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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection (SC-SBEPTCCP)

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**

Senate

Record of Committee Proceedings

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

Senate Bill 208

Relating to: regulation of persons who sell dogs or operate animal shelters or animal control facilities, granting rule-making authority, making an appropriation, and providing a penalty.

By Senators Kreitlow, Darling, Taylor, Plale, Carpenter, Sullivan, Holperin, S. Fitzgerald, Risser, Lehman, Cowles, Olsen, A. Lasee, Kanavas, Hansen, Wirch, Kapanke, Coggs, Leibham and Schultz; cosponsored by Representatives Smith, Sinicki, Richards, Jorgensen, Dexter, Wood, Bernard Schaber, Pope-Roberts, Berceau, Barca, Pocan, Colon, Mason, Shilling, Sherman, Grigsby, Cullen, Seidel, Staskunas, Molepske Jr., Soletski, Honadel, Steinbrink, Van Roy, Van Akkeren, Pasch, Benedict, Turner, Black, Spanbauer, Zepnick, Schneider, Fields, J. Ott, A. Ott, Hilgenberg, Zigmunt, Young, Parisi, Gottlieb, Hebl, Roys, A. Williams, Montgomery, Hixson, Stone, Bies, Zipperer, Kestell, Davis and Pridemore.

May 18, 2009 Referred to Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection.

September 23, 2009 **PUBLIC HEARING HELD**

Present: (5) Senators Wirch, Plale, Holperin, Hopper and Lazich.
Absent: (0) None.

Appearances For

- Jeff Smith, Eau Claire — Representative
- Pat Kreitlow — Senator, 23rd Senate District
- Alberta Darling — Senator, 8th Senate District
- Melissa Mace — DATCP
- Robert Ehlenfeldt — Dr, DATCP
- Yvonne Bellay — Dr, DATCP
- Greg Packnett — Office of Representative Sinicki
- Robert Klostermann — WI Vet Medical Association
- Adele Orzulak
- Chet Bradley, Sun Prairie
- Jayme Morey, Eau Claire
- Penny Evans, Rockton
- Jillian Hussey, Madison
- Laurel Wanless, Mt. Horeb
- Kent Kunz, Beloit
- Maria-Christina Jackson, Madison
- Betsy Munro, Madison — Alliance for Animals

- Marla Lichtenberger, Milwaukee
- Patti Kunz, Beloit
- Melanie Sobel, Milwaukee — Milwaukee Area Domestic Animal Control Comm.
- Michele Murray-Yang, Madison
- Charlotte Allmann, Wauwatosa
- Elaine Rhodes, Richfield
- Diane Streck, Fitchburg
- Mary Alice Eschweiler, Hartland — Waukesha Kennel Club
- Jodi Hunter, Janesville
- Cindy Lease, Cottage Grove
- Darlene Yeager, Wind lake — Wisconsin Citizens Against Puppy Mills
- Loretta Baughan, Merrill — Dog Federation of Wisconsin
- Linda Schultz, West Bend
- Joyce Madsen, Mequon
- Mickey Schaefer, Madison — Dane County Humane Society
- Eilene Ribbens, Elkhart Lake — Wisconsin Puppy Mill Project
- Bridget Kirkish, Mequon
- Jane Pohlman — Wisconsin Humane Society
- Kim Rinzel, Milwaukee — Wisconsin Humane Society
- Pam McCloud-Smith, Madison — Dane County Humane Society
- Heidi Braun — on behalf of Tracey Johnson of Dog Federation of Wisconsin
- Marilyn Loft Houck, Richland Center — Ocooch Mountain Humane Society
- Frederick Lord, Forest Junction
- Michelle Hyllested, Rice Lake — Wisconsin Puppy Mill Project
- Pamela Sybela Yarish, Rice Lake — Wisconsin Puppy Mill Project
- Susan Krebsbach, Oregon — Humane Society Veterinary Medical Association
- Cheri Wegner, Neillsville — Clark County Humane Society
- Kathy Pobloskie, North Prairie
- Frank Schemberger, Eau Claire
- Alyson Bodai, Madison — The Humane Society of the US
- Deb Lewis, Appleton — Wisconsin Federated Humane Society and Fox Valley Humane Society
- Chuck Wegner, Neillsville — Clark County Humane Society
- Anthony Enea, River Hills — Wisconsin Humane Society
- Jodi Habush Sinykin, River Hills — Wisconsin Humane Society
- Joy Brand, Slinger — Dog Federation of Wisconsin
- Louise Crisman, Baraboo — Sauk County Sheriffs Department
- Bob Carlson, Racine — Sheriff, Racine County

Appearances Against

- Rob Hurd, Indianola — America's Pet Registry
- Cindy Eberhardt, Mauston
- Joyce Ellenbecker, Arpin

Appearances for Information Only

- Scott Meyer — Wisconsin Bear Hunters
- Corky Meyer, Kewaskum — Wisconsin Wildlife Federation
- Jolene Plautz, Madison — GSSA

Registrations For

- Linda Gatton, West Allis
- Roberta Eichelberg, Oregon
- Merrilyn Trombly, Cottage Grove
- Miriam Habush, Milwaukee
- Robert Habush, Milwaukee
- Robyn Reeson
- Sandra Colrud, Madison
- Paul DeJardin, Madison
- Charlene DeLellis, Stouton
- Kara Nielsen, Madison
- Erik Riemus, Madison
- Terrin Riemer, Madison
- Jessica Christianson, Madison
- Anna Kelton, Madison — Dane County Humane Society
- Alisha McCann, Madison
- Jan Viney, Madison
- Karen Sipovic — Dane County Humane Society Volunteer
- Sarah Hinkes, Madison
- Allison Tolbert, Madison
- Emily Steinwehe, Madison
- Jo Withers, Madison
- MacKenzie Pahl, Cornell
- Scott Pahl, Cornell
- Cory Neeley, Madison
- Michele Withers, Waunakee — Oolong Dachshund Rescue
- Judith Krysko, Richland Center — ocooch Mountain Humane Society
- Shayla Willmouth, Cornell
- Diane Iversen, Madison
- Irene Niles, Racine — Wisconsin Citizens Against Puppy Mills
- Christine Long, Racine — Wisconsin Citizens Against Puppy Mills
- Mary Palmer, Racine — Northcentral Matese Rescue
- Clarice Jutz, Wauwatosa
- Lynn Cherwenka, Brookfield
- Margaret Hooper Lofton, Madison
- Sherri Voigt, Madison
- Doug Kratt — Dr, Wis Veterinary Medical Association
- Kim Pokorny Brown — Wis Veterinary Medical Association
- Donald Johnson, Waunakee
- Joanne Stailie
- Nancy Kingsbury, Wheeler

- Sarah Barry, Madison
- Rebecca Monroe, Montello
- Susan Taney, Hancock
- Don Settergren, Fitchburg
- Bridget Luther — Wi Bichon Frise Rescue
- Marc Eichsteadt, Watertown
- Gayle Viney, Madison
- Jeff Oimoen, Madison
- Doug Brown, DeForest
- Charlie Buris, Chippewa Falls
- Margaret DeSmet, Barneveld
- Mark DeSmet, Barneveld
- John Blugood, Madison
- Lynn Mitchell, Richfield
- Jennifer Meyers, Madison
- Dwight Darin, Madison
- Stacy Lehmann, Elk Mound
- Kent Lehmann, Elk Mound
- Amy Kerwin, Madison
- Sheila Johnston, Racine
- Suzanne Alexander, Madison
- JoAnn Lynch, Madison
- Diane Wagner, Madison
- Diane Sullivan, Madison
- Joyce Wells, Madison
- Tammy Bieberstein, Madison
- Andy Jorgensen — Representative
- Tim Carpenter — Senator, 3rd Senate District
- Laura Murray, Oregon
- Marilyn Withers, Madison
- Linda Overbeek, Lone Rock
- Peter Barca, Kenosha — Representative
- Shannon Meyer, Edgerton
- Renee Stodola, Deerfield
- Sherry Wilson, Verona
- Rhea Schmiedlin, Sun Prairie
- Sharon James, Madison
- Jeff Wiswell, Madison — Wisconsin Sheriffs and Deputy Sheriffs Association
- Sara Christer, Poynette
- Jennifer Pratt, Madison
- Jessica Marchant, Madison
- Barbara Constaus, Madison
- Joy Sample, Madison
- Dawn Sands, Madison
- Kelsey Olson, Madison

- Stephanie Schultz, Madison
- Clara Wittman, Madison
- Ed Mason, Madison
- Karen Swanson, Madison
- David Williams, Madison
- Will Thompson, Black Earth
- Karen Carlson, Madison
- Katharine Odell, Madison
- Kim Krouth, Madison
- Judi Berner, Franklin
- Linda Leighton, Madison
- Judy Ellwanger, Milwaukee
- April Johnson, Madison
- Sara Hoven, Madison
- John Gosewehr, Madison
- Kellie Glynn, Menomonie Falls
- Lynn Mitchell, Richfield
- Ricahrd Mrotek, Manitowoc
- Melanie Wearing, Waunakee
- Michelle Livanos, Madison
- Chad Hagen, Sun Prairie
- Monica Gates, Waupaca
- Lynn Rutherford, Francis Creek
- Naomi Pettigrew, Milwaukee — Milwaukee Pet Store Protest Group
- Linda Hartwig, Madison
- Karen Sutterfield, Germantown — Milwaukee Pet Store Protest Group
- Denise Spangler, Madison
- Kris Steffens, Oxford — Eyes of Hope Shelter, Inc
- Theroy Caldwell, Madison — HSDC Alliance for Animals
- C Ergun, Verona
- Roberta Everson, Middleton — Basset Buddies Inc
- Tammy Resey, Arkdale
- Judy Loft, Richland Center
- Brooke Lewis, Verona
- Barbara Christensen, Middleton — Basset Buddies Rescue
- Barb Jenls, Grafton
- Barbara McDonald, Racine
- Judy Quade, Richland Center
- Brenton Kuhl, Brodhead
- Kim Rauen Eichorst, Monticello — Wi Chihuahua Rescue
- Debra Gutierrez, Muskego — Wisconsin Citizens Against Puppy Mills
- Mary Turner, Mukwonago
- Megan Jorenby, Blanchardville
- Molly Campbell, Monroe
- Colleen Flesher, Stoughton

- J. Gayle Strancl, Marshfield
- Ronald Turner, Mukwonago
- Janna O'Connell, Richfield
- Elizabeth Kain, West Bend — Washington County Humane Society
- Charla Werns, Stoughton
- Marnie Brown, West Bend — Washington County Humane Society
- Amy Burns, Janesville
- Dale Stockhausen, West Bend
- Mary Lippert, Waunakee — Midwest Dachshund Rescue
- Allegra Rosenberg, Janesville
- Mary Ann Riggs, West Bend
- Richard Canter, Stoughton
- Jeff Manning, Wausau
- Kathi Cushman, Marshfield
- Laura O'Flanagan, Madison
- Adam Bouknecht, Madison
- Nina Stocks, New Glarus
- Margaret Smith, Eau Claire
- Rene Gagner, Mt. Hored
- Marcie Sascor, Wausau
- Renee Schumacher, Mt. Horeb — Dane County Humane Society
- Andy Joseph, Madison
- Terri Woodcock, Eau Claire
- Christine Marsh, Madison
- Mary Thomas, West Allis
- Emily Annen, Barneveld
- Renee Vandlik, Whitefish Bay
- Margaret Drake, Franksville

Registrations Against

- Darryl Drake, Franksville
- Mary Escalante, Madison
- Mike Ellenbecker, Arpin
- Betty Grotophorst, Belleville
- Connie Kieckhefer, Grafton

Registrations for Information Only

- None.

October 14, 2009

EXECUTIVE SESSION HELD

Present: (5) Senators Wirch, Plale, Holperin, Hopper and Lazich.
 Absent: (0) None.



WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: SENATOR PAT KREITLOW
FROM: Mary Matthias, Senior Staff Attorney
RE: 2009 Senate Bill 208, Relating to Regulation of Persons Who Sell Dogs
DATE: May 29, 2009

This memorandum was prepared at the request of your aide Charles Saxler. Mr. Saxler has stated that some dog breeders are concerned that 2009 Senate Bill 208 (and its companion bill, 2009 Assembly Bill 250), if enacted, could be interpreted in such a manner to subject them to inspection by the Department of Agriculture, Trade and Consumer Protection (DATCP) or to effectively shut down their operations by imposing unreasonable requirements upon them.

Mr. Saxler has stated that your intent in developing this legislation is to develop minimum standards of care for commercial breeding facilities, which are currently unregulated. He stated that it is not your intent to disparage responsible dog breeders in any way or to make them subject to regulation if they do not sell more than 25 dogs per year. Mr. Saxler has asked if a statement of legislative intent should be added to the bill to ensure that this intent is clear.

As discussed below, a statement of legislative intent is not necessary in the bill because its language is clear and unambiguous as to whom it applies. In addition, the Legislative Reference Bureau (LRB) strongly discourages the inclusion of legislative intent statements in bills for numerous reasons.

Dog breeders have also posed several scenarios and asked how the bill would affect dog breeders under each of these scenarios. This memorandum responds to these inquiries as well.

STATEMENTS OF LEGISLATIVE INTENT DISCOURAGED

The LRB Drafting Manual, which is used by the LRB legal staff as a guide to bill drafting, contains a section on statements of legislative intent. The manual states that although requesters frequently view a statement of legislative intent, purpose, or findings as desirable, generally such a statement should not be included in a measure, for several reasons, including the following:

1. Because each draft should include all provisions that are necessary to carry out the requester's intent in the substantive text of the draft, a statement of intent, purpose, or findings that mirrors the substantive text is redundant and thus unnecessary.
2. A statement of intent, purpose, or findings that is initially drafted to be in harmony with substantive provisions of an act may, if the substantive provisions are later amended, be irrelevant to or in direct conflict with the amended provisions.
3. A statement of intent, purpose, or findings may contain language intended to promote the merits of a bill. If the language is construed by a court in the context of rights or privileges accorded in the substantive provisions of the act, the court's interpretation may yield a result that may not have been intended. [Section 7.11, LRB Drafting Manual, 2009-10.]

Because of these concerns, no statement of legislative intent, purpose, or findings may be included in a bill draft without the approval of the chief of the LRB.

APPLICABILITY OF THE BILL TO DIFFERENT TYPES OF DOG BREEDERS

An intent clause is not necessary in this bill to ensure that its provisions are not inadvertently applied to dog breeders who sell fewer than 25 dogs in a year because the language of the bill specifying to whom it applies is clear and unambiguous. Under the bill, only persons who fit within one of the following categories are covered by the requirements of the bill:

1. A "dog breeder," which is a person who sells 25 or more dogs in a year that the person has bred and raised.
2. A person who operates a "dog breeding facility," which is a place at which dogs are bred and raised and from which 25 or more dogs are sold in a year.
3. A "dog dealer," which is a person, other than an out-of-state dog dealer, who either:
 - a. Sells, distributes, or trades, or offers for sale, distribution, or trade, 25 or more dogs in a year that the person has not bred and raised; or
 - b. Operates an auction at which 50 or more dogs are sold or offered for sale in a year.
4. An "out-of-state dog dealer," which is a person who is not a Wisconsin resident who brings 25 or more dogs into this state for sale in this state in a year.
5. A person who operates an animal control facility or an animal shelter.

The bill establishes several categories of dog breeders. A person is considered to be a dog breeder only if they sell, in one year, more than 25 dogs that they have bred and raised. A person would be considered to be operating a dog breeding facility only if more than 25 dogs that were bred and raised on premises that they control (such as their home or farm) were sold from that premises in a year.

A question has been raised regarding the bill's applicability to an individual who is a co-owner of several dogs and combined, these dogs produce more than 25 puppies that are all sold in a year. In this situation, only to the person who actually "bred and raised" any dogs that are sold would need a license. This person would need a license only if they sold more than 25 dogs in a year that they bred and raised. The other co-owners, i.e., individuals who did not "breed and raise" the dogs, would not be required to be licensed based on the sale of these dogs.

If a person is co-owner of several dogs, and none of the offspring of the dogs are sold and none of the dogs that are sold were bred and raised by a person, or at a place where more than 25 dogs are sold in a year, then no license is needed for the sale of any of the dogs.

Conversely, if 25 or more dogs are sold from the same home or other premises, the person in control of the facility must be licensed regardless of how many different owners there are of the dogs in the facility. The individual owners of the dogs at the licensed facility would not need licenses.

Another question has been raised regarding how the license requirements would apply if a person did not know at the beginning of the year that they would sell more than 25 dogs that year. In that situation, once the person is aware that they may be selling that number of dogs, such as the time that they decide to breed a dog or when a litter is born, they should contact DATCP and apply for a license before they sell the dogs. This should not pose a problem since puppies are not sold until at least several weeks after they are born (and may not be transferred to a buyer until they are at least seven weeks old.)

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

MM:ksm

1999 AB 856
P. 1111; 1121

Humane
Society
Ruff
P. 1111; 1121

2001 AB 298 Field Public hearing
SB 55 (Budget).

2003 AB 534 deal in Finance
SB 44 Budget

2007 AB 567
SB 308 - deal in Finance

1

2009



June 5, 2009

Senator Robert Wirch
Room 316 South Capitol
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Wirch:

I would like you to know how important it is to me that our state takes action with legislation to enable the regulation of pet breeding facilities in Wisconsin. **To that end I want to thank you very much for your support of AB-250/SB-208.** We need a strong, enforceable bill that will license, inspect, and regulate these places, more commonly known as puppy mills. A few years ago I purchased a puppy from a pet store, not realizing that the puppy was most likely born in a puppy mill. Fortunately for me, my dog has been healthy but I am now aware that many puppies from puppy mills have health problems due to the deplorable conditions in which their parents are living.

Considering the fact these "breeders" are making money it only makes sense that a small portion of their income should be used for licensing. Other types of businesses must buy licenses; it only seems right that pet breeders also pay their share. In fact, it is possible that in its current state, AB-250/SB-208 may actually add to state revenues by requiring that these businesses report their income and start charging state tax.

I urge you to do the right thing for Wisconsin consumers by please passing AB-250/SB-208 favorably out of the committee without significant amendments. Again, I very much appreciate your support and consideration.

Sincerely,



Karrie Martell
4846 Aberdeen Drive
Racine WI 53402





State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

DATE: June 24, 2009
TO: Rep. Jeff Smith
FROM: Cheryl Furstace Daniels, Assistant Legal Counsel
SUBJECT: Questions about proposed regulation of dog sellers

Companion to
SB 208.

AB 250 Frequently Asked Questions

I. What will be the process for rulemaking if this bill is passed?

Under state law, the process for rulemaking is set by statute. The steps are as follows:

- a. The Department will develop a scope statement that will set forth the parameters for the subjects that may be included in the rule. That scope statement is approved by the Board of Agriculture, Trade and Consumer Protection, a nine-member citizen board for the state of Wisconsin, which meets monthly in open meetings. That scope statement is published at least 10 days prior to being presented to the Board, in the Wisconsin Administrative Register.
- b. The Secretary of the Department will appoint then 10-member advisory committee, charged under s. 173.41(14), Stats., to assist in the drafting of rules to implement the law. That committee must include persons who are representatives from the following groups:
 1. Persons selling dogs at retail.
 2. Dog breeders selling fewer than 50 dogs per year.
 3. Dog breeders selling more than 50 dogs per year.
 4. Sporting associations whose primary activities involve dogs.
 5. Humane societies.
 6. Veterinarians.
 7. Animal control facilities.
 8. Breed rescue groups.

The committee will work in open meetings to address specific implementation issues for the Department to follow. An open meeting means that all meeting times, place, and agenda published in the Wisconsin Administrative register. A committee can assist in fashioning administratively workable processes that will fulfill the purposes of the statute while addressing concerns about the needs of licensees in conducting their businesses.

- c. Once a draft rule is completed, it will go before the ATCP Board for approval to go to public hearing and to be presented to the Legislative Rules Clearinghouse.
- d. The Department will schedule a number of public hearings around the state to take both oral and written testimony about the rule. Notice of these hearings and comment periods will be available in many different media. A hearing notice publishes in the Wisconsin Administrative Register at least 10 days prior to the first hearing. Hearings will be scheduled at convenient public facilities and some may be scheduled for times other than usual business hours, to accommodate others' work schedules. Comments are also accepted through a web site that will be included in the hearing announcement, or via mail. The hearing schedules will be published in the designated state newspaper.

Agriculture generates \$51.5 billion for Wisconsin

- e. Once the period for public comment has concluded and the Department has also received comments from the Rules Clearinghouse, another draft will be developed, with assistance from the advisory committee, which will incorporate changes and will address why any requested changes were not incorporated.
- f. The final draft rule will be presented to the ATCP Board for approval. After approval it will be sent to the Legislature.
- g. The rule will be assigned to committees in each house that will review the rule. The committees may hold hearings on the rule or work on concerns they have over any section of the rule directly with the department. The Legislature uses this procedure to approve all DATCP rules and those of all other agencies, as well.
- h. Once the rule has passed muster in the Legislature, it will have a publicly noticed effective date when its provisions will be in force.

II. What is the process for hiring and training inspectors for this program?

Inspection staff will be hired specifically to work in this program. The Department, with assistance from the Office of State Employment Relations, will develop job descriptions that detail the job responsibilities of the inspection staff. Qualifications for hiring will be developed, based upon this job description, and will focus on the education, knowledge and experience of the applicant in understanding health, safety and welfare issues for dogs, particularly involving humane treatment and husbandry.

Once inspectors are hired, each will receive training on the department and division's inspection and compliance procedures as well as taking the State's Humane Officer training provided by experts within and outside of the Department. Each will be supervised and monitored throughout a probation period and given regular evaluations of their performance.

III. How will inspections be handled, especially with home-based businesses?

Routine inspections will be conducted during regular business hours. The Department often licenses persons who may not be at the business at all times. The Department works with these licensees to provide timeframes when an inspection can occur.

If a complaint is taken by Department staff, inspectors will work professionally and courteously to investigate that complaint without causing undue difficulties to the person being investigated. If the complaint is unfounded, staff will work quickly to make that information known and to filter any future complaints, based upon previous investigations. If a complaint does have a foundation, staff will work towards gaining compliance as quickly as possible.

If there is a complaint that could involve significant animal health, welfare or safety issues, the Department may need to make an inspection outside regular daytime business hours. It is anticipated that these types of inspections will be rare and primarily resulting from uncooperative owners. In some cases, staff may call upon the services of local law enforcement to assist in those inspections or during a possible emergency.

IV. How will people get word that they will need to be licensed?

The Department will have an extensive public education campaign to inform potential licensees about the law. The Department will be looking to get persons into compliance with the statute and rules voluntarily. If a person breeds dogs only intermittently, they will only need to be licensed in those years when they actually sell 25 or more dogs. For anyone who is unsure if they will meet the initial threshold of sales or move into the next highest category, they

will have the opportunity to apply for the correct category of license during the time period after puppies are born but before sales will actually take place that will put them in a particular licensing category.

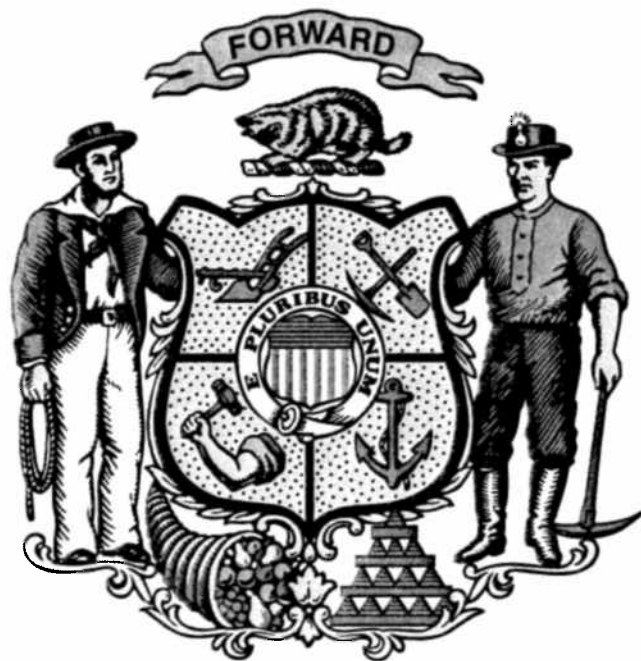
IV. How will the Department gain compliance of this statute?

The Department, in enforcing statutes and rules under its authority, works on a model of progressive enforcement. In all cases, the Department is looking towards gaining compliance with the statutes and rules, not punishment, as the best method of enforcing laws.

An inspector making a routine or complaint-based inspection may find violations but, if the violations do not involve serious health, safety or welfare issues for the animals, it is likely that a corrective action plan with a date by which the plan should be implemented will be warranted.

V. Will animals be seized for violations of this statute?

Seizure of animals is only contemplated with observed conditions that imminently jeopardize the health, safety and welfare of the animals. This is no different from current law under ch. 951, Stats. Current law also provides for appealing any animals seizure under ch. 951. This chapter is enforced by local law enforcement and the Department staff will be assisting the local agencies that will actually handle any cases, as is done currently.



Tierney, Michael

From: McGuire, Paula
Sent: Tuesday, July 07, 2009 9:55 AM
To: Tierney, Michael
Subject: Contact when puppy mill hearing is scheduled

SB 208?

She would like to be notified when there is a hearing on the puppy mill bill:

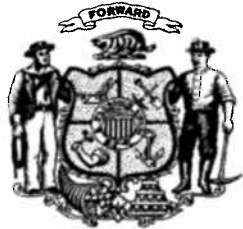
Doreen Panosh
115-First Street Lot 02
Sturtevant, WI 53177
262-886-6041

*attempted to
call 12:05 pm
7/4/09
No ANSWER*

She does not have email.



WISCONSIN STATE LEGISLATURE



Ocooch Mountain Humane Society, Inc.
P.O. Box 229
Richland Center WI 53581

24 August 2009

Senator Robert Wirth, Chair
Small Business Committee
Room 308 North
State Capitol
P.O. Box 7882
Madison, WI 53708

Dear Senator Wirth:

Enclosed please find a copy of the resolution regarding AB 250 and SB 208 passed unanimously by the Richland County Board of Supervisors at their July 2009 meeting. The passage of the resolution illustrates the support of the Board members and their constituents regarding AB 250 and SB 208. The Ocooch Mountain Humane Society, Richland Center, strongly supports the County Board resolution and the passage of AB 250 and SB 208.

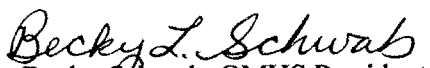
Richland County has been greatly impacted by the situation at the Petkus property with statewide and nationwide coverage with many questions and misconceptions about animal treatment in our state. We signers below are members and officers of the Ocooch Mountain Humane Society in Richland County. OMHS is a non-profit completely volunteer organization of 350 members working hard to provide foster care for dogs as they are readied for adoption into new homes. OMHS operates a small adoption facility for cats waiting for adoptive homes.

OMHS is grateful to the supporters of the pet facilities legislation for taking the matter forward for a self-funded pet breeding/selling and standards law in Wisconsin. The Ocooch Mountain Humane Society will be proud to be licensed by the state to adopt out dogs that we rescue. It only stands to reason that dog breeder businesses making money selling dogs would also be proud to display a license from the State of Wisconsin. Clients would know that the facility meets the standards of care for the animals. OMHS believes that everyone dealing in pets, either selling them for profit or adopting them out at the cost of medical care, should pay a fair share to assure a standard of care and thus provide protection for the consumers, the clients, who are purchasing these companion animals. As a non-profit organization OMHS is willing and ready to pay a licensing fee

Please support this bill with your vote. Please put Wisconsin in the forefront of a standard of care for animals. Richland County and the Ocooch Mountain Humane Society look forward to a much needed licensing of dog breeders and standard of care. There must be a positive result from the tragedy that occurred in our state this past spring.

If you have any questions please contact us.

Sincerely,


Becky Schwab, OMHS President

608-475-0313
wittbecky@hotmail.com


Judith Krysko, OMHS Treasurer

608-647-7161
kryskoj@countyspeed.com



Marilyn Loft Houck, editor,
OMHS Pet Connection
608-647-6453
llamaart@countyspeed.com

RESOLUTION NO. 09-65

A Resolution Urging The Legislature To Adopt 2009 Assembly Bill 250 Which Is Also 2009 Senate Bill 208.

WHEREAS Ms. Marilyn Loft Houck appeared at the June meeting of the Law Enforcement Committee to ask the Committee to present a Resolution to the County Board urging adoption by the Wisconsin Legislature of 2009 Assembly Bill 250 which is also 2009 Senate Bill 208, and

WHEREAS the purpose of this proposed legislation is to regulate persons who sell dogs or operate animal shelters or animal control facilities and give authority to the Wisconsin Department of Agriculture, Trade and Consumer Protection to issue regulations in the Wisconsin Administrative Code in accordance with the legislation, and

WHEREAS the Committee has carefully considered this matter and is now presenting this Resolution to the County Board for its consideration.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors that the County Board hereby urges the Legislature to adopt 2009 Assembly Bill 250, which is also 2009 Senate Bill 208, which relates to regulating persons who sell dogs or operate animal shelters or animal control facilities and giving rulemaking authority to the Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with the legislation, and

BE IT FURTHER RESOLVED that the County Clerk is hereby directed to send a copy of this Resolution to all State legislators whose districts include any portion of Richland County and to Governor Doyle, and

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its passage and publication.

VOTE ON FOREGOING RESOLUTION

AYES _____ NOES _____

RESOLUTION Adopted

Victor V. Vlasak
COUNTY CLERK

DATED July 21, 2009

RESOLUTION OFFERED BY THE LAW ENFORCEMENT COMMITTEE

FOR AGAINST

<u>[Signature]</u>	✓
<u>[Signature]</u>	✓
<u>[Signature]</u>	✓
<u>[Signature]</u>	✓
<u>[Signature]</u>	✓

STATE OF WISCONSIN)
)SS
COUNTY OF RICHLAND)

I, Victor V. Vlasak, County Clerk in and for the County of Richland, do hereby certify that the above resolution is a true copy of the original adopted by the Richland County Board of Supervisors at the July meeting held on the 21st day of July, 2009.

Victor V. Vlasak
Victor V. Vlasak
Richland County Clerk

Ocooch Mountain Humane Society, Inc.
P.O. Box 229
Richland Center WI 53581

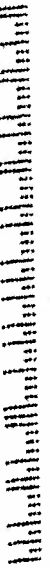


MADISON WI 537

24 AUG 2008 PM 11

Senator Robert Wirch, Chair
Small Business Committee
Room 308 North
State Capitol
P.O. Box 8953
Madison WI 53708

53708953



Linda Schultz
194 Knollwood Road
West Bend, WI 53095

September 20 , 2009

Senator and Assembly Committee Members:


I am here to respectfully request your support to pass AB-205 / SB-208 as it is currently written.

I am a long time volunteer at the Washington County Humane Society and have personally seen the horrible impact illicit puppy mills have on the health and well being of dogs in our state. I feel strongly this is a good and fair bill that should become law in Wisconsin. It enables the Department of Agriculture, Trade and Consumer Protection to inspect breeders' locations and enforce acceptable standards of care to ensure responsible breeding of dogs.

This legislation permits DATCP to perform initial and follow up inspections. They can require dog breeders to provide basic, daily care, such as food, water, veterinary care as well as restrictions on enclosures, including the the time a dog is confined to an enclosure, exercise, lighting, ventilation and adherence to wire gauge specifications. If a breeder is reputable, he has nothing to fear. If a breeder abuses standards of care, he needs to comply. DATCP enforcement is key.

Passing this bill, without amendment, is a positive step for Wisconsin. I am proud to be born and raised in Wisconsin. But my home state is becoming known nationally as "the puppy mill state". When this legislation becomes law, my state will be able to hold it's head high. I sincerely appreciate your support of this bill.

Respectfully,


Linda Schultz

(262) 675-0383



Castillo, Cecely

From: Gail and John Jackson [gjreddog4@gmail.com]
Sent: Tuesday, September 22, 2009 7:27 PM
To: Sen.Wirch; Rep.Hintz
Subject: Testimony for committee members on AB 250 / SB 208
Attachments: 9-20-09jointhearingtestimony.doc

Dear Sen. Wirch and Rep. Hintz,

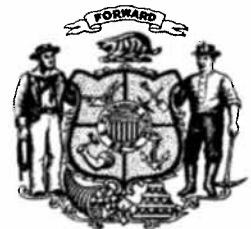
We regret that it is unlikely we will be unable to attend tomorrow's public hearing on AB250 / SB 208. We have attached a copy of our written testimony for the full committee's consideration. There are two small areas that we feel warrant additional attention and can be remedied with slight modifications.

Many thanks in advance for distributing the attached materials to your committees and for your work on this important issue.

Gail, Tami, and John Jackson



WISCONSIN STATE LEGISLATURE



Alliance for Animals

P.O. Box 1632, Madison, Wisconsin 53701
Phone: 608-257-6333 E-mail: alliance@allanimals.org
Website: <http://www.allanimals.org>

September 22, 2009

STATEMENT ON THE SMITH-KREITLOW COMMERCIAL DOG BREEDERS LICENSURE BILL

Thank you for the opportunity to address this important issue.

The Alliance for Animals is Wisconsin's oldest and largest animal rights organization. We co-sponsored a forum held in 2003 at the Alliant Energy Center, formerly the Dane County Coliseum, with the Wisconsin Puppy Mill Project and the Dane County Humane Society. This forum brought together several hundred people on both sides of the then proposed puppy mill legislation.

Over the years we have stayed engaged with this issue. We have protested the Thorpe Dog Auction and have kept our members up to date when there were developments related to this issue. We have been outspoken opponents of the cruel and inhumane breeding of animals.

Dog breeders in Wisconsin currently operate with little control or regulation. Wisconsin is developing a reputation as a state that is attractive to puppy millers due this lack of regulation and our abundance of small farms for sale or rent where these mills can be kept out of sight..

The Alliance for Animals strongly supports the quick passage of AB-250/SB-208, the Smith-Kreitow Commercial Dog Breeders Licensure Bill. The Commercial Dog Breeders Licensure Bill is a long overdue step towards a more humane Wisconsin.

Thank you for your consideration of this issue.

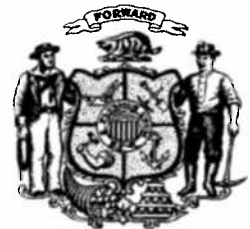
Sincerely,



Betsy Munro
President, Board of Directors



WISCONSIN STATE LEGISLATURE



Dear Committee Members,

September 22, 2009

I am 62 years young. Lifetime resident of the beautiful state of Wisconsin, dog owner, and an avid amateur photographer who loves to travel Wisconsin capturing its wonders and magical sights. My pictures have been featured in numerous newspapers, Wisconsin Travel Web Sites, and WI DNR's **Natural Resources Magazine**. I am a dog lover who has an appreciation for animal husbandry, and am not a "card carrying" animal rights activist.

I am writing you to express my support of AB250 / SB208. This long awaited Bill will ensure that commercial dog breeders in Wisconsin will have to abide by the humane standards of animal husbandry for which Wisconsin was once noted. It's ironic that our great University of Wisconsin in Madison has a nationally recognized School of Veterinary Science yet Wisconsin doesn't protect man's best friend. That will change with the adoption of this legislation and the State of Wisconsin will regain the animal husbandry image it once held.

As a result of my travels I stumbled onto a puppy mill in Western WI 3 years ago. I didn't know about them then, but since then I have been in numerous throughout the state, documenting my experiences with camera and words. With that in mind it is easier to tell my story through the attachments of this letter. It is with sincere hope that you take the time to view the pictures and read my narration. These are but a few examples of what's going on, unchecked, in our state. You may be thinking the USDA already has laws for monitoring breeders. Well, after viewing the attachments you will have a better "feel" for their effectiveness. I should also say that the degree of inhumane treatment is not in a direct relationship to its size.... Some of the smallest operations were the worst (see Richland County, attached).

The puppy mill scourge that's invaded our state has grown like a cancer, unchecked, border to border. Wisconsin is now a magnet for unscrupulous breeders immigrating here because their home state enacted appropriate laws. The Clark County situation is a prime example of that. The State of Pennsylvania enacted legislation and those breeders came here to practice their inhumane trade. Now we have a disgusting dog auction in Clark County to facilitate the disposal of puppy mill industry "waste". You will have a tough time finding a Veterinarian in Wisconsin that hasn't a "war story" to tell about a puppy mill victim(s) they've treated.

In closing, I earlier called the puppy mill situation a cancer in our state. I feel comfortable with that analogy because I have cancer, know the symptoms, and know the importance of timely treatment, and of course know the consequences of not treating the disease. I'm fortunate to be in the good hands of the Drs at the UW Cancer Center. It is my hope that you do what you can to apply the cure to Wisconsin's puppy mill cancer. The diagnosis has been made, please be the "doctor" and prescribe the AB250/SB208 cure.

Thank you,



Frank Schemberger

1732 Coolidge Ct

Eau Claire Wisconsin 54701

715-271-5418

DUNN COUNTY WI

I stumbled on this kennel while on the roads less traveled in Dunn Co WI. What caught my eye was the prominent sign at the end of the road. Being a dog lover and camera buff the word "PUPS" was ominous and I needed to investigate. My first impression was that this was a very busy boarding kennel, the runways were full of dogs. The preponderance of dogs were small species.... Doxies, Pugs, and the small fluffy lap dogs whose names I am not familiar with. I was somewhat amazed by the population number. As I like to do for my granddaughters, I snapped pictures and videoed the dogs. They always enjoyed seeing pictures of 4 legged friends I run into during my country travels. After doing this for a while I ventured to another kennel area, which at first I thought was poultry building. There were wire cages suspended out the sides of the structure and stainless steel catch pans beneath. The cages were in rows, 2 high, with doors to the interior..... all were off the ground. Moving closer, it was then I saw the pups. I now realized this is another kennel and investigated closer. Here were pups of the same breeds as the "runway" dogs. I'm thinking this is a strange way to provide for young dogs. The cages were approx 1.5' high and 2' deep and 2' wide. The cage floors were of the same material as the cage itself.... Except Approx 1.5" x 1.5" coated wire. That is what the pups were huddled on... no solid surface for support. The cages suddenly lost the "shiny clean" impression they 1st provided when I saw the large accumulation of feces and urine that was lying in the collection trays, inches below the pups. The foul odor and flies the pups were exposed to was beyond comprehension. I could not fathom this as being an acceptable, much less humane, way to raise man's best friend. It then dawned on me that if someone didn't really care how the dogs felt (suffered) this is the way to go..... certainly not labor intensive, it was a puppy manufacturing building, not a "kennel". Upon leaving I noticed what I considered an unusually large amount of feces laying in the 1st kennel's runways. My granddaughters would not be subjected to any pictures of these conditions. After showing the pictures to a friend she referred me to the Wisconsin Puppy Mill Project website.... All of a sudden it all made "sense" and since that time I have been an advocate of promoting the need for Effective Puppy Mill Legislation in Wisconsin. I should also say that since my "awakening" I have visited 6 puppy mill operations in Western WI, have been disgusted and amazed by what I saw and heard, and have become that much more incensed for the need for Humane and Economic controls placed on this cancerous enterprise. This is a USDA Class B licensed kennel. USDA regulations are not enough to remedy Wisconsin's puppy mill cancer.



This pregnant Doxie had to navigate the fresh and dried feces in its cage. The pregnancy's additional weight took an added toll on her feet as conformed to the wire floor. Her breasts were feeling the unpleasantness of the wire floor. RIGHT: The Doxie's expression tells it all... must I live here? Note, her toe nails hook around the wire floor.



It may appear that a layer of hair covers the urine and feces, but closer examination will provide that it is also mold. Unfortunately the level of detail does not show the flies that were traveling from the stench to the dogs. This is a USDA Licensed and inspected facility.

SHEBOYGAN COUNTY WI

After spending half an hour viewing pups in elevated rabbit hutches in the miller's yard, I convinced him into showing me an adult dog in the barn. It was a cold Wisconsin January day when the miller led to the dark barn. The center dividing wall was about 4 ft high and lined with larger dogs barking in a frenzy. I was going to be shown a 6 1/2 yr old pregnant lab. She would be available after the litter is gone due to her age... no longer a cash productive captive. The left side of the unlit barn was lined with chain link gated fencing, presumably dog pens, but because of the darkness I could not tell. As we traveled the length of the barn we were besieged with the pawing, nips, and licks of the "loose dogs" lining the center dividing wall like hockey players celebrating a goal.... they were happy to see me. The miller shoved them back as if annoyed by their presence. We reached the end of the barn as I was starting to wonder if there was such a dog. The miller stopped at the last rusted gate and said here she is. I thought he must be hallucinating. All I could see was a 2 1/2 ft tall 3 ft x 4 ft concrete bunker with a metal roof. The pen's floor was covered with sharp wood chips. There was a higher buildup of chips inside the bunker.... still no dog. As we entered the pen I said where's the dog? The miller responded by lifting back the bunker's roof. I have never seen a sadder and anxious expression on a dog. She was trembling in the tight, cold, and damp quarters. Her brows were furrowed as she tried to crawl closer to the wall. The low clearance of the bunker was evidenced by smeared stains from her back on the inside of the roof....it was too low for her to stand without rubbing on it. She didn't respond to my calling other than increased looks of fear and shaking. I talked the miller into a picture that didn't do the scene justice. The light from the flash was the only light other than the dimmest of filtering from the East side of the barn. Leaving the farm and proceeding down the highway my heart was in my stomach. I realized this dog has spent her life being bred back to back, "living" in a dark barn, not being with her pups long enough for her to teach them what they need to know. How can this be happening in my Wisconsin?



6 1/2 year old pregnant Chocolate Lab. The wood chips were built up so high it caused the dog's back to rub on the metal roof. She could not stand without touching the roof but it didn't matter because there was no place to go, nothing to see in total darkness, and no companions. The dog cowered when she saw me and was unresponsive to my call or offer of hand. Her eyes told it all, they were vacant pools of worry and confusion. Her life is what you see... confinement without attention, nourished only to reproduce.



The miller is holding a terrier he pulled from the display cage by its front leg. The dog let out a squeal but it never affected its handler. The pups in the cage are standing on 1" hardware wire, snow on the ground, no heat. Note the frozen water bucket in the cage. Wisconsin's winter weather is not kind to the pups and their parents living in this environment.

Richland County Mill Surrender October 2008

Last October I asked to participate in a puppy mill surrender in Richland county. The mill operator was talked into relinquishing her "stock". The mill operator allowed a minimal amount of rescuers on the property. Those persons did documentation and transported the dogs to the Dodgeville Veterinary Service. There, the dogs were met by a group of volunteers who helped with the remainder of the processing. The Vet gave each a thorough physical exam and treated injuries. Ultra sound examinations revealed many of the females were pregnant, unbeknownst or reported by the mill operator. Bathing, grooming, and distribution to rescue and foster home persons followed. The scene was not what I had expected. Most of the dogs were emotionally stressed; all were infested with fleas (one small dog's infestation was so advanced she had to be taken to critical care because so much blood was sucked from her). Some had unattended wounds that flies had kept open. I was asked to transport a 7 year old pregnant St Bernard, "Cinnamon", to Johnson Creek where her foster mom would meet us. As we drove East from Dodgeville Cinnamon looked at the sunset as if to say goodbye to the Hell she lived the previous 7 years. This was is not a remote incident. The mill event, whether "surrender", rescue, or agency action, is repeated throughout our state each month. Unfortunately this has become commonplace in Wisconsin but the stories are not always told.



The Ultimate Price of Wisconsin's Puppy Mills

This poor soul was found behind a wood pile on a Wisconsin USDA Licensed "kennel" property in July 2008. His body lay in memorial to the confinement, suffering, and death Wisconsin puppy mill dogs experience each day. While his story will remain a mystery, the story of Wisconsin's puppy mill victims are well documented, written about, and confirmed by local and State agencies. The puppy mill situation in our state is a cancer that's been diagnosed yet not administered a cure! What more needs to be discussed and proven before appropriate, humane, action is taken?



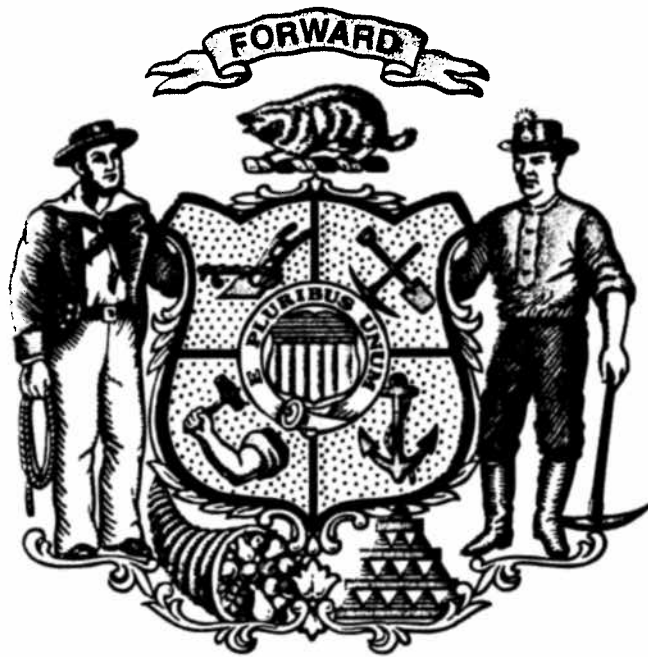
The cruel and inhumane treatment Wisconsin's puppy mill dogs endure is inexcusable. Wisconsin, once noted for setting the benchmarks for Animal Husbandry, has abandoned Man's Best Friend. Fellow Wisconsinites and myself are ashamed of that! It's time to free them from their misery. The Kreitlow - Smith Bill LRB-2448/2 will do just that!

It's not asking too much!!

Thanking you in advance for doing what's right!

Frank Schemberger

Eau Claire Wisconsin




Alberta Darling
Wisconsin State Senator
Member, Joint Committee on Finance

Testimony on AB 250/SB 208
Commercial Dog Breeding Licensure Bill(s)
September 23, 2009

Senator Wirch and Representative Hintz,

Thank you very much for holding this joint hearing today on the dog protection legislation introduced earlier this year by Rep. Smith, Sen. Kreitlow, me and others as AB 250 and SB 208. I am pleased to be here to share my personal support for this effort and to pass along what I have heard from so many constituents. That is, it's time to get this done!

I began working on putting an end to puppy mills years ago when unscrupulous practices by some breeders came to light. I helped to add protections for dogs in mass breeding facilities to two different budget bills only to see our work vetoed by then-Governor McCallum and Governor Doyle.

While I wish my earlier efforts would have proven more successful, I believe there is no time like the present to chase the bad actors out of the business of dog breeding and selling. Parts of Wisconsin have become a haven for breeders that are only concerned about profits. They neglect the dogs' medical and social needs. As a result, people often end up with sickly and maladjusted puppies or adult dogs with traumatic injuries.

While no bill is perfect, I know first-hand that Rep. Smith and Sen. Kreitlow listened to concerns with the bills and worked diligently to address those concerns. The substitute amendment is a marvelous attempt to reach a compromise that has been a long time coming. I ask all of you here today to stand with us and help us get this legislation to Governor Doyle. The time has come.

Thank you again.

Capitol Office:

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

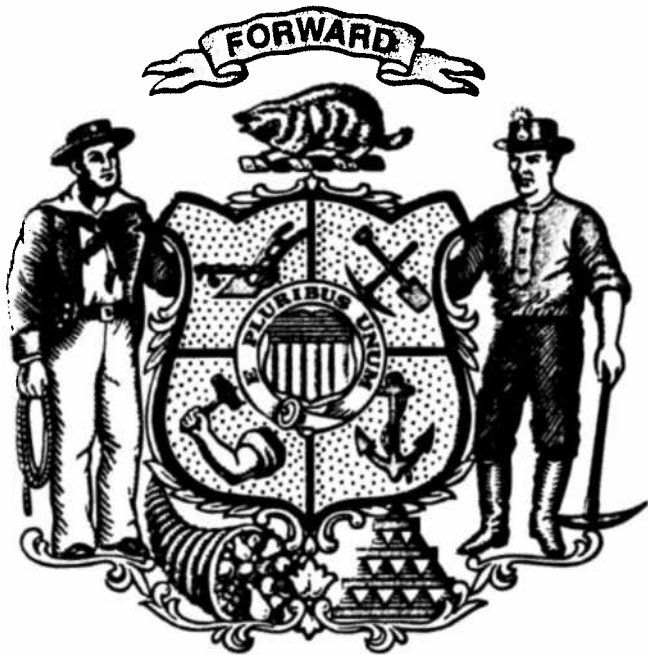
Toll-free: 1-800-863-1113

Email: sen.darling@legis.wisconsin.gov

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

District Office:

N88 W16621 Appleton Avenue, Suite 200
Menomonee Falls, Wisconsin 53051
Phone: 262-250-9440
Fax: 262-250-8510



AB250/SB208

The Ocooch Mountain Humane Society, Inc., located in Richland County Wisconsin, encourages and supports passage of AB250 and SB 208 into law in 2009.

Attached to this statement is a copy of the resolution passed unanimously by the Richland County Board of Supervisors on 21 July 2009 in support of passage of AB 250 and SB 208.

Also included with this statement of position is a simple petition signed by 465 Wisconsin voters not only from Richland County but representing many other locations around this great State. The petition was circulated in local business locations, by individual OMHS members, and at the OMHS food stand in August and September.

The Ocooch Mountain Humane Society, Inc. is grateful to the authors, sponsors and co sponsors of AB 250 and SB 208 for taking forward an issue that will place Wisconsin, along with its surrounding neighbor states, in the position to combat a growing moral and ethical problem.

The Ocooch Mountain Humane Society, Inc. will be proud to participate in the licensing and standard of care provided in this bill. As an all volunteer organization, privately funded by donations and fund raising activities, OMHS will happily pay the fee to help maintain a level playing field for all facilities selling dogs and puppies.

Richland County is located in the Southwestern part of Wisconsin and sits comfortably in a "keystone" position between Vernon, Sauk, Crawford, Iowa, and Grant County. As a "keystone" Richland County hopes to take a key position in passing this bill into law. The voters in Richland County are very concerned about the passage of the bill. The County has been greatly impacted over the past 5 months by the need for the standard of care and licensing law. Not only does Richland County appear as a keystone on the map of the State but its Assembly districts intersect in the County as well with the 49th (Garthewaite), the 50th (Brooks), 51st (Helgenberg) and 96th (Nerison) coming together in our small County.

OMHS was incorporated in 2001 as a 501 c 3 organization. We have 450 memberships. It is a very active organization in our small community centered county. OMHS supports a low cost spay neuter clinic assisted by the Dane County Humane Society, and has recently established a Pet Food Pantry to help people stressed by the economy to feed their pets. OMHS presently does not have a shelter building, however, it does have an Adoption Center building where cats and kittens are adopted into new homes. Dogs and puppies under the wing of OMHS are in foster care in individual and family homes.

Wisconsin needs this law to help protect the consumers and the animals. Wisconsin must continue to be the moral and ethical standard bearer by which others can set their compass. The voters in Richland County firmly believe that the Wisconsin legislature will do the right thing.

Statement composed by



Marilyn Loft Houck
editor, OMHS Pet Connection



Judith Krysko
OMHS Treasurer

Dated: 22 SEPTEMBER 2009

A Resolution Urging The Legislature To Adopt 2009 Assembly Bill 250 Which Is Also 2009 Senate Bill 208.

WHEREAS Ms. Marilyn Loft Houck appeared at the June meeting of the Law Enforcement Committee to ask the Committee to present a Resolution to the County Board urging adoption by the Wisconsin Legislature of 2009 Assembly Bill 250 which is also 2009 Senate Bill 208, and

WHEREAS the purpose of this proposed legislation is to regulate persons who sell dogs or operate animal shelters or animal control facilities and give authority to the Wisconsin Department of Agriculture, Trade and Consumer Protection to issue regulations in the Wisconsin Administrative Code in accordance with the legislation, and

WHEREAS the Committee has carefully considered this matter and is now presenting this Resolution to the County Board for its consideration.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Board of Supervisors that the County Board hereby urges the Legislature to adopt 2009 Assembly Bill 250, which is also 2009 Senate Bill 208, which relates to regulating persons who sell dogs or operate animal shelters or animal control facilities and giving rulemaking authority to the Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with the legislation, and

BE IT FURTHER RESOLVED that the County Clerk is hereby directed to send a copy of this Resolution to all State legislators whose districts include any portion of Richland County and to Governor Doyle, and

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its passage and publication.

VOTE ON FOREGOING RESOLUTION

AYES _____ NOES _____

RESOLUTION Adopted

Victor V. Vlasak
COUNTY CLERK

DATED July 21, 2009

RESOLUTION OFFERED BY THE LAW ENFORCEMENT COMMITTEE

FOR AGAINST

<u>[Signature]</u>	✓
<u>[Signature]</u>	✓
<u>[Signature]</u>	✓
<u>[Signature]</u>	✓
<u>[Signature]</u>	✓

STATE OF WISCONSIN)
)SS
COUNTY OF RICHLAND)

I, Victor V. Vlasak, County Clerk in and for the County of Richland, do hereby certify that the above resolution is a true copy of the original adopted by the Richland County Board of Supervisors at the July meeting held on the 21st day of July, 2009.

Victor V. Vlasak
Victor V. Vlasak
Richland County Clerk



September 23, 2009

Good Morning,

Thank you for listening to your constituents today who support AB250/SB208.

It is crucial that this bill be passed. The days of puppy mills must end now. Too many animals suffer at the hands of those concerned with only one thing, how much money they can make from repeated breeding of dogs that are locked in wire cages, that are stacked one on top of the other. Feces and urine drip down onto the animals below. Food when given is usually moldy or insect ridden.

Animals are kept in these cramped cages, never feeling the green grass God made for them to walk on. They have limb disabilities from being confined year after year. They have no medical care despite having injuries and illness. They never feel the loving caress of a child or adult to whom they mean the world. They cower in corners and shake out of fear or they have a flat affect, no expression at all after years of terror. No, they are just another cash crop, like corn or wheat. Money makers for selfish people.

I have seen the product of these puppy mills first hand when the Wisconsin Humane Society shut down one of the largest puppy mills in the state. Animals in the state I have mentioned. Thank God for the rehab team at WHS and the overwhelming response from the public in adopting these rescued souls and giving them the love, medical care and excellent homes they so deserve., unlike the terror filled, cold and empty life they had with the breeder.

When the breeder dog is of no value to the breeder any more, she or he is simply killed. Another dog takes its place and the cycle goes on. Representatives, you have the power to help end this cycle of abuse. Please pass bill AB250/SB208.

Thank you in advance for your wisdom in voting for this bill

Bridget Kirkish
10718 N Briarwood Ct
Mequon WI 53092





State Capitol:
(608) 266-0660
PO Box 8953, Madison, WI 53708

STATE REPRESENTATIVE
JEFF SMITH

FAX: (608) 282-3693
Toll-free: (888) 534-0093
Email: rep.smith@legis.wi.gov

93RD ASSEMBLY DISTRICT

FOR IMMEDIATE RELEASE
September 23, 2009

CONTACT: Rep. Jeff Smith
608.266.0660 (Office)
Rep.Smith@legis.wi.gov

Rep. Smith Testimony on AB 250/SB 208: Dog Breeders Licensure Bill
As Prepared for Delivery

Thank you Rep. Hintz and Sen. Wirch, committee members, for holding this important hearing today on AB 250, the Dog Breeders Licensure Bill. This bill is the product of more than a year of discussion, including the end result of a workgroup convened on this topic. We've worked hard will all interested parties to develop a program that will provide standards of care for these animals.

Wisconsin is one of the few states that lack any legislation in this area, increasing our reputation as "puppy mill central." Nationally, 28 states already have some form of licensure or regulatory program. For instance, Illinois requires anyone with 5 or more unaltered dogs to obtain a license. Pennsylvania requires anyone keeping 26 or more dogs to be licensed and Colorado licenses anyone selling 25 or two or more litters.

In Wisconsin, state statute provides penalties for violations of animal cruelty, but the threshold is so high that even the worst offenders often come away with little more than a slap on the hand – and they keep their dogs and can continue breeding! At the federal level, the USDA does license wholesale breeders, but this doesn't include breeders selling directly to individuals and inspections and regulation is lacking.

I have seen firsthand the problems occurring in our state. I've been to the Thorp auction in Clark County twice, an auction of the worn-out breeding dogs – used up dogs that spent their life in a small contained area. Sometimes this is a cage, a small box, and they've been over bred and sometimes crippled from this life. After all this, they are brought to the auction where only the warm hearted people typically come and buy them.

I have also accompanied a local reporter to several facilities. I saw some of the worst instances of neglect and unsanitary conditions tended to be at the smaller facilities. After conversations with DATCP and other states with dog breeding licensure programs, it became clear that the problem isn't necessarily at the large facilities, but most common at facilities selling between 25-50 dogs a year.

Senator Kreitlow and I have received calls from numerous constituents across the state, but especially in our districts, urging us to act. We decided to pick up where past representatives have left off, but also work with the groups that would be impacted by this legislation to develop a program that will work for everyone and provide standards of care for these animals.

This bill creates licensure requirements for commercial dog breeders and establishes minimum standards of care for these licensed facilities. Anyone selling more than 25 dogs in a year will need to be licensed through DATCP. The amendment we introduced provides an exemption that an individual can sell more than 25 dogs



STATE REPRESENTATIVE
JEFF SMITH

93RD ASSEMBLY DISTRICT

State Capitol:
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Email: rep.smith@legis.wi.gov

in a year so long as they come from 3 litters or less. This change came after numerous discussions with dog breeders across the state, and will ensure that true hobby breeders will not need a license.

This bill grants DATCP rulemaking authority so these standards of care provide flexibility to the industry while also ensuring strong legislative oversight throughout the process. An advisory committee composed of individuals from each interested group will participate in the rulemaking process and ensure that anyone impacted by this legislation will be able to provide invaluable input.

Most importantly, this bill validates the good breeders. Right now if you say you're a dog breeder, many people immediately think of puppy mills and assume the worst. This bill will restore some credibility to the respectable and honorable breeders, giving them the opportunity to be listed and hang their license of validation on the wall. With this legislation, someone buying a puppy can be assured of the quality and character of the person they are dealing with.

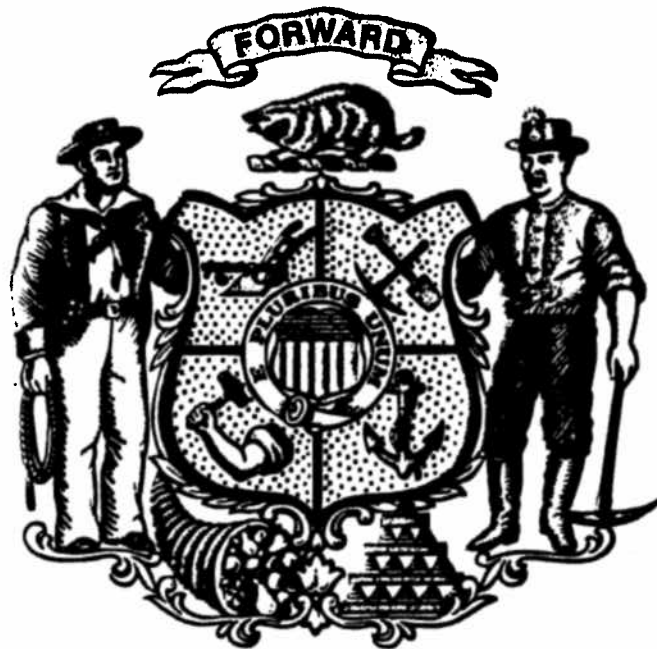
We've worked hard with all interested parties to develop a program that will protect responsible breeders without over burdensome regulations. Many times I'm asked why we don't just raise the threshold to 50, or even higher. Raising the threshold to even 50 would be detrimental to the success of this bill, as it would miss regulating some of the most irresponsible breeders.

Raising the threshold would be against the wishes of the groups that have been fighting for this program since the beginning. After listening to breeders across the state and working closely with the Dog Federation, it's clear that true hobby breeders rarely sell more than 1-2 litters in a year. As amended, even a dog breeder with large litter numbers can be assured that a "silent heat" or suddenly "throwing" a large litter won't cause them to have to suddenly need a license.

In working with the various groups on this bill, we've developed a licensure program that is fiscally neutral and has broad bipartisan support. As a closing, I'd like to thank all the cosponsors on this bill; 72 representatives and senators from both sides of the aisle have showed their support by signing on.

They and the thousands of constituents that have called in have patiently waited for this public hearing. I can't say enough for them as they let Sen. Kreitlow and I work through the details with all the outside groups. To all of you that have been following this issue: Thank you for your support and patience. A day doesn't go by since I started circulating this bill that someone doesn't ask "How's that puppy bill going?" or "I'm so glad to see that something is happening with this bill".

I'm so proud to be sitting here after you have worked so hard for this for so long. To all of you, it's nice to finally say that today is your day.



September 23, 2009

Testimony - Kathy Pobloskie,
232 Augusta Way, North Prairie , Wisconsin 53153

Re: Support AB-250/SB-208, Smith/Kreitlow Commercial Dog Breeder
Licensure Bill

Senator Wirch, Representative Hintz, and other distinguished committee members, I want to thank you for this opportunity to address AB250/SB208.

I am a long time participant in competitive dog sports, mainly flyball, which is a team relay race for dogs. I also have trained and shown in agility. I currently own two flyball dogs. I feel that most dogs are happiest when they have a job, often related to their breed, whether it be herding sheep, playing competitive sports with their owner, or chasing chipmunks in the yard.

Dogs from mass production facilities lack the qualities that enable them to perform their breed specific jobs. They are poorly bred with poor conformation and health, and are under socialized. These dogs rarely live up to their full potential in life and often crowd the animal control facilities and shelters when owners can no longer deal with their behavior problems or afford their veterinary costs.. This is a burden on the taxpayer whose tax dollars go to fund animal control services.

Licensing and regulating these cruel and inhumane mass breeding facilities will help level the playing field for the responsible breeders who produce sound, healthy dogs - willing and capable to be fully functioning canine members of the family.

Thank you for your consideration of this bill.

Respectfully submitted,

A handwritten signature in black ink that reads "Kathy Pobloskie". The signature is written in a cursive style with a large initial "K".

Kathy Pobloskie



Testimony of Kimberly Rinzel

At the 9-23-09 Joint Public Hearing of the Assembly and Senate Committees on Consumer Protection

In Favor of Assembly Bill 250 and Senate Bill 208

Good morning. My name is Kim Rinzel and I live in Senate District # 5 – under Jim Sullivan, and Assembly District #14 – under Leah Vukmir. I am also a Behavior Manager at the Wisconsin Humane Society. I am in support of the puppy mill bill because it will protect dogs from being subjected to inhumane conditions and it will also protect dog owners from acquiring dogs with severe behavioral and/or medical conditions.

In 2008, the Wisconsin Humane Society bought and closed down the largest breeding facility in the state, Puppy Haven Kennels. We took 1600 dogs from the facility to provide them with a second chance, which was not easy. While the veterinary staff dealt with the various medical issues, I, along with a team of behavior experts, addressed the behavior conditions of these unfortunate dogs.

There were multiple behavioral issues that we had to deal with, all of which can be attributed to a puppy mill environment. The majority of the adult dogs suffered from extreme fear and shyness of people. Many were “shut down,” which basically means that when approached, they would cower in the corner, heads down, and just freeze. Many would submissively urinate whenever approached by a person. A few demonstrated fear aggression, and would growl or snap when touched. In addition to these behaviors, they had never been exposed to toys, treats, human affection, cars, or even common mechanical noises – things we take for granted that puppies normally experience. Everything from the sound of a vacuum to the presence of a leash could trigger a fear response.

The behavior staff had to devise new protocols to specifically deal with the dogs from Puppy Haven. Volunteers were recruited to actually sit aside their kennels and read to the dogs, just to get them used to the sound of a human voice. Staff and volunteers were also instructed to toss a treat every single time they passed by a kennel, so the dogs could associate humans with something good. We put in countless hours just trying to coax each dog out of his or her shell, so that they could make a more successful transition into an adoptive family’s environment.

About 10% of the dogs had behavior or medical issues so severe that they were sent to specialty breed rescue groups. For example, we had a Pug who came to us - missing an eye, likely because an infection that went untreated. He was absolutely terrified of people and would drop

to the ground and freeze when approached. If you picked him up or tried to soothe him, he would tense up so tightly he felt as though he was dead. Fortunately, a Pug rescue group in Wisconsin worked with us so that he could get intensive therapy and eventually find permanent placement.

All adopters of the Puppy Haven dogs went home with specially designed handouts to introduce them to the behaviors of puppy mill dogs so they could continue the behavior modification at home. The adopters took on great challenges – dogs from puppy mills are not normal, healthy dogs who transition easily. After years of living in their own filth, housetraining was also a major challenge. Along with this, the dogs were used to being fed from a mechanical device, thus having to fight all the other dogs to obtain food. So called “Survival of the Fittest”. Due to this, food aggression was a problem in some dogs. When working with an undersocialized dog as the Puppy Haven dogs were, training even simple cues such as “sit”, “down”, or “come” may take *years*, not weeks. The extreme fear that some of these adult dogs had of new things will likely take years to overcome in the homes of their new adoptive families.

Between September 2008 and February 2009, the peak time of adoptions of Puppy Haven Dogs from the Wisconsin Humane Society, over 20% of all the calls to our behavior tip line came from the adopters of Puppy Haven dogs. The questions ranged from, “*How do I get my dog to feel comfortable even looking at me?*” to “*What do I do when my dog barks and hides behind me when we meet someone new?*” The demand for advice and counseling prompted us to create a special “Shy Dog” class, which 100 dogs participated in throughout 2008-2009.

While we are proud of our success in placing these animals and deeply grateful to the families who opened up their hearts and homes to these special needs animals, I cannot deny that it wasn't an immense challenge. Our resources at the Wisconsin Humane Society were poured into these dogs. It was also a burden on the adoptive families, both emotionally and financially.

The Wisconsin Humane Society should have never *had* to shut down Puppy Haven in the first place. If this current legislation had been enacted years ago, these dogs would never have been deprived of their basic physical, social and medical needs.

I urge you to pass this bill **without amendments** to protect both the dogs, and consumers who unknowingly acquire puppies from puppy mills.

Thank you for the privilege of speaking today.



Testimony of Dr. Jane Pohlman

At the 9-23-09 Joint Public Hearing of the Assembly and Senate Committees on
Consumer Protection

In Favor of Assembly Bill 250 and Senate Bill 208

Good Morning. My name is Dr. Jane Pohlman and I live in Senator Scott Fitzgerald's district number 13 and Representative Andy Jorgenson's Assembly district number 37. I am also the Director of Veterinary Services at the Wisconsin Humane Society and I have been with the organization for 13 years. I support the puppy mill bill because it will protect dogs from being subjected to inhumane conditions and it will also protect dog owners from acquiring dogs with severe behavioral and/or medical conditions.

As was stated by Kim Rinzel, in 2008 the Wisconsin Humane Society bought and closed down the largest breeding facility in the state, Puppy Haven Kennels. I, along with a team of four veterinarians and several veterinary technicians, was responsible for the medical care of each of the 1600 dogs.

There were several preventable medical issues that we had to treat, all of which can be attributed to the lack of medical care provided to dogs in a puppy mill environment. 100% of the adult dogs needed dental care due to the preventative care they failed to receive. Many dogs around 2 -5 years of age needed tooth extractions because of rotten teeth. Proper medical care would have prevented most of these dogs from going through this painful process.

The dogs also suffered from terrible matting, due to a lack of grooming and poor sanitary conditions at the kennel. Hundreds of dogs had to be partially or totally shaved, which also revealed an array of injuries, skin diseases and/or infections. A specific example included a miniature poodle that was attacked by another dog in the small kennels they were kept in at Puppy Haven. The poodle had a gaping neck wound that would have likely gone untreated.

Advanced procedures were required for dozens of dogs to repair congenital defects resulting from the continued breeding of dogs with known heritable defects. These conditions included cherry eyes, inguinal and umbilical hernias and luxating patellas (knee caps). Salvage procedures were required on several dogs to alleviate pain and address untreated medical conditions requiring hip surgeries and eye removal surgeries. Some of these surgeries were performed after untreated injuries resulted in months, if not years, of the dog being in pain.

There were also dogs that did not survive the conditions at Puppy Haven, or needed to be humanely euthanized including:

- 122 dogs that had serious medical issues necessitating euthanasia such as heart conditions, severe periodontal disease, cancer, brucellosis and parvovirus.
- Another 76 dogs were so severely aggressive or in such deteriorated physical shape that they also had to be euthanized.

During the time we were treating the dogs from Puppy Haven, we designed new procedures to address their unusual needs. We brought in volunteer veterinarians who had expertise in areas of orthopedics and heart surgery. We worked with foster families to care for hundreds of dogs who were pregnant, nursing newborns, or recovering from medical issues. Every single dog whom we placed into a new home was spayed or neutered, vaccinated and microchipped.

It is also imperative to point out that while we treated the immediate medical and behavioral needs of these dogs, some may develop medical conditions later in life due to their early years in a puppy mill. Having an unregulated dog industry in the state of Wisconsin is not fair to the consumer, who may end up with an animal who needs expensive medical care. The non-selective breeding of dogs with known heritable conditions that is prevalent in puppy mills continues to perpetuate many conditions and is not recommended.

I have treated dogs from puppy mills other than Puppy Haven. For example, we had a dog surrendered to us recently from a man who went unknowingly to a puppy mill to purchase a dog. The puppy mill owner pointed out a sickly 7-year-old lab that he told the man would be shot because the dog could no longer breed. The man bought the dog for \$50 and brought him to us. The dog suffers from a deformed upper muzzle (visually, the dog is missing part of his nose and upper lip) which is likely a result from a traumatic injury that was left untreated and he also has chronic ear infections. The dog's new loving family provides him with the medical care he needs. There are thousands of other dogs like him suffering unnecessarily in puppy mills right now.

Puppy mill dogs share a common history. They have higher rates of hereditary problems. They also have a higher likelihood of illness, disease and injury due to the lack of professional medical care

Without statutory safeguards to protect these dogs in Wisconsin, they will continue to suffer. I urge you to pass this bill **without amendments** to protect both the dogs and consumers who unknowingly purchase dogs from puppy mills.

Thank you for your time.