

THE ANIMAL COUNCIL

P.O. Box 168, Millbrae CA 94030

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June 24, 2009

Via Facsimile 916-319-3306

Assembly Committee on Business & Professions
Attention: Rebecca May, Committee Consultant
State Capitol,
Sacramento CA 95814

Re: SB 250, Dogs and cats: spaying and neutering, amended May 28 (or further amended within current bill framework – **OPPOSITION**

Dear Committee Chairs and Members:

We oppose SB 250 and request inclusion as registered opposition in this committee and Assembly. .

THE ANIMAL COUNCIL (TAC) is a California nonprofit, public benefit corporation founded in 1991 to seek positive, humane solutions to the challenges of detrimental animal public policies, legislation and regulation through study, analysis and application of animal husbandry, statistics and law, and at the same time preserve human benefit from all species, breeds and registries. .

SB 250 is the 6th California bill since 1998 intended to impose similar mandates on local governments that the majority have refused to enact for reasons of workable, cost effective administration and fundamental fairness to individuals and animals. These prior bills all failed, rightfully leaving responsibility for truly municipal affairs to local governments to tailor ordinances suitably to local conditions and variables including administration of complex requirements and residents' values, cultures and languages.

SB 250 creates conflicts with existing local ordinances in the now 538 local governments throughout California, through its policy of enhanced punishment of owners of unaltered dogs or cats who run afoul of animal laws separate from those laws' provisions and not subject to the standard protective exceptions or due process review as to the individual application of mandated sterilization. This underlying policy issue rests on a fundamental distinction: "Mandatory" sterilization for general purposes allows the owner to pay money to avoid sterilization whether to preserve valuable economic interests, personal values or the life and health of the animal. "Mandatory" sterilization as a penalty, i.e. SB 250, provides no alternatives to an owner of an unaltered animal and no threshold of applicability based on specific facts and circumstances.

In 2008 the failed AB 1634, included by amendment, provisions requiring sterilization of dogs and cats on *third or second impound respectively with no due process provision*, and these same provisions had been deleted

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altogether from AB 1856 in 1998 in favor of simple surcharges on local fine schedules, still in effect. Now, SB 250 ignores all pretense of fairness to owners or regard for animals' welfare or value to anyone and diminishes the social value and perception of "spaying and neutering" by using this as a sweeping, confiscatory, unyielding and almost barbaric physical penalty without local option of mitigation.

For these reasons, we oppose SB 250 and respectfully ask that you not support SB 250.

Very truly yours,

SHARON A. COLEMAN
President, The Animal Council

Cc: Author
Committee Members

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