

CITY COUNCIL
CONSENT CALENDAR

APRIL 6, 2009

SUBJECT: SUPPORT OF PROPOSED CALIFORNIA ANIMAL WELFARE LEGISLATION: AB233, AB241, AB 242, AB243, SB250 AND AB490

INITIATED BY: MAYOR JEFFREY PRANG
(Jake Stevens, Council Deputy) 

COUNCILMEMBER JOHN DURAN
(Hernan Molina, Council Deputy)

STATEMENT ON THE SUBJECT:

The City Council will consider adopting a resolution supporting a number of animal welfare bills currently under consideration by the California State Legislature. This legislation includes AB233 (Personal Income Tax Deductions for Pet Adoption Fees), AB241 (Limits on Dog & Cat Breeders), AB242 (Increased Dog Fighting Penalties), AB243 (Increased Penalties for Animal Abuse), SB250 (Spaying and Neutering Requirements) and AB490 (Pet Store Operation & Licensing).

RECOMMENDATIONS:

1. Adopt Resolution No. 09-~~3792~~, "A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF PROPOSED CALIFORNIA ANIMAL WELFARE LEGISLATION: AB233, AB241, AB242 AB243, SB250 AND AB490."
2. Direct staff to send copies of the signed resolution to the Humane Society of the United States, State Senator Fran Pavley, Assemblymember Mike Feuer and Governor Arnold Schwarzenegger.

BACKGROUND ANALYSIS:

The City of West Hollywood has been on the forefront of animal the animal rights movement for decades. In 2003, West Hollywood became the first city in the United States to outlaw cat declawing and has consistently worked to enact cutting edge animal welfare legislation, both locally and across California. Supporting this new state legislation reflects the City's commitment to the humane treatment of all animals and recognition of all animal companions as individual beings, not as commercial goods -- with incentives for responsible animal guardianship and increased penalties for those who abuse animal rights.

AB 233 (Smyth): Personal Income Tax Deductions for Pet Adoption Fees

Summary: Would allow for taxable years beginning on or after January 1, 2010, and before January 1, 2015, a deduction under that law for the qualified costs paid or incurred during the taxable year by a taxpayer for the adoption of pets from a qualified animal rescue organization.

AB 241 (Nava): Dog and Cat Breeders

Summary: Would make it a misdemeanor for an individual or business that buys or sells dogs or cats to have more than a combined total of 50 dogs and cats with unaltered sexual organs. The bill would authorize certain officers to investigate a violation of that provision and to lawfully take possession of an animal kept in violation of that provision.

AB 242 (Nava): Increased Dog Fighting Penalties

Summary: Would increase the penalties for dog fighting from misdemeanor to felony, by providing instead that the crime of dog fighting is a felony punishable by imprisonment in a state prison for 2, 3, or 4 years and a specified fine, and the crime of being a spectator at a dog fight is a felony punishable by imprisonment in the state prison for 16 months, or 2 or 3 years. Because certain prosecution costs are added at the local level when a misdemeanor is made a felony, this bill would impose a state-mandated local program.

AB 243 (Nava): Increased Penalties for Animal Abuse

Summary: Would provide that upon the conviction of a person charged with animal abuse the court shall be required to enter an order enjoining the person from owning, possessing, maintaining, having custody of, residing with, or caring for any animal for specified periods of time. The bill would further provide that any violation of an order shall be treated and punished as a criminal contempt of court or as a misdemeanor. By revising the penalties for an existing crime and by increasing the duties of local humane officers, this bill would impose a state-mandated local program.

SB 250 (Florez) Spaying and Neutering Requirements

Summary: Would require animal owners to spay and neuter their pets unless they get a license to leave them unaltered, with specified exemptions. Requires a person who "owns, keeps or harbors" an unaltered cat six months or older to keep the animal inside. The bill requires sellers of an unaltered dog to include an unaltered license for the animal and sellers of unaltered cats to notify the local licensing agency of transfer of the animal within 10 days. Violation of the law will require spay or neuter of the animal.

AB 490 (Smyth): Pet Store Operation and Licensing

Summary: This bill would revise the definition of a pet store to exclude the selling or offering for sale of animals for purposes directly related to an agricultural operation for the commercial growing and harvesting of crops or the raising of livestock or poultry on a farm or a ranch.

ALTERNATIVES:

Resolve to support amended list of introduced bills.

CONFORMANCE WITH VISION 2020:

This item is consistent with West Hollywood's ongoing strategic goals of **active participation in regional issues** and **community education**.

OFFICE OF PRIMARY RESPONSIBILITY:

Office of City Lobbyist Helyne Meshar.

FISCAL IMPACT:

None.

ATTACHMENTS:

1. Text of Proposed Resolution NO. 09-_____ Supporting AB233, AB241, AB242, AB243, SB250 and AB490.
2. Full Text of Proposed Bills.

RESOLUTION NO. 09- 3792

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF PROPOSED CALIFORNIA ANIMAL WELFARE LEGISLATION: AB233, AB241, AB242, AB243, SB250 AND AB490

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, it is in the common interest to eliminate practices that devalue the worth and sanctity of animals in society; and

WHEREAS, the City of West Hollywood has been a leader in the animal welfare movement and remains committed to promoting responsible animal guardianship; and

WHEREAS, in this legislative session several bills are being considered that address areas where current state laws have important local impacts on the successful delivery of animal care and protections; and

WHEREAS, the bills in questions include AB233 (Smyth) - Personal Income Tax Deductions for Pet Adoption Fees, AB241 (Nava) - Limits on Dog & Cat Breeders, AB242 (Nava) - Increased Dog Fighting Penalties, AB243 (Nava) - Increased Penalties for Animal Abuse, SB250 (Flores) - Spaying and Neutering Requirements and AB490 (Smyth) - Pet Store Operation & Licensing).

WHEREAS, the City of West Hollywood is prepared to act in the interest of companion animal welfare by supporting this legislation; and

WHEREAS, the City of West Hollywood has a long and distinguished record of support for the expansion of animal rights

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of West Hollywood supports AB233 (Smyth), AB241 (Nava), AB242 (Nava), AB243 (Nava), SB250 (Flores), and AB490 (Smyth).