

THE ANIMAL COUNCIL

P.O. Box 168, Millbrae CA 94030

Officers:

Sharon A. Coleman
President
Gayle A. Hand
Secretary
Margaret Kranzfelder
Treasurer

Directors:

Dr. Ronald E. Cole
James S. Daugherty
Karen Johnson
Alice E. Partanen

Emeritus:
Leslie L. Altick, 1991-1996
Judith A. Brecka, 1991-2002

June 1, 2009

Via Facsimile

California Senate Members
State Capitol,
Sacramento CA 95814

Re: SB 250, Dogs and cats: spaying and neutering, amended May 28 – OPPOSITION

Dear Senator:

We oppose SB 250 and urge you to not support this bill on the Senate Floor.

SB 250 is the 6th California bill since 1998 trying to impose mandates on local governments that the majority have refused to enact for reasons of fundamental fairness to individuals and animals and workable, cost effective administration. 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.

The essential policy issue of SB 250 is 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. The 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 had been deleted 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 and unyielding penalty without local option of mitigation. For these reasons, we respectfully ask that you not support SB 250.

Very truly yours,

SHARON A. COLEMAN
President, The Animal Council

Cc: Author