

THE ANIMAL COUNCIL

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April 8, 2009

FAX: 916-322-0298

Senate Local Government Committee
ATTN: Peter Detwiler
State Capitol, Room 5046
Sacramento CA 95814

Re: SB 250, Dogs and cats: spaying and neutering, amended April 2 – OPPOSITION

Gentlemen:

We oppose SB 250 and request inclusion on the listed opposition for the bill analysis in your committee.

SB 250 is the 6th California bill since 1998 attempting 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 of local government functions. The 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 these laws' provisions and not subject to the standard protective exceptions or due process review as to the individual application of mandated sterilization. This issue confounded the policy debate in this Committee in the past, but is very simple. "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 – SB 250, Section 1(h) provides no alternatives to an owner of an impounded unlicensed, unaltered animal and no threshold of applicability based on the nature of the impound. 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 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.

Very truly yours,

SHARON A. COLEMAN
President, The Animal Council

Cc: Committee members
Author