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Deliveries: 2701 Overlook Drive
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January 21, 2009

TO: Members
Senate Committee on Agriculture and Veterans

Dear Senators:

I write in opposition to SF No. 7, regarding dog and cat breeders. The bill is to be heard by the Committee on Agriculture and Veterans on Tuesday, January 27.

I serve as national legal counsel for The Cat Fanciers' Association, Inc. (CFA). CFA is the feline equivalent of AKC. It is the world's largest registry of pedigreed cats, having some 600 member clubs throughout the Americas, Europe and Asia. Our clubs sponsor some 400 pedigreed cat shows annually, world wide. I also for many years have been a member of a local CFA cat club, Twin Cities Cat Fanciers, which sponsors a pedigreed cat show annually. My wife and I took pride and enjoyment for many years in raising and showing Burmese cats.

I oppose this bill both because it is unnecessary, and because it would be unduly burdensome on the harmless home-based activities of pedigreed cat enthusiasts. From past experience with bills of this nature, I believe that the proponents of the bill will attempt to justify it by providing examples of undesirable conditions in a few large, commercial dog-breeding facilities. Those examples were discovered and subjected to correction under the laws already existing for that purpose. Moreover, those types of facilities differ greatly from the homes of hobby cat breeders.

Pedigreed cats (and many dogs as well) are bred and raised under non-commercial conditions. Pedigreed cats are raised in small numbers in people's homes, not in commercial facilities. Litters are often birthed and raised in the master bedroom. Nevertheless, these home-based activities will be treated under the proposed law precisely the same as if they were commercial factories.

Please consider the following points:

- There are NO large, commercial cat breeders in this state, and few if any elsewhere. In 2007 CFA had only 49 breeders registering more than 20 litters world wide, and none in Minnesota. Why target a problem that does not exist?

- When "horror stories" appear concerning cats, it is usually because a "hoarder" personality has attempted to care for too many animals in a small home. These cats are usually

random-bred animals, not pedigreed, and are not kept or raised for sale. The currently proposed legislation would not address such problems at all.

- Pedigreed cats are rarely found in shelters. Sometimes random-bred cats will be misidentified as pedigreed by shelter workers who have no training or experience with respect to pedigreed cats. For example, all pointed cats may be identified as “Siamese” or “Himalayan,” although the pointed color gene is common throughout the non-pedigreed cat population. When pedigreed cats do show up in shelters, breed rescue groups actively attempt to help the shelters place the animals in homes.

- 5 breeding females, the limit for the defined “hobby breeder” exemption, is often insufficient for the maintenance of genetic diversity in a serious breeding program.

- Pedigreed cat breeders are not in it for profit, and in fact place their non-show quality kittens only to defer part of the expense of breeding and showing. The expected \$900 license fee would be burdensome for most.

- It may not be practicable for our people to make their homes comply with the standards portion of the bill. The bill is vague as to the standards that would be applied, citing a few general requirements and then leaving it to the board to adopt “any additional standards the board considers necessary.” If such standards are aimed primarily at commercial facilities (possible examples are a requirement for no porous surfaces such as carpets, drapes or upholstered furniture, homeowners could not comply. Moreover, most home breeders would find the concept of “adequate staffing” laughable. They have no staff.

- The provision for non-noticed inspections is very invasive. It is one thing to require this in a commercial facility, quite another when a person’s private home is involved. Apart from the obvious constitutional implications, I think most Minnesotans would find this to be simply unacceptable.

- This bill does not plow new legislative ground. Similar laws have been considered, and some enacted, at the state, county and city levels in a number of jurisdictions. You should examine whether such laws have been effective in reducing cruelty or neglect problems, or in reducing euthanasia. They have not.

- This bill would have substantial negative financial impact on the general fund. In other jurisdictions license revenue has proven to be woefully insufficient to support the intended activities.

- Last year a representative of the Board of Animal Health estimated at the House committee hearing on a similar bill that there would be some 1,500 licensees. While this is a highly dubious number, you should consider the expense involved if it is accurate: 1,500 divided by 250 working days = 6 completed inspections, day-in, day-out. Considering that many breeders, both dog and cat, are home based, and that the homeowners can be expected to be away at work during the day, you can expect that call-backs will be frequently necessary when the inspectors find no one home.

- How many inspectors does this mean?
- At what salaries?
- With what training?
- How officed and staffed?

- What expenses for travel, telephone, etc.
- What equipment necessary?

Has anyone prepared a proposed budget?

- Other jurisdictions have abandoned implementation of similar measures due to expense. Colorado is an example. For several years Colorado has required licensing and inspection of dog breeders having more than 2 litters annually, 3 litters for cats. No serious attempt has ever been made to implement the law. At last inquiry only 8 cat licenses had ever been issued state wide.

- Unless you are willing to fund it generously with taxpayer dollars, this bill, like Colorado's, will end up on the scrap heap of well-intended but poorly considered legislation. In the meantime, you will have made criminals (albeit uncaught) out of many good and otherwise law-abiding citizens.

- There are already laws on the books to use when breeders go bad. The horror stories that will be described to you are quite likely all the result of enforcement activities under the current cruelty and neglect laws. Why build an expensive new bureaucracy?

The demand for pedigreed animals is going to be supplied. If small breeders are driven out of the hobby, then all that will be left is the large, commercial operations that have the ability to locate elsewhere. If a Minnesotan wants a black lab, for example, the animal can now be acquired locally from small, caring breeders. Is it preferable that the dog be acquired from Saskatchewan, or possibly Sonora?

I regret the length of this letter, but ask you to consider the points discussed. For a more condensed version of our position, please see the enclosed "Pet Lover Alert."

Yours very truly,

Fred R. Jacobberger