

FISCAL NOTE
Requested by Legislative Council
01/20/2017

Revised
 Bill/Resolution No.: SB 2297

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			\$24,000		\$24,000	
Expenditures			\$436,780		\$436,780	
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

SB2297 would require the State Board of Animal Health to implement a program to regulate commercial dog breeders. It would require staff to identify those who fit the proposed definition, inspect facilities, issue licenses, and recommend compliance actions.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Prior to implementing this program, the Board would need to educate the public on the regulations and provide outreach in order to identify those entities which must be regulated. Administrative rules may need to be drafted. Inspection forms and licensing materials would need to be created. A significant amount of staff time and travel would be required. Based upon a survey of practicing veterinarians in the state, in which nearly 25% responded, we estimate that there may be approximately 120 entities which would require licensure under SB 2297. We also consulted with other states which regulate dog breeders and found that Nebraska, who has a population slightly more than two times that of ND, regulates 217 breeders.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Estimated revenue would be ~\$12,000/yr or \$24,000/biennium based on 120 facilities that would meet the bill's requirements if the license fee is \$100 per facility per year.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Expenses
 Personnel: Total Expense (general funds)
 Assistant State Veterinarian 1 FTE salary+benefits \$227,000.00

Field Investigator 1 FTE salary+benefits 151,080.00
Travel:
Mileage 17,000.00
Vehicle Depreciation 3,900.00
Meals/Hotel 5,000.00

Office:
IT /phone 20,000.00
printing/postage/advertising 10,000.00
Administrative rule change 2,800.00
Total Expenditures: \$436,780.00
(see attached pdf)

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

There is no additional appropriation referenced in SB 2297. Additional general funds would be needed in order to fund this program and address the additional FTEs needed to implement and carryout the program. If the Board of Animal Health is to utilize license fees to partially fund this program, authority or language indicating that must be added.

The number of FTEs requested is minimal based on the number of FTEs associated with a similar program in other states such as Nebraska's.

Name: Susan Keller DVM

Agency: ND State Board of Animal Health

Telephone: 701-328-2655 or 2657

Date Prepared: 01/30/2017

Revenue

# Facilities	License Fee	Total Revenue (special funds)
120	\$100	\$12,000.00

Expenses

Personnel		Total Expense (general funds)
Asst. State Vet	1 FTE salary+benefits	188,000.00
Field Investigator	1 FTE salary+benefits	125,000.00
Travel		
Mileage		17,000.00
Vehicle Depreciation		3,900.00
Meals/Hotel		5,000.00
Office		
IT /phone		20,000.00
printing/postage/advertising		10,000.00
rule change		2,800.00
		\$371,700.00

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Expenditures			\$371,700		\$371,700	
Appropriations						

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2017 SENATE AGRICULTURE

SB 2297

2017 SENATE STANDING COMMITTEE MINUTES

Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2297
2/9/2017
Job # 28136

- Subcommittee
 Conference Committee

Committee Clerk Signature

Emmery Proberg

Explanation or reason for introduction of bill/resolution:

Relating to commercial dog breeders; and to provide a penalty.

Minutes:

Attachments: #1 - 14

Chairman Luick: Opened the hearing on SB 2297.

(0:30 – 15:30) **Senator Mathern, District 11:** Introduced SB 2297 (See Attachment #1). Senator Mathern said he was disappointed in the fiscal note and suggest amendments (See Attachment #2). He said he believed if the industry had more regulations, it would eliminate the bad actors.

Chairman Luick: Do you know if there are the same kinds of conditions going on for cats?

Senator Mathern: I do not know. At one point, I considered this bill be for cats and dogs but I thought it would be difficult to move on two issues. I assume there may be similar things we need to prevent but I don't have any evidence in that regard.

Senator Klein: A few years ago, we spend a lot of time in this committee working on the animal cruelty bill. Haven't we addressed some of these issues in that law? Bad actors will never be completely eradicated.

Senator Mathern: I think we made considerable progress in 2013 with the bill we passed. I do hope it has created a safer and healthier environment for the animals in our state. But there continue to be examples of some of the specific problems that continue to exist so this is just recognizing the existing law we have is good and take one piece to another level of licensing in the area of dog breeding. It is positive but we can do a better job.

Senator Klein: You are in the appropriations committee; are there funds to pass this legislation?

Senator Mathern: There are ways we can reduce expenditures. I gave the governor a list of 5 dramatic ways we can reduce expenditures; it takes reorganization of some of the things we do, it takes changing priorities and in that context, there are things we can do. You asked

the priority of this appropriation but we must remember there is a continuum of life and we don't reject one in total to support another. Animals, dogs, are in that continuum so I think it requires our attention. We will run it through the appropriations committee and I ask you not to exempt the appropriations committee from difficult decisions.

Senator Larsen: In the current chapter of law we have, I believe neglect was a Class A misdemeanor and here it is bumped up to a Class B misdemeanor. Can you expound on what the differences might be?

Senator Mathern: I think we are moving from a general concern about animals and the application of fines to a specific business in this one area. So the ability to discern violation of law gets higher but if you would view the need to be consistent along those lines and change the penalty, I would have no problem with that.

(24:30 – 40:00) **Leah Viste, Cass County:** Testified in Support of SB 2297 (See Attachment #3) Miss Viste provided the committee with photographs of abused dogs (See Attachment #4).

(40:00) **Senator Myrdal:** If those dogs were kept as pets not by a breeder and they were all fixed, what would the law currently do?

Leah Viste: The proposed legislation would not be applicable to dogs are not intact. Then we would have the animal cruelty and neglect statutes available to us. It would be unlikely to imagine someone having 170 dogs as pet companions but that would apply.

Senator Myrdal: I fail to see why this legislation is needed just for the breeding business if we already have animal cruelty laws that are affecting conditions like that regardless of someone selling or not selling the animal.

Leah Viste: I think the distinction is the business. You go into the business of making money and profiting from something, you are held to a higher standard. Certainly those other statutes would apply in terms of animal neglect and cruelty but the breeding statute puts criteria in place you have to follow if you are profiting from these animals and that is a significant distinction. Someone mentioned cats. I don't have a specific amount of cat research available to me, I think what you tend to find rather than breeding operation with cats is that people just let their cats go and they become feral cats. Breeding is a very specific thing that people profit from and can be of low cost if they are not subject to some standards This is inexcusable.

Senator Klein: Was this person charged?

Leah Viste: Yes.

Senator Klein: It would appear this person was not of sound mind. Did they have to undergo a mental evaluation?

Leah Viste: He did have to undergo a mental evaluation. Sound mind, of course from a legal standard is vastly different from someone who suffers a mental illness. Being not guilty by

lack of criminal responsibility would indicate that he had no knowledge that what he was doing was wrong. He didn't meet that criteria. Whether or not he suffered mental illness or alcoholism, is another story. However, being in the business of criminal law, 95% of my clientele have those issues and that does not excuse them from their conduct.

Leah Viste: The Casselton vet was aware of this individual but there were no laws governing how his breeding operation could be standardized. So although they had concerns, there was not a lot they could do about it. I believe this law will create an atmosphere that keeps dogs and the community safer. One of the things that has to be considered is the person who purchases the dog who may have health and behavioral issues. We regulate business all the time. When a business is being run for a profit, we have an obligation to ensure that practice is being run ethically. We do have laws to deal with pet ownership, but they are not adequate to deal with a breeding operation. We need a specific standard so breeders are held to a business standard that ensures the health and well-being of these animals.

Chairman Luick: In the first paragraph of your testimony, you listed things that maybe should be checked? If this law were enacted, how would a vet perform those tasks out there on all of those dogs?

Leah Viste: A proprietor of a breeding operation would be required to keep records. If a vet came in, the burden would be on the breeder to show the breeding and vaccination records. As I indicated, a reputable breeder is already doing this. I wish I knew more about the fiscal note but I simply think the cost benefit analysis in terms of rescuing these animals. The USDA is inadequate to cover the needs of ND whether they have regulations or not, they are not enforced in ND. Do we want to be the standard that allows people to come and do business this way?

Chairman Luick: Do the vets have the authority to contact the sheriff's department and does the sheriff's department have the authority and investigate this on their own?

Leah Viste: That is ultimately what happened here. I believe the state veterinarian had received a tip who in turn, called the Cass County Sherriff's office who then investigated. That sheriff was allowed access to the dogs. Had he not been allowed access to the dogs, a search warrant would have been required. I don't know if there would have been probable cause to obtain that search warrant given his ability to see outside of the structures but the owner allowed them in which gave us probably cause to get the search warrant.

Chairman Luick: How many other cases like this have happened in Cass County?

Leah Viste: I am not aware of any other breeding operations in Cass County. However, I don't know if we would know about them until someone brings a report against them. You see advertising for dog breeders all the time and I think if we had some authority to make sure those were being run in a reputable way, we would have a better idea of what exactly is going on.

Senator Osland: It appears that your presentation identified the problem; I think there is something it is the mental health of the person doing this. We are looking at managing the puppy mill where we had an individual who probably had mental issues. I can't imagine if you

are in the business of a puppy mill aren't you there for profit? Isn't that the problem with the individual opposed to the industry?

Leah Viste: No. That is potentially one issue with one breeder but the issue of breeding in an unethical way goes beyond someone who may have a mental illness. It extends to people who don't care and are looking for a profit. This individual had problem with alcoholism. I don't have the results of his test but I do know he was recently in trouble for not controlling his other animals. He is still functioning but he didn't have any type of business conditions on him. I think that is appalling when you are dealing with something you profit from and you have no regulations.

Senator Osland: You verified my concern. There is definitely a lack of something; you are convincing me that it is the problem with the individual, not the industry.

Leah Viste: This was one individual who had issues and we cannot address that fully here because we don't have access to that information. We don't know how his potential mental illness played into this operation. In addition to that, if we were concerned with mental health issues is that mental health issues do not allow people to victimize others. My final statement is that the cost of this would have been over \$100,000 for Cass County. Ultimately the community donated \$30,000 and the vet donated extensive amounts of time and supplies which is how we were able to fund this operation. I do recognize mental health plays a role in people behavior but that doesn't mean we allow the vulnerable to be exposed to that.

(53:35 – 57:20) **Beth Grandell, Second Chances, Dickinson:** Testified in Support of SB 2297 (See Attachment #5).

Supporting testimony provided from **Kish Hilmert, President, 4 Luv of Dog Rescue** (See Attachment #6).

(1:00:05 – 1:03:30) **Candance Maychrzak, Dakota Animal Resource Coalition, Scranton:** Testified in Support of SB 2297 (See Attachment #7).

Chairman Luick: At that point, do you think there is a breakdown in the communication and law enforcement at that time?

Candace Maychrzak: I did not know much about the laws but I assumed law enforcement officials was able to take this into their control.

Senator Piepkorn: Where is the Central Dakota Humane Society?

Candace Maychrzak: Mandan.

(1:05:53 – 1:08:05) **Anne Green, Central Dakota Humane Society:** Testified in Support of SB 2297. We regulate all businesses and this is common sense legislation. Emotion aside, this is an industry that merits regulation. It would be unfortunate if this bill died because of the fiscal note.

(1:08:05 – 1:08:45) **TJ Jerke, ND State Director, The Human Society of the United States:** Testified in Support of SB 2297 (See Attachment #14).

Provided Supporting Testimony from **Randy McDonald, Souris Valley Animal Shelter, Minot** (See Attachment #8)

(1:08:50 – 1:09:15) **Pat Bosch, Fury Friends Rockin' Rescue:** Testified in Support of SB 2297 (See Attachment #9).

(1:09:50 – 1:14:30) **Julie Ellingson, Stockman's Association:** Testified in Opposition to SB 2297 (See Attachment #10). Opposition testimony provided from **ND Angus Association, Charolais Breeders Association, ND Galloway Association, ND Red Angus Association, ND Salers Association, ND Shorthorns Association** (See Attachment #11).

(1:14:30) **Senator Klein:** Is there any basis to support the idea that the federal law not being enforced?

Julie Ellingson: I cannot speak to the level of enforcement or how that is applied but I do know we have animal cruelty framework in place on the federal level and a framework put in place by the state legislature. SB 2297 is hyper regulation and does not improve the welfare of animals more than what we have in existing law.

Senator Klein: You heard some compelling testimony about what has happening across the state and I know you were very involved in the creation of animal cruelty legislation we passed four years ago. Would you say what we just heard is already covered by state regulation?

Julie Ellingson: Yes, I do think that is covered. That was certainly part of the conversation in the creation of that rewrite fir basic expectations of care and applying penalties when necessary that can be applicable across the gamut. We have laws in place but we need to also utilize the judicial system. To do a separate bill with separate penalties and a large fiscal note is unnecessary. It is also a slippery slope because why would you carve out one species of breeders and be silent on all the others. We think this is unnecessary and we can still take care of animals but do so in a more reasonable manner.

Senator Myrdal: Is your testimony that the current code protects owners and breeders and there shouldn't be separation between the two? If there is abuse, it doesn't matter if it is an owner or a seller but I think this is already covered in code.

Julie Ellingson: Yes. That rewrite we have in place is applicable to any animal owner.

Chairman Luick: It seems to me that when we were looking at this four years ago, we had bad actors with horses and livestock. Is there a difference in what we are looking at here? Could it be that these bad actors are not in their right state of mind?

Julie Ellingson: I can't speak to all those individual cases. Unfortunate cases pop up from time to time and we certainly don't stand behind the folks who mistreat their animals. Our

existing statute provides clear cut definitions and a range of penalties. Again, we looked at this issue exhaustively for several years in order to arrive at the product that was passed successfully four years ago and I think it provides a mechanism that just needs to be utilized. A separate piece of legislation is unnecessary and costly as well as creating a slippery slope for other animal breeders down the road.

(1:19:48 – 1:21:10) **Deana Wiese, ND Veterinary Medical Association:** Testified in Opposition to SB 2297 (See Attachment #12).

Chairman Luick: When you look at the animals who could have all of the symptoms mentioned, how expensive is it for someone to keep track of all of them?

Deana Wiese: I do not know how much that would cost. I could check with some of our members about that or there are people here from the State Board of Animal Health who could answer that question.

Senator Piepkorn: So your concern about the cost is as a tax paying citizen of ND not with the association?

Deana Wiese: No, that is not a personal comment. It is the position of NDVMA.

Senator Piepkorn: If these financial concerns in this fiscal note could be remedied in another manner, would that alleviate some of your concern?

Deana Wiese: The main concern of the association is the overall lack of necessity for the bill given the significant work that had been done in 2013 to address all animals. Our other concern is the significant fiscal note, so yes, it would alleviate some of the concern however the organization would still be in opposition.

Senator Klein: I was here during that discussion and there was a lot of debate that we were going over the top with rules. That bill was an effort between the veterinarians, the human society, and all the other organizations. The veterinarians did play a key part in this four years ago.

Deana Wiese: Yes, you are correct. There were board members that were intricately involved in the process and are still very passionate about the work they did.

(1:25:10 – 1:27:50) **Marty Beard, Bismarck:** Testified in Opposition to SB 2297 (See Attachment #13).

Senator Klein: I know what you are saying although sometimes people sign onto some bills believing they are doing the right thing based on the information they had. I do appreciate your concerns.

(1:28:50 – 1:30:10) **Pete Hanebutt, ND Farm Bureau:** Testified in Opposition to SB 2297. We have strong policy opposing efforts to limit private ownership of animals and we also have strong policy encouraging the humane treatment of animals. We believe in humane treatment of animals but believe the motivation behind this bill has nothing to do with humane

care but rather as an attempt to get the government in the business of telling us how many animals we can own and what we can do with those animals. We don't think that is the right thing to do. This bill is part of the slippery slope.

Senator Klein: Where do we see a slippery slope?

Pete Hanebutt: I believe if you track the history of this type of thing, organizations that are against animal agriculture begin with companion animals and move to traditional livestock. That is the foot in the door to stop the raising and hunting of animals. That has been the history in other states; I came from Indiana where this is the exact same pattern.

(1:32:50) Dr. Susan Keller, ND State Veterinarian: Testified Neutral on SB 2297. We are here to be neutral on this bill because it would fall to us to regulate so I think it is inappropriate have a position on this bill. I asked Dr. Carlson to get some survey information to see what is going on in other states. We were not aware of this coming forward as a bill so when we found out, we started doing the survey work. Dr. Carlson put together some numbers and she can answer how she came up with those numbers and I think we were very conservative.

Senator Klein: We heard opinions that the federal law doesn't work. I haven't seen a federal inspector turn a blind eye to any other industry; why are federal inspectors turning a blind eye to a puppy mill? Can you shed any light on that?

Dr. Susan Keller: We share some of those frustrations but I think one of the reasons they don't do anything is because it requires local will and authority at the local level to take action. You can have requirements but someone has to enforce that law. We have lots of examples. I also know the public doesn't always know what is being done on the local level in the cases that have been acted on.

Senator Klein: I know you were part of bring the law together four years ago; is it working?

Dr. Susan Keller: Dr. Carlson sees the day to day work. It is usually a result of someone reporting a situation they know about and having law enforcement willing to work with them. We also work with the veterinarians. Some of the frustration out there is from people who have a sense that there is something out there but they don't have evidence.

Senator Klein: So the law works, it is just a matter of getting it enforced?

Dr. Susan Keller: Correct.

Dr. Beth Carlson, Deputy State Veterinarian, NDDA: I am responsible for the fiscal note. USDA regulations don't apply to all dog breeders; there are some limitations there because it doesn't necessarily matter how many dogs they have, it just talks about the purpose of the breeding and how they are sold.

Senator Klein: I don't think anyone is arguing the FN is excessive. Do you see this as a big job?

Dr. Beth Carlson: Correct. I established those numbers based on surveys of area states that have similar regulations. We surveyed the surrounding states. SD and MT do not have dog breeding programs but MN, WI, NE, CO are the states we received information from. Each state defines them differently but the state we are the most analogous to is NE and they estimate 217 breeders. We used that surveyed veterinary clinics about how many clients they have they think would qualify so that is how we came up with 120 as our estimation. I don't think we could do it with fewer than two people even if that number was lower. WI has about 400 and they have 4.5 FTEs on that program. CO licenses everything and they have 9 FTEs regulating 1900 facilities and I think ours is a relatively conservative estimate.

Senator Piepkorn: Did you do any research as to how they paid for the program in those various states?

Dr. Beth Carlson: Some of the states did provide that information; a lot of the states have fees that are stair-stepped depending on the number of animals or the number of animals sold.

Senator Piepkorn: Per visit?

Dr. Beth Carlson: Per license. It varies; in NE, if they have ten or fewer the fee is \$175 and if they have more than 500 the fee is \$2,100. In CO, there is no fiscal note; it is all paid for with license fees. From a fairness perspective, we license nontraditional livestock in ND and the license to own nontraditional livestock is \$7 per species for birds, with a cap of \$40 or \$15 a species for nontraditional livestock with a cap of \$100 so our information is relative to the only other license fee we have for animals in ND.

Chairman Luick: Closed the hearing on SB 2297.

2017 SENATE STANDING COMMITTEE MINUTES

Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2297
2/9/2017
Job # 28137

- Subcommittee
 Conference Committee

Committee Clerk Signature

Emmey Brothers

Explanation or reason for introduction of bill/resolution:

Relating to commercial dog breeders

Minutes:

Attachment:

Chairman Luick: Opened the discussion on SB 2297.

Senator Myrdal: I don't feel like I got a satisfactory answer on what the difference was between the treatment of animals used for breeding versus companionship. The state veterinarian alluded to the fact that the issue was more following and enforcing the law. At this time, I would not support the bill. The laws are in place and they should be enforced.

Senator Klein: All of the groups worked together to put some animal cruelty legislation in place. The Farm Bureau is concerned that the slippery slope has begun; they were adamantly opposed to the animal cruelty bill thinking we were overstepping our bounds but we did pass the legislation. But we are not ready for this and the funds are not available.

Senator Larsen: I was also a part of that animal cruelty and animal neglect legislation and there were some comments that we may have been too tough on that legislation. I can remember saying a Class A misdemeanor is a lot for some of these things that happen and it would be confusing to change it to Class B misdemeanor. Senator Larsen gave an example of how law enforcement is operating under the current law and he believed the current law was sufficient.

Chairman Luick: If we know these things are happening, why is law enforcement not already on top of the issue?

Senator Larsen: I believe they already are and you don't have to be a mandated reporter to report abuse.

Senator Osland: Was this man in Cass County charged with the crime?

Chairman Luick: Yes.

Senator Osland: If he was charged under our present law, do we have it covered or am I missing something?

Senator Klein: We do have it covered. I think the law is working and I don't know that it needs to be expanded.

Senator Klein shared a story about an animal abuse case that came before the committee in 2013.

Senator Osland: I have a hard time uncoupling this issue from mental health.

Chairman Luick: We are going to have bad actors everywhere.

Senator Larsen: I think that is what is so great about the piece of legislation that has been crafted and is in place because it takes the emotion out of it.

Senator Piepkorn: I am going to vote for this bill. I believe the assistants states attorney from Cass County and I buy into the arguments that this is a good bill and is necessary. I would go along with this bill and allow appropriations to manage the fiscal impact. I do not buy the idea that this legislation leads to a slippery slope and I do not believe that the folks who are concerned about puppy mills are interested in shutting down the livestock industry in ND.

Senator Klein: Moved Do Not Pass.

Senator Larsen: Seconded the motion.

Senator Larsen: I heard from testifiers that law is currently not being enforced but it doesn't matter how many laws we make, the disconnect is often when the law is not enforced at the local level.

A Roll Call Vote Was Taken: 5 yeas, 1 nay, 0 absent.

Chairman Luick will carry the bill.

2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2297

Senate Agriculture Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Sen. Klein Seconded By Sen. Larsen

Senators	Yes	No	Senators	Yes	No
Senator Luick	✓		Senator Piepkorn		✓
Senator Myrdal	✓				
Senator Klein	✓				
Senator Larsen	✓				
Senator Osland	✓				

Total Yes 5 No 1

Absent 0

Floor Assignment Sen. Luick

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2297: Agriculture Committee (Sen. Luick, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2297 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

SB 2297

Chairman Luick and Members of the Senate Agriculture Committee

I am Tim Mathern, Senator from District 11. I am here to introduce SB2297.

North Dakota has no regulation of commercial dog breeders, which makes our state vulnerable to becoming a major inhumane puppy mill state if we have not already. For common decency and respect for animals we need some simple common sense regulation.

Definitions

Beginning on page 1 line 8 - This section adds simple definitions for what an animal care facility, animal rescue organization, pet shop, and a primary enclosure. This section also defines the basis for this bill, a commercial dog breeder. Although, the U.S. Department of Agriculture licenses and inspects commercial breeding operations that sell to pet stores and the public sight unseen, the USDA's own Office of Inspector General (OIG) released a report confirming that USDA inspectors regularly ignore horrific suffering at commercial dog breeding facilities and allow the facilities to continue to operate despite repeated violations of the Animal Welfare Act(AWA). Additionally, the USDA has been very slow to license the thousands of facilities selling over the internet, allowing a massive segment of the puppy mill industry to operate completely unregulated. Furthermore, commercial dog breeders that sell online often take advantage of an AWA exemption excusing dog breeders that sell directly to the public from being licensed and inspected. Federal regulation is severely lacking and the USDA has made clear that states should enact and enforce their own standards and the large majority of states have done so. It is time for North Dakota to join that list.

Licensing

Beginning on page 2, line 3 – SB 2297 requires licensing and inspection of commercial dog breeding facilities and establishes standards of care that exceed the survival standards under the Animal Welfare Act. A commercial dog breeder may not breed or sell dogs without a valid license issued by the board. This provision makes commercial dog breeding facilities easily identifiable and creates accountability. Since there are only 6 USDA licensed dog breeders in the state, there are likely many

that are unlicensed, but should be. State licensing will ensure these businesses are adhering to basic humane standards. This bill requires commercial breeders to maintain records for two years and send them to the board every year. Record keeping is crucial for enforcement and following up on veterinary care and informing the public about breeder history and dog health.

Nutrition

Beginning on page 2 line 25 language states a commercial dog breeder must provide food once a day that is free of pests or spoilage. Beginning on page 3, it requires the commercial dog breeder to provide each dog continuous access to potable water.

These provisions are often overlooked. Under the current federal standard, inspections have discovered dogs who only had access to water that was frozen solid, which in some instances was met merely with a warning.

Another basic requirement that is often ignored is the requirement that food be free of pests or spoilage. The 2016 Horrible Hundred report, which represents a sampling of the problem puppy mills in the US, included 16 breeders that were cited by the USDA for having filthy food bowls filled with spoiled or contaminated food with feces and pests. Contaminated or spoiled food diminishes the nutritious value of the food and can increase illness or disease.

Primary enclosure

Beginning on page 3 line 4 note the prohibition of wire or slatted floors in primary enclosures. Dogs in breeding facilities frequently experience leg injuries and paw swelling, common veterinary problems noted by the USDA. Other problems include: splaying of paws in order to maintain balance on wire flooring; overgrown nails due to limited contact with solid surfaces that normally wear down nails; caught or torn-out fur that can easily get caught or even grow around wire flooring; avoidance of normal behaviors because of the discomfort associated with lying down, which can cause joint and muscle stress and difficulty regulating body temperatures due to increase in drafts. Small dogs and puppies are vulnerable to entrapment on these floors and unable to reach food and water.

Additionally, the primary enclosure size in this bill must allow dogs to turn free, stand, sit, and lie in a comfortable manner. Small enclosures prevent a dog from developing and behaving normally. The measurements in this bill will provide dogs the proper space to retreat from distressing events as well as separate sleeping, defecating and exercise, all of which are important in preventing physical and behavioral problems that would ultimately affect puppy buyers.

This bill prohibits stacking of primary enclosures on page 3, line 26. Puppy mills commonly use stacked cages to house more animals than a given space should reasonably hold. Stacking reduces air flow, limits light reaching the dogs, causes sanitary problems, and makes it nearly impossible to adequately clean. Staking of enclosure also impedes access to the dogs as well as visibility of the dogs. Stacked cages that have wire flooring also allow urine, feces, wastewater, and other filth from high cages to rain down onto the dogs in lower cages.

Lastly, on page 3 line 28, requires proper ventilation to minimize odors, drafts, ammonia levels, dust particles and moisture condensation. Irresponsible waste management practices are common in puppy mills to maximize profits. This practice is harmful to the environment, humans and animals.

Veterinary Care

Beginning on Page 4, line 1, the standards of care required under this legislation will enhance the wellbeing of dogs who spend their entire lives in commercial breeding facilities churning out puppies for a profit. This bill requires commercial dog breeders to establish and maintain a written program of adequate veterinary care that includes a written protocol for vaccinations and at least one hands-on veterinary exam by a licensed veterinarian every year. It is important for breeding facilities to develop a protocol for vaccinations because inhumane, commercial breeders do not provide their dogs with adequate preventative care making it all too common for preventable and deadly diseases to sweep through these facilities. A set of core vaccines and other preventative treatments almost entirely prevent dangerous and frequently fatal diseases in dogs, which is also why it is also cost effective to vaccinate and regularly examine dogs. It is also important for dog breeding facilities to provide hands-on veterinary examinations. Annual vet exams will ensure dogs are healthy and free

of any communicable disease. Exams are also required for females before they begin breeding, which will ensure they are free of any hereditary disorders that could be passed along to the litter.

Recordkeeping

Page 4, line 18 highlights what records need to be kept

Inspections

Page 5, line 5 addresses who shall inspect the facilities

Rules

Page 5, line 18 gives the State Board of Animal Health the opportunity to make and enforce rules regarding commercial dog breeders

Penalties

Page 5, line 20 stipulates that it is a class B misdemeanor to knowingly violate this law, and a class A misdemeanor for a second or subsequent violation.

Seizure of dogs

Page 5, line 23 simply highlights that law enforcement shall operate under current law if they are to seize any dogs

Chairman Luick and committee members I was disappointed in the fiscal I understand the reasoning. Knowing our budget situation, I came up with some amendments which are meant to reduce the fiscal note but still get us on the road of protecting dogs and families who purchase dogs. HANDOUT and EXPLAIN

Thank you for your attention. There are others here to testify to address more detailed questions. Please amend the bill and make a Do Pass recommendation to the Senate for passage of SB2297.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2297

Page 1, line 18, replace "five" with "eight"

Page 2, line 24, after "The" insert "board shall establish the"

Page 2, line 24, replace "is" with "in an amount no less than"

Page 2, line 24, after "dollars" insert "and no more than five hundred dollars"

Page 5, line 6, after the second "veterinarian" insert "or veterinarian technician"

Page 5, line 7, remove "unannounced"

Page 5, line 12, after the second "veterinarian" insert "or veterinarian technician"

Renumber accordingly

Good morning, my name is Leah Viste and I am an Assistant State's Attorney in Cass County. I am not here to today as a representative of Cass County but rather as a prosecutor and member of the community that has had experience with commercial dog breeding businesses.

I am here this morning to address two questions: 1. does North Dakota need a specific law to address commercial dog breeding, and 2. if so why.

The first question, whether North Dakota needs a specific law to address commercial dog breeding can be answered with a clear yes. Currently, North Dakota has no standards or regulations governing commercial dog breeding. North Dakota does have laws governing animal abuse, neglect, and cruelty. However, this law is inadequate to cover the very specific issues that arise in a breeding operation. The language in chapter 36-21.2 is geared toward private pet ownership not a commercial enterprise. It provides the base standard for the conditions an animal may live in. It does not contemplate when an individual is in possession of dozens and dozens of dogs for the purpose of running a commercial enterprise. It does not have a provision for the licensing and inspection of a business that runs a very real possibility of breeding generations of dogs with unchecked hereditary defects and dogs that may be plagued with health problems such as distemper, mange, heartworm, intestinal parasites, and kennel cough to name just a few.

Keep in mind that commercial dog breeding is a business, currently an unregulated one in North Dakota, in which people can opt to maximize their profits at the expense of the well-being of the dog. Now what exactly can that mean for a dog who has the misfortune of being a breeding dog at a disreputable puppy mill?

Now for question 2, why is the law needed. Let's take a look at what no commercial regulations can look like. In July of 2013, I was contacted by a deputy from the Cass County Sheriff's Office. They had been notified of concerns regarding an individual that was breeding and selling dogs. Deputies went to the location and were given permission to look around the premises. They observed numerous dogs in what appeared to be extremely unsanitary conditions. They were able to take some photographs and then came to me to see if a seizure of the dogs would be in order.

Based on the photos, I felt that a seizure would be well within the law. A search warrant was obtained and a group of law enforcement officers and myself and another prosecutor went to execute the warrant and seizure. Even though I had seen the photos and heard the account from the deputy I was unprepared for what I walked into. The dogs were stored in several areas throughout the property with the majority of them being held in two different trailer houses. The conditions were filthy. The dogs were stored 3 to 5 to a portable kennel which were stacked up on top of each other. The bottoms of the kennels were thick and heavy with newspaper, excrement, dirt, and hair. At one point I picked up a kennel that was so heavy and had so much debris in it, I assumed a deceased dog was in the kennel. As it turns out, the occupants of the kennel were currently outside in the dirt enclosure the breeder let them into one or two times a day, at least according to him. There was no way for anyone to verify the truth of that, since there were no records of any kind available for review. No records for veterinary care, vaccinations, number of times the dog had been bred, number of puppies in a litter, or the identity of the stud for each litter. The breeder said he had all of this down in his memory, which from an observation of the operation, seemed highly unlikely.

The dogs were in very poor condition. They were dirty and covered in excrement and filth. Many of them were severely matted. They did not seem to be socialized at any meaningful level. There were a number of dogs that appeared to have a genetic defect which caused a deformation in their legs making walking extremely challenging. This trait was a likely result of inbreeding.

There are many reasons this industry should be subject to regulations, the least of which is that these animals are completely dependent on their care providers for their quality of life. The breeder is in the business of making money from these animals and should be required to ensure that his product is of high quality and all health issues have been addressed, not to mention that the living product he profits from is treated humanely.

Families should not purchase the family dog with simply the mere hope that the operation that dog came from was ethical. There need to be assurances in place. This protects both the dog and the consuming public. In the 2013 case, we know that the breeder was supplying at least one local pet store with puppies. It can be assumed that in large part the general public is under the belief that purchasing a dog from a pet store would be a way to ensure that the dog was bred in humane, safe conditions, and is healthy. This is not the case, lack of regulation allows retailers to purchase dogs from any breeder and no verification of the standards and conditions or the breeding operation are required.

It would be nice to assume anybody running such a business would be concerned about the well-being of the very animals that are providing a source of income; however, that would be naive as is demonstrated by the 2013 case I referenced earlier. The proposed regulations will not impose an undue burden on proprietors that are already reputable and ethical. That individual is already ensuring the well-being of its dogs. The regulation will stop the atrocities that have been seen in puppy mills across North Dakota. In addition, regulations for commercial dog breeding will save the state money.

In Cass County, the cost of that seizure, would have cost over well over \$100,000 dollars. There were 170 dogs seized on July 10, 2013. In the days that followed multiple dogs gave birth which caused the number of animals affected to rise to over 200. The dogs had to be quarantined for two weeks due to the fact that there were no medical records. In an unbelievable act of generosity and compassion the community donated thousands of dollars to care for the animals. The Casselton Veterinary Clinic and its product suppliers donated time and resources. Multiple volunteers with 4LuvofDog Rescue went to the Casselton Clinic and provided 24 hour around the clock assistance with caring for and cleaning the dogs. In addition, 4LuvofDog Rescue coordinated with a number of other rescues from the tri-state area which stepped in to house the dogs until permanent homes could be found. If it had not been for these efforts we would not have been able to rescue those animals. Imagine having to turn a blind eye to the living conditions of those dogs because of lack of resources. Given the enormity of a rescue operation such as the one in 2013, turning a blind eye may be the state's only option when considering resources in the future if there is not a change in the law.

This situation could be easily avoided if a commercial breeder were required to be licensed, were subject to annual inspection, and had some clear and basic standards governing the living conditions and medical history of the dogs used in their business. These are animals people bring into their homes and make a part of their families. North Dakota has a responsibility to its citizens to ensure the business of commercial dog breeding is safe and reputable not just for the dogs but for all who have had the opportunity to share part of their life with one of man's best friends.

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pg. 11









pg. 15



Good morning, I'm Beth Grandell from Dickinson. I'm a part of the non profit organization called Second Chances; we volunteer at the animal shelter and work directly with local rescue groups.

This bill is one our State desperately needs. Dog breeders currently have very few regulations, and trusting a business to monitor itself is an enormous risk, it requires blind faith in those who reap the benefits of their venture. Under the Animal Welfare Act, it is legal to keep a dog in a cage only six inches longer than the dog in either direction with a wire floor, stacked on top of another cage, for the dog's entire life. In an effort to maximize profits, female dogs are often bred with little to no recovery time between their litters. When they are physically depleted to the point of no longer being able to reproduce, they are usually killed.

Just over 3 months ago, close to 60 dogs were seized from a breeder in Mott. The dogs were found to have been suffering from severe neglect. Their feet, legs, and tails were covered in sores and acid burns from laying in small cages that were filled with their own feces and urine. They were dirty, underweight, and extremely terrified. In several cages, dogs already laid dead as a result of the unfit conditions.

You'll please refer to your handout. This is Missy, one of the dogs rescued from Mott. Missy suffers from Cerebellar Hypoplasia, a brain disorder that is caused by severe malnutrition. Because of this disability, she struggles to walk or run without falling, has frequent episodes of uncontrolled tremors, and as you can see in the second photo, is unable to properly lay down with her legs facing forward. Since being rescued, her ability to manage her condition has improved, but she will always require special considerations for her safety and is expected to have a much shorter lifespan than she ordinarily would.

Missy's condition is a result of the neglect she and her mother suffered while in the care of the breeders. Hers is just one story among many. What happened to her could have been prevented were the breeders monitored by professionals. It **should** have been prevented. Senate Bill 2297 can help to do just that. Its time for us to take a proactive approach rather than a reactive response. Please consider a do-pass recommendation. Thank you.

October 31st, 2016 – Mott, ND – 50+ dogs seized



Just after being retrieved from deplorable conditions, the dogs wait in temporary holding area to be divided between rescue groups.



Missy, one of the rescued dogs, suffers from Cerebellar Hypoplasia. A neurological disorder directly resulting from severe malnutrition.

Chairman Luick, and members of the Senate Agriculture Committee. My name is Kish Hilmert, I am the president and founder of 4 Luv of Dog Rescue. 4 Luv of Dog Rescue is a 501-c3, non profit, volunteer run dog rescue that serves North Dakota and surrounding areas.

4 Luv of Dog was the rescue contacted to assist with the dogs seized in the Wheatland Puppy mill situation in 2013. The dogs seized were in very neglectful and inhumane conditions. They were forced to live in cramped cages, standing on inches of their own feces and urine, their hair so matted with their own filth that it was often hard to tell where the matted hair ended and the dogs skin began. The owner of this breeding facility had been breeding and neglecting dogs for years and yet he went undetected by local law enforcement and the USDA. He sold the puppies, from the dogs that were trapped in filthy cages, to pet stores in North Dakota and to people who did not know or grasp the terror and neglect they come from. We as a community need to hold any commercial dog breeder to higher standards.

As a tax paying resident of Fargo, North Dakota I am ashamed that North Dakota is 1 of 16 states that hasn't addressed this issue of putting higher standards of care and practice on commercial dog breeders. We need to hold people who routinely breed and sell dogs to higher standards. This is in the interest of the dogs forced to live in cages for the sole purpose of profit and it is also on the interest of the tax payers. It is the taxpayers who have to help pay the bill when Law enforcement is forced to spend time and effort seizing these dogs when it is finally discovered that they are living in neglectful and inhumane situations. And where do these dogs go after the seizures? Who bears the burden of their care as the case is investigated and makes it way through the legal system? Ultimately it is the community and the tax payers.

The 170 plus (many of these dogs were pregnant) dogs seized from Wheatland went to Casselton Veterinary Service for triage and continued care as the investigation into the situation continued. 4 Luv of Dog Rescue was contacted to oversee the rescue aspect of the dogs and to help find placement for them. There was no precedent for this kind of seizure in the Wheatland/Casselton/Fargo area. The Casselton Vet staff could not care for all of these dogs around the clock. So 4 Luv of Dog rescue volunteers and community members drove to Casselton three times a day for many weeks to help care for these dogs. The community banded together and started a donation fund to help pay the medical care and board bill for these seized dogs. The bill was in the thousands of dollars.

It is in the interest of our community that I urge the Senate Ag Committee to pass SB2297, the Commercial Dog Breeding Act. The Wheatland seizure is not an isolated case. Hundreds of dogs have been seized across North Dakota over the past few years (Mott, Wheatland, Kathryn, Scranton, etc.). I am sure there will be more seizures because North Dakota has yet to hold commercial breeders to higher standards of care. A yearly Veterinary exam would help ensure that basic standards of care are being met and given to the dogs that are used for breeding. Also for the dogs health and the health and safety of the community it is important that all dogs are current on the appropriate vaccines such as the Rabies vaccine. Setting a minimum standard of care in regards to a dog "enclosure" would be a great benefit to the dogs and to the agency that inspects a commercial breeding facility. There are so many simple and humane standards of care that North Dakota does not currently require commercial dog breeders to adhere to. We need to implement higher standards of care for commercial dog breeders. For all the reasons I have stated please pass SB2297, the Commercial Dog Breeding Act.

Sincerely, Kish Hilmert - taxpayer, concerned citizen, 4 Luv of Dog Rescue president.







SB2297- Commercial Dog Breeding Act

Good morning. Thank you for allowing me time to speak about some of my experiences, and thoughts about The Commercial Dog Breeding Act.

Please let me introduce myself. My name is Candace Maychrzak.

I grew up on a cattle ranch that my great-grandfather homesteaded. My father and grandfather also raised and trained their own horses, to be used as tools to help manage the cattle. There were also 3 to 5 dogs on the ranch. Some were used to help manage livestock and help alert us of dangers but ALL of them were treated as companions.

I have earned a degree in Veterinary Technology and now operate a cattle ranch, with my husband, near Scranton. I also have set up and operate Dakota Animal Resource Coalition because many citizens in the Bowman, Adams and Slope counties have contacted me with concerns about animal welfare. My first question to those that shared their concerns was, "Have you told the police about this?". Some would tell me they did and others didn't. Most of these people would then tell me that it's a waste of time to call the police because they don't do anything about it anyway. Through time I have learned, when the police tell us concerned citizens that they are doing everything they can do, they are telling the truth. The current laws DO NOT give law enforcement the ability to handle neglect and cruelty cases in a timely manner. By making a North Dakota Commercial Dog Breeding Law the authorities will be able to treat cases with more urgency. I will give you an example of a neglect case I witnessed.

In August of 2010 I heard a few comments, around Scranton, about the firefighters responding to a fire, at a farmstead, that had about 100 dogs. Some were running loose and many were in pens. When I was told some were **locked in grain bins** I got more concerned. I verified what I heard, with several firefighters and it was all true.

I notified the Bowman County sheriff's dept. on the 3rd week of August. I waited 2 weeks and didn't hear anything about the dogs. Worry and curiosity got to me. I called the sheriff's dept. and was told the dog owner was being monitored every day. I also called Central Dakota Humane Society and shared my concerns. The Humane Society asked if I would be able to send pictures or videos of the dogs. I was able to make arrangements to get pictures of all and videos of some. I

couldn't believe how some of the dogs looked. Skinny, lethargic and filthy. Constant barking, some whimpering and some fighting. A few just looked at me with glazed eyes and little movement. The breeding dogs were in pens. Most pens had 7 dogs. The pregnant dogs were locked in small cages without enough room to even turn around. No food or water was in their dirty bowls. They were in a barn that was open on both ends and very little sunlight shined in. The dogs that had young, nursing puppies were located in a separate shed. There was barely enough room for the mother dog to lay down completely when she nursed. Many puppies were crying all the time. The dogs that were locked in the grain bins just ran in circles, trying to find a way out. They were skittish and unsure. There were other pens with dogs that were all the same sex. This is where most of the fighting occurred. They were all in pens outside. Many of them attempted to crawl up the side panels.

It was getting close to the end of September when Central Dakota Humane Society and Prairie Paws, from Jamestown, were making plans to rescue 30 to 40 of the dogs. My heart sank, because I knew they all needed to be rescued. The 9th of October is when Central Dakota and Prairie Paws staff rescued some of the dogs. They had planned on rescuing the young litters of puppies and their mothers. As the rescuers were transferring the dogs they also realized the HORROR all the dogs were living every day. Instead of rescuing 30 to 40, they rescued 129 that day and made arrangements to rescue the remaining dogs on a later date. Central Dakota Humane Society gave 1 ton of dog food, to the dog owner, to feed the remaining dogs until Central Dakota could return, in two weeks.

One week, after the rescue, I got a strong feeling that the dogs needed help. I called and told the sheriff I was going to the farmstead to see what was happening. The dogs were without food and water. I distributed the 100#s of food, that I brought, as evenly between the dogs as I could. Another person followed behind me and watered them. That took 3 hours. By the time we finished, all the food was eaten up and most of the water was gone. The dog owner decided to use the donated dog food for the dogs she was planning on keeping.

Central Dakota Humane Society came to the farmstead again, to rescue the remaining dogs. There was some reluctance from the dog owner and the sheriff's dept. had to respond in order to protect the rescuers. Central Dakota Humane Society was then able to rescue 70 more dogs.

I believe that introducing a law that requires commercial dog breeders to follow specific rules will give them guidelines and allow them to structure their business in a professional manner. All successful business owners value and take care of their assets. In this case, the dogs are assets. The licensing, required by the North Dakota Commercial Dog Breeding law, also enables the state to collect taxes from the business.

This law is also very important for protecting the welfare of the dogs being used.

The dogs produced at commercial dog breeding facilities, without this law, can be a HUGE liability to the state of North Dakota.

#1: It allows puppy mills to exist; because of the minimal regulations that are required by the federal, Animal Welfare Act. When puppy mills are present, we all know, the dogs carry disease and parasites. Because they are not socialized some will bite because they are scared. Many times people can be injured from a dog bite.

#2: Neglect and cruelty will occur at a higher percentage.

In conclusion, I believe this law will enable law enforcement officials to enforce the rules and regulations, that are proposed; decrease the number of puppy mills and also impact other illegal dog related crimes.

http://bismarcktribune.com/news/state-and-regional/kennel-owner-says-she-s-homeless-dogs-rescued-from-scranton/article_33d912ea-d657-11df-8603-001cc4c002e0.html

Kennel owner says she's homeless; 129 dogs rescued from Scranton-area farm

By LAUREN DONOVAN Bismarck Tribune Oct 13, 2010



MIKE McCLEARY/Tribune

Buy I

Central Dakota Humane Society director Sue Buchholz and shelter employee Kristie Heck place puppies into a quarantine kennel Tuesday north of Mandan. The puppies were among 129 dogs taken by animal rescue workers from a Scranton-area farmstead.

The owner of a kennel for so-called "designer" dogs was evicted from a Scranton farmstead where some dogs are still penned up, even after two animal rescue organizations took 129 dogs into safekeeping Saturday.

Sue Buchholz, director of the Central Dakota Humane Society, said her organization has never rescued more dogs at one time and will spend thousands of dollars on veterinarian care and food.

The breeder, LuAnn (Riebe) Dschaak, owner of DRK Kennels, remains under investigation by the Bowman County Sheriff's Department.

Sheriff Rory Tiegen said he hopes she will voluntarily relinquish the remaining dogs as she did this past weekend, when rescue workers showed up with four sport utility vehicles loaded with food and kennels.

Tiegen said two weeks ago, he gave the breeder 30 days to improve the situation, but Buchholz said she told the sheriff Monday, "The (remaining) dogs don't have 30 days. We can't wait."

Dschaak said she is homeless, living in a tent, with her young daughter and older sons, and hasn't been able to find anywhere to live or take her dogs since being evicted from the farmstead.

She said she'll probably give most of the remaining dogs — she said there are 40; the rescue workers say 60 — to rescue organizations, unless she can find a place with permission and room to keep them.

That's not likely, she said.

"I can't find a place for myself, much less the dogs," she said.

Dschaak said she moved to North Dakota from Idaho a year ago and got into the dog breeding business when another breeder gave her some dogs. She said her first location didn't work out and she moved 100 dogs to the Scranton farmhouse last winter and threw some pens together.

"Basically, there was too many dogs breeding, too many puppies. There were 15 litters between May and July," she said. "It got out of hand real quick."

The owners told her to leave the farmstead when she complained about raw sewage backing up into the basement, she said.

The owners turned off the water and electricity, she said, and she hasn't been able to wash or clean the dogs, which contributed to parasites. Some dogs were in the basement and got ill from contact with the raw sewage, she said.

Dschaak said Tuesday she had just returned from feeding the dogs left at the abandoned farmstead.

"They're happy. Their tails are wagging," she said. "There's a huge barn so they have shelter."

Buchholz said authorities alerted her to the situation at the kennel. She said the breeder herself contacted her about taking some of the dogs.

Buchholz said she found the dogs in generally filthy, crowded conditions in sheds, grain bins, and the farmstead house. Some dogs were tied up to buildings and fences and large numbers of puppies were being kept in a single 2- by 3- foot kennel, she said.

All the dogs have parasites. Others have pneumonia, infections, ear mites, old wounds, one had a broken leg and several are pregnant. The dogs are very thin, and five of them would have been dead of starvation within days, Buchholz said.

Dschaak said that happened because some packs of dogs get aggressive and don't let others eat.

Animal rescue workers took every dog the breeder was willing to let go, cramming them into every nook and cranny of the four vehicles they drove down in, Buchholz said.

"We thought we would be taking 40 to 50 dogs, but once we were there, she was willing to surrender more than that," Buchholz said.

One dog had a litter of seven puppies on the ride back.

"It was pretty crazy, what we did," Buchholz said. "In a lot of the pens, we didn't find any water or food dishes."

Buchholz said she hopes to be able to rescue the remaining dogs, though they'll have to go to other facilities.

"It was heartbreaking, leaving them behind," she said.

Dschaak said she was relieved when the rescue workers took the dogs.

"My life just got easy in one day," she said.

The rescuers left 1,000 pounds of dog food for the dogs left behind.

Dschaak said she's still in contact with the rescue organizations and plans to turn over many, if not all, the remaining dogs "soon."

pg. 7

Buchholz said she has temporarily closed the Central Dakota Humane Society, to care for the 96 dogs brought to the facility and to prevent illness from spreading to other animals. Prairie Paws Rescue of Jamestown also participated and took 33 of the dogs.

Buchholz said she plans to contact other rescue organizations to help ease the strain on her facility.

"We're lucky now with the warm weather — we have a roof and pens — but it's not heated," Buchholz said.

Most of the rescued dogs taken to Central Dakota are in the 4- to 6-month age range, some are 1 and 2 years old and the oldest — a very pregnant beagle — is approximately 4 years old.

Buchholz said the rescued animals are mixes of breeds including cocker spaniels, terriers, beagles, basset hounds, St. Bernards, shepherds, labs, border collies and hounds.

"We think all dogs are cute. These are plenty cute," she said.

People who buy dogs off the Internet or from outlets that use puppy mills should realize the squalor that's frequently behind the scenes, she said.

It'll likely be months before any of the dogs are available for adoption. In the meantime, the Central Dakota Humane Society can use all the money and help people are willing to contribute.

"We do what we do because of the grace of the community. This was not planned or budgeted for," Buchholz said. "But we couldn't just walk away from them. They were in dire need."

(Reach reporter Lauren Donovan at 701-748-5511 or lauren@westriv.com.)

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Another 70 dogs rescued from Scranton-area breeder

By LAUREN DONOVAN Bismarck Tribune Oct 21, 2010



MIKE McCLEARY/Tribune

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Sue Buchholz, left, and Sonya Johnson, of the Central Dakota Humane Society, bag food items from a storage shed on Wednesday Oct. 20, 2010, to feed some of the 70 dogs the shelter rescued from a breeder in Bowman County last weekend. Buchholz said the shelter feeds 150 pounds of food a day alone to the rescued dogs, including the 129 rescued from the same breeder earlier this month.

Another 70 dogs were removed from a puppy mill at an abandoned farmstead near Scranton on Sunday in a rescue that became contentious.

It was the second rescue, bringing to 200 the number of adult dogs and puppies removed from the same farmstead where their owner, LuAnn Riebe Dschaak, left them, apparently without adequate food and water after being evicted.

Dschaak voluntarily gave up 129 dogs Oct. 9 to rescue workers after complaints led to the situation being investigated by the Bowman County Sheriff's Department.

pg. 9

Sunday's rescue did not go quite as peaceably, even though Dschaak had signed a release with the sheriff's department, said Sue Buchholz, director of the Central Dakota Humane Society.

The dogs are a wide range of breeds, from St. Bernards to beagles to basset hounds that were being mixed bred as designer puppies. It is the largest rescue for the Mandan-based animal shelter.

Buchholz said she's sending pages of veterinarian's findings to the sheriff in hopes Dschaak will be charged with animal neglect and abuse.

Sheriff Rory Tiegen was at a meeting and not available for comment Wednesday.

Buchholz said all the rescued dogs have parasites and are underweight, some were nearly dead of starvation; others have old wounds, ear infections, pregnancies and other health issues.

Dschaak, according to Buchholz, said she changed her mind (about releasing the animals) and grabbed one dog by the leg and another by the throat when rescuers returned Sunday to take the remaining dogs.

That incident led to a shoving match, Buchholz said, when another rescue worker tried to get the dogs away and the Bowman County Sheriff's deputy was called for assistance.

"It got a little tense," said Buchholz. "She had people there, too."

Dschaak did not return two messages left for her at the phone number posted on her DRK Kennels website. She had said she was homeless and living in a tent with her children at the Bowman-Haley Dam marina.

Dschaak said she was evicted from the Scranton farmstead after complaining about raw sewage in the basement. The owners had turned off water and electricity, so she couldn't clean the dogs, she said, and other dogs were ill from contact with the raw sewage.

Dschaak said another dog breeder gave her some dogs after she moved to North Dakota from Idaho a year ago and she had 15 litters between May and July.

Buchholz said there was no evidence of food or water during the first rescue or again Sunday, even though rescuers left 1,000 pounds of dog food at the farmstead.

Rescue workers took all the dogs that were at the farmstead.

"When she drove away, she didn't have a dog with her and we had 70. We did a good search of the farmstead, went through all the buildings and we're confident that there were no others," Buchholz said.

Central Dakota took in 96 dogs from the first rescue, plus a litter that has since been born and another 50 from Sunday's rescue. The remaining 20 dogs went to other shelters.

The dogs rescued Oct. 9 are getting healthier and more sociable.

"They're following us around," Buchholz said. "One that was locked in a grain bin was really spooky, but today when I went up to him, he laid down and let me touch him. They're getting quite friendly and social, more every day."

Central Dakota will remain closed for another week while the shelter deals with the animals in its care.

Some may be ready for adoption within two to four weeks; 11 have been given to other animal rescue organizations and more likely will be.

The public response has been overwhelming and Buchholz said donations should be sufficient to pay for the dogs' veterinarian care.

(Reach reporter Lauren Donovan at 701-748-5511 or lauren@westriv.com.)

Currents

Cut string with your bare hands with this simple trick

Photos: 'La La Land' wins big (again) at 69th annual DGA Awards



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Chairman Luick and members of the committee, on behalf of the Souris Valley Animal Shelter (SVAS) in Minot, I want to thank you for this opportunity to speak with you about Senate Bill 2297 – The Commercial Dog Breeding Act.

I have been the director here for nearly three (3) years and began my journey as an animal welfare professional after retiring from the United States Air Force following twenty (20) years of service.

During my service, I experienced different cultures and, in reflection of this time, how they treated their animals. What sticks out the most to me are the different levels of inhumane care I witnessed. I believed that while I could not do anything about these issues at the time, I could affect how my community and my state address the same concerns.

I am doing my part in trying to minimize the number of feral animals by practicing a Trap/Neuter/Release (TNR) program here in Minot, but this only focuses on the reduction of cats in our community. I am asking you to help me fix our community, and the endless dog issues across our state, by supporting SB2297. The level of inhumanity found in some of the dog breeding operations is horrific. These animals are prisoners, living in the absolute worst conditions. Although the U.S. Department of Agriculture licenses and inspects commercial breeding operations that sell to pet stores and to the public sight unseen, the USDA's own Office of Inspector General released a report confirming that USDA inspectors regularly ignore horrific suffering at commercial dog breeding facilities and allow the facilities to continue to operate, unimpeded, despite repeated violations of the Animal Welfare Act. Additionally, the USDA has been very slow to license the thousands of facilities selling over the internet, allowing a massive segment of the commercial dog breeding industry to operate completely unregulated

The impact of these cases on our shelter is significant in terms of personnel, funding, and administrative commitment. The SVAS is similar to most other shelters in North Dakota as we are a 501 (c)(3). The SVAS depends on private funding to ensure that we can offer professional care to the animals in our facility. In these extreme cases the time and financial requirements puts a strain on the part of the community that supports our mission and to our already thin budget. Local veterinarians are called upon to triage and treat the incoming pets at the expense of the shelters. Many of the pets that we've seen from similar cases are deemed unadoptable. They are either too sick or too aggressive to ever be adopted and in those cases they are euthanized as the humane option. Many others see months of training and rehab to obtain a behavioral mindset equal to that of a pet. In both cases, the strain put upon our shelter takes time away from valuable community resources like our TNR program, therapy dog program or our "Read to the Animals" program.

While I know that I cannot ask you to abolish dog breeding operations, I feel I can, and should, ask you to ensure that these breeders are regulated and meet basic standards of care so that the living conditions for the dogs are kept at a humane level.

Please support this bill. Humans domesticated them; we owe them a humane existence.

Randy McDonald | Shelter Director
Souris Valley Animal Shelter
1935 20th Ave SE
Minot, ND 58701
svaspets@srt.com
www.svaspets.com
Office: 701.852.6133 | Fax: 701.858.7622

SB 2297

2/9/17

#9

pg. 1

Chairman Luick, and members of the committee, my name is Pat Bosch, I am a founding member of Furry Friends Rockin' Rescue, a foster-based, non-profit organization serving the greater Bismarck-Mandan area.

I ask you today, on my own accord, to give Senate Bill 2297 a Do Pass Recommendation.

In October of 2016, our organization was asked to assist the Hettinger County States Attorney after 50 dogs were seized from one home near Mott, N.D.

Upon seizure, Hettinger County incurred the costs of deworming and initial vaccinations for Rabies and Distemper for the 50 dogs – totaling \$2,266. Twenty-seven of the dogs had to be bathed and groomed before anyone could rescue them, a service that was donated but which would have cost \$675. All of the dogs seized were intact, and at least three of them were pregnant.

On November 4, 2016 members of our organization travelled to Mott to pick up some of these dogs.

The conditions the dogs were in – both physically and mentally – were deplorable. Passing SB2297 will drastically help ensure dogs in commercial breeding facilities, like the home in Mott, are given the opportunity to live in a clean environment, and provided necessary items such as clean food and water, veterinary care, and proper space.

We should no longer allow bad dog breeders to knowingly force dogs into these situations, evading both state and federal oversight. These cases are happening all too often, causing North Dakota Counties to use resources they do not have, and forcing taxpayers to pick up the tab.

Please support SB2297. Thank you.


pg. 2







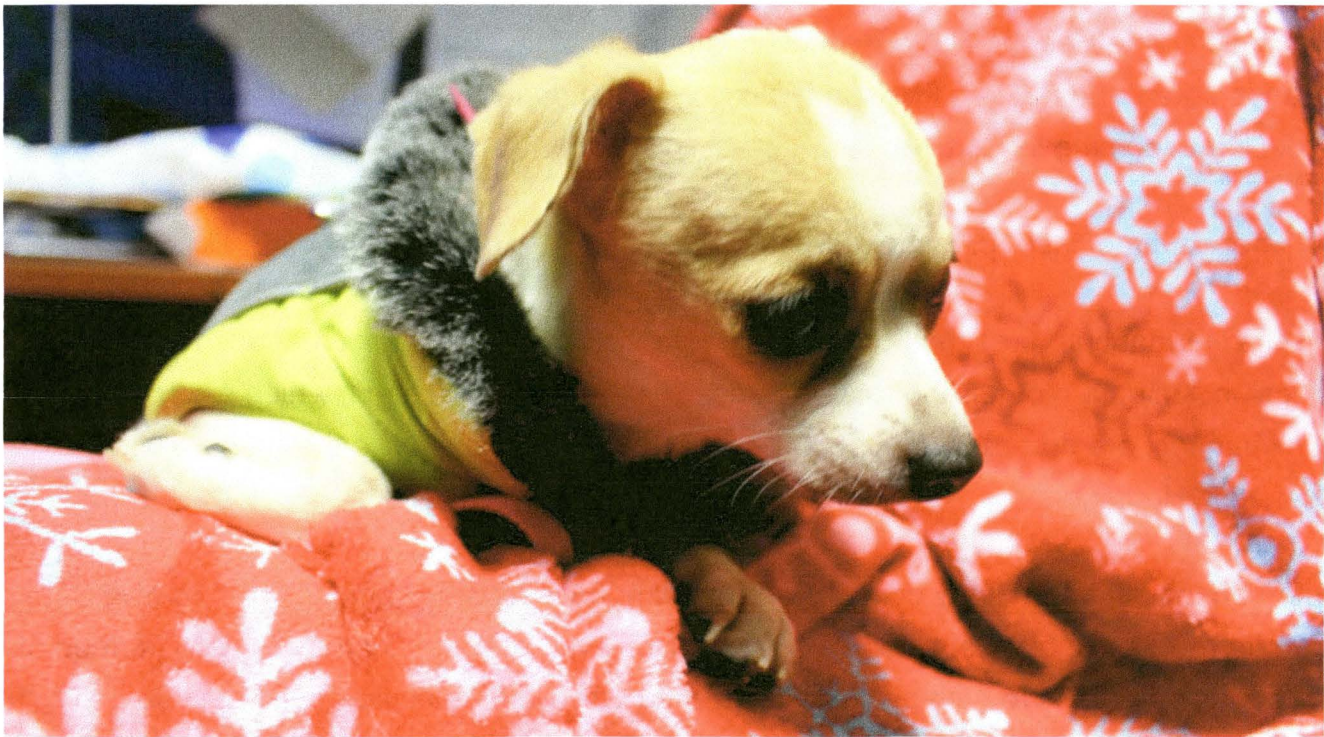
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U.S. Army grants easement for Dakota Access Pipeline [Tweet](#)

Two arrested after more than 50 dogs found living in Mott home

By [Sydney Mook](#) on Nov 4, 2016 at 8:41 p.m.



Missy, an approximately 5-year-old Chihuahua, was among the more than 50 dogs rescued from a home in Mott where the animals were living. (Sydney Mook / The Dickinson Press)

MOTT—A pair from Mott have charged with animal cruelty and animal neglect after dozens of dogs were found to be living in their home on Halloween night, according to the Hettinger County Sheriff.

pg. 3



Mott, were each charged with one count of Class C felony animal cruelty and Class A misdemeanor animal neglect after it was found that there were more than 50 dogs living in their home on Oct. 31.

Hettinger County Sheriff Sarah Warner said that the scene Halloween night was scary.

"It was a horror pretty much what we walked into," she said.

Warner said while the dogs had food and water, the conditions that the dogs were living in were "not good."

The dogs were taken to the Hettinger County Sheriff's Department for a couple days before being given to various shelters and individuals around the area, including Lois Laches in Mott, Second Hand Rescue in Glendive, Mont., Furry Friends in the Bismarck-Mandan area and Bakken Paws in Dickinson. Each dog was also bathed and groomed at Hot Dog Grooming in Mott.

Warner said the case remains under investigation.

Tasha Hermanson, president of Bakken Paws, said the group took on about 16 of the dogs, including a mother and four puppies. She said 11 of the dogs, which are mostly Chihuahuas, are currently living in foster homes in Dickinson, while the rest are with fosters in Hettinger.

Hermanson said that many community members have already come forward to give donations of food, blankets and other items. However, at this point they are still in need of monetary donations to help pay for the veterinary bills of the animals. She said some of the animals suffer from cerebellar hypoplasia, which is a condition in which parts of the brain have not completely developed.

"We're looking for donations for their medical care," Hermanson said. "We've got quite a few donations. It's been really nice. A lot of people have things, items, food, blankets, sweaters, jackets and then money as well because they'll all need to be spayed and neutered and they all have other medical issues."

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have already indicated that they would like to keep the rescued animals, Hermanson encourages them to wait to see how the dog reacts to its new environment over time.

"They become a different dog once they are in a different situation," she said. "I don't want anybody to see this dog they have here today, and it's going to change in a month. It might not fit or it might fit better."

This is only the second major dog rescue Bakken Paws has been involved in since it began doing animal rescues last year. Hermanson said they did a rescue earlier this spring involving Irish Pointers and Setters. She said they started out with 11 dogs in that case, but it quickly increased to 26 after puppies were born. However, she said those dogs were in an outdoor kennel, while the dogs they rescued recently were inside a home.

Bakken Paws' pet store, WOOF TA, currently has one dog at the store named Missy. However, she is not currently available for adoption as they continue to give medical care to the dog.

"We'll wait for just the right home, somebody who wants to carry her around," Hermanson said. "She's potty trained actually. She's the only one that will go outside, but she has other issues. If people have steps we don't know if she'll be able to go up and down steps."



Sydney Mook

Sydney Mook started working as the multimedia editor for The Press in January 2016. She graduated from the University of South Dakota with a bachelor's degree in journalism and political science in three and half years in December 2015. While at the USD, she worked for the campus newspaper, The Volante, as well as the television news show, Coyote News. She also interned at South Dakota Public Broadcasting and spent the summer before her senior year interning in Fort Knox for the ROTC Cadet Summer Training program. In her spare time, Sydney enjoys cheering on the New York Yankees and the Kentucky Wildcats, as well as playing golf. If you've got an idea for a

video be sure to give her a call!

smook@thedickinsonpress.com

(701) 456-1207

**North Dakota Stockmen's Association
Testimony on SB 2297
Feb. 9, 2017**

Good morning, Chairman Luick and members of the Senate Agriculture Committee. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association. The Stockmen's Association is an 87-year-old cattle producers' trade organization representing more than 3,000 ranch families in the state who make animal stewardship a priority.

With your permission, Mr. Chairman, I would also like to submit the written testimonies of the North Dakota Angus, Charolais Breeders, Galloway, Red Angus, Salers and Shorthorn Associations for the official record.

The Stockmen's Association strongly opposes SB 2297. In our view, the bill represents unnecessary, over-the-top and, in some cases, duplicated regulation of animal breeders that would be costly to implement and yet do nothing to improve the plight of animals over what existing law already provides. While centered around dog breeders, this bill is of interest to our organization because we represent breeders of cattle, horses and other animals, and we are concerned that, if passed, invasive legislation like this could very well be petitioned to be applied to other species breeders, like those we represent.

Four years ago, the Stockmen's Association, along with other animal industry stakeholders representing agriculture, zoos, shelters, veterinarians, regulatory agencies and others, worked together with the legislature to successfully pass a comprehensive rewrite of the animal treatment statute to clarify language and make sure that both animals and animal stewards were appropriately protected. That coalition and many dedicated legislators worked painstakingly on the bill to make sure that the law was appropriate for those with one animal or 1,000 animals, that the basic expectations of care were spelled out and that a range of penalties were provided so breaches in the law could be dealt with appropriately. That law works, and that law has what it takes to apply to either a single dog owner or someone who has a commercial breeding enterprise.

Besides being unnecessary, we consider the five pages of instructions, not to mention the \$100 annual fee, included in SB 2297 as hyper-regulation. The government has gone too far when it dictates how food must be covered, the actual dimensions of a cage or enclosure and that window, vent, fan or air-conditioned ventilation must be provided. It is also unreasonable to require things like annual dental and pain assessments and extensive records and records retention.

Attached to my written testimony is a Q&A fact sheet detailing the federal regulations already required for some dog and cat breeders. It appears that, if SB 2297 would pass, some North Dakota dog breeders would be subject to two different sets of breeder regulations – one from the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service and the other from the State Board of Animal Health. That’s double the cost, double the inspections, double the inefficiencies.

The cost would be realized by more than just the breeders, though. Cost would also be borne by the state, as indicated by the \$371,000-plus fiscal note, which tallies the cost of two full-time FTEs, benefits, travel and a vehicle to conduct inspections for a mere 120 facilities, some of which are already covered under the federal regs.

Furthermore, the existing animal treatment statute also already spells out a penalty matrix for crimes related to animal neglect, abuse and cruelty – a matrix different than that named on page 5, lines 21 and 22, which will create confusion.

The Stockmen’s Association believes that SB 2297 would do nothing for the plight of animals, but simply drive up the cost of doing business for commercial dog breeders and for the state, which would have to expand the Board of Animal Health staff to accomplish the tasks associated with this bill.

For these reasons, we oppose SB 2297 and urge your do-not-pass recommendation.

Questions and Answers: Regulation of Dog/Cat Breeders and Dealers

Q. Who regulates commercial dog/cat breeders and dealers?

A. Facilities that breed and sell their animals to pet stores, brokers, or research facilities are covered under the Animal Welfare Act (AWA). The facility operators are required to obtain a license from the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS). APHIS inspectors from the Animal Care program conduct unannounced compliance inspections to ensure that the animals receive humane care and treatment. Many States and local governments also have their own laws that protect animals. USDA-licensed breeders and dealers also have to comply with these laws.

Q. What types of dog/cat breeders and dealers does the USDA regulate? Which breeders and dealers are not regulated under the AWA?

A. The AWA requires that the following breeders/dealers obtain USDA licenses: (1) people who breed dogs and cats for use as pets or for other purposes and sell them sight unseen at the retail level; and (2) the wholesale dealers who supply these animals to pet stores, brokers, or research facilities. The AWA does not cover all animals in all situations, including household pets sold face-to-face at retail, pets owned by individuals, and pets housed in shelters or pounds. USDA's jurisdiction is limited to the authority granted by the AWA. As indicated previously, States and local governments may create and enforce their own laws and regulations to protect animals, which may exceed the AWA standards.

Q. How do facilities become licensed?

A. In order to engage in regulated activities, a dog/cat breeder or dealer must first apply for an AWA license from USDA. Next, the applicant must pass a pre-license inspection and be in full compliance with all of the AWA standards and regulations. If the applicant passes the inspection and then pays the appropriate license fee, USDA Animal Care issues him or her a license.

Q. What system does the USDA use to inspect dog/cat breeding facilities?

A. USDA uses a risk-based inspection system to make the best use of its resources. The frequency of a facility's inspections is determined by its compliance record. All licensed facilities are inspected, but USDA inspectors conduct more frequent inspections at those facilities that have more difficulty adhering to the regulations. Inspectors may also visit a facility when USDA receives a complaint regarding that facility.

Q. What standards of care and other conditions does USDA require of dog/cat breeders and dealers?

A. USDA-licensed breeders and dealers are required to meet the standards of humane animal care and treatment established by the AWA and its associated regulations. These regulations and standards cover areas such as housing, sanitation, food, water, and protection against extremes of weather and temperature. Breeders and dealers must also employ a full-time veterinarian or arrange for a contract veterinarian to visit their business regularly. A facility that employs a part-time or contract veterinarian needs to establish a written program of veterinary care, which must be available to USDA inspectors for review. To prevent lost or stolen animals from being used for AWA-regulated activities, USDA requires breeders and dealers to maintain accurate and complete records of the sources of all their animals. They are also required to keep records of the dates of acquisition and disposition and to properly identify the animals on their premises.

Q. What is USDA's role regarding the commercial transport of animals?

A. AWA regulations require licensed dealers, contract carriers, and intermediate handlers to provide regulated animals with humane care and treatment. Transported animals must meet established minimum age and health certification requirements. They must be housed in proper containers with adequate space and ventilation, and they must be protected from extreme temperatures. Animals arriving at a terminal must be promptly picked up and must receive proper care until they are picked up by the receiving party. Dogs imported into the United States for the purpose of resale must be vaccinated and in good health, and they must be at least 6 months of age.

Q. Why and under what circumstances does USDA confiscate animals?

A. If a regulated animal is in a state of unrelieved suffering and the licensee/registrant is not arranging for the proper veterinary care, USDA is authorized by the AWA to confiscate that animal. USDA will issue the facility a notice of intent to confiscate, which gives the licensee/registrant a final opportunity to arrange for proper medical care. If adequate veterinary care is not given at that point, the confiscation process moves quickly. In some cases, USDA will negotiate with the facility so that it surrenders the animal(s) directly to an outside organization, thus simplifying the process and expediting placement of the animal(s).

Q. How does USDA address AWA violations?

A. USDA conducts thorough inspections. If an inspector sees anything that is not in compliance with the AWA standards and regulations, he or she will cite this as a noncompliant item on the inspection report. The inspector will explain the item to the licensee/registrant and establish a deadline for when the matter must be corrected. Repeat noncompliances and serious incidents may warrant investigations, which are the precursors to potential enforcement actions, including warning letters, monetary fines, cease-and-desist orders, license suspensions, and license revocations. Only a USDA administrative law judge can designate a noncompliant item as an actual violation.

Q. Can an AWA violation ever be a criminal offense?

A. Only certain AWA violations are pursued as criminal offenses, such as those related to animal fighting or maintaining fraudulent acquisition/disposition records. In these cases, the USDA Office of the Inspector General typically conducts investigations, and the U.S. Department of Justice prosecutes them. These cases are not overseen by USDA administrative law judges. Outcomes in criminal cases may include a prison sentence and/or monetary fines.

Additional Information

For more specific information about the AWA and its regulations and standards, visit the USDA Animal Care Web site at www.aphis.usda.gov/animal_welfare.

Contact information for the Animal Care regional and headquarters offices is listed below.

Eastern Region

Animal Care, APHIS-USDA
920 Main Campus Drive, Suite 200
Raleigh, NC 27606-5210
Phone: (919) 855-7100
Fax: (919) 855-7123
Email: aceast@aphis.usda.gov

Western Region

Animal Care, APHIS-USDA
Building B, Mailstop #3W11
2150 Centre Avenue
Fort Collins, CO 80526-8117
Phone: (970) 494-7478
Fax: (970) 494-7461
Email: acwest@aphis.usda.gov

Headquarters

Animal Care, APHIS-USDA
4700 River Road, Unit 84
Riverdale, MD 20737-1234
Phone: (301) 851-3751
Fax: (301) 734-4978
Email: ace@aphis.usda.gov

USDA is an equal opportunity provider and employer.

February 8, 2017

Dear Senate Agriculture Committee Members:

This letter is to inform you that the North Dakota Angus Association Board of Directors is unanimously opposed to the Senate Bill 2297. The Association is a statewide organization representing Angus cattle breeders. Our membership list can be viewed at <http://www.ndangus.com/members/>.

We support the North Dakota Stockmen's Association's testimony and urge you to consider defeating the bill.

Thank you,

Mike Wendel, North Dakota Angus Association president
10213 68th St SE
LaMoure, ND 58458
(701) 883-5254

February 9, 2017

RE: SB 2297 Hearing on February 9, 2017

Dear Senate Agriculture Committee Members:

My name is Curtis Brown. I am a long-time North Dakota Charolais breeder and an officer with the state Charolais Breeders Association, along with David Doll of New Salem, who is serving as our president.

I am writing to you with concern over this proposed bill. It could certainly be troublesome to our industry in the future. Even though it does not directly affect the cattle industry, I am afraid it will lead to bigger things in the future if it gains ground. Our people in the state are good stewards and good providers to our animals, and we do not need more regulation.

I hope you will consider our concerns in this matter and not let this bill go any further than it should. Please vote no on SB No. 2297. We think it's the right thing to do for the people of North Dakota and agriculture as a whole.

Thank you for your time and consideration.

Sincerely,

Curtis Brown

5211 76 Ave SE, Montpelier, ND 58472

701-320-9398

February 9, 2017

Dear Senators:

The North Dakota Galloway Association respectfully requests that you reject SB 2297, further regulating the sale and breeding of dogs.

There are already enough safeguards in place to protect dogs, and we fear overreach and spillover into other areas of animal agriculture. The extra fees charged to breeders are a non-productive expense, and the cost to regulate is an unnecessary expense to state government.

Thank you for your consideration.

Sincerely,

Dorothy Orts, North Dakota Galloway Association
Oriska, ND

North Dakota Red Angus Association
5866 76th Ave SE
Jud, ND 58454

2/9/2017

To: Senate Agriculture Committee Members,

The North Dakota Red Angus Association consists of 70 members. The Association members are in the business of breeding registered Red Angus cattle and promoting the Red Angus breed.

The animal regulations in Senate Bill 2297 are intrusive. Rules and regulations are already in place in North Dakota that provide protection for our breeding animals. There are already enough costs for ranch families in our state with the set regulations. It is dangerous to approve this bill and set a precedent for other species breeders in North Dakota.

With this said, the North Dakota Red Angus Association opposes Senate Bill 2297.

Sincerely,

Bryan Huber, President

North Dakota Red Angus Association

To Whom It May Concern:

The North Dakota Salers Association is a statewide organization of cattlemen who raise registered Salers cattle. As seedstock producers in the cattle industry, it is our mission to selectively breed and propagate cattle that are utilized as seedstock genetics for the commercial cowherd across North Dakota and throughout the country.

As animal breeders, we are very concerned about the impacts and precedents of SB2297 for a number of reasons.

- 1) It is unnecessary. The North Dakota Century Code already has very comprehensive language regarding humane treatment of all classes of animals, as detailed in NDCC 36-21.1 and 36-21.2. The statutes in these chapters are certainly adequate to cover the apparent concerns being addressed by SB2297.
- 2) It is extreme and over-reaching. The licenses, fines, mandated unannounced inspections and record-keeping requirements created by this statute will serve to make breeding dogs more bother than it is worth for most and also add another layer of bureaucracy in our state government to oversee the enforcement of the statute.
- 3) It sets a precarious precedent. We believe that this statute has more to do with the incremental government micro-management of people caring for animals and animal agriculture than it does the well-being of the animals. As stated earlier, the care of the animals is already comprehensively covered in existing law. The only reason we can see for additional rule-making is to place a chilling effect on the enterprise of breeding dogs. Where does this intrusive rule-making road end? Dogs today, horses tomorrow and cattle further down the road?

Admittedly, there are many differences between breeding cattle for seedstock genetics and breeding dogs for work, hunting or pleasure. We are all, however, animal breeders and it is our conviction that this kind of incremental but unnecessary government micro-management into the world of animal care needs to be stopped before it is started.

Thank you for your time and attention,

Will MacDonald

President

North Dakota Salers Association

Feb. 9, 2017

Dear Senate Ag. Committee,

On behalf of the North Dakota Shorthorn Association, we would like to express our concerns regarding Senate Bill 2297. As livestock breeders, we feel we can relate to the commercial dog breeders that are mentioned in this bill, as we are both in the business of raising and selling animals.

After reviewing the bill, we feel that it is too restrictive in regards to how a breeder can run his or her operation.

The Association would encourage you to vote "no" on this bill.

Sincerely,
Whitney Vogel
North Dakota Shorthorn Association Secretary



North Dakota Veterinary Medical Association

2304 Jackson Avenue

Bismarck, ND 58501

Phone: 701-221-7740 • Fax: 701-751-4451

E-mail: ndvma@btinet.net • Website: www.ndvma.com

Testimony of Deana Wiese

North Dakota Veterinary Medical Association

In Opposition to SB 2297

February 9, 2017

Chairman Luick and Members of the Senate Agriculture Committee:

My name is Deana Wiese, and I am representing the North Dakota Veterinary Medical Association (NDVMA). I am here today in opposition to SB 2297, which would create a program to regulate commercial dog breeders.

NDVMA has spent more than a century representing the interests of veterinarians, their clients and patients. Today, the organization has more than 275 members representing small, large animal, exotic, bovine and equine practitioners and those veterinarians working in research, academic and government capacities.

NDVMA feels SB 2297 is unnecessary as it is duplicative to the code that already addresses the treatment of all animals, not just dogs. Significant changes in prior sessions regarding the code on treatment of animals resulted from an immense amount of time spent and research conducted by a wide variety of stakeholders, including NDVMA. Therefore, NDVMA does not favor this addition.

We are also concerned with the significant cost affiliated with implementation of such a program. This bill is unnecessary and costly for the state's citizens. Therefore, NDVMA encourages a Do Not Pass recommendation on SB 2297.

SB 2297

2/9/17

Good Morning Chairman LUCK and members of the committee
 For the record I am Marty Beard and I am against SB 2297
 I have hunting hounds and I prefer to hunt females
 because of their disposition and desire to please while hunting,
 I sometimes have between 5-7 females in my pack that
 I breed to keep my strain pure.

What would this bill accomplish besides putting restrictions
 on property rights of citizens and waste the time of
 law makers, veterinarians and private citizens.

- I would like to explain how ridiculous this Bill is.
1. a day care provider in ND can have up to 5 children without being licensed, but having 5 dogs need one?
 2. Every 12 months a dog needs a hands on comprehensive exam, dental assessment, pain assessment, body condition score, examination for hereditary disorders and communicable diseases? These types of regulations are not even required for humans!

SB 2297 Blatantly shows the agenda of organizations like the Humane Society of the US to stop animal ownership
 Prop. B was pushed by HSUS in Missouri in 2012, in 2 years 75% of the dog breeders in the state and cause a 1 billion dollar impact in 4 years time.

I think senators Mathern, Bekke Lahl, Olson Representatives Beadle, Johnson and Mitsko and any other elected official that supports these organizations and their agenda should be ashamed of themselves. ~~By~~ supporting and aligning them selves with groups that believe and I quote

- "My goal is the abolition of all animal agriculture" JP Goodwin
- "I don't want to see another dog or cat born" Wayne Puelle
- "eating meat causes animal cruelty" Pal Shapiro
- "If we could shut down all hunting in a moment we would" Wayne Puelle

**Testimony in Support of Senate Bill 2297
Presented to the Senate Agriculture Committee
February 9, 2017
TJ Jerke, North Dakota State Director
The Humane Society of the United States**

Chairman Luick and members of the committee, on behalf of our supporters in North Dakota, I want to thank you for this opportunity to speak today, and ask for your support of Senate Bill 2297; a bill targeted at, and a simple solution for, an ongoing problem across our state.

We thank the sponsor for bringing this forward as we understand the intent of this bill is to address the, "bad actors." We recognize there are dog breeders across North Dakota who may understand, and occasionally exceed, basic standards of care. Our organization often works with reputable breeders across the country through our advisory council. However, while we believe many North Dakotans are good stewards of their animals, we have seen some of these bad actors, which is why we must take action on the state level to address this matter.

It is important to first point out that this bill does not work to change any law elevating animals to the level of humans. Likewise, this bill does nothing to end, nor restrict, production animal agriculture. The bill before you does nothing more than create some basic standards to aid in the support of treating dogs humanely. Likewise, the proposal before you does not change any existing animal cruelty code – it merely adds to the laws passed in 2013.

Perhaps you have heard, or will hear, the, "slippery slope" theory. That somehow this proposal is going to spiral out of control and end production agriculture as we know it. What we have to understand is that dogs are not livestock. The 2013 Legislature made this distinction known through its animal neglect definition – separating out cats and dogs from all other animals. North Dakotans do not consider dogs livestock, but rather feel strongly that they should be treated well, regardless of whether they are kept for breeding or as household pets.

Another distinction that needs to be made with this specific bill, is that these animals – dogs - are not being raised for their meat, but rather for their puppies. The health and wellbeing of the breeding parents has an enormous impact on the health of the puppies they produce, which will ultimately affect puppy buyers.

This bill is very clear about which facilities are covered - commercial dog breeding facilities - and those that are not - any other agriculture facilities. Many states have adopted similar proposals like the one before you - Missouri, Pennsylvania, Ohio, and Iowa – which all have thriving economies built on commercial dog breeding and animal agriculture even after passing laws to address commercial dog breeding issues.

I've heard that this is a bad bill because it only addresses dogs. We don't see any other large animal seizure as often as we do dog breeding facilities. If there were a problem with animals beyond cats and

dogs, I would look to the handful of production agriculture-focused organizations to find a solution to those problems, much like the animal shelters and rescues are with this problem.

This bill, over time, will help the state save taxpayer dollars and county resources. Cass, Hettinger, Barnes and many other counties know all too well the time and money that goes into handling these large dog cases.

In addition to addressing the worst commercial dog breeders, this bill will help crack down on those facilities who are escaping federal regulation. The USDA changed their retail pet store rule back in 2013, requiring internet sellers to be licensed and inspected. The USDA has been slow to license the thousands of facilities selling over the internet, allowing a massive segment of the dog breeding industry to operate completely unregulated. Furthermore, commercial dog breeders that sell online, through classified ads, etc., often take advantage of an AWA exemption excusing dog breeders that sell directly to the public from being licensed and inspected, which is a massive loophole in federal regulation. These setbacks on the federal level heighten the need for state licensing and inspection, especially since there are likely many facilities operating in the state that should be licensed, but are not. For instance, Bismanonline.com advertises hundreds of dogs every day on their website. Currently, there are over 200 advertisements for dogs in North Dakota alone, many of which include a litter of multiple puppies. Unfortunately, whether or not these breeders actually meet a buyer in person to evade federal regulation is difficult to enforce -- again stressing the need for state level oversight.

Similarly, one breeder southeast of Jamestown has been breeding a specific breed of dog for many years. This business offers to ship dogs for an additional fee. They may take the best care of their puppies. However, under USDA guidelines, if they ship one dog they need to obtain a USDA license. Recent records indicate this business does not have a USDA license -- the question is whether they are shipping their dogs, or not? The business indicates it is licensed, the transporter of these puppies can be licensed separate from the breeder, however the breeder is the one who is required to be licensed and adhere to the federal standards of care.

Lastly, I point to the handful of cases which various North Dakota counties and local animal rescue groups have had to clean up after. These operations evaded federal oversight, and operated within our borders, creating environments that were tragically unfit for dogs, let alone humans.

In conclusion, after watching, and hearing, the stories of Wheatland, Scranton, Mott, Kathryn, and others, it's clear the current system isn't working -- that North Dakota needs to do more than what the USDA is able to provide.

Again, I ask for your support on HB 2297 to address problematic dog breeders that are costing our state thousands, if not more, in taxpayer dollars and county resources.



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64 dogs rescued from filthy conditions in Barnes County

By Forum News Service on Jun 18, 2016 at 9:04 p.m.



WDAY photo

VALLEY CITY, N.D. - This week, volunteers are putting in long days, helping more than five dozen dogs rescued from dirty, dangerous conditions.

Barnes County deputies confiscated the animals from a rural home.

Dozens of horse stalls are making a much better home than these Australian Cattle Dogs knew just a few days ago.

"The kennels were not cleaned out, very deep in feces, manure. Not adequate water changed, some of the water buckets were green, some of them had no water," said Rebeckah Johnson, Prairie Paws

Rebeckah Johnson and Prairie Paws helped rescue 64 dogs and puppies from a rural residence in Barnes County.

The State veterinarian investigated the property and recommended the Sheriff's office seize the animals from their unhealthy conditions.

Several dogs were in such rough shape, they needed to be euthanized. And staff is still checking the others for health concerns.



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ered in ticks. There's been no parasite treatment, they're healthy, no vaccinations so if there is an outbreak, it will wipe out, everybody will be sick," said Johnson

Each one of these dogs will require at least \$50 of basic vet care, and it could be months of legal red tape before they're adoptable.

"That'll be the biggest thing is the due process for the court case. In the meantime, they have to be taken care of."

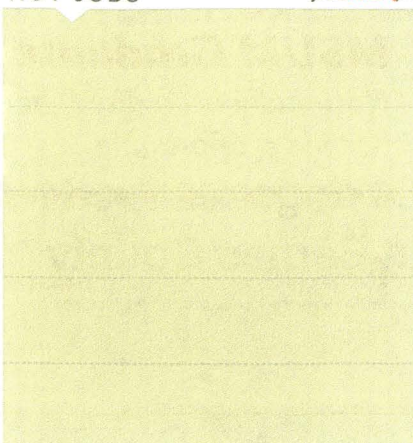
The state's attorney is still filing charges. Jamestown-based Prairie Paws needs more hands to help take care of the dogs.

The group is looking for volunteers to clean, feed and socialize the animals. And asking for many of the creature comforts these creatures have never known.

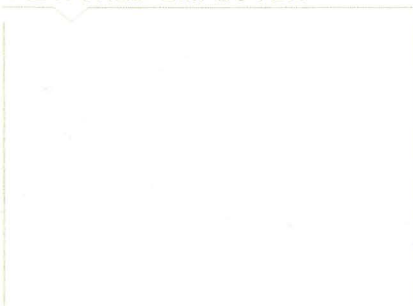
"It is stunning to the public and new people, volunteers. They're just like, 'I didn't think things could happen like this.'"

You can find contact information to help on WDAY.com. You can also drop off donations in Fargo at Natural Pet Center.

HOT JOBS



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Questions and Answers: Regulation of Dog/Cat Breeders and Dealers

Q. Who regulates commercial dog/cat breeders and dealers?

A. Facilities that breed and sell their animals to pet stores, brokers, or research facilities are covered under the Animal Welfare Act (AWA). The facility operators are required to obtain a license from the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS). APHIS inspectors from the Animal Care program conduct unannounced compliance inspections to ensure that the animals receive humane care and treatment. Many States and local governments also have their own laws that protect animals. USDA-licensed breeders and dealers also have to comply with these laws.

Q. What types of dog/cat breeders and dealers does the USDA regulate? Which breeders and dealers are not regulated under the AWA?

A. The AWA requires that the following breeders/dealers obtain USDA licenses: (1) people who breed dogs and cats for use as pets or for other purposes and sell them sight unseen at the retail level; and (2) the wholesale dealers who supply these animals to pet stores, brokers, or research facilities. The AWA does not cover all animals in all situations, including household pets sold face-to-face at retail, pets owned by individuals, and pets housed in shelters or pounds. USDA's jurisdiction is limited to the authority granted by the AWA. As indicated previously, States and local governments may create and enforce their own laws and regulations to protect animals, which may exceed the AWA standards.

Q. How do facilities become licensed?

A. In order to engage in regulated activities, a dog/cat breeder or dealer must first apply for an AWA license from USDA. Next, the applicant must pass a pre-license inspection and be in full compliance with all of the AWA standards and regulations. If the applicant passes the inspection and then pays the appropriate license fee, USDA Animal Care issues him or her a license.

Q. What system does the USDA use to inspect dog/cat breeding facilities?

A. USDA uses a risk-based inspection system to make the best use of its resources. The frequency of a facility's inspections is determined by its compliance record. All licensed facilities are inspected, but USDA inspectors conduct more frequent inspections at those facilities that have more difficulty adhering to the regulations. Inspectors may also visit a facility when USDA receives a complaint regarding that facility.

Q. What standards of care and other conditions does USDA require of dog/cat breeders and dealers?

A. USDA-licensed breeders and dealers are required to meet the standards of humane animal care and treatment established by the AWA and its associated regulations. These regulations and standards cover areas such as housing, sanitation, food, water, and protection against extremes of weather and temperature. Breeders and dealers must also employ a full-time veterinarian or arrange for a contract veterinarian to visit their business regularly. A facility that employs a part-time or contract veterinarian needs to establish a written program of veterinary care, which must be available to USDA inspectors for review. To prevent lost or stolen animals from being used for AWA-regulated activities, USDA requires breeders and dealers to maintain accurate and complete records of the sources of all their animals. They are also required to keep records of the dates of acquisition and disposition and to properly identify the animals on their premises.

Q. What is USDA's role regarding the commercial transport of animals?

A. AWA regulations require licensed dealers, contract carriers, and intermediate handlers to provide regulated animals with humane care and treatment. Transported animals must meet established minimum age and health certification requirements. They must be housed in proper containers with adequate space and ventilation, and they must be protected from extreme temperatures. Animals arriving at a terminal must be promptly picked up and must receive proper care until they are picked up by the receiving party. Dogs imported into the United States for the purpose of resale must be vaccinated and in good health, and they must be at least 6 months of age.

Q. Why and under what circumstances does USDA confiscate animals?

A. If a regulated animal is in a state of unrelieved suffering and the licensee/registrant is not arranging for the proper veterinary care, USDA is authorized by the AWA to confiscate that animal. USDA will issue the facility a notice of intent to confiscate, which gives the licensee/registrant a final opportunity to arrange for proper medical care. If adequate veterinary care is not given at that point, the confiscation process moves quickly. In some cases, USDA will negotiate with the facility so that it surrenders the animal(s) directly to an outside organization, thus simplifying the process and expediting placement of the animal(s).

Q. How does USDA address AWA violations?

A. USDA conducts thorough inspections. If an inspector sees anything that is not in compliance with the AWA standards and regulations, he or she will cite this as a noncompliant item on the inspection report. The inspector will explain the item to the licensee/registrant and establish a deadline for when the matter must be corrected. Repeat noncompliances and serious incidents may warrant investigations, which are the precursors to potential enforcement actions, including warning letters, monetary fines, cease-and-desist orders, license suspensions, and license revocations. Only a USDA administrative law judge can designate a noncompliant item as an actual violation.

Q. Can an AWA violation ever be a criminal offense?

A. Only certain AWA violations are pursued as criminal offenses, such as those related to animal fighting or maintaining fraudulent acquisition/disposition records. In these cases, the USDA Office of the Inspector General typically conducts investigations, and the U.S. Department of Justice prosecutes them. These cases are not overseen by USDA administrative law judges. Outcomes in criminal cases may include a prison sentence and/or monetary fines.

Additional Information

For more specific information about the AWA and its regulations and standards, visit the USDA Animal Care Web site at www.aphis.usda.gov/animal_welfare.

Contact information for the Animal Care regional and headquarters offices is listed below.

Eastern Region

Animal Care, APHIS-USDA
920 Main Campus Drive, Suite 200
Raleigh, NC 27606-5210
Phone: (919) 855-7100
Fax: (919) 855-7123
Email: aceast@aphis.usda.gov

Western Region

Animal Care, APHIS-USDA
Building B, Mailstop #3W11
2150 Centre Avenue
Fort Collins, CO 80526-8117
Phone: (970) 494-7478
Fax: (970) 494-7461
Email: acwest@aphis.usda.gov

Headquarters

Animal Care, APHIS-USDA
4700 River Road, Unit 84
Riverdale, MD 20737-1234
Phone: (301) 851-3751
Fax: (301) 734-4978
Email: ace@aphis.usda.gov

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Cust/Org Name (DBA): BETTY HIATT (MAPLE VALLEY KENNELS)

Customer No: 4961

13045 36 ST S E

Certificate No: 45-A-0052

45-A-0052

Certificate Status: ACTIVE

TOWER CITY, ND 58071

Status Date: Apr 23, 1992

COUNTY: BARNES

Cust/Org Name (DBA): SUZANNE HIATT (HIATTS BORDER KENNEL)

Customer No: 4962

9679 C R 57

Certificate No: 45-A-0032

45-A-0032

Certificate Status: ACTIVE

BOTTINEAU, ND 58318

Status Date: Mar 07, 1988

COUNTY: BOTTINEAU

Cust/Org Name (DBA): SHIRLENE SERR

TERENCE SERR (PRAIRIE VIEW KENNELS)

Customer No: 4966

218 69 ST S W

Certificate No: 45-A-0009

45-A-0009

Certificate Status: ACTIVE

HAZELTON, ND 58544

Status Date: Aug 20, 1989

COUNTY: EMMONS

Cust/Org Name (DBA): CHARLET M VETSCH (C T KENNEL)

Customer No: 5761

575 62ND ST. S E

Certificate No: 45-A-0076

45-A-0076

Certificate Status: ACTIVE

HAZELTON, ND 58544

Status Date: Feb 21, 1996

COUNTY: EMMONS

Cust/Org Name (DBA): VALORIE WRIGHT()
Customer No: 38136
Certificate No: 45-A-0110
Certificate Status: ACTIVE
Status Date: Nov 21, 2016

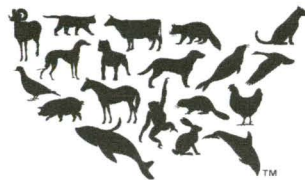
3322 41ST AVE NE
MADDOCK, ND 58348
COUNTY: BENSON

Cust/Org Name (DBA): Silver Barrel Labs L L C()
Customer No: 333886
Certificate No: 45-A-0115
Certificate Status: ACTIVE
Status Date: May 09, 2016

4293 63rd St.
FLASHER, ND 58535
COUNTY: GRANT

[45-A-0110](#)

[45-A-0115](#)



THE HUMANE SOCIETY
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Puppy Mills: Facts and Figures

May 2016

10,000	Estimated number of puppy mills in the U.S. (both licensed and unlicensed)
1,756	Number of USDA Class A and B licensed facilities that breed dogs for the pet trade
152,772	Estimated number of dogs kept solely for breeding purposes in USDA licensed facilities
99,301	Estimated number of female dogs kept for breeding at USDA licensed facilities
9.4	Estimated number of puppies per breeding female per year
3,436	Estimated number of puppies produced by USDA licensed facilities each year
1.8 million	Estimated number of puppies sold annually who originated from puppy mills – USDA licensed and non-USDA licensed.
25%	Estimated percentage of dogs in animal shelters who are purebred
3 million	Estimated number of dogs and cats euthanized by shelters every year in the U.S.
\$4.00 - \$7.00	International City/County Management Association budgeting recommendation, per capita, for animal control programs.
\$500,000	Estimated cost of a puppy mill bust involving 250 animals.



Facts about Cage Stacking

One of the most troubling conditions seen at puppy mills is overcrowding, which can lead to sanitation problems, stress, and disease. Puppy mills commonly use stacked cages to house more animals than a given space should reasonably hold. Specific problems with cage stacking include:

- In cages with wire or slatted flooring, stacked cages allow urine, feces, wastewater, and other filth from higher cages to rain down onto the dogs in the lower cages.
- Stacked cages encourage overcrowding. The HSUS has been involved in numerous puppy mills where the ammonia levels inside buildings with stacked cages were so high that rescue workers had to wear respirators.
- Dogs in stacked cages are often so high or so low that caretakers or inspectors can't easily see the dogs to check on their well-being.
- Stacking makes it more difficult for adequate lighting and air flow to reach all parts of the enclosures; in some cases some of the dogs in stacked cages have been found living in almost total darkness and neglect.
- Adequate cleaning of stacked cages is difficult and often hinders proper care.
- Removal of the dogs and puppies from the highest or lowest tiers for maintenance or cleaning can be difficult and often leads to unsafe conditions or injury to the dogs.

