

December 2, 2008

Senator Gary Cates, Chairman
Senate State Government & Elections Committee

Senator Cates & Committee Members,



My name is Norma Bennett Woolf, and I am here to testify against HB 446 on behalf of Ohio Valley Dog Owners Inc., a coalition of dog breeders, trainers, exhibitors, pet owners and dog-related clubs and businesses throughout the state. We support reasonable laws that protect dogs, dog owners, and our neighbors. While we understand that Ohio's animal control law is outdated and appreciate the bill language requiring training for dog wardens and the establishment of amnesty periods for licensing, we believe that HB 446 is nonetheless seriously flawed and should be defeated for the following reasons.

1. HB 446 punishes responsible dog breeders who obey current law with punitive increases in kennel license fees. ORC 955.04 includes five interchangeable tags with the license fee and charges \$1 for each additional tag. HB 446 eliminates the interchangeable tags and requires individual licenses for all dogs in the kennel. In Warren County, the kennel license fee is \$75. A license for a 10-dog kennel now costs \$80; HB 446 would nearly triple that cost to \$225 (\$75 + \$15 x 10). Responsible kennel owners rarely use dog warden services and should not be punished with annual fee increases that could easily destroy a hobby or business.
2. HB 446 removes the humane agent residency requirement in ORC 1717.06 and opens the door for an organization like the Ohio SPCA to supply agents to any county. Ohio SPCA is a private animal rights organization that claims that every puppy born causes the death of a shelter dog. Giving their agents free rein to spread this radical message is a death knell for responsible breeding in our state and will make it difficult for families to find a well-bred puppy.
3. HB 446 requires dogs to wear license tags except when they are inside the owner's residence. Since "residence" is not defined in the bill, this provision can be interpreted to require dogs to wear tags in the yard and in kennel buildings. Many breeders, pet owners, and dog show exhibitors do not leave collars on their dogs while they are on the owner's property, and they should not be required to do so.
4. HB 446 allows only a single business day for new Ohio residents and new dog owners to buy a license. ORC 955.06 allows a far more reasonable 30 days, the same allowance given for new residents and new owners to register a motor vehicle.
5. HB 446 lowers the age for a differential license for an intact dog from nine months to six months in spite of increasing evidence that sterilization before physical maturity can affect bone growth, lead to incontinence in spayed females, and is implicated in a number of cancers. We believe that the decision to sterilize a pet should be made by the owner in consultation with his veterinarian, not by government, and that those who choose not to sterilize should not be penalized.
6. HB 446 fails to address the portion of ORC 955.11 that the Ohio Supreme Court declared unconstitutional in 2004 for lack of due process for owners whose dogs are accused of dangerous

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or vicious behavior. (*State v Cowan* 103 Ohio St. 3d 144, 2004-Ohio-4777, 814N.E.2d 846) As a result, the bill contains language that has already been determined to be unconstitutional.

7. HB 446 makes it a misdemeanor offense to sell an unlicensed dog. This provision means that breeders cannot sell puppies at the optimum age of eight-to-ten weeks without a license even though the minimum licensing age is three months of age.
8. HB 446 makes it easy for someone to steal a dog with a provision that allows a finder to claim ownership by buying a license within 14 days. There are activists who make it their business to judge how their neighbors take care of pets, and some of them don't hesitate to take a dog if they think it is not getting the care or housing that meets their standards.
9. The HB 446 change from "dog warden" to "animal control officer" will cost money to change business cards, letterhead, signs, truck identification, etc. and will lead to confusion in the minds of a public accustomed to calling the dog warden when a stray dog appears on their doorstep or the neighbor's dog is running loose.
10. HB 446 no longer allows dog owners to give their own rabies shots. Many hunters, farmers, and breeders give their own vaccinations to save time and money for vet visits. If they are no longer allowed to give their own rabies shots, many will stop providing this protection for their dogs.

In addition to these 10 points, we are aware that lawmakers are considering a bill to regulate commercial kennels in the state. The current version of that bill will interact with provisions in HB 446 to levy even higher fees on dog breeders and seriously impact their ability to continue a hobby or business.

Conclusion

Compliance with dog licensing law is low in Ohio and throughout the country. *Animal People* magazine placed the compliance rate at 30 percent, a figure that is generally accepted by those who study animal control problems. Ohio pet owners neglect or decline to license for many reasons: The licensing period falls during December and January when owners have other financial concerns; owners who keep their dogs at home don't think they have to buy a license; dog owners don't like or trust dog wardens; and owners who forgot don't want to pay double and risk a citation for late licensing.

The increased costs in HB 446 are likely to encourage scofflaws, especially among breeders who can remain under the radar, owners who acquire a new dog, and new state residents. OVDO believes that the road to higher compliance rates – and therefore increased local budgets for dog control – involves public education, incentives such as fee reductions for responsible dog ownership practices, and benefits such as one free ride home for a licensed dog that gets loose. Programs that encourage owners to license and thereby help get runaway dogs back home are far more likely to be successful than those that consider dog owners a source of revenue or tax them for owning a dog or operating a breeding kennel. For example, instead of raising fees for 2009, Hamilton County's dog warden, county commissioners and veterinarians joined forces to offer free rabies shots, a gift pack from Iams, and reduced rate microchipping for those who license their dogs.

Thank you for the opportunity to testify. I'll be glad to answer any questions.



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