term "8 breeding females" as this would have defined many hunters as commercial breeders.

We still have a concern with Section 6 which gives DATCP the ability to promulgate rules on facilities standards. Although these rules would only apply to commercial breeders initially, you all know that they would, over time, become the de facto standard for humane care for any dog.

Representative Weickert has assembled a working group on the puppy mill issue and it has become obvious to us that many advocates for dogs do not share our understanding of what it means to treat a dog humanely.

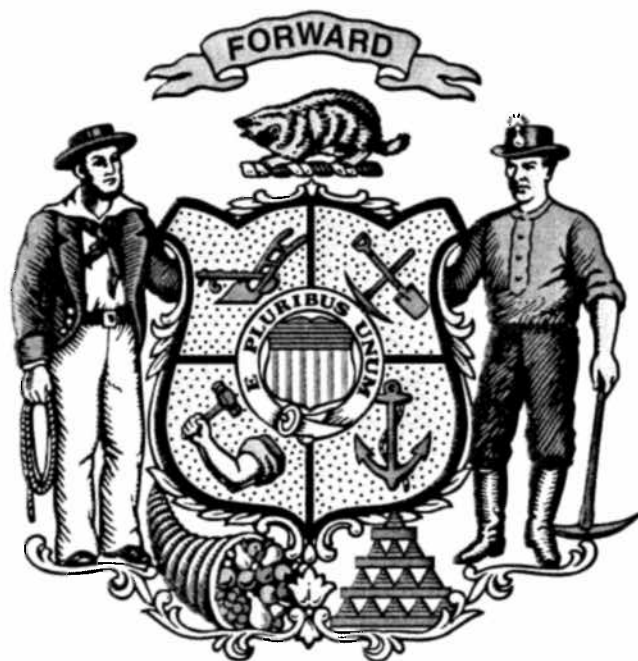
We cannot support this measure until the rule-making language is removed or clarified. One solution would be to write the standards in the bill rather than leave that work to the department.

We trust the legislature to do the right thing when it comes to recognizing the many ways that owners can treat their dogs humanely. But we are not prepared to cede this authority to unelected staff at DATCP.

We look forward to continuing to work with the authors and the full legislature to successfully address the issue of puppy mills, while not adversely affecting the rights of everyday hunters.

Thank you.

FOR MORE INFORMATION CONTACT: Bob Welch, 608-819-0150





Dog Federation of Wisconsin

Jan 9th?
2008

Promoting and Protecting Responsible Dog Ownership

Good Morning – Co-Chairs and Committee Members

Thank you for this opportunity to speak on behalf of the Dog Federation of Wisconsin's opposition to SB-308 and AB-567.

The Dog Federation of Wisconsin has been in existence since 1990. We are an organization made up of individual pet owners, breeders, hunters, exhibitors, trainers, mushers, veterinary personnel, pet professionals and clubs. The individuals that make up these clubs and other individual members are scattered throughout most districts in the state of Wisconsin.

Many things come into play when introducing legislation. One of the concerns with trying to regulate the unregulated pet industry is the many facets of that industry. There are home breeders, hobby breeders, small breeders, large breeders and then you have the many different types of dogs over 300 different pure-bred breeds as well as cats, reptiles, fish, birds etc.

One of the problems with regulating dog breeding is that technically you don't have to be a business to do it. The dogs are doing pretty much what comes naturally. Technically, the legislature is trying to regulate the reproductive lives of dogs and creating penalties for that act....

To require severe penalties and fines on breeders for genetic defects is not responsible. Animals are living beings and subject to disease and health issues. If you are saying by legislation that all dogs should be perfect or else the creator of those living beings should be penalized; you are saying that children should be able to sue their parents for their inherited issues, because the parents didn't have every medical test possible run to prevent a genetic mishap. Many vaccines (which puppies should have at early ages) have

been shown to cause adverse reactions) these reactions could be incorrectly diagnosed as being of genetic origin and cause a breeder to be held liable.

Dogs like humans are imperfect beings and subject to all the imperfect issues that come with life. Take a look at the Muscular Dystrophy Telethon. Researchers told Jerry Lewis when he first started the telethons 42 years ago that a cure would be found in his lifetime and Jerry Lewis is now 77 years old. Look at the hundreds of millions of dollars that the researchers had to work with. Breeders unfortunately don't have that luxury to search for cures on their own, nor do they have the millions of dollars to do it.

Commercial breeding facilities are a consistent source of dogs/puppies to the general public. If you ask individual breeders, the general public, rescue organizations, humane societies, they will all disagree as to if these facilities should even exist.

You will find small breeders that state that individuals should be willing to wait a year or two for the dog of their choice. You will even hear some of them state that owning a dog is not a right it's a privilege. Tell that to a person that is looking for the companionship of a dog and they will state that breeders and rescue organizations are self-serving and discriminatory because of their selective placement criteria. So who is right?

Clear headed thinking needs to reign over the emotion filled outcry of the general public and the media. Dogs are animals and do require certain care requirements and no one is denying that. Previous legislation had numbers that were low enough to impact dogs raised in a persons' residence, which would trigger inspections. Inspection numbers low enough to cause inspections of a persons domicile would not be acceptable. The emotions of an individual, that doesn't understand animal husbandry; needs to take a back seat. The care and the raising of animals needs to be focused on what is appropriate for the specific animal and its purpose (for example hunting dogs / sledding dogs / herding dogs) not based on the emotions caused by an edited news program.

We ask the Committee Members to withhold support and NOT recommend passage of both SB-308 and AB-567.

**Dog Federation of Wisconsin
Member Clubs for 2007 and 2008**

DFOW is proud to have the following clubs and organizations as members.
Note: Website links open in a new window.

Alaskan Malamute Club of Wisconsin Inc.
Badger Golden Retriever Club
[Badger Kennel Club](#)
Badgerland Cavalier King Charles Spaniel Club
Doberman Pinscher Club of Greater Milwaukee
Fancier Cocker Spaniel Club of S WI
German Shepherd Dog Club of Wisconsin
Greater Milw Norwegian Elkhound Association
Greater Milwaukee Poodle Club
Irish Setter Club of Milwaukee, Inc
Kenosha Kennel Club, Inc
Kettle Moraine Kennel Club
[Shih Tzu Club of Wisconsin's Fox Valley](#)





CSIMILE COVER PAGE

Senator Robert Wirch

From : Vicki DeGruy

Sent : 1/9/2008 at 2:02:24 PM

Pages : 4 (including Cover)

Subject : OPPOSE SB308 & AB567

Please read the attached letter from the Wisconsin Chow Chow Club Inc. in opposition to SB 308 & AB 567

Wisconsin Chow Chow Club, Inc.

Phil DeGruy, President
9828 E. County Road A
Janesville, WI 53546
608-756-2008
phil@thunderhillchows.com

January 9, 2007

TO: SENATOR ROBERT WIRCH RE: SB308, AB567

Myself and the membership of the Wisconsin Chow Chow Club, Inc., membership list attached, would like to go on record as **STRONGLY OPPOSED to SB308 and AB567.**

The "Protection for purchasers of dogs" as currently written is absolutely unrealistic and impossible for any breeder, commercial or otherwise, to live with. It disregards the laws of nature, common sense, animal husbandry, and genetics. No sane person would dare risk the penalties of this bill by producing even one puppy for sale in Wisconsin.

Specifically, our concerns are:

- the seller is not required to have the dog examined by a veterinarian before the sale and have it certified as "fit for sale". They are not even required to give puppies vaccinations against diseases or treat for parasites. They are only required to tell buyers what they *may* given.
- the buyer is not required to have the dog examined by a veterinarian within 72 hours of purchase to confirm that it was "fit for sale". They are not required to have the dog examined at all unless it becomes ill or dies.

Without the above, there is no way for a buyer to know he is getting a healthy puppy in the first place, or for a breeder to be prove that a dog did not become ill or die from a communicable disease that was acquired after the sale and before the 15th day after purchase. Even the best vaccinations do not protect all puppies from communicable diseases.

- the bill offers no appeal process, or any recourse whatsoever, for the breeder. They are not even allowed a second opinion by another vet.



- requiring the breeder to do more than refund the purchase price or replace the dog is excessive. The breeder cannot be held responsible for veterinary expenses that s/he has no input on or control over. It is especially unreasonable for a breeder to be held responsible for future veterinary expenses.

- breeding, at best, is a combination of science and art. Even with the battery of genetic testing programs available to responsible breeders,

nature's results are not fully predictable. God does not make perfect creatures and neither does man. Despite a breeder's best efforts, dogs may develop defects that are impossible to predict and impossible to detect in baby puppies. Responsible breeders already provide warranties against their breeds' most common genetic defects; making it a crime to sell a puppy that develops an uncommon or unexpected defect later in life is completely unreasonable.

We also have concerns about the "Regulation of commercial dog breeders", specifically:

- "breeding female" is not defined. It is not unusual for small hobby breeders, such as our members who do not produce profit from their hobby, to have many intact females on the premises but that are not currently being bred.

- the Rules that will govern standards of care are not spelled out. Without standards being set now, there is no way for breeders to know whether they will be reasonable, able to complied with, and enforceable.

We ask that these bills be withdrawn or substantially amended to address these concerns. We are available to you and other legislators to discuss reasonable measures and provide professional input.

Sincerely,

A handwritten signature in black ink, appearing to read "Vicki DeGruy". The signature is written in a cursive style with a long, sweeping tail on the final letter.



The Wisconsin Chow Chow Club, Inc.

Membership List

March 2007

Officers:

President: Phil DeGruy
Vice President: Kim Johnsen
Secretary: Vicki DeGruy
Treasurer: Harold Toudt

Public Education/Breeder Referral: Kim Johnsen
Chow Rescue: Vicki DeGruy, Shirley Skelton
Show Chairman: Vicki DeGruy
Club website: <http://www.chowwelfare.com/wcci/>
Club email: wcci@chowwelfare.com

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Avis Christopherson,
Shirley Skelton

JOHNSEN, KIM & ERIC

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MESKE, KEVIN

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262-542-1678

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AldendaleESS@sbcglobal.net



January 9, 2008

Chairman Thomas Lothian—Assembly Committee on Consumer Protection & Personal Privacy
Fax: 608-282-3632

Chairman Robert Wirsch—Senate Committee on Small Business, Emergency Preparedness, Workforce
Development, Technical Colleges and Consumer Protection.
Fax: 608-267-0984

Dear Chairman Lothian and Chairman Wirsch;

I am writing you today to voice my opposition to bills AB 567 & SB 308. Though the bill is supposedly targeting inferior breeding facilities, the bill is also a puppy lemon law that will effect any person who may breed a litter of dogs, even if it is only once in the lifetime of the dog owner. I do not understand how two so totally unrelated items can be encompassed in one bill. I also do not understand how our elected officials can be so fiscally irresponsible as to consider the additional responsibilities and corresponding costs that will be added to the State budget in order to enact this type of legislation.

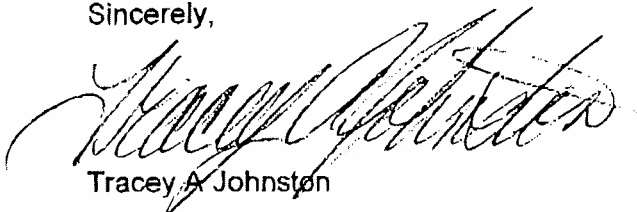
The facilities that have been showcased on various news media outlets are for the most part USDA licensed. Enacting a so called "puppy mill bill" is redundant and a waste of Wisconsin taxpayer's money. For the handful of breeders that may be excluded from USDA licensing, the consumer should be held responsible for their own impulse decision. No one is forcing them to buy a puppy—it is their own choice. We do not need to have Wisconsin turned into a "Nanny" state.

The truly frightening part of this bill is that it will cause responsible hobby breeders to refuse to sell a puppy to a Wisconsin resident. The State of Wisconsin will have effectively shut down the only source for a well raised puppy. Hobbyists who breed an occasional litter of dogs do not have the financial resources to keep an attorney on retainer and the puppy lemon law portion of the bill would force them to do so. You cannot legislate genetics and this is what this bill demands.

I have many more objections to these sister bills and this fax would end up being four pages long. You will be hearing testimony tomorrow from those that will have additional objections and many of those objections mirror my own.

I would like this fax to be included as a letter of opposition to both Assembly Bill 567 and Senate Bill 308.

Sincerely,



Tracey A Johnston

Cc: Assembly Committee on Consumer Protection and Personal Privacy
Senate Committee on Small Business and Consumer Protection





FAX COVER SHEET

Date: 1/9/08

Fax No.: 608.267.0984

To: Senator Robert Kurik

From: Susan Wilson

Number of pages (including cover sheet): 2

Message: _____

The documents accompanying this fax transmission contain information which is confidential and/or privileged. This information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited, and may constitute an invasion of the privacy of the intended recipient. If you have received this fax in error, please notify us by telephone (collect) immediately so that we can arrange for the retrieval of the original document at no cost to you.

SB 308

971 Lincoln Drive East
West Bend, WI 53095

January 9, 2008

Senator Robert Wirch, Chair
Fax Number: 608.267.0984

**RE: Dog Purchaser Protection Act
SB 308 and AB 567**

Dear Senator Wirch,

I am writing to convey my deep concern about the above mentioned bills. I definitely do not believe they will end the abuse, neglect, and cruelty that animals suffer in Wisconsin's "pet industry." I also believe the lemon law aspects of the bills are misguided and unrealistic. We are a great State with wonderful, caring people, and the abuse and treatment of these animals is shameful and so very wrong. Please help these innocent animals – our State can do better and should do better than what has been allowed to continue.

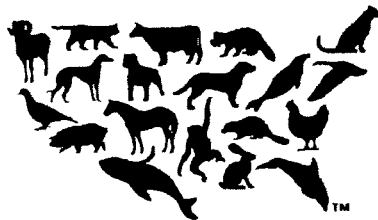
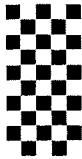
I thank you kindly and most sincerely for your help and attention to this critical issue.

Respectively,



Susan K. Wilson





THE HUMANE SOCIETY
OF THE UNITED STATES

Jill Fritz
Wisconsin/Minnesota State Director
P.O. Box 4444
St. Paul, MN 55104-0444
Phone: 612-724-4316
Fax: 612-729-5923
jfritz@humanesociety.org
www.humanesociety.org

Fax

To: Senator Robert Wirth	From: Jill Fritz
Fax: (608) 267-0984	Date: January 9, 2008
Phone: (608) 267-8979	Pages: 3
Re: Testimony on SB 308 for public hearing by Committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection	CC:

Senator Wirth,

Please find enclosed my testimony for the public hearing on January 10, 2008 of the Committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection. The testimony is regarding SB 308, relating to the sale of dogs, regulation of certain dog breeders. Please forward my comments to committee members so they may be entered into the record.

Thank you so much, and please don't hesitate to contact me at the numbers above if you have any questions.

Jill



THE HUMANE SOCIETY OF THE UNITED STATES

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Testimony by:

Jill Fritz

In Regard to:

SB 308, relating to the sale of dogs, regulation
of certain dog breeders

Committee:

Committee on Small Business, Emergency
Preparedness, Workforce Development, Technical
Colleges and Consumer Protection

Date:

January 10, 2008

My name is Jill Fritz, and I am the Wisconsin State Director of The Humane Society of the United States (HSUS), the nation's largest animal protection organization with over 10 million members and constituents. On behalf of the more than 204,000 members and constituents who reside in the state of Wisconsin, I am submitting testimony regarding S.B. 308, sponsored by Sen. Jeff Plale, to regulate the sale of certain dog breeders.

The problem of puppy mills is well known, but The HSUS feels this bill does not go far enough in addressing the problem. Our first concern is the lack of a pre-inspection prior to the issuance of a license. The bill allows people to get licenses by simply signing an affidavit stating they are in compliance with minimum standards. This undermines the very purpose of an inspection program and removes the ability to ensure facilities are in compliance from the start when it is easier to fix problems.

Secondly, inspections are only complaint-driven, and there is no annual inspection required. The bill calls for the local Sheriff's department to respond to the complaint, and even that is not required. Regular inspections are needed to provide oversight of the breeding facilities in order to protect both dogs and consumers. In the HSUS' significant experience with this issue we have seen repeatedly that regular, unannounced inspections are vital to identify and correct problems before they become out of hand and result in significant suffering, and ultimately, cost to the state or locale as they are required to step in and clean up out-of-control problems.

Celebrating Animals, Confronting Cruelty

2100 L Street, NW Washington, DC 20037

t 202.452.1100

f 202.778.6132

humanesociety.org

Third, we are concerned that the bill is only applicable to those who sell more than 50 dogs annually. Small hobby breeders do not produce nearly this many dogs and we would like to see the state require a license for selling 25 or more animals. This threshold, still above what a hobby breeder would produce, would ensure that the animals in commercial sized operations are being adequately cared for.

Protecting consumers can be handled much more easily by protecting the dogs prior to sale. We hope that you will bear our comments in mind when considering S.B. 308.

Respectfully Submitted,

Jill Fritz

Wisconsin State Director
The Humane Society of the United States
Phone: 612-724-4316
Fax: 612-729-5923
jfritz@humanesociety.org





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**Senate Committee on Small Business, Emergency Preparedness, Workforce Development,
Technical Colleges and Consumer Protection
and
Assembly Committee on Consumer Protection and Personal Privacy**

**Testimony
In opposition to Senate Bill 308/Assembly Bill 567
January 10, 2008**

My name is Ken Lambrecht. I currently own Westside Family Pet Clinic which is a 4-doctor companion animal practice in Madison. Today I am representing the Wisconsin Veterinary Medical Association. More than 90 percent of Wisconsin's veterinarians are WVMA members.

The WVMA supports legislation that provides for the protection of animal health and relief of suffering, including regulation to ensure humane care is provided by dog breeders. So while we commend the sponsors of SB 308/AB 567 for attempting to address this important issue, we are concerned that the bill casts too large a net by also attempting to fashion a workable lemon law component.

Specifically, we are concerned that the definition of "unfit for sale" leaves too much room for interpretation. The bill defines unfit for sale as either "1. Having a condition that is congenital or hereditary and that severely affects the health of the dog. 2. Having an injury, defect, or illness that was obvious or able to be diagnosed before the purchaser received the dog from the seller or that is likely to have been acquired before the purchaser received the dog from the seller."

It can be difficult for a veterinarian to determine how much a congenital condition will impact a dog. Veterinarians see puppies all the time with luxating patellas, where the knee cap pops in and out of joint, that never cause a problem for the dog, but there are dogs that require surgical repair to live a comfortable life. Another common example is hip dysplasia. According to the Orthopedic Foundation of America, hips cannot be certified free of hip dysplasia until dogs until 24 months of age. Many dogs live out a normal life with a mild degree of hip dysplasia.

There can also be disagreement among veterinarians about whether a condition is congenital or a trait of the breed. For example, someone may purchase a Shar pei with the selling point that the more wrinkles, the more valuable the pup. However, the new owner soon learns about problems such as eyelid entropion, where the hair rubs on the eyeball because of an

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District 1 - Lisa H. Kluslow, DVM ■ District 2 - David R. Jeans, DVM ■ District 3 - Mark A. Thompson, DVM ■ District 4 - Robert R. Leder, DVM
District 5 - Steven L. Erickson, DVM ■ District 6 - John T. Been, DVM ■ District 7 - B. William Nussdorfer, Jr., DVM ■ District 8 - Thomas H. Whitten, DVM
District 9 - Paul W. Dlugopolski, DVM ■ Treasurer - Thomas H. Howard, DVM ■ WVDL Director - Tom McKenna, DVM, PhD
State Veterinarian - Robert G. Ehlenfeldt, DVM ■ Dean, UW School of Veterinary Medicine - Daryl D. Buss, DVM, PhD
AVMA Delegate - Randy J. Schuett, DVM ■ Student Representatives - Stacy A. Nolasco and Kaitlin B. Young

in-turned eyelid, corneal eye problem, or skin fold dermatitis and decides to return the pup for congenital problems that were actually part of the initial desired characteristics.

There are also behavioral problems that could be thought to be congenital or hereditary such as severe separation anxiety issues, house training problems, or even the scenario where a person spends a lot of money on a hunting dog and then finds out it is “gun shy.”

What is severe? SB 308 says the congenital or hereditary condition would have to “severely” affect the health of the dog. Does the fact that the dog requires veterinary treatment constitute a condition that is severe?

It may be difficult, if not impossible, for a veterinarian to determine, retroactively, if a dog was unfit for sale. Based on variable incubation periods of viruses, accountability of infectious diseases may be hard to determine, and opinions may vary from one veterinarian to another.

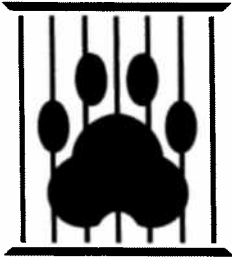
The bill requires “a statement of the probable cause of death” if the dog dies. Diagnosis would usually require necropsy or tissue submission for histopathology. For legal proceedings most veterinarians would only want to use a boarded pathologist to determine the cause of death. In our state the Wisconsin Veterinary Diagnostic Laboratory in Madison is the only place that will do a full body necropsy. The process is not simple, and sometimes the results are inconclusive. For conclusive results, the process may take as long as 30 days; the seven days mentioned in the bill is not a reasonable turnaround time.

The bill is unclear what, if any, legal liability would exist for the veterinarian signing the certificate of death. Will a veterinarian’s involvement in a case make him or her party to the action? Will the costs associated with the veterinarian’s time away from practice to participate in legal proceedings be covered?

The WVMA is willing and eager to assist in writing a bill that would achieve the goals of SB308. We cannot, however, support it as it is currently written.

I would be happy to answer any questions you may have.





WISCONSIN PUPPY MILL PROJECT, INC

P.O. Box 516 Elkhart Lake, WI 53020

The Wisconsin Puppy Mill Project believes that AB 567 and SB 308 are inherently flawed.

- These bills would combine a strict and unrealistic “Lemon Law” with one of the weakest licensing and enforcement laws in the nation. It may be wise to separate animal protection legislation from “lemon law” legislation.
- Did you know that puppy millers are not known for “truth telling”? This “trait” may make a lemon law necessary yet this bill would also allow them to self-monitor by signing an affidavit saying they “will comply” to minimum standards. It is unrealistic to expect these affidavits will be truthful. Please review recent news coverage about Wisconsin puppy mill operations. In nearly every case the puppy seller LIED ON CAMERA to reporters.
- In what other area of Wisconsin law are Sheriff's deputies and department given the “option” to investigate? This bill says Sheriff's “may” investigate. What happens if they decide they “may not”?
- How much training do law enforcement officers receive in animal cruelty under standard training programs currently in place in Wisconsin? Unless officers take Humane Officer Training, our research indicates that most officers receive NO training in animal cruelty whatsoever. How does that qualify them to be “inspectors” or monitors of mill situations? Even Humane Officer training is *optional* under State Statute 173.
- In what other area of Wisconsin law are law enforcement officers responsible for knowing and enforcing administrative rules?
- In what other area of Wisconsin law do sellers deal with live animals, and the potential for disease transmission, unsanitary conditions, and other human health risk potentials but their facilities are not inspected?
- What will stop unscrupulous sellers and breeders from calling themselves “rescue groups” or “humane societies” in order to circumvent the law?
- Are you aware that puppy sellers are already setting up “shell operations” where their puppies go to nice residential homes and sold there, giving the home owner a cut of the profit and the buyer the impression of a “home-raised” dog? How will the buyer know “what’s behind” the darling litter of puppies being shown in a nice home setting? How will they be able to see and “complain” about improper conditions in the breeding facilities? These operations WILL become even more hidden under this proposal. Without pre-licensing and regular, standard inspections the mills will continue to operate in the abysmal conditions that brought us to call for regulation in the first place.

These bills do not resolve the core issues that brought us to call for legislation. Those core issues are the SUFFERING , ABUSE, and NEGLECT of the adult animals used to create those profitable puppies.



To: the Senate Committee on Small Business, Emergency Preparedness, Work Force Development,
Technical Colleges and Consumer Protection and the Assembly Committee on
Consumer Protection and Personal Privacy

Re: Senate Bill 308 and Assembly Bill 567

Date: January 10, 2008

From: Patricia J Discher

Dear Congresspersons,

Thank you for the opportunity to become involved in the legislative process involving Senate Bill 308/
Senate Substitute Amendment 1. I am a constituent of Senator Dale W. Schultz and State Representative
Steve Hilgenberg of the 51st Assembly District. Since the introduction of this bill and of the corresponding
Assembly Bill 567, my husband and I have been in written contact with both of our legislators. I have also
met with Assemblyman Mark Pocan at which time we discussed various aspects of this bill and amendment
as well as other aspects of the subject of breeding dogs.

My husband and I have been hobby breeders for over 25 years, breeding Miniature Schnauzers the entire
time and Soft Coated Wheaten Terriers for approximately 10 years of that time. We take great pride in
breeding for the betterment of the breed and not for the monetary gains. A hobby breeder who does
everything right will more often than not, seldom see any profit. By doing everything right, I mean that we
show our dogs, proving quality. We do all available tests on the breeding stock as well as on the puppies
we sell. We spend hours researching pedigrees and health backgrounds, finding the stud that compliments
our bitches, thus producing a top quality offspring. We socialize our puppies and remain in contact through
the years following the placement of the puppies we breed. We screen the people who wish to purchase
one of our puppies thoroughly. We sell our puppies on spay/neuter contracts which include a health
guarantee and a rehoming clause. In addition, both my husband and I are members of the American
Miniature Schnauzer Club of America, were members of the Soft Coated Wheaten Terrier Club of
America when we were raising that breed, and are active members of the Badger Kennel Club, Inc. here in
Madison, WI.

The main concern I have regarding this bill and amendment is that there really is no place for those of us
who are hobby breeders. The arbitrary number of 50 puppies produced may or may not put some of our
group into the classification of commercial breeder that this bill addresses. I say "arbitrary" because I don't
feel the number of puppies produced affects the care given the animals involved. There are commercial
breeders who sell over that number and definitely don't need regulating because they are already doing a
good job. There are also breeders who produce a low number of puppies that shouldn't be producing any.
As breeders, the number of litters/puppies produced within one year's time will vary drastically, depending
on the breed and the numbers of breedings that have taken place that actually produce puppies. To
emphasize my point, some years hobby breeders may fall under the classification of a commercial breeder
and other years, will not.

Another aspect of the bill that concerns me is the information for purchasers section. Most all hobby
breeders already have our puppies checked by a Veterinarian prior to placement, include the health checkup
sheet and give a complete written description of any vaccinations and treatment for parasites that the dog
has received. Along with this thought, I don't believe that there is any requirement that any dog sold should
have a Vet check done prior to that sale. The remedy section does cover what should be done in regards to
Veterinarian exams once a problem is found, but why not have a base line, a checkup by a Veterinarian
done prior to the sale in the first place? The second paragraph of this section is what bothers me. The words
"the person who sells a dog as a pet to give the purchaser a written description of any congenital or
hereditary conditions that are specific to the dogs' breed or of any injury, defect, or illness that the dog
has." I have no problem with disclosing any injury, defect, or illness that the dog has at the time of sale.
The first part, "congenital or hereditary conditions that are specific to the dog's breed" is what has me
concerned. Who is to say what those congenital or hereditary conditions are for each breed? I recently
attended a symposium put on by the American Kennel Club's Health Foundation in Ames Iowa and the

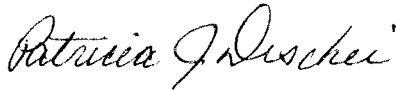
underlying fact that came through loud and clear from all 13 different speakers on 13 different topics was that for those conditions that there are DNA tests already developed and in use, a particular condition/disease can be stated for a fact to be present. For all others, there are too many factors involved in the determination whether a particular condition is hereditary or not. Many involve multiple modes of inheritance and often have environmental factors at work in the presentation of symptoms or defects. I don't believe that genetics can be legislated and thus the remedies for purchasers can be a hobby breaking fact for many hobby breeders if this bill were to become law as it's written.

I'm aware that the intent of this legislation is primarily aimed at the Puppy Mill industry within our state. I'm also aware that there are laws on the books that, if implemented, would help to regulate those situations. The AKC (American Kennel Club), along with the USDA, inspection teams conduct inspections for approximately 5000 large scale breeders each year. This has gone a long way to clean up the horrendous conditions that are so very well publicized by the media of the ones that have not been inspected. My point is that we should enforce the laws we have and not muddy up the waters with another one that doesn't really address all of the concerns.

Several hobby breeders have gotten together and have developed a listing of Suggested Improvements to Wisconsin Dog Regulations that we feel would more adequately address the problems that are present and yet not have an adverse effect on those breeders that are going above and beyond the terms of the Bill 308. Many breeders are "doing things right" and yet would be severely affected by some of the remedies of this bill. Don't punish them by possibly putting them out of business. A copy will be left with you for your consideration before voting to move this bill out of committee. This is much more of a "middle of the road" approach, accomplishing the control of unethical commercial breeders while acknowledging the very real contributions that the hobby breeders bring to this activity.

Again, thank you very much for the opportunity to present my concerns as an establish hobby breeder of the pending Senate Bill 308/Assembly Bill 567. It is my sincere hope that you will not move too quickly in passing a bill that does leave a lot to be desired. I don't believe we need another "lemon law" in our lives. Real and perceived problems can be more adequately controlled in more effective ways.

Sincerely,

A handwritten signature in cursive script that reads "Patricia J. Discher".

Patricia J Discher





1-10-08+

Dear Legislators:

Regarding Wisconsin Senate Bill 308 and Assembly Bill 567

As a breeder, I am very concerned about these 2 bills. I'm personally exempt from the inspection part of the bill as written. I'm not exempt from my tax money being used to enforce these bills. I'm not exempt from the lemon law portion.

It cost Dane County more than \$200,000 when they seized 48 pitbulls. in 2006/07. What is it going to cost when the state seizes 500 dogs?

The animal rights activists have targeted Pretty Penny Kennels, owned by Gerald Schultz, for 10 years. Schultz had 500 adult dogs in 2003. He sold 1500 pups at retail that year. Is the State of Wisconsin prepared to pay 2 MILLION for the care of 500 dogs?

After the animal rights activists are done with Schultz, they will move on to other smaller retail kennels. The State of Wisconsin can plan on spending 100's of thousands for years, on confiscating, housing, & caring for these breeding dogs. The owners who have their business's & lives destroyed, then can apply for fuel assistance, food stamps, & anything else the state wants to give them with our TAX dollars.

The lemon law provisions, require any person who sells so much as one puppy, to be responsible for the unknown genetic makeup of their animals. A breeder could be required to pay 4 times the value of the animal to cover vet fees, be fined several thousand dollars, plus face jail time.

Sincerely Yours,
Joyce Ellenbecker
8117 County Road T
Arpin. Wi. 54410
715-652-3349
www.snopals.net





State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection

Rod Nilsestuen, Secretary

Hearing Testimony

Senate Committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection and Assembly Committee on Consumer Protection and Personal Privacy

Thursday, January 10, 2008

11:00 AM

GAR-413 North, State Capital

Chairmen Wirch and Lothian and Committee Members:

I am Dr. Yvonne Bellay, the State Humane Officer and staff epidemiologist with DATCP, Animal Health. The Department of Agriculture, Trade and Consumer Protection is testifying today in opposition to companion bills SB 308 and AB 567. Although the department believes that legislation addressing the regulation of pet facilities is sorely needed in Wisconsin, we do not feel that these proposals present a workable solution to the problems.

Current Situation

Currently in Wisconsin there is no state regulation, licensing or inspection of what can be referred to as "pet facilities". This would include breeders, kennels, pet stores, catteries, shelters, or pounds. This complete lack of regulation puts Wisconsin in the minority of states. At least 27 states have some form of regulation including the surrounding states of Iowa, Michigan, and Illinois, and proposed legislation is currently in the legislature in Minnesota.

The only law in place at this time is a criminal statute, Chapter 951, Crimes Against Animals. Because this is a criminal statute, it specifies only the minimum standards of care that must be provided to an animal before an owner or responsible person can be found guilty of a crime. Typically, conditions are quite bad and there are considerable animal welfare problems before a jurisdiction is willing to prosecute under this statute.

Also, contrary to a common misperception, the USDA does not regulate the vast majority of breeders and kennels within the state. That agency regulates only those facilities that meet very specific criteria, such as selling puppies wholesale. According to the current USDA-Animal Care web site, the agency regulates only 72 kennels in Wisconsin.

Proposed Legislation

SB 308 and AB 567 as amended would require a person who breeds dogs and sells 50 dogs in a year to be licensed by DATCP. It requires DATCP to establish by rule minimum standards of care for facilities that must be licensed.

Agriculture generates \$51.5 billion for Wisconsin

In order for a facility to obtain a license from DATCP it must hold a seller's permit from the Department of Revenue and submit an affidavit stating that the commercial dog breeder complies with DATCP's rules.

The remainder of the proposal sets forth the specifics of a "puppy lemon law".

Problems with Proposal

- No pre-licensing or routine inspection of licensed facilities is required or even permitted.

A license is issued based only upon an affidavit from the person seeking the license. Consequently, DATCP is required to issue a license to a facility it has never seen regardless of the actual conditions. In addition, for the general public, the DATCP license implies that the department has verified the conditions of the facility and the animals, and can assure the consumer that they can purchase the animal with confidence. This will not be the case.

This is currently a completely unregulated industry with no oversight, no consistent husbandry standards or no requirement to notify any agency that they exist. Conditions and standards range from excellent to deplorable. A pre-licensing inspection is the only way to assure the public that the DATCP license has any integrity, and routine inspections are the only mechanism to make sure that facilities are maintaining acceptable standards of care.

Pre-licensing and routine inspections are a way to educate facility operators and correct any substandard conditions and situations before they deteriorate. This will not be possible under this proposal. The first contact the kennel operator will have with DATCP will be the result of a problem or complaint.

- Proposal allows complaint-based inspections only.

Complaint-based programs do not work and result in responding to one problem or disaster after another rather than operating a preventative program based upon maintaining acceptable standards of care. A recent good example of this is the State of Nebraska, where legislation passed in 2000 created a complaint-based program. It quickly became apparent that the system did not work. Consequently, in 2007 a new law was passed that provided staffing for a complete inspection program. Even as Nebraska faced tight fiscal constraints like Wisconsin's, the state was able to make the necessary changes and appropriately fund the program. .

We routinely receive numerous complaints regarding kennels, breeders and other pet facilities, and we anticipate an increase in this number if the public assumes that we are responsible for regulating the facilities. I think it is fair to say that I probably receive more of these complaints than any other individual in the state. I received three phone complaints and two email complaints during just Monday and Tuesday of this week, and each complainant was incredulous that the department did not regulate and inspect these facilities. Because under this proposal

there will be no way of determining whether the facility should be licensed, whether the complaint is legitimate or not, or the severity of the problem without making an inspection, every complaint will need an investigation and inspection.

Currently, animal welfare complaints are directed to law enforcement or local humane officers, if appointed, to enforce the law. In some situations these complaints are given low priority for a variety of reasons. Under this proposal law enforcement is given the option of whether or not to respond to a complaint and can instead send all of the complaints to DATCP. This situation will also potentially greatly increase the number of inspections to be done.

There will be instances where DATCP-AH responds to a complaint and finds substandard or even deplorable conditions but that the facility does not meet the criteria for licensing. We will have no authority to address the problem. This will result in continued animal welfare problems and very bad public relations.

In addition, there is currently an increase (possibly in response to potential regulation) in breeders who contract with individuals to sell litters of puppies out of their homes. In this way buyers see one litter sold out of a home and assume they are buying a home raised pup. The buyer never sees the actual conditions that the pups were raised in and would have no reason to file a complaint, regardless of how bad those conditions may be.

- No additional resources are provided for DATCP-AH to run the program.

It is unrealistic to assume a program of this size could be handled with existing resources. Animal Health employs 8.0 full time state funded inspectors and 4.0 full time state funded compliance staff for all animal health compliance, ranging from deer farms to disease trace-backs. Due to current workload issues, DATCP-AH has a backlog of cases, and we have been forced to prioritize cases. With limited resources complaints are prioritized so that disease issues with animal and human health implications are addressed first. Adding the additional complaint investigations to the existing cases will make immediate or timely responses difficult or impossible.

Inspections of problem facilities are generally extremely time consuming initially, and often require multiple re-inspections to ensure compliance.

Licensing requires resources, both human and technology related. A database to hold the licenses and report data will need to be established, information will have to be entered into the system, applications for new licenses will have to be sent out, and applications and renewals will have to be processed. In addition, complaints on facilities will need to be tracked.

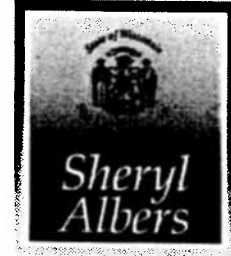
- Threshold for regulation is very high.

By limiting licensure requirements to those who sell 50 or more dogs per year, a very large percentage of the problems will not be addressed. Although there has been a great deal of press regarding large “puppy mills”, the majority of complaints I receive involve breeders who sell smaller numbers of dogs and would not be affected by this legislation. Those with 10 dogs in the basement are often more of a problem than large breeders.

Finally, the comments have been made that any legislation is better than nothing and that imperfect legislation can't make things worse. Unfortunately, the current situation would be made worse, since there would be ineffective regulation and the general public would be led to believe that the problems have been solved. Consequently, DATCP opposes the current proposal.



Found In
SB 308
Folder



January 10, 2008

To Members of the:

Assembly Committee on Consumer Protection and
Personal Privacy

Senate Committee Small Business, Emergency
Preparedness, Workforce Development, Technical
Colleges and Consumer Protection

From: Rep. Sheryl Albers

Attached is an amendment I had drafted to ASA1 to AB
567 for your consideration. Constituents of mine
approached me with their grave concerns with this
proposal and I suggest these modifications at their
request.

I hope that you will give consideration to the proposed
changes in the amendment attached as you deliberate on
AB 567.

Thank you.

Office: P.O. Box 8952 • State Capitol • Madison, WI 53708-8952 • (608) 266-8531
Home: S6896 Seeley Creek Road • Loganville, WI 53943 • (608) 727-5084

**ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 567**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 4, line 14: delete "No" and substitute "Except as provided in sub. (2m),
3 no".

4 **2.** Page 4, line 22: after that line insert:

5 **"(2m) EXEMPTION.** (a) Subsection (2) (a) and the rules under sub. (6) do not
6 apply in a year to a person who is engaged in the business of breeding dogs if all of
7 the following apply:

8 1. Either the person has registered a dog with the American Kennel Club
9 within 6 months before the beginning of the year or the facility at which the person
10 engages in the business of breeding dogs has been inspected by the American Kennel
11 Club within 12 months before the beginning of the year and the American Kennel

1 Club has not withdrawn the person's ability to register dogs or compete in club
2 events.

3 2. The person provides a written warranty to purchasers of dogs and the
4 written warranty has been reviewed by the department.

5 3. The person has a current seller's permit under s. 77.52.

6 4. The person is not delinquent in remitting sales taxes.

7 5. The person provides documentation to the department showing that subds.
8 1. to 4. apply to the person.

9 (b) A person who is exempt from licensing under par. (a) shall provide notice
10 to the purchaser of a dog that the person is exempt from licensing by the
11 department.”.

12 **3.** Page 7, line 22: after “breeder” insert “other than a commercial dog breeder
13 who qualifies for the exemption from licensing in s. 173.35 (2m) (a)”.

14 (END)

Alberta Darling
Wisconsin State Senator
Member, Joint Committee on Finance

January 10, 2008

Testimony Submitted by Senator Alberta Darling
to the

Assembly Committee on Consumer Protection and Personal Privacy and the Senate
Committee on Small Business, Emergency Preparedness, Workforce Development,
Technical Colleges and Consumer Protection

RE: AB 567 and SB 308

Chairpersons Lothian and Jauch, and committee members, thank you for allowing me to appear today to give my testimony on AB 567 and SB 308, the Wisconsin Dog Purchaser Protection Act.

I would like to thank Representative Tom Lothian (R-Williams Bay), Senator Jeff Plale (D-South Milwaukee), and the bipartisan group of legislators for joining me in this cause by coming together and asking the legislature to once again make an attempt to solve the issue of "puppy mills" in the state of Wisconsin.

I became very concerned with this issue again when I saw the investigative news report telling of the horrific conditions our pets were kept in. A "puppy mill" is a high-volume dog breeding operation that keeps its puppies in poor conditions and produces sickly, ill-tempered dogs. Since learning of these horrific conditions in some puppy mills in Wisconsin, I have been committed to working on legislation that will shut down cruel and unsanitary puppy mills without unnecessarily burdening responsible pet breeders.

The legislature has taken measures in the last several years that could have established licensing requirements for pet breeders, standards regarding the care of pets, and penalties for violating these requirements. In 2003, as Chairman of the Joint Finance Committee, we retained DATCP oversight of pet breeders, but the entire provision was vetoed.

Following Governor Doyle's veto in 2003, Representative Larry Balow introduced AB 536 that would have required any person who breeds or sells dogs and cats, no matter how many, to get a license and undergo inspection, with penalties provided. This bill likely failed to gain support due to too large of scope of all pet breeders in the state, large and small.

We have listened to the concerns of breeders across the state, and in doing so have amended this legislation. I look forward to hearing from individuals' constructive feedback today so that any additional changes can be made to ensure the protection of our pets.

Thank you for your time and attention.

Capitol Office:

P.O. Box 7882
Madison, Wisconsin 53707-7882
Phone: 608-266-5830
Fax: 608-267-0588

Toll-free: 1-800-863-1113

Email: sen.darling@legis.wisconsin.gov

Web page: www.legis.wisconsin.gov/senate/sen08/news/

District Office:

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*Isaw by SD
not sure #.*