

May 15, 2008

Representative Larry Wolpert, chairman
House Local & Municipal Government & Urban Revitalization
Committee
77 South High Street
Columbus, Ohio 43215-6111



In re opposition to amendments to HB 446, the bill to amend Ohio's animal control law:

I am speaking once again on behalf of Ohio Valley Dog Owners Inc., this time in opposition to and with questions about some of the amendments to HB 446. While we appreciate the sponsor's willingness to return to the three month licensing age, other provisions in the amendments continue to cause serious concerns.

1. Line 72 of the amendment deletes "auditor" and adds "appropriate inspecting authority of the kennel" but I don't see a definition of "inspecting authority." Is the county humane officer "the appropriate inspecting authority"? Or the county animal control officer? Or will a state agency be in charge if the SB 173 – the state kennel licensing bill pending in the Senate – passes?

2. In line 90-91 of the amendment, the phrase "while outside the owner's residence" replaces "at all times" in the bill. Does the "owner's residence" cover the entire premises? Or is it only the house? If the latter, how does this change affect the requirement that dogs wear tags when in the kennel building?

Our objection to collars and tags is for dogs confined to kennels or to the owner's property. We do not object to the wearing of collars and tags when dogs are off the owner's property. Thus we need clarification of "owner's residence."

3. Lines 96-103 of the amendment allow a dog to wear an alternative form of identification approved by a veterinarian who determines that wearing a tag is detrimental to the dog. Why is it necessary for a veterinarian to provide a written excuse and approve an alternative? What alternatives are acceptable? Does the alternative serve as proof of license if the dog is picked up by the animal control agent? Or does the dog face the same fate as others that are not wearing a tag, i.e., potential adoption or death within three days?

4. Lines 183-197 of the amendment allow someone who finds a dog to "adopt it" within 14 days of finding. The 14 day allowance is a maximum; the language actually allows the finder to register the dog any time after finding it. Thus a dog that has lost its collar or was excused from wearing a tag can effectively be lost to its owner if the finder pays a license fee. We believe that most people who find a dog will make a good faith effort to get it back to the owner, but we also know there is a growing number of activists who will take a dog they believe is not properly cared for by the owner. We oppose language that encourages the appropriation of someone else's dog by allowing the finder to usurp ownership simply by buying a license.

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The original language of this section would be acceptable if the requirement for the finder to pay an adoption fee is dropped.

The amendment does not address ...

The requirement for individual licenses for all dogs in a kennel and the failure to fix the section of vicious/dangerous dog law ruled unconstitutional by the Ohio Supreme Court.

We do not object to purchase of individual licenses at reasonable cost for kennel dogs, but believe that high cost of licensing each dog in a kennel is punitive. In a county with a kennel license fee of \$75, the annual cost doubles for the owner of five dogs and increases incrementally for kennels with more than five dogs. The goal to license each dog in the kennel can be achieved without these huge cost increases. The language could simply eliminate the interchangeable tags, provide five license tags for the first five dogs in the kennel, and require the kennel owner to fill out registration forms for each dog. It could also allow for the purchase of license tags at a nominal cost for additional dogs that would also be individually registered. The dogs would then be required to wear those individual tags when off the owner's property.

The failure to fix the vicious dog law in the wake of the Ohio Supreme Court decision continues to perplex OVDO members. Our reasons have been amply stated in the past, but our belief that it is critical to repair this section to protect dogs, dog owners, and bite victims compels me to mention it again.

Thank you for the opportunity to testify once again on HB 446. Before I close, I would like to thank Molly Rayo in Representative Webster's office for her willingness to listen and respond and her frankness in discussing portions of the bill.

I will be happy to answer any questions.

Sincerely,



Norma Bennett Woolf, president
Ohio Valley Dog Owners Inc.