

May 22, 2008

Representative David Daniels, chairman
House State Government & Elections Committee

Mr. Chairman and committee members:

My name is Norma Bennett Woolf. I am here to oppose Sub-HB 223 on behalf of Ohio Valley Dog Owners Inc., a coalition of dog clubs, dog-related businesses, and individual dog breeders, trainers, and owners. I testified at the last hearing in October, 2007, and will not cover the same ground today.



Since October, I have read the fiscal notes on HB 223 and have the following observations.

1. The fiscal analysis is partially based on a 2005 report from 55 of the state's 88 counties indicating that Ohio has 14,000 licensed kennels. While this number obviously includes large commercial operations, it also represents a large number of breeders with fewer than nine dogs. It is also common knowledge that some counties sell kennel licenses to owners who have multiple dogs but are not breeders even though the law is clear that only those who breed dogs for sale or hunting actually qualify for the licenses. In spite of proponent claims that Ohio has more than 10,000 bad kennels that need regulation, these factors make it clear that there is no way to effectively estimate the number of kennels that would be licensed if the bill becomes law.

2. At a recent hearing of SB 173, the companion bill in the Senate, one supporter estimated that 17 inspectors could be hired to inspect the regulated kennels. The fiscal analysis points out that salary and benefits for similar inspector positions in the state cost about \$43,000 per inspector, bringing a total for 17 inspectors to \$731,000. In addition, the analysis places the salary for a director at \$60,000 and notes that these costs do not include overhead, a computer tracking system, start-up costs, supplies, etc. (We would add the cost of vehicles and upkeep for inspectors, gasoline for those vehicles, a litter registration system, and office clerical employees.)

We believe that costs for enforcement could easily top \$1 million per year.

3. In re income to support the state kennel licensing authority, the fiscal analysis states: "County auditors indicated that the average number of tags requested with each kennel registration did not exceed 10 to 15, indicating many state licensed kennels would pay the lowest license fee of \$150. Currently, kennel registrations with the county auditor include five tags while additional tags may be obtained for an additional fee. Depending on the number of regulated dog breeding kennels and how many dogs they contain, revenue to the Regulated Dog Breeding Kennel Control License Fund may be in the hundreds of thousands of dollars or more. For instance, if just 2000 of the state's estimated 14,000 kennels house or maintain nine or more adult breeding dogs, and thus become subject to state licensure, revenue would be at least \$300,000 annually if all kennels paid the lowest license fee of \$150 per year."

However, we note that at least \$50 of each application fee remains with the county where the kennel is located, so the 2000 kennels licensed at \$150 per year would bring only \$200,000 (2000 x \$100)

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into the state operation. Absent firm numbers from county auditors, the fiscal notes do not speculate on how many kennels in other categories exist and are likely to be regulated under the bill.

Subtracting the potential income from the potential expenses included in the analysis, it becomes obvious that kennel license application fees listed in the bill will not be sufficient to operate the state agency even if a conservative number of larger kennels is added. However, the bill allows the director of the kennel control authority to write additional regulations (lines 336-340) that could easily include additional fees. If this gap between income and expenses is closed by additional license fees that place an onerous financial burden on responsible breeders, the result will be a dramatic reduction in the number of well-bred puppies in Ohio as good breeders reduce their numbers or move out of state.

Proponents of HB 223 have assured hobby breeders that we are not targets of the bill, but two provisions that remain in Sub HB 223 contradict this claim. While the bill contains a decent definition of breeding dog, the licensing requirements are based on adult dogs kept for breeding. In addition, the bill requires breeders to prove their dogs are not kept for breeding. Many hobby breeders keep intact dogs we do not breed in a particular year (or may never breed). Obviously, an intact dog is a potential breeding dog, so any hobby breeder with more than eight intact dogs over eight months of age could easily be forced to apply for a license if we cannot prove a negative, i.e., that our dogs are not kept for breeding.

OVDO members do not oppose kennel licensing, but we would like to see a workable plan to regulate kennels in the counties where they are located, a plan that allows breeders the flexibility to design their own facilities and standards of care as long as the dogs are healthy and the kennels are clean and well-kept. We believe that some general standards added to current law and local control are the best way to protect Ohio's dogs without driving breeders out of their business or hobby.

Thank you for the opportunity to testify on Sub-HB 223. I will be glad to answer any questions.

Sincerely,



Norma Bennett Woolf, president
Ohio Valley Dog Owners Inc.