

PA10-100

SB274

Environment	849-850, 851-855, 855-860, 996-1012, 1016-1020, 1046- 1048, 1080-1085, 1091-1093, 1095-1096, 1106-1112, 1383-	87
House	4404-4418	15
Senate	3141-3151, 3181-3182	13
		115

H – 1086

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

**VOL.53
PART 14
4246 – 4582**

rgd/mb/gbr
HOUSE OF REPRESENTATIVES

159
May 4, 2010

REP. MERRILL (54th):

Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Majority Leader Merrill.

REP. MERRILL (54th):

Yes. Thank you, Mr. Speaker.

I would move for suspension of our rules to take up Calendar Number 503, Senate Bill 274.

DEPUTY SPEAKER O'CONNOR:

The motion is on immediate suspension of the rules.

Representative Cafero.

REP. CAFERO (142nd):

We have no objection, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Thank you, sir.

Without objection, so ordered.

Will the Clerk please call Calendar Number 503.

THE CLERK:

Calendar 503, Substitute for Senate Bill Number 274, AN ACT PROHIBITING THE UNREASONABLE CONFINEMENT AND TETHERING OF DOGS, favorable report of the Committee on Planning and Development.

DEPUTY SPEAKER O'CONNOR:

rgd/mb/gbr
HOUSE OF REPRESENTATIVES

160
May 4, 2010

Representative Grogins.

REP. GROGINS (129th):

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER O'CONNOR:

The question is acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

Representative Grogins, you have the floor.

REP. GROGINS (129th):

Thank you, Mr. Speaker.

The current law of dog tethering prohibits confining or chaining a dog for an unreasonable period of time. That's the existing law. The objective of this bill is to build on the current law to ensure that when dogs are chained, they are chained in a humane fashion.

This bill has several exemptions. It exempts vets and tethering at temporary events such as dog shows, hunting, camping and grooming. This bill passed favorably through the Judiciary Committee, the Planning and Development Committee and the Environment and I move for adoption of this bill. Thank you, Mr.

rgd/mb/gbr
HOUSE OF REPRESENTATIVES

161
May 4, 2010

Speaker.

DEPUTY SPEAKER O'CONNOR:

Will you remark further on the bill? Will you
remark further on the bill?

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this
legislation. When one has a dog that is by choice and
if you're making the choice to have a dog then you
should also be making the choice to take care of that
dog in a reasonable manner. I believe this
legislation does that. Thank you, sir.

DEPUTY SPEAKER O'CONNOR:

Thank you, madam.

Will you remark further on the bill? Will you
remark further on the bill?

Representative Chapin -- oh, Representative
Camillo.

REP. CAMILLO (151st):

Thank you, Mr. Speaker.

I also rise in support of this bill. It was
worked on for several months and it's -- certainly had
a lot of input. Many of us in here are dog owners and

it is really the least we can do. It is a good bill and it certainly targets those of us who should not own dogs. This does not go after anybody who, you know, is cutting their grass and as their dog on a run.

So we should know what the bill does and I, again, urge passage of this. Thank you.

DEPUTY SPEAKER O'CONNOR:

Thank you, sir.

Will you remark further? Will you remark further? Representative Baram.

REP. BARAM (15th):

Thank you, Mr. Speaker.

I, too, support this bill. The committee has worked very hard and I think it's a good bill and I would urge my colleagues to pass it.

DEPUTY SPEAKER O'CONNOR:

Thank you, sir.

Will you remark further on the bill? Will you remark further on the bill? If not, will staff --

Will the Chamber please stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER O'CONNOR:

The Chamber will please come back to order.

Representative Grogins.

REP. GROGINS (129th):

Yes, Mr. Speaker. Thank you.

I move Senate Amendment "A," which is LCO Number 4980. Will the Clerk please call this amendment and I'd be allowed to summarize.

DEPUTY SPEAKER O'CONNOR:

Would the Clerk call LCO Number 4980, which will be designated Senate Amendment Schedule "A."

THE CLERK:

LCO Number 4980 Senate "A" offered by Senator Meyer, Representative Johnson, et al.

DEPUTY SPEAKER O'CONNOR:

The Representative seeks leave of the chamber to summarize the amendment.

Is there objection to summarization? Is there objection?

Hearing none, Representative Grogins, you may proceed with summarization.

REP. GROGINS (129th):

Thank you very much, Mr. Speaker.

Again, this amendment passed on the consent

calendar in the Senate and it basically defines what is reasonable tethering and humane tethering. Basically indicates that if a dog is tethered to a stationary object or a mobile device out of the other must allow the dog to walk at least eight feet excluding the length of the dog in any direction. The tether must have swivels on both ends to prevent the dog from twisting and tangling and of course this is not a requirement if the -- if you are in the presence of the dog. Its only when you are not in the presence of the dog.

The dog may not be tethered by means of a coat hanger, a choke collar, a prong-type collar, a head halter or any other collar, halter or device that was not specifically designed to be properly fitted to a dog. The tether may not have weights attached or contain chain metal links more than one quarter of an inch in diameter and that basically -- more than one quarter of an inch in diameter would be used to haul a truck.

The tether must allow the dog -- I'm sorry -- the tether must not allow the dog to reach an object like a windowsill, the edge of a pool or a terrace railing, which would endanger the dog and, again, that does not

rgd/mb/gbr
HOUSE OF REPRESENTATIVES

165
May 4, 2010

apply if the dog -- if you are in the presence of the dog. It's only when the dog is left alone and, again, this is all consistent with the humane tethering of a dog and keeping the dog safely chained. I move adoption this amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Thank you, madam.

Question before the Chamber is adoption of Senate Schedule Amendment "A."

Will you remark further on the amendment?

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker, if I may, just question to the proponent of the amendment.

DEPUTY SPEAKER O'CONNOR:

Please proceed, sir.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

I appreciate what this -- the underlying bill is trying to do. I am a bit concerned with some of the language. Specifically, when we think of tethering, it could include having a dog on a leash and if I bring my dog, for instance, to a Little League game and I have my children there while the dog is in my

rgd/mb/gbr
HOUSE OF REPRESENTATIVES

166
May 4, 2010

presence certainly I guess I could tie it to a bleacher. If I go off maybe around the corner to get my children that are located stepping out of sight from where the dog is, would I be in violation under this bill -- amendment.

Through you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Representative Grogins.

REP. GROGINS (129th):

Through you, Mr. Speaker, again, this doesn't apply if you're in the presence of the dog. If you're not in the presence of the dog, then the dog has to be changed humanely and quite honestly to me this is a commonsense bill in that you wouldn't want to leave your dog in a situation unattended because it could bite another individual or a child and the dog could be in danger if you leave the dog in a situation where it could strangle itself or get tangled up. So, again, if you're in the presence of a dog, if you're at a field or at a park, as long as you can see the dog, you're in the presence of the dog.

So it's basically -- it's just a commonsense bill that requires humane tethering. It doesn't say you can't tether. It says humane tethering is required.

rgd/mb/gbr
HOUSE OF REPRESENTATIVES

167
May 4, 2010

DEPUTY SPEAKER O'CONNOR:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

And I appreciate that answer. I guess just briefly I do have concerns of the underlying bill just the that it's drafted. I think that certainly we want to treat animals humanely. I own several pets and would not want to put them in any type of harm or risk. I think that some of these provisions that are enumerated are little bit too subjective for me. And so, therefore, I am concerned about the way this amendment is drafted. Thank you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Thank you, sir.

Will you remark further on the amendment before us? Will you remark further?

Representative Perillo.

REP. PERILLO (113th):

Thank you, Mr. Speaker.

If I could, through you, a few questions to the proponent.

DEPUTY SPEAKER O'CONNOR:

Please proceed, sir.

REP. PERILLO (113th):

Thank you, Mr. Speaker.

Through you, a brief question in lines 16 through 19 in sub 5, it refers to tethering dogs such as they could access a windowsill or a fence or a railing or things of that sort. My understanding of that is that it is concerned about the risk of a dog jumping over the rail and choking themselves, say, if it were on a porch or something of that sort. Is that correct? Though you.

DEPUTY SPEAKER O'CONNOR:

Representative Grogins.

REP. GROGINS (129th):

Through you, Mr. Speaker, thank you.

Yes, that is correct.

DEPUTY SPEAKER O'CONNOR:

Representative Perillo.

REP. PERILLO (113th):

Okay. I have a follow-up to that. That's what I thought. But outside of this, it is okay, though, for that same dog to be on that same porch untethered such that they jumped over the rail, they would actually injure themselves when they hit the ground. That strikes me as inconsistent. Is my reading of this

rgd/mb/gbr
HOUSE OF REPRESENTATIVES

169
May 4, 2010

correct? Through you, sir.

DEPUTY SPEAKER O'CONNOR:

Representative Grogins:

REP. GROGINS (129th):

Thank you, Mr. Speaker.

This bill only deals with -- to my good
Representative, this bill only deals with tethering.
It doesn't deal with not tethering.

DEPUTY SPEAKER O'CONNOR:

Representative Perillo.

REP. PERILLO (113th):

Okay. So it does address -- just to follow up to
make sure I'm clear -- it does address the risk of
choking, which I think is very, very important,
strangulation is very important, but it seems strange
that we are addressing that, yet, we're not addressing
the concern that perhaps the dog could jump over --
jump out a window or jump over a rail and be injured
in another way and I'm not asking that is a question
I'm just stating that I think that's an inconsistency
and I share many of the concerns about the drafting
that Representative Candelora stressed before.

I'm very pleased with the intent here. I'm just
concerned about the way this is written and I think a

lot of very well-meaning, very attentive pet owners, who love their dogs and would never do anything to hurt them, could conceivably get caught up in the language of this and in acting as well-meaning and well-intentioned pet owners, you know, sort of get stuck in the language of this, which is rather lengthy. But I just felt I needed to make that opinion known because I'm just concerned about the drafting here. Thank you, sir.

DEPUTY SPEAKER O'CONNOR:

Thank you, sir.

Will you remark further?

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the amendment before us. In doing so, I would like to, however, think the proponents for the hard work in putting in some of the clarifying language in Section 1.

But I'd also like to say that throughout the course of this session and in prior years, we've heard from the animal control officer community that the existing statute has been unworkable. The biggest

complaint I've heard over the last few years about the statute itself is still in the provision -- in the bill before us in lines 38 and 39, where it says, any person who confines or tethers a dog for a reasonable period of time. Had that language been taken out of the bill, I think the bill before us -- the amendment before us would have been an excellent step and strike a perfect balance between the abuse of animals and allowing our animal control officers to do our jobs -- to do their jobs.

Unfortunately, by leaving in those words that discuss confinement, which I don't see addressed in the amendment before us, as well as the unreasonable period of time language, I find the bill for us to be just as unforceable -- unenforceable as what we have in statute today.

I'm sorry we couldn't come to a resolution on trying to make it a better bill, but I encourage my colleagues to oppose it today. Thank you.

DEPUTY SPEAKER O'CONNOR:

Thank you, sir.

Will you remark further? Will you remark further on the amendment before us?

If not, let me try your minds. All those in

rgd/mb/gbr
HOUSE OF REPRESENTATIVES

172
May 4, 2010

favor, please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER O'CONNOR:

All those opposed, nay.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER O'CONNOR:

The ayes have it. The amendment is adopted.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

If not, will staff and guests please come to the well of the House. Will the members please take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber, please.

DEPUTY SPEAKER O'CONNOR:

Have all the members voted? Have all the members voted? Members, please, check the board to determine if your vote is properly cast.

If all the members have voted, the machine will be locked and the Clerk will take a tally.

rgd/mb/gbr
HOUSE OF REPRESENTATIVES

173
May 4, 2010

Will the Clerk please announce the tally.

THE CLERK:

Senate Bill 274 as amended by the Senate "A" in
concurrence with the Senate.

Total number voting	148
Necessary for adoption	75
Those voting Yea	126
Those voting Nay	22
Those absent and not voting	3

DEPUTY SPEAKER O'CONNOR:

The bill passes in concurrence with the Senate.

Will the Clerk please call Calendar Number 207.

THE CLERK:

On page 8, Calendar 207, House Bill Number 5423,

AN ACT CONCERNING DISSECTION CHOICE, favorable
reported the Committee on Education.

DEPUTY SPEAKER O'CONNOR:

Representative Hornish.

REP. HORNISH (62nd):

Thank you, Mr. Speaker.

I move for acceptance of the joint committee's
favorable report and passage of the bill.

DEPUTY SPEAKER O'CONNOR:

The question is acceptance of the joint

S - 607

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2010**

**VOL. 53
PART 10
2913 - 3250**

djp/ch/gbr
SENATE

426
May 3, 2010

Those Voting Nay

0

Those Absent, Not Voting

2

THE CHAIR:

The bill as amended is
passed.

Mr. Clerk.

THE CLERK:

Calendar page 34, Calendar Number 258, File Number
390, Substitute for Senate Bill 274, AN ACT PROHIBITING
THE UNREASONABLE CONFINEMENT AND TETHERING OF DOGS,
favorable report of the committee on Environment,
Judiciary and Planning and Development.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Mr. President, we're on a roll
here. I move acceptance of the Joint Committee's
favorable report and passage of this bill.

THE CHAIR:

The question before the chamber is
acceptance and passage. Do you care to remark
further?

djp/ch/gbr
SENATE

427
May 3, 2010

SENATOR MEYER:

Thank you, Mr. President.

Colleagues there's a -- a strike all amendment and I'd ask the Clerk to respectfully call LCO 4980.

THE CHAIR:

Mr. Clerk please call LCO 4980 to be designated Senate A.

THE CLERK:

LCO 4980, to be designated Senate Amendment Schedule A, it is offered by Senator Meyer of the 12th district, et al.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

I -- I move -- I move the amendment and request permission to summarize, Mr. President.

THE CHAIR:

The question is the adoption of Senate A and the gentleman has requested leave to summarize. Is there objection? Seeing none, you may proceed Senator Meyer.

SENATOR MEYER:

Colleagues this bill came to us through a number of animal organizations in Connecticut and in its original form was very long and very difficult to enforce. Very

djp/ch/gbr
SENATE

428
May 3, 2010

substantial amendments were made to it and the bill comes now to us in a form that's -- that I think is much easier to understand and much easier to implement and -- and is -- is favorable to animals and particularly dogs.

What it does is it -- it sets up standards in our chaining or roping of our dogs. For example, the -- the dog must be in a -- in a container that's at least eight feet long including the length of the dog itself. There must be swivels on both ends of the tether to prevent the twisting and tangling of the tether which could obviously strangle the dog.

The tether must be long enough that it will permit the dog to get in under cover in the event of rain, to get water if the dog is thirsty and those are the kind of standards that are set forth that in this latest version are much more reasonable than they were in the original version.

The bill also has some broad exemptions. It exempts veterinary practice. It exempts dog shows. It exempts training sessions. It exempts dogs who are about to hunt wildlife. It -- it exempts the temporary tethering of a dog at any camp and it exempts the temporary tethering of a dog at a grooming facility. So the bill -- the bill in its present form is -- is much more balanced and it also

djp/ch/gbr
SENATE

429
May 3, 2010

has a clean-up. Remember last year we did a certificate of origin concerning dogs that come into -- into Connecticut. We ~~we~~ we made the mistake in that and we -- we required two certifi -- the posting of two certificate of origins. This -- this bill in the last section clarifies that it's just one certificate of origin that needs to be posted by the pet shops that are taking dogs from other states.

So all in all it's a -- it's a bill that I recommend to you. It's not a bill that's going to unduly restrain our dogs. I have a wonderful lab, twelve year old Labrador; I wouldn't want to hurt her for anything. I think this is protective of dogs. This bill is not a dog. Or in New York we -- we call them turkeys. This is not a turkey. This is -- this is a good balanced bill and I urge its favorable consideration.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President.

djp/ch/gbr
SENATE

430
May 3, 2010

There are a lot of dog lovers in the circle here tonight. I don't think there's been a day in my life when either as a member of my family or an individual pet owner have not had a dog in the house and they are wonderful critters. And animals in general are wonderful critters and we should do everything we possibly can to protect them. As is the case with just about any bill, you always have to be very careful about the unintended consequences and the way in which a bill is written.

In this -- in this amendment I'm happy to see that you have addressed the whole issue of hunting. I've got a lot of calls from hunters. I'm an occasional hunter myself and I -- I know how the dogs are handled out there in the fields and the original language in the bill looked like it was going to be too restrictive for that so, for legislative intent purposes, through you, Mr. President, I would like to clarify that with a question.

THE CHAIR:

Please proceed.

SENATOR FRANTZ:

Senator Meyer, it is your intent in this amendment, which will ultimately be the bill that's voted on, it is your intent to allow hunters to -- not just in demonstrations and training sessions but in fact out in

djp/ch/gbr
SENATE

431
May 3, 2010

the field do what they normally do with dogs which is occasionally have them on shorter leads as is the tradition in hunting.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President to Senator Frantz.

Senator Frantz, indeed lines 25 to 28 gives a specific exemption for the -- the hunting type of experience you're talking about.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

And just two more -- one more quick question for you. It specifies that, through you, Mr. President, that the -- the leash should allow for movement of at least eight feet not including the body and the tail of the dog. It's my understanding that -- that most leashes are maybe three to four feet long so obviously a regular -- regular leash when it's attached to a fence post is not going to give the animal, the dog, enough room to satisfy the language.

djp/ch/gbr
SENATE

432
May 3, 2010

In Section 1, Subsection C, it does say that -- that any person who confines or tethers a dog for an unreasonable period of time or in violation. The or in there is of concern because in -- in Subsection A it doesn't address the unreasonable period of time, I don't believe. So the way it's written it doesn't -- you can be okay as long as you're within a reasonable period of time as per Section C but in Section A, Subsection A, it doesn't address time so you might, in fact, be considered in violation of this law, if it is law, if it's an unreasonable period of time.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, in response, I'm not sure you're looking at the final amendment because -- because unreasonable amount of time is no longer a factor in this bill. Are you looking at LCO 4980?

SENATOR FRANTZ:

Yes.

SENATOR MEYER:

Okay. Then I'm -- I'm -- I'm not doing a good job here. Can you give me -- do you -- does your version have line numbers?

djp/ch/gbr
SENATE

433
May 3, 2010

THE CHAIR:

Through the Chair please gentlemen.

SENATOR MEYER:

Through you, Mr. President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

Through you, Mr. President, no it does not have line numbers but Section 1, Subsection C -- and I don't want to belabor this, I really just want to get at legislative intent. Does -- is it safe to say that someone could use an eight or nine foot leash to strap a dog to a post for a three minute period while they ran in to get a bagel?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, yes that is the intent of -- of this bill, exactly. It would be just a temporary tethering which would be exempted from the other provisions that relate to a permanent tethering.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

djp/ch/gbr
SENATE

434
May 3, 2010

Thank you. Okay. And the -- the concern there, through you, Mr. President, is -- is that I'm sure all of us in our respective towns see this happening all the time where you have -- all of the time when you have individuals shopping in -- in a shopping district and they happen to have their dog along, their Labrador along, and they put it around the -- the parking meter for a short period of time. You have dogs that are pulling wagons with kids in them, you know, is it reasonable to have the dog pull the kids to the end of the block? You know as -- as subjectively speaking is that an unreasonable period of time?

So it's not a question, it's just a concern and it sounds as though the legislative intent has been made very clear here by Senator Meyer and so it strikes me as a reasonable bill and one that addresses a wonderful part of our lives. Thank you very much.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Frantz.

SENATOR MEYER:

Thank you, Senator.

THE CHAIR:

djp/ch/gbr
SENATE

435
May 3, 2010

Do you care to remark further? Do you care to
remark further?

SENATOR MEYER:

Mr. President, if there is no objection, I would be
privileged to have this go on Consent.

THE CHAIR:

I believe there's an amendment before us, Senator.

SENATOR MEYER:

I'm sorry. You're right.

THE CHAIR:

We're considering LCO 4980, Senate A.

SENATOR MEYER:

It's a strike all amendment.

Okay.

So we've debated the amendment, the amendment is now
a strike all amendment is before us and is there any
reason (INAUDIBLE) can't go on --

VOICE: (INAUDIBLE)

SENATOR MEYER:

Okay.

Call for a vote on the amendment.

THE CHAIR:

djp/ch/gbr
SENATE

436
May 3, 2010

Okay. If there are no further remarks to be made regarding Senate Amendment Schedule A, the Chair will try your minds.

All those in favor, please indicate by saying Aye.

SENATORS:

Aye.

THE CHAIR:

All opposed say Nay.

The Ayes have it. Senate A is adopted.

Will you remark further on the bill as amended?

Senator Meyer.

SENATOR MEYER:

Mr. President, the amendment is the bill and if there's no objection I'd ask that it go on the Consent Calendar.

THE CHAIR:

The gentleman has moved to place this item on the Consent Calendar. Is there objection? Is there objection? Seeing none, so ordered.

Mr. Clerk.

SENATOR LOONEY:

djp/ch/gbr
SENATE

466
May 3, 2010

calendar page 32, Calendar 218, Substitute for Senate Bill 302; Calendar 223, Substitute for Senate Bill 380; Calendar 230, Senate Bill 283; calendar page 33, Calendar 235, Substitute for Senate Bill 216; calendar page 34, Calendar 258, Substitute for Senate Bill 274; calendar page 35, Calendar 316, Substitute for Senate Bill 278; calendar page 36, Calendar 318, Substitute for Senate Bill 418 and calendar page 40, Calendar 546, Senate Resolution Number 17.

Mr. President, I believe that completes the items placed on the Consent Calendar.

THE CHAIR:

The machine is open on the Consent Calendar.

THE CLERK:

The Senate is voting by roll call on the Consent Calendar. Will all senators please return to the chamber? The Senate is voting by roll on the Consent Calendar. Will all senators please return to the chamber?

THE CHAIR:

Senators please check the board to make certain that your vote is properly recorded. If all Senators have voted and all Senators votes are properly recorded, the machine will be locked

djp/ch/gbr
SENATE

467
May 3, 2010

and the Clerk may take a tally.

THE CLERK:

Motion is on passage of Consent Calendar

Number 1.

Total Number Voting	35
Those Voting Yea	35
Those Voting Nay	0
Those Absent, Not Voting	1

THE CHAIR:

Consent Calendar 1 is adopted.

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, I would yield the floor to any members for announcements or points of personal privilege.

THE CHAIR:

Are there announcements or points of personal privilege? Are there announcements or points of personal privilege?

Seeing none, Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 3
659 – 995**

2010

your district?

SENATOR KISSEL: Absolutely. There's a certain area in Enfield in particular that -- Enfield borders the Connecticut River -- that is just famous for the fishing that's available there, and actually we've worked with federal authorities because it's a little tricky. You have to cross the train tracks, and there has been a little bit of an issue with Amtrak.

There are huge amounts of areas in north central Connecticut that are famous for the fishing that's available and, quite frankly, we are way out of line with our bordering states. So, you know, Enfield borders the Connecticut River; it also borders Massachusetts. Why would you want to fish in Connecticut if you can just go a few miles up the road and fish in Massachusetts?

So, I actually think being in a border community, quite often even if you reduce the dollar amount of what you're charging, you will make that up in volume, and so I think at the end of the day if you really crunch the numbers with fiscal analysis, we may be in the same spot even if we reduce the overall dollar amount because we're going to get a lot more volume, so, Senator Meyer, I appreciate that question. You're exactly correct.

REP. ROY: Thank you. Any other questions or comments from the members of the Committee? Seeing none, Senator, thank you very much.

SENATOR KISSEL: Thank you, gentlemen.

REP. ROY: Commissioner Prelli followed by Karl Wagener.

F. PHILIP PRELLI: Good morning, Senator Meyer,

HB 5320
SB 126
SB 274

Representative Roy, and Members of the Environment Committee.

I'm here to testify on three bills, and the first one I'd like to testify on, I'm actually doing the testimony for the Chairman of the Invasive Plants Council, Dr. Mary Musgrave, who is not able to be with us today, but as Vice Chairman of that Committee, I would like to just bring in her testimony, and I believe you all have copies of that.

The Invasive Plants Council was established and operates pursuant to Connecticut General Statutes 22a-381 through 22a-381d and has the following responsibilities: Developing and conducting initiatives to educate the public about problems created by invasive plants in lakes, forest and other natural habitats; publishing and updating a list of invasive or potentially invasive plants; and supporting state agencies in conducting research into invasive plant control.

There are nine appointed members who work in the government, the nursery industry and environmental groups, and I happen to serve as Vice Chairman of that group. Much of the time spent by the Council has been devoted to discussing how the current law can be implemented. Inspection roles of both my department and the Connecticut Agricultural Experiment Station are now clearly described by legislation. This year's bill, Number 5320, is critical because it gives conservation officers the power to enforce the state's Invasive Plant laws. The enforcement piece will be especially helpful in preventing the spread of aquatic invasive plants from waterway to waterway, and I hope that you take the opportunity to read her testimony in full.

Again, this bill is very important to the invasive plants because we're concerned about the movement of those plants mainly via boats and trailers.

The second bill I'd like to testify on -- and I'm doing this now as Commissioner of Agriculture, not the Invasive Plants Council -- is Raised Bill 126, and it's an act concerning adding wood smoke to the public health nuisance code and concerning outdoor wood-burning furnaces.

Our interpretation of this proposed legislation leads us to believe that this would not apply to those engaged in agricultural pursuits. The question comes that the bill is somewhat questionable in its writing on whether the time frame would apply to agriculture.

The Department is of the opinion that a few bad actors have caused a great deal of concern about these needed technologies. Nothing in this section -- again, it's the time frame. We believe that looking at regulations of smoke stack height, proper fuel sources and grandfathering in old wood-burning furnaces for a period of time would address these problems.

The third bill -- and probably where most likely testimony is -- is Raised Bill 274, an act prohibiting the unreasonable tethering -- unreasonable confinement and tethering of dogs.

I'm here this morning to emphasize the serious concerns the Department of Agriculture has with this, the proposed bill. There are many points in this bill that no one would disagree with. Everyone wants to make sure that a dog

can lie down, can sit, should be able to reach their food and water without obstruction. All of this goes without saying. And, if that's what this bill did, nobody would be opposed to it, but it goes much past that.

To begin with, a change would occur in the law from what is considered an unreasonable time frame to tether a dog to what is considered an unreasonable manner. That is significant change for enforcement purposes. I have heard it said that our present law is too open to interpretation. This law would make it even more open to interpretation.

As I read this bill, there is no exemption for veterinarians. This is not workable. A vet should be able to confine a dog based on rules of veterinary practice, not by the wishes of certain special interest groups.

In this bill, there is no difference between a dog's size. A Chihuahua and a St. Bernard will both need the same 100 square feet. This does not make sense. Will this be a 10 by 10 area or could it be a 50 by 2-foot area or 100 by 1-foot area the way the bill is written? Again, what are we trying to do here?

The Department currently has regulations concerning the size of pens, the weight of dogs for commercial kennels. Perhaps those standards would make more sense in this bill.

To define a dog as unattended because of an obstruction in a sight line is unexplainable. The dog could have acres to run right around the corner of a house, but his owner becomes subject to penalties for giving the pet plenty of room to run outside his sight line. So as we read this, you can tie your dog up as long as you can see it from your kitchen window,

and then it doesn't matter how long the dog is tied. The owner cannot leave the property not even for a short trip to a neighborhood store without being in violation of the law they're not being on the subject premises.

Many of the items addressed in this section of the bill are already covered in Section 53-247a of the Connecticut General Statutes, which states in part: Any person who having impounded or confined fails to give such animal proper care shall be fined not more than \$1,000 or imprisoned not more than one year or both.

In addition, there is an exemption given in 4d for any facility utilized for temporarily boarding of a dog in need of a new owner. What this defines is a facility used for temporary boarding. There is no current definition of such facility, and why should they be excluded? This would make it difficult to enforce current nuisance laws in the state as they could be in conflict. If not changed, this would prevent any future ability to regulate the significant and dangerous source of animals imported into the state.

As we speak, animals carrying diseases are entering Connecticut, endangering Connecticut abandoned animals, being transported, housed and placed into homes in a completely unregulated manner by so-called non-profit rescue groups. Isn't this really an unregulated pet store?

The recent horrible outbreak in southern Connecticut is thought to have entered this state in this manner. To attempt to regulate responsible Connecticut pet owners while ignoring this gaping hole in our pet

protection laws is shameful and dangerous.

Other exemptions which should be considered are dogs quarantined on the property, dog bites, as per Section 22-358 of the Connecticut General Statutes, and enclosed dogs for strict confinement or quarantine as per rabies protocol.

In closing, for years animal patrol officers have been telling people to tie their roaming dogs up for the safety of the public, livestock and other animals. In the larger cities, many dog owners rent and are not allowed to keep dogs in their house. Responsible owners have been securing their dogs safely, supplying with necessary sustenance and exercising them.

Because of this bill, there will be a decrease in adoptions -- there could be a decrease in adoptions in the larger cities, and for that I ask you to -- I've skimmed some of my testimony, but I ask you to read that. We're very concerned about the effects of this on adoptions and also the safety of animals, and I'll gladly answer any questions on any three of those bills.

REP. ROY: Thank you, sir. Senator Meyer?

SENATOR MEYER: Commissioner, with respect to the tethering of dogs bill, you said that there's no proper specifics concerning what tethering in an unreasonable manner means, but we really tried in this bill to do that. We set out in great specificity starting in line 10 what constitutes an unreasonable manner of tethering.

Secondly, you raised a question about kennels, exempting kennels, and I refer you to line 33

to 38 in which there's a specific exemption in this bill from kennels, commercial kennels, pet shops, training facilities, grooming facilities, temporary boarding facilities, and dog pounds, so we tried to be very practical about this and have a sense of balance that I didn't think your testimony really reflected.

And finally, with respect to wood-burning furnaces, I don't know how we could write a clear exemption for farms and agriculture than we have here where we say in the bill: Nothing in this section shall be construed to prohibit the use of an outdoor wood-burning furnace for agricultural purposes, so I'm a little lost where you're going. Maybe you could explain it.

SB126

F. PHILIP PRELLI: Again, let me do that third one first because when we first read it, we said the same thing, but then you put a time frame in when wood-burning furnaces could be used in the state. We're not sure that that would give that agriculture exemption. We just want to make sure that it is there because many farms that use these wood-burning furnaces would be growing bedding plants after April 15th, and so we just want to ensure that the agricultural exemption also applies to that time frame which could have some question.

My first read of it said yes, you're absolutely right, and I agree with you that they're exempt, but then as soon as you put a time frame in, you raise some question on it. That's all, so we just want to make sure that that exemption also applies there.

In the other two, the problem we have with the tethering confinement is you now have taken that time period off the whole thing. Before it was, you know, in a time frame. Now you're

SB274

opening it up to an area, and what I said was let's say that an owner owns a piece of property and they fence in their whole backyard, and the dog runs in the backyard. They're now confined, and that's where they eat, that's where they drink, and that's where they relieve themselves, and let's say that that area has an area that runs along the side of the house that has no windows. You're now saying that they're breaking the law because you do not have a line of sight for that dog.

You also can't allow that dog to be outside while you take a trip to the store, yet that dog probably is out there most of the day because it wants to be out there. So that's where our two concerns area. When you come to the whole permit process of exclusions, the one big exclusion you've left out of there is the vet's, and you have not allowed them to be part of that exclusion.

So, those are where are areas of concerns were and why we brought those up.

Also, in respect to the whole tethering, you could now tie a dog up for any amount of time as long as it's in your line of sight, and so you've changed that time frame from an unreasonable amount of time to just say as long as it's tied up out there, as long as you can see it.

So, those are our concerns and being able to enforce this law is going to be very difficult. In many respects, we don't know if the person is home or not. We're not sure if an individual is home, and we just can't go up and knock on the door, and if they don't answer, assume they're not there because sometimes people do not answer their door.

So, it becomes questionable on that, so what do we do, you know, stake the place out to see when somebody comes home and see that nobody else was home? Those are the types of issues we're trying to bring up. Hopefully, that answers what you asked, Senator Meyer.

REP. ROY: Thank you Representative Hornish?

REP. HORNISH: Thank you, Mr. Chairman. Thank you for sharing your concerns, and my understanding is that there are going to be some significant changes to the language here.

When I was speaking with people involved in the animal community, they expressed to me that a lot of -- several animal control officers wanted some changes that weren't reflected in the language that's before us right now, and those changes have been made to accommodate them, and some veterinarians, and perhaps when that language comes out or if we can look at it later, that might satisfy some of your -- the concerns you've expressed.

F. PHILIP PRELLI: Again, we're testifying to the bill that was before us. We will always continue to look at language and see how it can be modified.

REP. HORNISH: I understand. Thank you. Thank you, Mr. Chairman.

REP. ROY: Thank you. Representative Conroy?

REP. CONROY: Thank you, Mr. Chairman.

As I'm reading through this bill, I just have a question about electronic fences. How would that fit in here? You know, a lot of people have their whole yard with the fencing going around it so it's really not visible.

Will you address that?

F. PHILIP PRELLI: I think that's a very good question. Would that be confinement and would that be considered confinement?

We never allow that for confinement when we are -- when we have a restraining order on an animal because electronic fences don't truly -- they don't always work. Power could go off; there's a lot of other reasons. Say we had a dog. Our previous dog was trained to an electronic fence, and he never left the yard when it was on, but we've also seen where dogs would go through an electronic fence.

I'm not sure that that's in here but, again, it raises a lot of the questions that we sometimes have a question.

REP. CONROY: Thank you.

REP. ROY: Thank you. Representative Urban?

REP. URBAN: Thank you, Mr. Chairman, and thank you for your testimony, Commissioner.

I think we're all trying to get to the same place here, and I'm very optimistic because a lot of the information has come from ACO's who have found it impossible to really enforce any kind of tethering law, so I'm hopeful that with the changes that Representative Hornish referred to that we'll be able to do something here that works for everyone and in particular for dogs -- is that a sign -- for dogs that find themselves in a situation where they are tethered all day, and I think the other part of that that we are awfully concerned about is that a dog that is left tethered tends to want to defend that space, and they can turn into animals that are a danger to the neighborhood,

so anything that we can do to make that happen -- and I appreciate your willingness to work with us on this.

F. PHILIP PRELLI: I think the major problem is let's not put another bill that doesn't -- we reasonably can't enforce either, and that's what the problem is, and I think in many cases like this, this would be very difficult. When you're talking about being in line of sight, if the pen is not -- if they're in a nice enclosure but you just can't see out and see it, I'm not sure that that should be against the rules. How do you know what line of sight is for that individual? They walk out in the backyard, and it's in the line of sight, but if they happen to be in their house, they're not.

So, that's what makes this very difficult to enforce.

REP. URBAN: And that's why I'm hopeful that the additional information that we've gotten from APO's will allow us to do that, but I agree with you. We don't want unintended consequences from this bill that just makes it something, again, unworkable. So, I appreciate that we'll be able to work together. Thank you, Mr. Chairman.

REP. ROY: Thank you. Any other questions or comments? Representative Chapin?

REP. CHAPIN: Thank you, Mr. Chairman. Good morning, Commissioner.

F. PHILIP PRELLI: Good morning, Representative.

REP. CHAPIN: When I met with the proponents of this bill, they had indicated that changing from the unreasonable amount of time to this

mechanism was actually supported by the ACO's, and from your testimony, it would seem that you would disagree with that. Is that fair to say, or maybe a better way to ask it is would you say that perhaps maybe state animal control officers were not invited into those discussions?

F. PHILIP PRELLI: I think that that's probably a way of stating that, you know, there's about 300 municipal animal control officers in the state of Connecticut as well as eight state animal control officers, so could some of them think that this is a better way? I wouldn't argue that. I think we need to look at the whole picture here, and as we looked at this language, the way this was written, we didn't think that it was going to be easily enforceable.

So, which animal control officers thought this was a better way, obviously, with 300 of them, there's a lot that could have said that.

REP. CHAPIN: And, are you aware if any input was solicited from state animal control officers?

F. PHILIP PRELLI: As far as I know, no state animal control officers have yet to give any input on this other than them telling me what the testimony shows. I obviously didn't do this testimony all on my own.

REP. CHAPIN: Thank you. Thank you, Mr. Chairman.

REP. ROY: Thank you. Any other questions or comments from members of the Committee? Seeing none, thank you very much, Commissioner.

F. PHILIP PRELLI: Thank you.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 4
996 – 1345**

2010

155
mrc/gbr ENVIRONMENT COMMITTEE

March 8, 2010
10:30 A.M.

RONALD CUTONE: Thank you.

REP. ROY: Virginia Bertram followed by Robert Franklin.

ELANA BERTRAM: Chairman Meyer, Chairman Roy, Members of the Committee.

In the interest of time, my mother, Virginia, has agreed to compress our testimony into her allotted time so we can all go home from there. I would also direct you to the submitted testimony of Joel Serota, one of the leaders of the newly approved Woodbury Litchfield Hills (inaudible). He was not able to stay, but he's submitted written testimony as well.

SB207

My name is Elana Bertram from Newtown. I'm a lifelong animal lover, and I participate in the traditional sport of fox hunting with hounds. As a sportswoman, I understand that the welfare of our animals is very important, and it is a responsibility I take seriously.

Nothing in Raised Bill S.B. 274 serves either owners or their animals. In the wrong hands, this bill is a cudgel to attack otherwise lawful dog ownership. I speak against letting the fringe element of animal rightists influence the governance or infringe the rights of normal law-abiding citizens in their push for a needless and petless society.

This bill is aimed at kennels such as our kennel for our fox hounds. As is natural with pack animals, hounds are kept communally in the packs they hunt in to encourage bonding and teamwork. Sometimes eight or more hounds occupy the same kennel run, and they usually get along swimmingly.

If I read the statute correctly, it requires an enclosure no smaller than 550 square feet if ten hounds are to be housed together. That's about the size of a two-car garage. I do not see a causal connection between square footage and animal health. To be quite honest, you will most often see kennel mates at rest in a pile all on top of each other. They're friends and pack mates, and that's how they live.

This arbitrary requirement is not founded in reality, and it's unrelated to the hounds' health and welfare.

Bright line space requirements do not take into account special circumstances or breed or training needs. Furthermore, the tethering requirements interfere with normal training and exercise programs. Requiring a dog to constantly have access to food and shelter is a bit like requiring your elementary school to constantly provide your child with cookies and toys.

This language reaches into the homes of law-abiding citizens who let their dog out for exercise and then the phone rings or their kid trips and skins his knee and the owner is called away for just a moment. That owner is now subject to a fine.

What possible benefit can this bill offer to those dogs? It sounds to me like it's telling owners never to let their dogs outside. It seems almost by design that this bill targets small breeders like fox hound kennels without overtly saying so, which is in contravention to current law. Hunting with hounds and dog breeding are still legal in the state of Connecticut.

I hope the Committee fully realizes the sweeping scope of this bill in the wrong hands. It will effectively criminalize our humane and lawful system of keeping dogs by imposing unreasonable, arbitrary standards on how the dogs are housed.

This bill is impractically vague. Without ever harming a dog, owners could be subject to fines for the mere potential of harm based on a subjective opinion.

I know my time is short, but I would also ask you to vote yes on hunting permit fee reductions proposed in S.B. 207.

Thank you for your time, consideration, and your vote of no on S.B. 274. I'll take any questions.

SENATOR MEYER: Okay. Ms. Bertram, I just want to be sure that you look carefully at this bill because this bill largely relates to the size of animal quarters, the space in which an animal would live, and there's a very specific exemption of kennels, and I just wanted to be sure that you looked at lines 34 to 38 and saw that specific exemption of kennels.

ELANA BERTRAM: Yes. Thirty-four and 38 reference -- and you can see in my submitted testimony -- 22-342 and 22-344 probably do not apply to fox hound kennels. We do not have typically more than two litters a year, so we're not a breeder, and we're also not a commercial facility, so that exemption doesn't apply to us as far as my reading of those other statutes.

SENATOR MEYER: Okay. And, if we amended this bill to include kennels, whether they're under those sections or otherwise, just kennels,

period, would that satisfy you?

ELANA BERTRAM: No. I'm still very unhappy with (inaudible).

SENATOR MEYER: You're unhappy, and yes, you don't want any control over dogs. That's really what you're saying in that.

ELANA BERTRAM: I'm sorry. With the tethering requirement? There was laughter in the peanut gallery.

I think that both the confinement and the tethering put unreasonable restrictions on dog owners in the absence of any harm to the dogs. We already have abuse and neglect statutes elsewhere in our General Statutes.

SENATOR MEYER: Are there any other Committee members who would like -- Representative Urban?

REP. URBAN: Thank you, Mr. Chairman, and thank you for your testimony.

That's one of the problems that we're trying to deal with, that use and neglect simply doesn't cover, when a dog is left chained without food, water or shelter for a long period of time, and that is exactly what we're trying to get at with this legislation. We're certainly not trying to preempt anyone from fox hunting or anyone from taking their beagles and hunting. It's really directed at situations that animal control officers have told us they're hands are tied and they need more specific ways of being able to delineate a situation that is, indeed, a situation that we wouldn't put our fox hounds in or, you know, our companion animals in.

159
mrc/gbr ENVIRONMENT COMMITTEE

March 8, 2010
10:30 A.M.

And, there is substitute language that we're working on. There have been some things that have come forward, and we're working on that language.

As a question, is your hunt in Connecticut?

ELANA BERTRAM: Yes.

REP. URBAN: It is the --

ELANA BERTRAM: Woodbury Litchfield Fox Hounds based in Woodbury and Litchfield.

REP. URBAN: Excellent. I grew up on Long Island and (inaudible) Hounds, so I'm very familiar with the whole thing.

Thank you, Mr. Chairman.

SENATOR MEYER: Thank you, Representative Urban. Any other questions or comments by members of the Committee? We appreciate it. Thanks so much.

ELANA BERTRAM: Thank you.

SENATOR MEYER: Our next witness is Robert Franklin followed by Susan Linken, Linker, and then Chris Phelps.

Good afternoon, Mr. Franklin.

ROBERT FRANKLIN: Thank you.

I, too, am a dog owner, but actually as I was listening to this testimony, I feel I know more about harnesses than I do about dogs almost.

I think that this particular legislation proposed in 274 is a disaster waiting to

happen. It's going to be a nightmare for animal control officers. Within that legislation, we use the word "unreasonable manner" six times plus "unreasonable" one other time. Therefore, it's going to be up to the discretion of these 300 animal control officers how they interpret what's going on basically because it's so nebulous that you're going to have 300 different interpretations.

Now, I think that (inaudible). I have Jack Russell terriers. I have small dogs. I have 72-foot square runs, which is plenty of room for them, but I'm illegal right now because you say 100 feet for one dog, but the Jack Russells are that big instead of that big, and you've got to have different regulations if you're going to try to regulate it, and I don't think you can.

One of the things that bothers me the most is if I have my dogs out in the yard, I've got to have water and shelter and food, and if I put food out for these guys, a dog that's supposed to weigh 12 pounds is going to weigh 25 pounds very quickly because they're going to eat it all.

The canine is an animal who kills every once in a while, wolves, you name it. Any kind of an animal that's a hunter doesn't always eat every day. They might eat every third day, but if you put food in front of them like a kill, they're going to gorge themselves and gorge themselves and gorge themselves. And, if I put food out all the time, my dogs would be ruined. I compete with my dogs. I've got to keep them in good condition, but I think this particular law must have been written by somebody who has a neighbor with a dog that barks, and he's trying to control that because it sounds like it.

My town of Glastonbury has two regulations. I have a dog in the yard, and it says it can't even bark, but yet I can put a loud speaker on my house and point it out toward the neighbor and have a dog bark inside, and he can bark all he wants, and I'm not breaking the law.

So, you know, you have to be very, very careful when you set these kinds of regulations because you create all kinds of problems, and the poor animal control officer is just going to be calling you up and saying, "Hey, why did you do this?"

Again, I'm against this law. I don't see any reason for it at all, and I hope you don't do it. Thank you.

SENATOR MEYER: Are there any questions by members of the Committee? Thank you, Mr. Franklin.

Susan Linker, Chris Phelps, followed by Chris Phelps.

SUSAN LINKER: Senator Meyer, Representative Roy, Environment Committee Members, thank you for this opportunity to testify. I'm here representing Connecticut Votes for Animals, Our Companions Domestic Animal Sanctuary, and the state-wide coalition of animal welfare organizations that comprise the Animal Welfare Federation of Connecticut.

SB 274

And, let me first say, just to give you a little background which perhaps you know, that in Connecticut there is a current tethering law. However, it allows dogs to be chained and confined 24 hours a day, 7 days a week, and this bill has been drafted by animal control officers because they want the ability to enforce the current tethering law. They

want something enforceable, so this is their language, and the amendments that will be filed reflect that directly.

The idea of this bill, what we're trying to get at, are the chronic issues of animal chaining and confining where animal control officers currently cannot intervene until it's a cruelty case. I'll say that again. They can't intervene until the animal is close to death, so the animals that are chained and confined for long periods of time, never being able to move from one spot, that has to basically live in that condition, the current law is so vague that they can't enforce it, so they want to be able to help these animals.

Recently, I spent the entire day with my local animal control officer shooting a video on tethering, and I hope you'll visit the Connecticut Votes for Animals Web site that has that video so that you can see firsthand the issues we're dealing with and the dogs we're trying to help here, but also you can see firsthand how animal control is struggling to try to help some of these animals.

During the video, I ask the animal control officer -- actually, before we started shooting the video, the animal control officer was delayed because she was chasing a dog that was a chained dog that got loose, and it was running around Park Road about a quarter of a mile from a school. The dog was so dangerous that she had to use two officers to get the dog, and they almost had to tase the dog.

So, this is the outcome of this chronic chaining.

I asked the animal control officer, "Please describe what you see, the conditions that

dogs are in when they're chained their entire lives to, let's say, a tree or a doghouse or a bumper of a car." And, I'm going to read you what she says so you can get a feel for what we're dealing with.

She said -- this is how their living conditions are when she sees them. She says, "Dogs that are tethered acceptably, they receive so little care. I don't find dogs with rabies vaccines; I don't find dogs that are getting dewormed or protected against anything. I do find dogs sadly that chew their own food bowl for food. They chew their own doghouse for food because they're left sometimes for three and four days while the owner is gone and no one else is providing care for the animal. Dogs that self-mutilate, they're bored, they're distressed. They're totally full of anxiety, and they start chewing at their own tail. Bloody tails, bloody feet, and (inaudible) are tethered to decks, they hang themselves. The physical fall-out of tethered dogs is excruciating. It's excruciating to watch."

"Unfortunately," she said to me, "you cannot make anyone understand until day after day you see what level these dogs have been reduced to."

I know my time is out, but I have written testimony, and I'd be happy to talk more about the public safety concerns which are a grave concern of ours as well with these chained dogs.

SENATOR MEYER: Representative Hurlburt?

REP. HURLBURT: Thank you, Mr. Chairman, and I'm not going to ask Susan for her opinion on outdoor wood-burning furnaces.

SUSAN LINKER: Thank you.

REP. HURLBURT: Maybe not right now.

Susan, we had a chance to speak outside a little bit earlier about, you know, your position concerning the Department of Agriculture's testimony earlier today, and I was wondering if you could share some of that with the Committee members who are here and perhaps watching from their offices because I think that was fairly important as we move forward on this proposal.

SUSAN LINKER: Sure. I think we all -- you know, anyone who is a responsible dog owner or anyone who is an ethical person will understand the problem with dogs suffering and being neglected this way, and really, we're exempting kennels or we're putting in an amendment to exempt veterinarians and other institutions, but the idea of this is to get at -- which we and I agree and everyone who has opposed little parts of this bill agrees -- it's wrong to treat dogs this way. It's wrong to basically chain them up their entire lives and make them suffer, so I think there's a lot of common ground here, and that's I think the amendment that you'll see will get to some of these small technical issues so that we can focus on having animal control officers basically be able to enforce.

Now, what the Commissioner didn't reference when he had testified was that dogs can still be outside. They just have to live in a condition that is acceptable to animal control officers. They can be outside all the time maybe to be on a trolley. They just need to be able to move. They need to be able to be in a circumstance where they can sit down,

stand up, lay down comfortably and get to their food.

When we were videotaping a dog, his chain got wrapped and wrapped and wrapped around something so he couldn't make his way into his doghouse. That night it snowed, and I lost sleep thinking about the snow piling on this dog who couldn't even access his doghouse.

So, these are the types of issues we're getting at. This isn't -- I think most reasonable people -- and certainly any responsible pet owner doesn't want to see animals treated this way, and certainly I'm sure we could through this amendment that animal control officers support get to greater enforcement and get a lot more people in compliance with this.

REP. HURLBURT: Thank you, and I think that's important, and the animal control officers do support this, and you guys worked pretty hard over the interim from last session to get this

--

SUSAN LINKER: Absolutely. And, I encourage you to watch that video. It will show you what we're dealing with here. This is not, you know, some radical concept. This is being humane, and this is allowing animal control officers who have to watch these dogs suffer day-after-day an opportunity to give them a basic quality of life.

REP. HURLBURT: We've heard testimony and, obviously, received testimony from constituents, from some constituents and from other members of the state, residents of the state, you know, some from the dog federation and from the sportsmen's groups. Is there a willingness to work with them? I think

they're -- you know, I think there's clearly a need for some sort of proposal. Are you guys willing to sit down and maybe, you know, with us and work with the other groups to make sure that their concerns are identified and addressed?

SUSAN LINKER: Absolutely. I think, you know, there's a lot of common ground here. No one wants these animals to suffer this way, so -- and I think the amendments that are filed make this -- change this language substantially so it's not so vague and it's very black and white, so that people can see that this won't be hard to enforce, and that's why animal control officers have drafted it so they can enforce finally a tethering confinement issue.

REP. HURLBURT: Thank you, Susan. I look forward to working with you guys in the future on this one.

SUSAN LINKER: Thank you.

SENATOR MEYER: Representative Lambert?

REP. LAMBERT: Thank you, Mr. Chairman.

I, too, have had constituents call me on this and, you know, these are the law-abiding people that put their dog out for an hour or so in the afternoon. You know, a lot of the -- a lot of people discourage you from putting food out because of the animals -- it might be a coyote -- and they say that kind of increases the risk of scary animals coming in if you have your children playing and now you've got big bowls of food there, so, you know, I question that, and that's part of the regulation, isn't it, that they should have food out there?

SUSAN LINKER: Not constantly. The issue that we're seeing is a lot of animals without water, on a hot summer day there's no access to water when dogs, you know, go for several days without food. I mean, these are the types of issues that animal control officers are dealing with.

I've been able to talk to (inaudible) who delivers hay to about 15 houses just to keep these dogs warm because their shelter conditions are so poor, so I think, you know, when it comes to having food accessible all the time, we don't want a bunch of fat chained dogs, of course not, but we do want dogs to have access to food which is the problem in many of these cases. These dogs are forgotten about, quite frankly. They're just backyard things, and several days go by without food and water and any kind of proper care.

REP. LAMBERT: Yes. I'd just like to follow up, and I'm talking about people that love their dogs and they're very fearful and they're threatened that someone is going to turn around and take advantage seeing their animal outside, and there are statistics, also, that if you leave a dog -- two people working and you leave a dog in the house all alone, they chew themselves, they do other things. I mean, we're talking loneliness.

SUSAN LINKER: Sure.

REP. LAMBERT: You're talking abuse. I'm talking about law-abiding citizens that love their animals, but they want to have them have a little fresh air.

SUSAN LINKER: There's nothing in this bill that would stop that. What it would stop is for them to be chained to a stationary object or

when their living conditions where they have to live their entire lives -- eat, sleep, drink, eliminate -- in that one area, that that area be a certain size.

This -- and we were very careful to make sure that people like you and I and responsible pet owners can still have their dog have outside fresh-air time. This is drafted specifically to deal with basically neglectful situations that the law can't address until it's a (inaudible) time, so -- and if you look at the language, there's -- you know, allows that they could be on a trolley. They can be outside chained to something, but someone has to be there.

The statistics about chained dogs biting people really encourages that you don't chain your dog to something and leave them unattended. You can have them outside and have them have ability to move around. We just want these dogs to be able to sit, stand up, and be able to move, have a little space to move, and that's really if you look at the language what it requires.

REP. LAMBERT: So, in other words, if a dog is left outside for an hour and a dog -- the animal control person comes by, I mean, I don't want a bunch of constituents having to defend themselves with hours and --

SUSAN LINKER: It's not about hours, and that's what we changed. What was so difficult last session was time the dogs were outside, and that's why this law right now is difficult to enforce because it says "unreasonable periods of time."

That means (inaudible) has to sit on top of a house for 24 hours because then the owners

(inaudible) well, I let him in. What this is saying is a no longer time-limited thing, but conditions in which the animal lives, and these conditions that were outlined here are the ones that are replicated again and again in chronic neglect cases.

REP. LAMBERT: And, just to follow up, I, too, would hope that you work with the sportsmen's caucus --

SUSAN LINKER: Absolutely.

REP. LAMBERT: -- and get some consensus of these fearful things that people are worried about. Thank you.

SENATOR MEYER: Thank you, Representative.

Susan, do I understand that you're going to do some amendment to this?

SUSAN LINKER: We are. We are. For example, the language that talks about visual range, that's going to be omitted.

SENATOR MEYER: Okay, good.

SUSAN LINKER: So, we're trying to make it a lot more clear and a lot more concise and a lot more -- and easy to enforce.

SENATOR MEYER: Let me make a suggestion about another and different kind of amendment.

SUSAN LINKER: Sure.

SENATOR MEYER: It's exemplified by my wife and I have a Labrador. We both work. We're gone for eight to ten hours a day. Because Senator Prague's dog made a mistake in this very room about five years ago, we are not permitted to

170
mrc/gbr ENVIRONMENT COMMITTEE

March 8, 2010
10:30 A.M.

bring our dogs under any conditions unless we're blind -- I'm not blind -- into this building.

Think about how you could alleviate that.

SUSAN LINKER: I'll work on that.

SENATOR MEYER: Okay. Yes, Representative Hornish?

REP. HORNISH: Thank you, Mr. Chairman. Thank you for your testimony, Susan.

I'm obviously very sympathetic to the animal cruelty issues, and I think this bill will go a long way to helping address that, but would you care to comment a bit for the Committee on the public safety issues that result from the effects of chaining?

SUSAN LINKER: Absolutely. I mean, right before we started videotaping, Diamond, who's on the video -- she's the dog that's chained to a box; she was in a box, and she's chained there 24/7 -- she got loose. She got out of her lead, and she was running up and down the road, chasing people basically.

When dogs are chained to a stationary place their entire lives, two things happen. One, they're eliminated any kind of normal social contacts. They don't -- they're robbed of every normal human everyday experience, so when they get off that chain, everything that they encounter is brand new and they don't know how to respond outside of fear and aggression.

This dog was so aggressive, it took three officers to get her, and they nearly had to tase her, and this dog was a quarter of a mile from a school. Chained dogs because they're

171
mrc/gbr ENVIRONMENT COMMITTEE

March 8, 2010
10:30 A.M.

often forgotten about for so long often get loose.

And, the other issue is that when children or anyone approaches these dogs, their whole psyche is now -- because they've been chained to one particular area, confined in one space -- to guard that space. It's part of being a dog, and it's part of being a chained dog, and this is why so many children get bit and often killed by chained dogs.

Later on, there will be testimony of a girl that was nearly killed by a chained dog. This is not uncommon. The statistics about aggression are notable. In fact, the USDA, the Veterinary Medical Association, all of the agencies that speak about animal welfare and public safety say do not chain your dog; it will create them to be aggressive. And, this is unquestioned information, and I'd be happy to give you a source list of a lot of statistics, and the video does cite a lot of that as well.

REP. HORNISH: Thank you very much, and thank you, Mr. Chairman.

REP. ROY: Thank you. Any other questions or comments from members of the Committee? Seeing none, thank you, Susan.

SUSAN LINKER: Thank you.

REP. ROY: As always. Chris Phelps followed by Ed Lyons, and it looks like Steve Sackter with you. I'll give you a minute and a half each.

CHRISTOPHER PHELPS: Good afternoon, Senator Meyer, Representative Roy, and Members of the Committee. I'm Christopher Phelps. I'm the Director of Environment Connecticut. We're a

SB123
SB205
HB5319

175
mrc/gbr ENVIRONMENT COMMITTEE

March 8, 2010
10:30 A.M.

Compatibility, I believe, and Need, and that is -- our objection is to that exemption being written into the statute.

There are a number of existing exemptions there for -- already under that provision, probably fuel cells, for example, as well as certain energy projects I think with the exception of nuclear and coal facilities for example, and our objection really is to adding these solid waste -- basically all solid waste facilities including ash landfills to that list of exemptions and, again, I have not had an opportunity to speak to members of the Program Review Committee, so I don't know their rationale as they have articulated it for this provision.

REP. CHAPIN: Thank you. Thank you, Mr. Chairman.

REP. ROY: Thank you. Any other questions or comments from members of the Committee? Seeing none, Chris, thank you.

CHRISTOPHER PHELPS: Thank you.

REP. ROY: Ed Lyons followed by Shawn Graves. Is Steve coming up with you?

EDWARD LYONS: I'm sorry?

REP. ROY: Is Steve --

EDWARD LYONS: No. He couldn't make it. I'm sorry he had to leave.

REP. ROY: Okay. Thank you.

EDWARD LYONS: He had something come up.

Mr. Chairman and Members of the Committee,
thank you for allowing me to appear here today

SB274

to express my opposition to Bill Number 274, the tethering bill.

I have been actively involved with dogs on a daily basis for over 55 years as a breeder, exhibiter, professional handler licensed by the AKC, an AKC dog show judge, and a pet owner. I am currently President of the Windham County Kennel Club and Treasurer of the Connecticut Dog Federation, which is a club made up of 48 AKC-licensed dog clubs located throughout the state of Connecticut with a membership of over 2,000.

This bill as written will have a negative impact on a large number of responsible dog owners with very little impact on the owners for which the bill is intended who will, if this bill is passed, ignore it.

The space required in this bill does not take the size of the various breeds of dogs into consideration. There are over 165 AKC-recognized breeds as well as untold sizes and shapes of mixed breeds. The license (inaudible) in this state, one size, does not fit all. I'm sorry.

There is no consideration given to the various breed characteristics or their requirements. Who is going to enforce this bill? Is the state-going to hire more animal control officers and increase the size of the Department of Agriculture so they can enforce this bill, a department that is so strapped for money that they currently have an animal control officer doing his job as well as that job of his boss who retired well over a year ago.

The Connecticut Dog Federation is in constant contact with the current chief animal control

officer this year as well as last year. What kinds of training are these new hires going to have? Where is the money going to come from? Are you going to leave the enforcement of this law to untrained animal control officers to determine if the animal is unreasonably confined for an unreasonable time?

This allows for personal opinion, personal prejudice and total lack of uniformity to occur, thus leading to potential lawsuits by aggrieved owners.

Do you expect the ACO's to sit outside of various down owners' residences to see if they are watching their dogs? How can they assure that the owner had full vision of the dogs at all times? Has any consideration been given to the owners of service dogs? Nowhere that I can find. How can a blind person with a seeing-eye dog have full view of their dog while it's exercising? Are handicapped individuals confined to a bed or wheelchair, for that matter?

This bill's requirements do not take into consideration the health of the animal. Animals recovering from an illness or surgery are often required to be crated for extended periods of time. Many elderly people who are your constituents will be negatively and severely harmed by this bill, people who live in condominiums like senior housing, condo's and apartments that do not allow for fencing of any kind. What about the old people who are physically disabled who cannot walk their dogs and must tie them out to relieve themselves and get a little exercise?

In many cases these dogs are these people's best friends and prized possessions. If this bill is passed, it will limit their ability to

keep their dogs, forcing them to turn them over to shelters plus putting another burden on the taxpayer who supports these shelters.

REP. ROY: Ed, could we wrap it up there?

EDWARD LYONS: Personally, I never travel with my dogs in a car unless they are crated, not that they can stand up. No, they cannot stand up, but they are secure like all persons in the car, wearing their seat belts.

There are too many breeds with too many different sizes, and the lack of specificity in this bill is beyond reproach.

REP. ROY: Thank you. Any questions or comments? Representative Hurlburt?

REP. HURLBURT: Thank you, Mr. Chairman, and Ed, thank you very much for coming today and waiting for multiple hours through, frankly, some of my own question and answer periods. (Inaudible.) I do want to thank you, and we did have Susan Linker up here earlier today. Do you think there's an opportunity -- you know, they're working on an amendment to address some of the concerns that they felt that they've heard from the dog owners' community. Do you think there's an opportunity that we can get everybody together in a room and address those things, because I believe what we're trying to do is make sure there's a penalty in place for irresponsible dog owners, and I think, you know, we've had plenty of opportunities to talk in the past. That really wouldn't fall under -- you know, you wouldn't fall into that category.

Do you think there's a way that we can address irresponsible owners and make sure that we have a law that is narrow enough to give ACO's

the opportunity?

EDWARD LYONS: I think our door is always open, you know, but I -- what can I tell you? These are personal things. Dogs are very personal to me, they're very dear to me. I sit here and I sat here and I listened to this woman talk about this animal control officer. I know many animal control officers; I have come here and testified in their favor; and, I wonder why she didn't step in and arrest these people and alleviate the situation before it got out of control instead of sitting down and making a video about it. Think about it. It gives you pause to wonder.

REP. HURLBURT: Well, we'll make sure that we're in touch and, hopefully, we can find a resolution. I think we worked together well on the lemon law bill last session, and I think there's an opportunity for us to continue working together in the future, so thanks again, Ed, and thank you, Mr. Chairman.

REP. ROY: Thank you. Any other questions or comments? Seeing none, Ed, thank you very much.

EDWARD LYONS: Thank you.

REP. ROY: Shawn Graves followed by Karen Bradley.

SHAWN GRAVES: I'm Shawn Graves, an outdoor wood boiler owner/operator.

First I installed a temporary -- it was an outdoor boiler to test drive the system, to see how I liked it. I was very pleased with how it operated. I did not like the low, ground-level smoke, and I talked with Scott in Mainline Heating, and he assured me that by raising my chimney, I would be satisfied.

SB126

205
mrc/gbr ENVIRONMENT COMMITTEE

March 8, 2010
10:30 A.M.

CAROLYN WYSOCKI: It's part of my written testimony

--

REP. ROY: Very good.

CAROLYN WYSOCKI: -- the one with the smoke on the top. That's my neighbor's chimney smoke.

REP. ROY: Thank you. Are there any questions?

CAROLYN WYSOCKI: Remember (inaudible).

REP. ROY: Barbara Rudnick followed by Kachina Walsh-Weaver.

BARBARA RUDNICK: Senator Meyer, Representative Roy, Members of the Environmental Committee, I thank you for allowing me to express my concerns regarding House Bill S.B. 274, and the last time I was here, it was 6:30, so I'm really, really very happy to be getting off so early today.

REP. ROY: It's 4:15, yes. If you want to talk about smoke, we can keep you longer.

BARBARA RUDNICK: Basically, I am a member of Connecticut Votes for Animals, the Connecticut Underhound Railroad. I have volunteered with the Berlin animal shelter, and I'm presently a volunteer with the New Britain animal shelter. I've worked with animal welfare and rescue for more than 25 years.

I ask that you support this bill because no dog should suffer the neglect of being excessively tethered with inadequate care or shelter. The dogs of Connecticut deserve better and need to be treated with dignity and compassion.

S.B. 274 will ensure enforcement of the dog

tethering and confinement law by clarifying the conduct that it prohibits. Dogs are social animals and require interaction and exercise, which tethered dogs do not receive. Tethered dogs, as Susan said, present public safety concerns due to aggressive behavior for being chained excessively.

Basically, this has been near and dear to my heart for many, many years. I grew up with a neighbor that had a beagle, and, again, I think that there's a lot of miscommunication regarding this bill, that a lot of people with kennels and such. I've heard elderly that want to tie a dog out for an hour. I don't know about others, but my concern has only ever been animal abuse, and we're talking excessive. We are talking animals that are chained and tethered 24 hours a day, 7 days a week, in many cases with no food, no water. I've seen them. They run just in holes in the ground, their own feces, they have turned-over water dishes, and if anybody does want to go over and pet them, they're so excited and their behavior is so unruly at that point that they're jumping all over you with water from their dish that's turned over and feces, so in most cases they get no attention whatsoever, and they're starving for attention.

I think the key here is yes, the language does need work. I will admit there are several things there that I think are unreasonable, but I think what we are looking for is those of you who are working on it and are in charge of the language, I think we need to find a happy medium here that does give the ACO's much more teeth to go after abusive people who I don't know why they have dogs in the first place, honestly, why anyone would get a dog, put it between a couple of pieces of wood, and leave it chained 24 hours a day. I'll never

understand it, but all we're asking is those of you that are working on the language, please. This is not meant for kennels; this is not meant for those that take good care of their dog and are responsible. This is meant for abusive people who should never have had dogs in the first place.

REP. ROY: Thank you.

BARBARA RUDNICK: Thank you.

REP. ROY: Any questions or comments from members of the Committee? Thank you very much.

BARBARA RUDNICK: Thank you.

REP. ROY: Kachina Walsh-Weaver followed by Dana Brandes.

KACHINA WALSH-WEAVER: Good afternoon, Representative Roy and members of the Committee, Kachina Walsh-Weaver with the Connecticut Conference of Municipalities, and I'm here to talk about three different bills.

HB 5319

CCM is in opposition to Raised Senate Bill 205, an act concerning enhancements to the inland wetlands and watercourses act. A similar bill was proposed last year which would essentially require that inland wetlands commissions consider all evidence brought before it during a permit application process. I will re-emphasize that word "all." The evidence could be quite voluminous, not necessarily be pertinent or credible to the issue at hand, and we see this as imposing an enormous administrative and financial burden on the local commissions.

In addition, we have concerns with Raised House Bill 123, an act concerning natural

people had suggested to you that maybe in our menu pricing we might come up with a few other categories that would be helpful.

PETER DEGREGORIO: That would be helpful. One other thing -- I don't mean to keep you, but one other thing you might consider (inaudible). A lot of boat owners wouldn't mind spending a little more money for a salt water license if it was a boat license. I believe Pennsylvania has that, where you could take somebody, buy the license for your boat, and then you could take an unlicensed fisherman on the boat fishing. This allows you to take your neighbor, that person, that one-time deal to go out on the boat.

REP. MINER: That's a great recommendation. We actually made that to the federal government, and they ix-nayed it, so -- but I would be glad to talk to you about that.

PETER DEGREGORIO: Pennsylvania has it.
(Inaudible.)

REP. MINER: Yeah. Well, I know. Thank you.

REP. ROY: Thank you. Any other questions or comments? Thank you very much, sir.

PETER DEGREGORIO: Thank you.

REP. ROY: Maureen Griffin followed by Kathy Noyes-LeBlanc. You're a very patient lady.

MAUREEN GRIFFIN: (Inaudible) because I haven't had anything to eat all day. I've been sitting here, listening to everything.

Senator Meyer, Rep. Roy, and Members of the Environment Committee, I am testifying in opposition to Senate Bill 274 as it is

currently written.

My name is Maureen Griffin, and I've been involved with purebred dogs for 38 years. I've owned top confirmation Rottweilers including a Westminster breed winner, and my Karelian Bear Dog was the number one Karelian Bear Dog in the U.S.A. for two years in a row.

Dogs really are my life, and I have traveled to numerous countries to observe various dog breeds and have made six trips to Finland and British Columbia alone just to study my one breed, the Karelian.

In addition, after more than 32 years in the field of animal control, I retired on June 1st, 2009, from my position as chief animal control officer for the state of Connecticut. Thank you for that golden handshake. That was pretty nice.

First allow me to state that I do not believe that there's a single person that's been in this room all day long who feels that any dog should live out its life neglected, tied to a tree or a doghouse without proper food, without proper shelter, without proper socialization. I fully understand what it is this proposed legislation is trying to get at.

Unfortunately, there's kind of a tunnel vision thing going on here, and in order to make that illegal, which we would all love to see, it's kind of encompassing a whole lot of other people who are very responsible dog owners. For example, I have a kennel at my home. It's a hobby kennel. I do not always get the kennel license under 22-342 because I don't always use it. I don't breed all the time, very rarely.

If I have a bitch in season and I need to put her in my kennel during her heat cycle to prevent her from being bred, I would be guilty of confining her in an unreasonable manner due to the fact that my kennel runs are 6 by 12 outside, connected to a 6 by 4 inside. I have an insulated heated building. I could bring her out into another fenced area, but according to this legislation, my 50-pound dog would be confined in an unreasonable manner.

My neighbor has an older Huskie-type dog that has a 12 by 12 pen in the backyard with a shelter. On nice days, she brings him out, puts him on a nice long tether, he watches the world go by, and he's a very happy dog. This law would make her a criminal.

There are many situations where sledding and hunting dogs are responsibly and safely tethered with proper shelter, water and food and are brought off the tether to be trained, worked or exercised. Many have zip lines which allow a good freedom to exercise out of doors, and often results in better grounded dogs with less obsessive-compulsive behaviors than one might say in a small, active, house-bound cat that's required to do nothing, especially if the owners are away at work all day.

I saw the video on the Web site. I understand the situation, but I didn't like the fact that they kept talking about malnutrition, about flea infestation, about collars growing into the neck. Those are all addressed by 53-247, the cruelty to animal statute.

I am puzzled by the exemptions of the confinement of the dog. I know that some dogs are boarded long term at commercial kennels. Many are kept for substantial periods of time

in rescue facilities, but those facilities are exempt. As I stated before, if I go and buy a kennel license under 342, I'm legal. If I don't buy that and I license my dogs individually, the exact same situation becomes illegal. This just doesn't -- it does not make any sense to me.

In closing, I just think that it's important that we get more input into these things. I think the sportsman needs to be brought in with the hunting dogs. I think the breeders need to be brought into this. This is not strictly a matter of the animal rights community and, once again, I would like to strongly state that we are wholly in support of dogs not being treated in an inhumane manner and not being socialized, et cetera. But, the mere act of tethering a dog up should not be a crime. It does not necessarily create an aggressive dog. We're talking about a lot of factors including poor socialization, abuse, lack of proper food, lack of all kinds of things that create extremely aggressive dogs that become a danger to society.

REP. ROY: It's a good spot to stop.

MAUREEN GRIFFIN: Thank you.

REP. ROY: Good, good. Representative Chapin?

REP. CHAPIN: Thank you, Mr. Chairman. Good afternoon, Maureen.

I assume you may have participated in the debate -- I think it was in 2003 -- when we put in the term "unreasonable amount of time" into the statute. Would that assumption be correct?

MAUREEN GRIFFIN: (Inaudible.)

REP. CHAPIN: And, would you view that change to the statute, the one we did whatever that was in 2003 where we actually put in something that we thought was giving ACO's a little more flexibility to actually charge people. Would you say that we were wrong about that, that it actually created a bigger problem than it solved?

MAUREEN GRIFFIN: My feelings on this particular situation are I would rather see no law than a bad or an unfair law. I am not sure how you're ever going to solve this situation because it really will take baby-sitting, it will take surveillance to prove that the dog is never off the chain. I would personally rather see something like this incorporated under the cruelty to animal statute and used in combination with other things because it is true that a dog that's tethered out all its life is usually 100 percent owned by somebody who is not very responsible, so you're always going to have other factors that you can go into.

The video, for example, like I say, a lot of those things that were talked about, get a warrant and go take it on a cruelty charge. What's the problem? We've got that law. So, what we need to look at -- I don't know if you're ever going to be able to just address the simple fact of the dog being tied out. I love the stuff with the safety measures so the dog doesn't strangle. Those are things that you could easily put into a tethering bill, and that I would love to see.

REP. CHAPIN: Thank you. Thank you, Mr. Chairman.

REP. ROY: Thank you. Any other questions or comments, members of the Committee? Seeing

none, Maureen, thank you very much, and in the future if you're going to be here for a long time, check with the Clerk's desk and find out how far down the list you are and go eat and then come back. Please.

MAUREEN GRIFFIN: I try to keep my weight in check. You know when you're retired, you know how it gets. Thank you very much.

REP. ROY: Thank you. Kathy Noyes-LeBlanc, and she'll be followed by Gerald Papoosha.

KATHERINE NOYES-LEBLANC: Good afternoon; Representative Roy and Senator Meyer and Members of the Environment Committee. My name is Katherine Noyes-LeBlanc. I live in North Grosvenor Dale, Connecticut. I'm here about Raised Bill Number 126.

The care of human life and happiness and not their destruction is the first and only object of good government. Thomas Jefferson.

For my family, our neighbor's outdoor wood furnace continuously smokes out our home and our yard, saturating them with foul chemical odors, leaving my family trapped inside or sometimes forcing us to go for a ride until it has cleared from our home.

If large smoke-outs occur in the late hours of the evening, I will go to bed with pounding headaches and forced breathing. I have had scaly, burn-like rashes on my face. I have suffered over and over from intense pounding in my chest as if a Roman legion was using a battering ram to break through. I've had my sinus tissues swell, completely closing my nostrils, so only pink tissue jammed together was visible while looking up my nose.

250
mrc/gbr ENVIRONMENT COMMITTEE

March 8, 2010
10:30 A.M.

to think of the corn fields, the hay fields
and the selective timbers that we --

SENATOR MEYER: Let me interrupt you for a second
because you haven't read the bill.

JOE CRANOVSKI: Okay.

SENATOR MEYER: The bill has a specific exemption
for farming, agriculture and timber.

JOE CRANOVSKI: And so does the wood stove, and I'm
a farmer, too (inaudible). You have
residents, just all kinds of -- you know, some
people aren't farming, as advanced as others
of us. You know what I mean? It could be
very damaging. Smaller people who aren't
registered farmers with a registered cutting
plan under 25,000 feet, now he goes in there
and he cuts this, he's in violation, okay?

I understand where you're coming from, but
that's what I came in -- I have 14 neighbors.
I don't have any problems with them with the
wood smoke, and our restaurants and businesses
are important here in the state of
Connecticut. I'm invested here, so --

REP. ROY: Very good. Thank you. Any questions or
comments from members of the Committee?
Seeing none; Joe, thank you very much.

Andrea Sheptoff?

ANDREA G. SHEPTOFF: Hello, and thank you, Senator
Meyer and Representative Roy and Members of
the Environment Committee for allowing me to
express my support for S.B. 274, legislation
concerning the unreasonable tethering and
confinement of dogs.

With regard to the people who spoke against

251
mrc/gbr ENVIRONMENT COMMITTEE

March 8, 2010
10:30 A.M.

this bill, they are all responsible pet owners and will not be affected by this legislation if the amendments are included. I don't want to quote the statistics, the horror stories and frustrations that you have heard and will hear from the animal control officers and from the many animal welfare volunteers who want to end the suffering of dogs who spend their entire life often cold, hungry, thirsty, injured, frustrated and aggressive. Their constant barking calls for help regarded by many as a mere nuisance.

I just want to state my belief that it is our duty and moral obligation to help those who are unable to help themselves. I know the enforcement of this law if passed will still in many instances be difficult to enforce, but so are many other laws such as those regarding drug sales and immigration and others. That doesn't mean we should just throw in the towel.

I hope you will view this legislation in a favorable way, and even if just one dog's suffering is lessened or one dog owner is educated, then it will be worth the trouble it took me to be here today.

Again, this bill will not concern responsible pet owners. This bill is aimed at dogs in trouble, dogs that are cruelty cases. Because this bill is not perfect, I would like to add my support for amendments to S.B. 274 proposed by Connecticut Votes for Animals and the ASPCA.

As Mahatma Gandhi said, "The greatness of a nation and its moral progress can be measured by the way in which its animals are treated."

Thank you.

252
mrc/gbr ENVIRONMENT COMMITTEE

March 8, 2010
10:30 A.M.

REP. ROY: Thank you. Any questions or comments from the members of the Committee? Thank you very much, Andrea.

ANDREA G. SHEPTOFF: Thank you.

REP. ROY: Dawn Mays-Hardy followed by Debora Bresch.

DAWN MAYS-HARDY: Hi. Good evening, Senator Meyer, Representative Roy and other Members of the Environment Committee who still remain. My name is Dawn Mays-Hardy, and I'm currently the Connecticut Director of Health Promotion and Public Policy for the American Lung Association.

I'm here today to express strong support for Raised Bill Number 126 as well as Raised Bill Number 5214. First and foremost, we stand as a voice for the people who have spoken today as well as those who have not spoken and are being harmed now by outdoor wood boilers and who need your help.

HB 5124

A seasonal ban on burning will bring some relief for families who have wood smoke entering their homes on a continual basis. However, as you learned today, there is an expanding body of scientific evidence that exposure to these kinds of particulate pollution found in wood smoke is a serious lung health hazard at any time.

Second, we urge you to take action now to prevent this problem from getting worse. We are deeply concerned about the potential for more outdoor wood boilers to be installed. We want to be very clear that the American Lung Association in Connecticut does not believe that meeting admission standards, set-backs or

254
mrc/gbr ENVIRONMENT COMMITTEE

March 8, 2010
10:30 A.M.

We would prefer to see the law simply ban unnecessary idling without reference to a time limit.

REP. ROY: Thank you.

DAWN MAYS-HARDY: Just one sentence. There is no question that idling from other motor vehicles contributes additional hundreds of thousands of tons of preventable toxic air emissions. The American Lung Association respectfully urges your unanimous support of these bills to assure that our air, that the air we breathe is clean.

Thank you.

REP. ROY: We'll just mix it with the wood smoke.

DAWN MAYS-HARDY: Okay.

REP. ROY: Any questions or comments from members of the Committee? Dawn, thank you very much.

DAWN MAYS-HARDY: Thank you.

REP. ROY: Debora Bresch followed by Bruce Gresczyk, Jr.

DEBORA BRESCH: Good afternoon. Prior witnesses on S.B. 274 I think have done a great job expressing support for it. I don't want to duplicate what they've said. I would simply note that the ASPCA and Connecticut Votes for Animals both support S.B. 274 strongly. We have been working with animal control officers to develop amendments that we think are reasonable. We're trying to go after specifically the inveterate dog chainer. We're not interested in going after civic interest groups, you know, but the individual who chains their dog or confines their dog

excessively, basically all the time, and the way we're looking to do that specifically with respect to tethering is tethering a dog, you know, if the keeper/owner is not present in the company of the dog, but they can't attach that dog to a stationary object.

Maureen spoke to -- I think expressed some concern about the, you know, a friend who I think has a 12 by 12 space, but then also tethers the dog. I'm not sure why that person can't also put the dog on a trolley. I mean, as we know, it's very hard. We're trying to craft this law in as nuanced a way as possible, but at the end of the day, it's hard to, you know, cut it back that finely, but if someone has access to a trolley, which would not be hard to put up, or if you pen the dog in an appropriate space, they can keep the dog outside and they don't have to be there.

There are public safety reasons to specifically prohibit tethering. There is some research that indicates that tethering itself independent of whether the dog has access to food or water, that tethering alone is, in fact, a public safety threat and inhumane.

So, with that I'm happy to take any questions. I would like to note that in the interest of not targeting any particular stakeholder, we're looking at additional exemptions like for veterinarian, for people who want to show their dogs at dog shows. Those are not the subjects of this bill.

REP. ROY: Thank you, Debora. Any questions or comments from members of the Committee? Seeing none, you're all set.

DEBORA BRESCH: Okay. Thank you.

265

mrc/gbr

ENVIRONMENT COMMITTEE

March 8, 2010

10:30 A.M.

BRUCE TOLHURST: Thank you Chairman Meyer, Chairman Roy, Members of the Committee. My name is Bruce Tolhurst. I live in Marlborough. I'm here today concerning S.B. 274. I'm opposed to that bill.

I'm an owner of dogs. I train them extensively, sporting dogs, and I compete with them. I think if you knew me and you knew my dogs, you'd say I'm a responsible dog owner.

Under S.B. 274 as it's written today, all right, I would be in violation of that. Each of my dogs is in a kennel that is 7 by 12 feet long. That's 84 square feet. I'm in violation of that. The dogs are happy, they're content, but I'm in violation of the law.

As part of our training, we tether our dogs out in the sporting world, all right, on short leads and on restricted collars, all right, sometimes only 15 minutes at a time, sometimes up to three hours at a time, as a way of making them patient, making the dog come inside itself so it doesn't expend all its energy until you release it into the field, all right, as part of the sporting event.

That makes me in violation of 274 as it's written, so I would be in violation of that.

As a responsible dog owner and on behalf of all responsible dog owners, I hope you'll understand that I don't want to become an unintended consequence to good intentions. This law would make me do that. Please vote no.

REP. ROY: Thank you. Senator Meyer?

SENATOR MEYER: I'm just trying to understand if

you really do come within this bill. Are you -- you have a cage 7 feet by 12 feet, and what do you use your dogs for?

BRUCE TOLHURST: Sporting events. I raise English setters for hunting, for hunting competitions, and just enjoyment of training.

SENATOR MEYER: Your dogs live in kennels then?

BRUCE TOLHURST: They live in kennels.

SENATOR MEYER: Okay.

BRUCE TOLHURST: I'm not a licensed kennel. I'm a private citizen, and I write the licenses for each dog separately so I wouldn't be under the exemptions that you've --

SENATOR MEYER: I think you made a good point, and I think we're going to have to broaden the definition of kennel because you're right. We have two kinds of kennels that are exempted here, but they probably don't include a kennel of someone who's hunting his dogs as you are.

BRUCE TOLHURST: I use the kennel in the confinement of my dogs, but I don't think I am a kennel.

SENATOR MEYER: Okay. We'll try to broaden that. Thank you.

REP. ROY: Any other comments or questions? Representative Miner?

REP. MINER: I appreciate the fact that Senator Meyer wants to look at that part of the language, but you also raised the issue of tethering and whether or not you would somehow fall victim to the law.

What is it about our process that makes you think you would become -- you would be a foul of the law the way you described it?

BRUCE TOLHURST: As I read the wording that's in there, specifically if you're tethering your dog, there's very specific requirements for the type of collar, all right, and the amount of movement that the dog can sustain.

As part of the training process, we want our dogs to be very restricted for a small period of time, and we do that, and we -- actually, we leave them alone it may be 15 minutes or it may be an hour while we're out in the field, training other dogs. When we leave them there, traditionally if it's going to be a short period of time like 15 and a half hours, there's no food, of course. We put a stake in the ground, put a short lead on them, put our training collar on them, and leave them in position. We don't even give them water because they learn that they can play with their water dish.

We're coming back in half an hour. They can relieve themselves where they are, but they don't need water. They'll learn don't play with the water dish, don't make a mess, so that part of the law as written in 274 currently would put me in violation just for the fact of putting them in that position and going out in the field because there's no time limits on it. It doesn't say 15 minutes; it doesn't say 24 hours. You're undoing all the time limits of the existing bill.

REP. MINER: And, are these dogs in every case your dogs, or do you train them for someone else?

BRUCE TOLHURST: In my case, they're my dogs. I belong to a training club, and we help each

other train. I train my dogs. I work with other people to help them train their dogs, and essentially we would help train you to train your dogs, but I don't train other people's dogs.

But, everybody in my club does this. You'll find that all the field trial associations -- and you can go in and look at the use of the four field trial areas at Nodbrook, at Sugarbrook, at Mansfield, and at Flaherty, all right. Part of the process, all right, is to bring the dogs out and tether them down, and they're short pieces, all right, so that they're confined and they're out of the cages for the length of that trial, which is anywhere from six to eight hours long.

REP. MINER: And, the last question I have is -- well, let me ask this first and maybe there will be two.

Do your dogs have regular care from a licensed veterinarian?

BRUCE TOLHURST: Yes, they do.

REP. MINER: And, at any time did the licensed veterinarian say to you that the processes that you're using put your dogs at risk?

BRUCE TOLHURST: Never. The dog training club I belong to has a manual, all right, and it's tradition in the industry, all right, of training dogs to use this in the sporting dog to bring the dogs out, and the ultimate benefit of that, all right, is my dogs are very content. I can put them in small cages or put them in small boxes to transport them in the car, all right. I can tether them out, and by the time they're trained, they're content and happy where they are, waiting for

their turn to go, and they're not wild and unruly. You just see a lot of dogs that are just quote-unquote tethered for long periods of time, but they're trained to accept this for a limited period of time.

REP. MINER: I was surprised when you offered to have me trained, and Representative Roy didn't jump right in and suggest that was a good idea, so I'll leave that up to him. Thank you.

REP. ROY: Any other comments or questions? Thank you. (Inaudible) Mike Riley is next on the list, but he is not here, so Diana Drummond, and she'll be followed by Frank DeFelice.

DIANA DRUMMOND: (Inaudible) I've never done this before, so I apologize in advance if I don't testify properly. Okay.

I'm here on behalf of S.B. 274 and Connecticut Votes for Animals and the ASPCA. I'm in support of the bill, and I also ask the Committee to incorporate amendments proposed by Connecticut Votes for Animals and the ASPCA.

I can speak from personal experience that if you leave a dog tied its entire life 24/7 to a chain, it becomes territorial and aggressive. When I was a little kid, I wandered into the area of a dog that had lived his life on a very short chain. I didn't know the dog was there, and the dog attacked me, and I will forever bear the scars of the dog when he bit me, and it wasn't his fault.

I went into that little area that was his whole world. He wasn't properly socialized with people, and he wasn't taught how to behave properly in our world that we

incorporated him into because his owner didn't teach him, and society let him just tie the dog out and just leave it there. Half the time the dog never had water, never had food. I was lucky that my father got to me in time to pick me up because I was going down on the ground, and my father -- thank God he's a very tall man -- picked me up and had me on his hip, and the dog, which was actually a very small dog, was hanging from my leg. He had bitten me down to the bone, and his teeth were sticking in my leg, and he was hanging off my leg.

And, the owner had to pry the jaws of the dog off my leg, and then he turned around and proceeded to beat and choke the dog, and I was telling him it's my fault because I shouldn't have been here in the first place, and the dog was being beaten for attacking me when he didn't know who I was or what I was doing. If you think about it, the dog's tied up, they can't get away from a person or an animal that's coming into their territory. The natural response for someone is fight or flight. They can't flee; they can't escape; and, as far as a person coming in and causing potential damage to an animal, I had a neighbor that lived directly behind me at the same time frame I was attacked by that dog, and they had a cute little beagle.

They were good people. They left the dog tied to the chain to his doghouse. The dog just wanted to play and interact with people, and they basically neglected him, so the dog barked all the time because he wanted attention. Well, one of the other neighbors got fed up listening to the barking, and one night while the family slept, fed the dog chicken bones, and the dog never barked again.

271
mrc/gbr ENVIRONMENT COMMITTEE

March 8, 2010
10:30 A.M.

And, I know relatives of mine that had a farm. They always used to have dogs tied out on chains, and I was the only one that would go and play with the dogs, but the bowls were always dry, the dogs always had ticks encrusted in their fur, and the last dog that they had, he basically -- they had a doghouse, and they put shingles on top of the roof, trying to give it, you know, a comfortable home. Well, they had nails that went in the doghouse, and he pierced his skin with one of the nails, and when flies landed on it, they laid eggs, and maggots started to eat the dog, and they had to take the dog out because no one believed in going to a vet in the summertime, and they shot the dog. It could have totally been avoided.

My dog bite, my getting bit by a dog could have been avoided because the dog went slowly insane from being left, and I'm one of the people that was lucky enough to not get killed, and there's so many kids that get killed every year because they wander into a dog's area, and the dog attacks them, and I just think that the amendments that are incorporated into this bill will prevent so many people from going through what I went through and so many people from losing their kids, and I just hope that you consider my feelings on this.

REP. ROY: Thank you, Diana.

DIANA DRUMMOND: Thank you for your time.

REP. ROY: Any questions or comments from members of the Committee? Seeing none, we're all set. Thank you.

DIANA DRUMMOND: Thank you. Frank DeFelice?

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 5
1346 – 1678**

2010



F. Philip Prelli
Commissioner

STATE OF CONNECTICUT

DEPARTMENT OF AGRICULTURE
OFFICE OF THE COMMISSIONER



Tel: (860) 713-2500
Fax: (860) 713-2514

Testimony presented to the Environment Committee
of the Connecticut General Assembly by
Connecticut Commissioner of Agriculture
F. Philip Prelli

Good morning Chairman Meyer, Chairman Roy, Ranking Members McKinney, Chapin and Members of the Committee.

SB 274

My name is Phil Prelli and I serve as Connecticut's Commissioner of Agriculture.

I am here this morning to emphasize the serious concern the Department places on this proposed bill. There are several points that no one disagrees with. Obviously, all dogs should be able to lie down or sit without obstruction as well as being in easy reach of their food or water. These go without saying but those are not the main points of the bill and other points need addressing.

To begin, a change would occur in the law from what is considered an unreasonable time frame to tether a dog to what is considered an unreasonable manner. That is a significant change for enforcement purposes. I have heard it said that our present law is too open to interpretation. I would submit to the Committee that the proposed bill as written is even more so.

As I read the bill there is no exemption for veterinarians. That is not workable. A vet should be able to confine a dog based on the rules of veterinary practice not by the wishes of a well meaning animal rights advocate.

There is no differentiation between dog's sizes and breeds. Chihuahuas and St. Bernards would all need 100 square feet of space. Would that be 10 feet by 10 feet or 50 feet by 2 feet? The Department currently has regulations concerning the size of pens and the weight of dogs for commercial kennels. Perhaps those standards would make more sense in this bill.

To define a dog as "unattended" because of an obstruction in a sight line is unexplainable. The dog could have acres to run right around the corner of a house but his owner becomes subject to penalties for giving the pet plenty of room to run outside of his sight line. So as we read this you can tie your dog up as long as you can see it from your kitchen window and then it doesn't matter how long the dog is tied. The owner cannot leave the property, not even for a short trip to a neighborhood store, without being in violation of the law for not being on the "subject premises". Many of the items addressed in this section of the bill are

already covered in Sec. 53-247(a) CGS which states in part *"Any person ... who having impounded or confined ... fails to give such animal proper care ... shall be fined not more than one thousand dollars or imprisoned not more than one year or both."*

In addition, there is an exemption given in 4 (D) for "any facility utilized for the temporary boarding of any dog in need of a new owner". What defines a "facility used for temporary boarding"? There is no current definition of such a facility. And why should they be excluded? This could make it difficult to enforce current nuisance laws in the state as they could be in conflict. If not changed this would prevent any future ability to regulate this significant and dangerous source of animals imported into the state. As we speak animals carrying diseases are entering Connecticut, endangering Connecticut companion animals, being transported, housed and placed into homes in a completely unregulated manner, by so called non-profit "rescue groups". Isn't this really an unregulated pet store? The recent *parvo* outbreak in Southern Connecticut is thought to have entered the state in this manner. To attempt to regulate responsible Connecticut pet owners while ignoring this gaping hole in our pet protection laws is shameful and dangerous.

Other exemptions which should be considered are dogs quarantined for on the property dog bites as per section 22-358 CGS and enclosures for dogs under strict confinement or quarantine as per the rabies protocol.

In closing, for years animal control officers have been telling people to tie their roaming dogs up for the safety of the public, livestock and other animals. In the larger cities many dog owners rent and are allowed to only house their dogs out of doors. Responsible owners have been securing their dogs safely, supplying them with necessary sustenance, exercise and adequate shelter and veterinary care. Is it a perfect life for dogs? By no means is it perfect. With this bill, as written, I fear that dog owners will turn their dogs loose as a roaming dog violation (\$92.00) may be less of a fine than a tethering violation. People unable to keep pets will be flooding municipal pounds with dogs. Because of this bill there will be a decrease in adoptions of larger breed dogs especially, and an increase in euthanasia numbers. This is not the way to help tethered dogs.

While the Department agrees on many points of this proposed legislation it is too flawed in too many areas to receive our support and consequently we ask to be listed in opposition.



Senator Meyer, Representative Roy and members of the Environment Committee;

My name is Maureen Griffin and I have been involved in purebred dogs for 38 years. I have owned two AKC Top 10 conformation Rottweilers including a Westminster breed winner and my Karelian Bear Dog was the #1 Rare Breed Dog in the USA for two years in a row. I am also member of the World Dog Press corps. Dogs really are my life and I have traveled to numerous countries to observe various dog breeds and have made six trips to Finland and British Columbia alone just to study the Karelian Bear Dog. In addition, after more than 32 years in the field of Animal Control, I retired on June 1, 2009 from my position as Chief Animal Control Officer for the State of Connecticut so I feel uniquely qualified to comment on SB 274AA and I am opposed to it as it is currently written.

First allow me to state that I do not believe that there is a single person in this room who feels that any dog should live out its life tied to a tree or dog house, neglected and/or abused. Unfortunately, the proponents of this bill in their zeal to prevent this one thing, exhibit a form of tunnel vision that shows either an extreme lack of understanding of reasonable situations in which dogs may be tethered or contained or they just don't care who is affected as long as they get what they want. For example, if I have a bitch in season and need to put her in my kennel during her heat cycle to prevent her from being bred, I would be guilty of confining her in an "unreasonable manner" due to the fact that my kennel runs are 6' X 12' outside connected to a 6' X 4' stall inside. I have an insulated, heated building and could bring her out to another fenced area for exercise but according to this proposed legislation, my 50 pound dog would be confined in an "unreasonable manner".

My neighbor has an older husky type dog that has a pen in the back of their property which appears to be about 12' X 12'. On nice days, she brings him out to a long fixed tether where he has a better view and can watch the world go by. This would become a criminal act on her part unless she stands there with him all day while he is tethered.

There are also many other situations where sledding and hunting dogs are responsibly and safely tethered with proper shelter, water and food and are brought off the tether to be trained, worked or exercised. Many have zip lines which allow a good amount of freedom to exercise out of doors which can result in better grounded dogs with less obsessive compulsive behaviors than one might see in a small active housebound pet required to do no more than dress up in pink baby clothes.

In the video on the website of one of the organizations that is sponsoring this bill, a municipal Animal Control Officer was calling attention to the fact that tethered dogs are

often found to be suffering from malnutrition, severe flea infestation, lack of water and the growth of the collar into the neck.

Not only do I not agree with the impression given that merely tethering a dog results in these other problems, I would submit that CGS 53-247 "Cruelty to Animals" addresses these other conditions and could be used by officers who have a true desire to take action. I have also spoken to other ACOs who are not at all in favor of this drastic law so to imply that there is blanket support by AC simply not true. I saw nothing in this video about enclosed animals to which a good deal of this legislation is directed.

I am also quite puzzled by all of the exemptions for the confinement of a dog. I know that some dogs are boarded long term at commercial kennels and that many dogs are kept for substantial periods of time in rescue facilities but these facilities are exempt. I also know that in some years I procure a kennel license pursuant to Section 22-342 as needed and other years I do not. My facilities do not change but I am exempt if I have the kennel license and not exempt if I license my dogs individually? This seems truly unreasonable if not downright bizarre.

In closing, I think it is important to point out that this is not the first time that this sort of law has been introduced in one form or another and it is fought by sportsmen, ACO's and dog experts. I feel that the reason for this is the complete and utter arrogance on the part of the authors of such bills that they "know better" than some of the very people who make dogs their life's work and joy. In the language of last year's attempt, it was even proposed that Animal Control have the authority to seize any dog found "unreasonably" confined or tethered without even obtaining a warrant!!! As a law enforcement officer, I found that attempted circumvention of our Constitution to be positively frightening.

There are a few very good points in this proposal that could be hammered into something fair and equitable. Instead of the Animal Rights people running roughshod over everyone, I would suggest that an effort be made to include a spectrum of breeders, sportsmen and law enforcement personnel to assist in the construction of a reasonable and enforceable law that would be fair to the responsible dog owner and still alleviate the plight of the sorely neglected, unsocialized dogs who spend their lives on the end of a chain.

Thank you for your time.

Maureen Griffin

Mandy & Scott Wieting
64 Valley Falls Road
Vernon, CT 06066

Attn: Joint Environment Committee
Support for Bill No: SB 274

Joint Environment Committee:

We urge you to support both SB 274 and the amendments proposed by CT Votes for Animals and the ASPCA:

The constant, inhumane chaining of dogs is not acceptable. These beautiful creatures live their entire lives chained outside or in tiny enclosures. It's a life they do not deserve. If you've ever had a dog for a pet, you know how sweet and wonderful they are - all they want to do is love you. How can we let them live like this? It's heartbreaking.

Fortunately, we can change this. We can help them. We can liberate hundreds of dogs who are currently living an excruciating existence. It's really a no-brainer. Even my 6 year old niece knows this is wrong. Her entire 1st grade class made Valentine's for these chained dogs. They couldn't understand why people could do this to their "pets."

Not only is this an inhumane practice, but chained dogs are also a public safety hazard. Many studies indicate that chaining is associated with dog aggression and biting.

So what are we waiting for? Please, please, please support SB 274 and it's amendments.

Thank You,
Mandy & Scott Wieting



**Testimony of John Gagnon
Owner, John Gagnon's Pet Resort
227 Upton Road, Colchester, CT 06415**

**In Support of Senate Bill 274 –
An Act Prohibiting the Unreasonable Confinement and Tethering of Dogs
Joint Environment Committee
March 8, 2010**

Senator Meyer, Representative Roy, and fellow Environment Committee members, thank you for this opportunity to express my **strong support for Senate Bill 274.**

In 2003, Connecticut became the first state to attempt to regulate the practice of excessively chaining or confining a dog. Not only is dog chaining inhumane, but chained dogs also pose a public safety hazard.

Sadly, most animal control officers do not enforce the Connecticut law because they consider its mandate not to tether or confine a dog "for an unreasonable period of time" to be too vague.

In fact, State ACO Dean Gates informed me that he only considers the current law enforceable when a dog has died as a result of being tethered. The Griswold CT ACO, Larry Proux, informed me that he does not attempt to enforce that law either. Both officer Gates and Proux notified me of this in response to a neighbor of mine who confines her two dogs 24 hours per day either in small cages in her garage, or tied out on 15' leads.

SB 274 will ensure enforcement of the dog tethering and confinement law by clarifying the conduct that it prohibits. Among other things, SB 274 will require that confined dogs have sufficient space (i.e., 100 square feet for one dog, 50 square feet for each additional dog), and that dogs are not tethered in a way that endangers them or prevents their either reaching their food, water, or shelter, or comfortably lying down, sitting, or standing.

The ASPCA and CT Votes for Animals have worked closely with Connecticut animal control officers to develop the language of SB 274.

Please support SB 274 and the amendments proposed by the ASPCA and CT Votes for Animals. This bill is critically needed to protect neglected animals and our community as chaining dogs is associated with dog aggression and biting. In fact, according to one researcher, chained dogs were responsible for 25% (or 109) of U.S. dog bite fatalities from 1965-2008. Of these fatalities, 99 were children who wandered into the reach of a chained dog, and another 11 were instances in which chained dogs broke free before attacking.

Thank you for giving me this opportunity to testify and I strongly urge you to support this important piece of legislation.

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030



NRA

MEMORANDUM

TO: Honorable Members of the Connecticut Joint Committee on Environment
FR: Rebecca Williams, NRA-ILA Connecticut State Liaison
RE: Senate Bill 274
DATE: March 10, 2010

With respect to SB 274, currently pending consideration in the Joint Committee on Environment, the National Rifle Association would like to convey our strong opposition. This proposal seeks to prohibit the confining or tethering of a dog in its primary enclosure with less than 100 square feet of space and would require 50 square feet for each additional dog. The bill would also outlaw tethering a dog and leaving the animal unattended for any amount of time unless the dog has access to food, water or shelter.

The requirements set forth by SB 274 would make the price of doing business for kennels, training operations and hunters excessively high. A costly redesign and expansion of virtually every kennel in the state would have to be undertaken in order to comply with this proposal. Some facilities would simply not have the space to expand or may not be able to afford to make the changes and would be driven out of business.

SB 274 would also put an end to the standard procedure for many hunters to tether the animal, particularly in the field. Breeding, owning and training dogs for hunting is an extremely expensive undertaking and hunters are very unlikely to treat these animals in any way other than safely and humanely.

It is the position of the National Rifle Association that this legislation blatantly seeks to target common hunting practices involving dogs and to make owning, training and breeding dogs prohibitively expensive. Currently, there are sufficient laws on the books to combat animal abuse and neglect. For the above stated reasons we urge you to OPPOSE SB 274 should the bill come up for a vote in the Joint Committee on Environment. If you have any questions regarding our position on this or any other legislation impacting our members, please feel free to contact me at (703) 517-8102.

COALITION OF CONNECTICUT SPORTSMEN

P.O. Box 2506, Hartford, CT 06146, (203) 245-8076

www.ctsportsmen.com ccsct@comcast.net ✓Testimony presented to the **ENVIRONMENT COMMITTEE****IN OPPOSITION TO S.B. No. 274 (RAISED) ENVIRONMENT. 'AN ACT PROHIBITING THE UNREASONABLE CONFINEMENT AND TETHERING OF DOGS'**

by Robert T. Crook, Director

March 8, 2010

While everyone is opposed to cruelty to animals, this bill imposes unreasonable restrictions. The measure will prohibit the confining or tethering of a dog in its primary enclosure with less than one hundred square feet of space. Does this apply to a room in a house or within a carry cage in a house where the dog is kept for the night? Does the size of the dog matter? For each additional dog kept the bill requires an additional fifty square feet of space. I have two dogs, each about 5 lbs, so I need a 10x15 foot room for both dogs? Additionally, if passed, this bill would require many sporting dog kennels and breeders to spend thousands of dollars to upgrade their facilities or risk being put out of existence.

The bill will also prohibit tethering a dog and leaving it "unattended" for any amount of time unless that dog has access to food, water, and shelter. This would prohibit dog owners from letting their dogs outside while providing food, water and shelter unless the owner was within "visual range of the dog." When I owned a Coon Hunting Dog, the animal was kept outside, on a long leash with no area entanglements, in a comfortable dog house, with adequate food and water. He preferred being outside and did not want in the house. Was that an "unreasonable manner" of providing for the animal?

"Not within the visual range of the owner or not on the premises?" Do I have to take the dog every where I go, or cannot leave the dog at home (in the 100' enclosure) "on the subject premises" when I have business? Additionally, this bill could subject dog owners to citations for simply crossing the street to talk to their neighbor or being out of sight of their tethered dog by not following the above provisions. Fined \$100? Will the animal control officer be watching my house or me to insure compliance?

It is understood that parameters have to be set for law enforcement and the protection of animals. However, this is NOT the bill! This bill sets unreasonable and arbitrary requirements that would devastate many law abiding animal considerate citizens, kennels, and eliminate many practices commonly used by sporting dog owners.

We urge rejection.

March 8, 2010 ✓

Dear Chairmen Myer and Roy and members of the Environmental Committee,

I am writing on behalf of sportsmen and dog owners in our state. As a foxhunter, I understand that welfare of our animals is very important, and it's a responsibility I take seriously. We are stewards of their well-being and they serve us loyally. However, nothing in S274 serves either owners or their animals. Please do not allow the fringe element of animal "rightists" influence the governance or infringe the rights of normal, law-abiding citizens in their push for a meatless, petless society. I urge you to vote AGAINST S274.

In the right hands, this bill is overbroad and unclear. In the wrong hands, this bill would be a cudgel to attack otherwise-lawful dog ownership.

This bill is aimed at kennels such as our kennel for foxhounds. As is natural with pack animals, hounds are kept communally in the packs they hunt with to encourage bonding and teamwork. Sometimes eight or more hounds occupy the same kennel run, and they usually get along swimmingly. If I read the statute correctly, it requires an enclosure no smaller than 550 square feet if ten hounds are to be housed together. *This arbitrary requirement is unrelated to the hounds' health and welfare and does not take into account any differences between types, ages, or activity levels of different breeds of dogs.* Suppose a hound has stepped on some debris and injured a pad. That hound would rightly be separated from his pack-mates and given veterinary attention and rest until he recovered. However, per the language of the bill, the person confining that injured hound would be doing so "unreasonably" unless the hound was in a room measuring at least 100 square feet, which would probably be contraindicated by the veterinarian due to the injury. I submit that the proposed square footage requirement defining an "unreasonable confinement" is de facto unreasonable in itself.

Furthermore, the tethering requirements interfere with normal training and exercise programs. There is no connection between spending an hour on a run line and inhumane treatment or neglect. This language reaches into the homes of law-abiding citizens who let their dog out for exercise, then the phone rings, or their kid trips and skins his knee, making that owner subject to a fine. What possible benefit can this bill offer to dogs? *It sounds to me like it is telling dog owners never to let their dogs outside.*

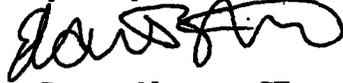
Subsection (4)(B) probably does not apply to most small breeders or foxhound kennels because we typically do not have more than two litters per year and so are not subject to inspection under CGSA §22-342 nor fitting the definition of a "commercial kennel" under CGSA 22-324(C) and so not subject to §22-344. It seems almost by design that this bill targets small breeders like foxhound kennels without overtly saying so. Hunting with hounds and dog breeding are still legal in the state of Connecticut. I hope the committee fully realizes the sweeping scope of this bill in the wrong hands: it will effectively criminalize the currently humane and lawful system of keeping dogs by imposing unreasonable, arbitrary standards on how the dogs may be housed.

In addition to the concerns specific to foxhound kennels and other small breeders, I am also concerned about the potential for abuse of this statute generally. For those of you who have raised children, I ask if at all times your houses were completely free of obstructions that "could reasonably result in injury, strangulation, or entanglement?" While I agree that dog owners should take responsibility for the welfare and health of the animals in their care, this kind of language invites exploitation against the dog owners. *Without ever harming a dog, owners could be subject to fines for the mere possibility of harm.* Realistically, this bill will do more harm to citizens of Connecticut than it could ever prevent from happening to our dogs.

In conclusion, S274 deserves a vote of "NO." It does not address a problem our state is facing and opens the floodgates to criminalize behavior that is not a threat the health and welfare of dogs. Please do not let this bill continue.

Lastly, I would also ask you to vote "YES" on S207, proposed reductions to hunting permit fees. I believe that an increase in volume would more than make up for any potential lost revenue due to reduced fees as far as income for the state, and will make hunting more accessible to more citizens of Connecticut.

Thank you for your time and consideration,



Elana Bertram, Newtown, CT

Raised Bill #274

LCO No. 1554

01554__ENV

I am writing to you concerning the Tethering Bill which is going to be discussed by the Environment Committee. Unfortunately I will not be able to come in person to testify in opposition of this bill.

This bill, as written, will have a severe negative impact on a large number of responsible dog owners and probably very little impact on those owners for which the bill is intended and who probably will just ignore the bill if passed.

Many elderly and disabled people who are your constituents will be seriously harmed by this bill, people who live in communities such as Senior Housing, condos, apartments etc that do not allow fencing of any kind. Because of their age or physical disability they cannot walk their dogs and must put them on a tie out line to go to the bathroom or just get a little exercise. In many cases these dogs are the person's most cherished possession and best friend. If this bill is voted in the affirmative it will end their ability to have their beloved dog. Thus causing them to have to turn the dog over to a shelter and putting an additional burden on the tax payers who support the shelters.

The space required in the bill does not take into consideration the size of the dog and space needed for the individual breeds. The one hundred square footage kenneling as called for in the bill for one dog is way too much for a Chihuahua or other dog in the Toy Group and not enough space for a Great Dane or any other of the giant breeds. The American Kennel Club recognizes over a 165 breeds and varieties of breeds and each has its own requirements. Add to that mixture the number of mixed breeds and you have an even larger number of variables as to what is correct for that particular dog. Another factor that needs to be considered is the individual breed's requirements. Your Nordic breeds such as the Husky (the U Conn Mascot); the Alaskan Malamute etc. thrives in the cold and generally does not do well in heated homes, whereas the Chinese Crested hairless can get sunburned quite quickly if left in the sun and freeze if put out in the Winter without a coat on. Thus what constitutes a reasonable time for one breed is not for another.

The requirements stated in this bill are not realistic as they do not take into account such things as the health of the animal for example: a dog recovering from surgery or illness such as heart worm, must be confined to a crate for several weeks and only walked briefly to go to the bathroom. While on the subject of health, I did not see where veterinary hospitals are excluded. Does this mean that they will not be able to keep sick dogs in their hospitals confined in crates?

Who is going to enforce this bill? Is the state going to increase the number of employees at the Department of Agriculture so that they can enforce this bill? Are you expecting the local towns to bear the burden of having to hire more animal control officers? For that matter, there is no provision for local animal control officers to have any certification or training so how do you expect them to be able to recognize what is appropriate for the individual breeds? Are you leaving the enforcement of this bill up to untrained and uncertified animal control officer to determine if the animal is confined in an unreasonable manner or for an unreasonable time, thus allowing personal opinions, personal prejudices, and total lack of uniformity to occur and could lead to future law suits by the aggrieved owners. Are you expecting the animal control officers to set outside the various dog owners' locales and time how long their dog is tied out? Are you expecting them to have binoculars so that they can see if the owner has full vision of the dog? What about the blind person, must they have someone come over every time they have to put their dog outside to attend to nature to be able to have the dog under someone's vision?

I personally, would never travel with my dogs in the car unless they were crated in a crate that they cannot stand up in for their safety. Should I have an accident I do not want the dog to be thrown around and injured or be thrown out of

the vehicle. Surely you can not object to this as you have passed laws requiring infants and young children to be constrained in car seats for their safety? When I have a puppy, I keep the puppy crated if I am not home for the puppy's well being and that of my house. Many dogs each year are electrocuted by chewing on an electric wire, many families give up their dogs because the dog was teething and chewed up a chair or woodwork or something else. Depending on the breed, many dogs are still teething at 18 months of age and have not outgrown their need to chew until they are much older. The American Kennel Club considers dog a year old and younger to be a puppy.

Your constituents active in the sport of dog sledding keep their dogs tethered together to bond and to pull the sleds. Hunters will frequently tether the dogs so they can get the scent of the prey while waiting for their turn to run in the hunt field. There are many legitimate reasons for tethering a dog which are not cruel.

I did not see any exemption for dog shows, you have more than 40 dog clubs in this state and many dog shows. The dogs must be confined to crates when not being shown. Dog shows bring in a great deal of income to the area. People stay in motels or hotels, they go out to eat, they frequently go shopping at the local stores and they buy gas. Dog clubs give scholarships to local students, they donate money to local dog activities, and their members are your constituents.

In short and to reiterate my opening statement, this bill if passed, will harm far more responsible dog owners than it will correct the problem it is intended to correct and will be a burden on the tax payers in this state. In my humble opinion, it is silly and a waste of tax payer's money to pass bills that cannot be enforced or will cost a great deal of money to hire the personnel needed to enforce and that cause more harm than good. Another thought: why try to make the ownership of dogs so difficult when dogs bring a great deal of money into the state coffers? Breeders pay sales tax on their puppy sales, people buy dog licenses, owners spend a tremendous amount of money on their dogs, buying dog food, dog toys, veterinary care, etc. all of which brings income into the state of Connecticut and also provides many people employment. Dogs bring joy and happiness into the lives of their owners and they love us unconditionally. Please allow the ownership of dogs to be unconditional.

Thank you,

Margarette L. Wampold

48 Columbine Rd.

Tolland, CT 06084

860-872-4953

CONNECTICUT DOG FEDERATION, INC. ✓

Position Statement Relative To

Raised Bill No. 274 An Act Prohibiting the Unreasonable Confinement and Tethering of Dogs

The Connecticut Dog Federation is **AGAINST** Bill No. 274 as presently written.

With regard to space requirements when confining dogs, we find the following:

- The one hundred square foot minimum area for one dog in an enclosure, with another fifty square feet for each additional dog in that enclosure, completely ignores the reality that various breeds have different space requirements dictated by body size and normal activity level. To require the same space requirements for a three pound dog and a one hundred pound plus dog is unsatisfactory.
- Certain dogs, such as bitches in season, dogs with medical problems or dogs recovering from surgery require segregation from other dogs. Complete duplication of confinement areas for such dogs would be an unacceptable requirement.
- No distinction is made between indoor and outdoor enclosures, and no provision is made for combined/adjointing indoor enclosures and outdoor runs. Some Towns have Zoning Regulations which prohibit the erecting of fencing.

With regard to tethering requirements, we find the following:

- Breeds used as sled dogs, and other working breeds, require very different tethering requirements than smaller breeds. No distinction is made in the language.
- The requirement that the owner or keeper of a tethered dog must be in visual range of that dog at all times is completely unrealistic. No consideration has been made for the use of electronic surveillance equipment.

In summary, this is a one-size-fits-all bill that cannot reasonably be applied to all breeds. It also does not lend itself to uniform enforcement statewide, even if a sufficient number of trained personnel were available to do so. In addition, in this time of financial deficits, where can the money for training and enforcement come from?

Position Statement Bill No. 274

Revised: March 3, 2010

S.B. No. 274. AN ACT PROHIBITING THE UNREASONABLE CONFINEMENT
AND TETHERING OF DOGS. OPPOSED

Thank you Co-Chairmen Edward Meyer, Co-Chairman Richard Roy, and members of the Environment Committee.

My name is Bruce Tolhurst. I am a life long resident of Connecticut, currently residing at 16 Virginia Rail Dr in Marlborough.

I came here today to talk about S.B. No. 274, An Act Prohibiting the Unreasonable Confinement and Tethering of Dogs. I am **OPPOSED** to S.B. No. 274.

I grew up with dogs. Both my father and grandfather owned sporting dogs. I have owned and trained sporting dogs myself for more than 35 years. I have competed in numerous field trials and hunting competitions through various local clubs as well as AKC, NAVHD, AHDC, NAGDOG and Warrior's Mark events. I am a member and currently the Secretary of the *American Hunting Dog Club*, a club dedicated to Training the Sporting Dog. I think my credentials vouch for my knowledge of dogs.

Under the revisions to Section 23-350a of the general statutes as offered in S.B. No. 274, I would be in violation of the new law. My dogs are kenneled in a 7 x 12 foot run. That is 84 square feet, not the 100 sq ft required in the proposed statute. I train my dogs with a chain collar, what many refer to as a "choke collar". I clip the ends of the collar together as a training aid. I do not use the "choke" feature. My young dogs are tethered during training using the "chain collar" while they wait their turn on the training table or working in the field And this would be defined as an "unreasonable manner" because I am not always in visual range of the dogs during this time.

I submit to you, that the suggested wording is in itself "unreasonable". It is not the size of a kennel that impacts a dog's well being. My dogs are happy, healthy and content in their kennels, with just 84 sq. ft. They are dry, have benches to get off the ground, and are kept clean daily. It is the conditions within the kennels, not the size of the kennel that creates a good or bad environment for a dog. Training and or tethering with a "chain collar" is not in itself "unreasonable". It is not the collar as much as the fit of the collar and the effects of the collar over a period of time. Rubbing, sores, pulled hair by any collar.... that is what should be seen as "unreasonable".

If the criteria of for "unreasonable", as stated in S.B. No. 274, were actually valid, then it would be inappropriate to exempt various commercial operations from this statute. Poor treatment of a dog is "poor treatment", it is not who administers it.

The current statutes already provide the tools needed to protect our canine friends ... and we should use and enforce those laws NOT MAKE more laws that are themselves, "unreasonable".

Please do not approve this bill.

Thank you.

Bruce Tolhurst
16 Virginia Rail Dr.
Marlborough, CT 06447
(860) 295-0327

✓

Testimony of Susan B. Linker
CEO, Our Companions Domestic Animal Sanctuary
Vice President, CT Votes for Animals

In Support of Senate Bill 274 – an Act Prohibiting the Unreasonable Confinement and Tethering of Dogs
Joint Environment Committee
March 8, 2010

Senator Meyer, Representative Roy, and fellow Environment Committee members, thank you for this opportunity to testify.

On behalf of CT Votes for Animals, Our Companions Domestic Animal Sanctuary and the statewide coalition of animal welfare organizations with the Animal Welfare Federation of CT, we strongly support Senate Bill 274.

In Connecticut, dogs can be chained 24 hours a day, 7 days a week. Chained dogs are often neglected, injured, attacked by other animals and stolen. The current law is vague and nearly impossible to enforce. SB274 would strengthen the current law and give Animal Control Officers a means to protect neglected dogs and keep our community safe.

Recently I spent the day with my local Animal Control Officer filming a video on the issue of tethered dogs. I do hope you'll visit CT Votes for Animals website and watch the video so you can see first-hand why this bill is desperately needed.

Animal Control is unable to help these dogs until they've been so debilitated from living in such extreme conditions that it's considered a cruelty case. And I'd like you to appreciate how awful this is for the animals, and also for the animal control officers who have to watch these dogs languish without the ability to respond.

During the video I interviewed Office Sparks and asked her to describe the living conditions for dogs that are chained for years. And she responded:

"Dogs that are tethered excessively, they receive so little care. I don't find dogs with rabies vaccines. I don't find dogs that are getting dewormed or protected against anything. I do find dogs, sadly, that chew their food bowl for food. They chew their own doghouse for food because they're left sometimes for three and four days while the owner is gone and no one else is providing care for the animals.

Dogs that self mutilate, they're bored, they're distressed. They're totally filled with anxiety and they start chewing on their own tail. Bloody tails, bloody feet. Instances where dogs are tethered to decks, they hang themselves. The physical fall-out of tethered dogs is excruciating. It's excruciating to watch. And unfortunately you cannot make anyone understand until day after day you go and see what level they've been reduced to."

**Testimony of Susan B. Linker
CEO, Our Companions Domestic Animal Sanctuary
Vice President, CT Votes for Animals
In Support of Senate Bill 274
Joint Environment Committee
March 8, 2010**

That's why we've produced this video and this is why I'm here today to testify in support of SB 274: to help you understand how this issue is not only affecting the animals, animal control, but also the community.

Before we started filming, Officer Sparks called me and told me she'd be delayed because a chained dog (Diamond, who's on the video) got loose and was chasing people on Park Road- just ¼ mile from a school. This dog was so aggressive it took her and 2 officers to contain her. They nearly had to taze her.

Chained dogs often become very dangerous and present a huge public health concern. When dogs spend their entire lives on a chain they're denied all real-life experiences. When they become loose, which they often do, they respond with fear because they have no context. They don't know how to interact with people, they're completely un-socialized and very fearful. Plus chained dogs are hard-wired to guard their territory. This is why so many children are attacked and killed when they approach a chained dog.

This isn't just a moral issue; this is a public safety issue.

Please support SB 274 and the amendments proposed by the ASPCA and CT Votes for Animals. This bill would strengthen the current law and give Animal Control Officers a means to protect neglected dogs and keep our community safe.



American Rottweiler Club, Inc.
16005 Pine Creek Way
Magnolia, TX 77358

March 8, 2010

Honorable Edward Meyer
Honorable Richard Roy
The Committee On Environment
Room 3200, Legislative Office Building
Hartford, CT 06106

RE: Raised Bill 274 - Opposed

Dear Chairman Meyer, Chairman Roy and Respected Members of the Committee on the Environment:

The American Rottweiler Club, Inc. (ARC), the parent club of the American Kennel Club (AKC) for the Rottweiler breed in the United States, representing thousands of dog owners, is writing to express our grave concern over **Connecticut Raised Bill 275, A Bill That Criminalizes The Ownership and the Humane Containment and Restraint of Dogs.**

Since its inception, the American Rottweiler Club has been deeply engaged in advancing animal welfare and the humane care and treatment of dogs. ARC members and supporters devote significant time, effort and resources in educating the public on responsible dog ownership, dog bite prevention and safety around dogs, especially where children and the elderly are concerned, and supporting to scores of animal rescue and sheltering organizations across the United States through direct donations and grants and volunteer support.

The American Rottweiler Club is adamantly opposed to the cruel and inhumane treatment of dogs, the exploitation of innocent animals, and illegal, sub-standard breeding operations.

We therefore respectfully submit our official and unequivocal opposition to Connecticut Raised Bill 275 and to any other bill which makes criminals out of law-abiding, tax-paying citizens and home and hobby breeders, or anyone owning intact dogs.

CT RAISED BILL 275 is not only irresponsible, and sets a dangerous precedent for the type and scope of legislation, and exceeds the legal and constitutional scope of state legislatures. In addition:

- **CT RAISED BILL 275 criminalizes dog ownership**
- **CT RAISED BILL 275 criminalizes the humane restraint & containment of dogs**
- **CT RAISED BILL 275 fails to improve upon existing animal cruelty statues**
- **CT RAISED BILL 275 deprives dog-owing citizens of Due Process & Equal Protection**
- **CT RAISED BILL 275 creates a proxy for warrantless searches and seizures**
- **CT RAISED BILL 275 threatens animal agriculture & food production**

American Rottweiler Club, Inc.

CT RAISED BILL 275 - Criminalizing Dog Ownership

SB 274

It is abundantly clear that the intent of this bill is to intentionally criminalize dog ownership by imposing over burdensome regulations.

CT RAISED BILL 275 seems to take aim at anyone engaged in the breeding of dogs, and makes criminals out of vast majority of breeders who are responsible, law-abiding and caring individuals or establishments, deeply dedicated to the welfare of dogs.

Most home and hobby breeders – as well as the vast majority of commercial kennels – operate under a set of standards set forth not just by the state, but by the very organizations to which we belong, concerning the care, treatment, feeding, and training of healthy dogs.

We would like to make very clear that any substandard and inhumane conditions at kennels – whether they be commercial operations or privately-owned home or hobby kennels – are still substandard and inhumane, and therefore subject to the strict enforcement of Connecticut's anti-cruelty statutes.

Sadly, it is the lack of enforcement, and the lack of state or municipal funding for enforcement, combined with a lacking of understanding of basic animal husbandry, that often is to blame for allowing such conditions to exist.

We therefore recommend to the Committee that strong enforcement of the State's animal cruelty laws are the correct remedy to such filthy and cruel establishments, but that criminalizing the ownership and breeding of dogs – or criminalizing the ownership or breeding of any animals for that matter – is not only a misguided approach, but may in fact constitute a serious violation of the 14th Amendment.

Imposing Commercial Facility Standards On Home & Hobby Breeders

CT RAISED BILL 275 mandates the implementation of rigid engineering requirements for enclosures for anyone owning 2 or more dogs over 6 months of age without regard to the fiscal impact that such standards would have on targeted breeders or the enforceability of such requirements.

American Rottweiler Club, Inc.

CT RAISED BILL 275's Arbitrary Enclosure Requirements Are Booby Trapped Backdoors To Anti-Dog, Anti-Breeding Legislation

SB274

The enclosure requirements specified in CT RAISED BILL 275, may seem innocuous, however they are anything but. There are numerous issues for the Committee to consider:

1. These arbitrary enclosure requirements are not in any way based in science concerning the humane treatment of dogs.
2. These arbitrary enclosure requirements are a back door to anti-tethering laws, the intent of which is to criminalize the safe and humane restraint and containment of dogs.
3. These arbitrary enclosure requirements are a backdoor to placing limits on the ownership, keeping, breeding of hunting dogs, sled dogs and ownership and keeping of American Pit Bull Terriers.
4. These arbitrary enclosure requirements leave open the issue of enforcement – what personnel will be responsible for the enforcement of this clause?
5. The arbitrary enclosure requirements are a backdoor to warrantless searches and seizures, as detailed below.

CT RAISED BILL 275: Criminalizes Humane Restraint & Containment of Dogs

A primary flaw of CT RAISED BILL 275 is criminalization of the humane and responsible restraint of dogs by imposing "enclosure" requirements.

If addressing animal cruelty is the intent of the bill's sponsors, the American Rottweiler Club places itself at the disposal of the Committee to help facilitate the deeper understanding of animal husbandry, be it dogs or any other animal.

For thousands of years, the leashing or tethering of dogs has been a time-honored and humane means of safely containing or restraining dogs.

CT RAISED BILL 275 eliminates by statute the very method of safe and humane restraint or containment, thereby significantly reducing, if not eliminating entirely, the ownership, breeding and keeping of multiple, intact dogs, and in particular, sled dogs, hunting dogs and American Pit Bull Terriers.

American Rottweiler Club, Inc.

CT RAISED BILL 275: Outlawing Hunting Dogs Via Criminalization Of Humane Restraint & Containment Of Hunting Dogs

SB274

Thousands of hunting dogs and dog owners in Connecticut will fall under CT RAISED BILL 275 and its provisions will lead to the extermination of innocent dogs and heartbreak for Connecticut's dog-owning citizens.

It is important to point out to the Committee the types of hobby breeders and dog enthusiasts impacted by this clause, which includes:

- Hunting Dog Owners/Field Trial Enthusiasts** – Hunters and those participating in Field Trials own large numbers of dogs, such as Hounds or Sporting Dogs, such as German Shorthaired Pointers. These dogs are traditionally by "staked out" – that is to say tethered, a traditional and humane means of restraint or containment.

Connecticut Sportsmen's associations should be alerted to the impact of CT RAISED BILL 275 upon hunting and field trial activities throughout the state.

CT RAISED BILL 275: Outlawing Sled Dog Via Criminalization Of Humane Restraint & Containment Of Sled Dogs

Sled dogs are kept in teams, or packs, and the imposition of said arbitrary enclosure requirements thus criminalize the keeping of sled dogs.

- Sled Dog Enthusiasts/Mushers** - These dogs are traditionally by "staked out" – that is to say sled dogs, such as Alaskan Malamutes, Siberian Huskies and other Northern breeds are tethered, a traditional and humane means of restraint or containment.

Numerous sled dog and mushing organizations should be alerted to the threat that CT RAISED BILL 275 presents.

American Rottweiler Club, Inc.

**CT RAISED BILL 275: Outlawing American Pit Bull Terriers Via
Criminalization Of Humane Restraint & Containment**

SB 274

Literally thousands of dogs, dog owners, breeders and fanciers of the American Pitbull Terrier will be impacted by CT RAISED BILL 275.

- American Pit Bull Terrier Owners/Breeders** - These dogs are traditionally by "staked out" – that is to say tethered, a traditional and humane means of restraint or containment.

The American Pit Bull Terrier is the second most popular breed recorded by the country's second largest registry, the United Kennel Club, and the most popular breed registered by the American Dog Breeders Association, the country's third largest registry.

In addition, numerous specialty registries will be impacted by CT RAISED BILL 275, such as the All American Dog Registry and other single breed registry.

We question if is the desire to eliminate American Pit Bull Terriers from the State of Connecticut through backdoor legislation such as CT RAISED BILL 275?

**CT RAISED BILL 275: Criminalizing Humane Restraint & Containment Of
Farm Animals**

Whether it is the intention or not of the Committee to limit the ownership of farm animal via the criminalization of containment, it is clear that with just a minor change, CT RAISED BILL 275 quickly becomes a bill that **threatens ALL animal agriculture in the State of Connecticut.**

Similar bills have been introduced in recent months in state legislatures across the country, backed by, if not authored by, the Humane Society of the United States, an organization with a stated goal of eliminating all animal agriculture.

Anti-containment laws are the foundation upon which HSUS has built its state legislative strategy, from chickens in California to hogs in Iowa.

Sleepy state legislators may be unaware of the anti-animal agriculture activity happening in other states, however to quote the CEO of the Humane Society of the United States, Wayne Pacelle, who summarized his philosophy over ten years ago in *Animal People News*:

"We have no ethical obligation to preserve the different breeds of livestock produced through selective breeding ... One generation and out. We have no problems with the extinction of domestic animals. They are creations of human selective breeding."

- Wayne Pacelle, CEO, Humane Society of the United States

American Rottweiler Club, Inc.

It is of course the presumption that all animals raised for food production in Connecticut and in the United States be treated humanely,

SB274

Currently, the Humane Society of the United States is the subject of a federal racketeering lawsuit alleging fraudulent fundraising practices and using funds to lobby legislators.

However, it is quite clear that HSUS-backed legislation, such as CT RAISED BILL 275, is a backdoor attack upon ALL breeding of animals, food, livestock or pets.

CT RAISED BILL 275: Eliminating of FARM Animals Though Criminal Statute

We respectfully request the Committee again consider the possible amendment OR substitution of the word "animal" in place of the word "dog".

Poultry farmers, hog farmers, cattle producers, egg producers – indeed any and all farmers or animal agriculture concerns should be alerted to the threat to animal agriculture and food production in the State of Connecticut via criminal statute.

CT RAISED BILL 275: Enforcement Issues

We ask the Esteemed Members of the Committee to consider what personnel at the local or state level will be responsible for identifying violators?

CT RAISED BILL 275, left to the subjective interpretation of local animal control or police, or humane societies will criminalize ordinary dogs and make criminals of dog owners and send innocent dogs to their deaths.

It is the position of the ARC that that the liability incurred under CT RAISED BILL 275 is an unintended consequence of significant magnitude

American Rottweiler Club, Inc.

CT RAISED BILL 275: Eliminating Presumption Of Innocence

SB274

CT RAISED BILL 275 eliminates the presumption of innocence making all dog owners who humanely leash, tether or stake their dog **guilty and without recourse.**

Under the rules of our judiciary, it is unimaginable to think that a state government would create a reverse onus – thus shifting the burden of proof from the state to the accused.

This bill is counter to the very principles upon which our democracy stands.

Our response is to respectfully remind the Committee Members that our judicial system operates upon the presumption that all citizens in the United States are **innocent until proven guilty, not the reverse.**

Furthermore, there is *no* hearing or an appeals process by which may defend themselves against charges.

CT RAISED BILL 275: Proxy For Warrantless Search & Seizure

It should be noted that CT RAISED BILL 275 contains the proxy for warrantless searches and seizures, seriously compromises the constitutional protections to which all citizens are entitled under the guise of animal protection.

Civil liberties groups and criminal defense attorneys should be alerted to the fact that CT RAISED BILL 275 is a smokescreen to lower the threshold of evidence needed to support the issuance of search warrants.

We respectfully ask the Committee Members just what would constitutes "*probable cause*" under CT RAISED BILL 275 – just a law enforcement officer's word that pets may be tethered?

Surely the State's existing animal cruelty statutes more than adequately cover any acts of cruelty, such as the deprivation of food and water, or in cases of negligence.

American Rottweiler Club, Inc.CT RAISED BILL 275: Lowering Thresholds of Evidence For Probable Cause

SB274

Furthermore, the issuance of any warrant under CT RAISED BILL 275 would be based on a visual ID that the alleged dogs are tethered with an alleged "illegal collar" OR would it then be a case of "probable cause" to demand inspection of the premises to check for evidence?

- A) the basis for "probable cause" is nothing more than the subjective and arbitrary opinion of alleged "illegal collar" by local animal control or police with no legal or rational basis
- B) is done so in the context of reverse onus clause, thereby eliminating the presumption of innocence.

CT RAISED BILL 275: Lowering Thresholds of Evidence For Probable Cause – Cont'd.

In contemplating the enforcement of CT RAISED BILL 275, there are any number of situations that would be the basis for bypassing Due Process:

SENARIO A: Warrantless Search of Premise

The mere possession of multiple "pitbulls", "sled dogs" or even hunting dogs – which are all traditionally staked - would now constitute a criminal act under CT RAISED BILL 275, thus allowing law enforcement officers *access to the premises without a warrant*:

EX: A police officer drives by a home and sees a multiple dogs staked in the yard. The officer (subjectively) identifies the dogs as "tethered", the presence of which is "illegal". The dog owner is presumed guilty of a criminal act. The police officer now may access the premises and *bypasses the need for a search warrant*.

American Rottweiler Club, Inc.

CT RAISED BILL 275: Violations Of Equal Protection

SB274

CT RAISED BILL 275 also sets the stage for issues with Equal Protection, in that owners of "tethered dogs" or "targeted breeds – ie. American Pit Bull Terriers" or owners of hunting dogs or sled dogs, are subject to a different and higher legal standard than other dog-owning citizens, which is then subjectively and/or arbitrarily applied.

The Equal Protection clause of the Fourteenth Amendment protects against arbitrary government action by requiring similar treatment of those who are similarly situated.

CT Raised Bill 274 clearly violates Equal Protection by singling out owners of multiple "tethered", and granting exemptions to those "similarly situated", such as in:

- (1) A PUBLICLY OPERATED ANIMAL CONTROL FACILITY OR ANIMAL SHELTER;
- (2) A PRIVATE, CHARITABLE, NONPROFIT HUMANE SOCIETY OR

ANIMAL ADOPTION ORGANIZATION;

- (3) A VETERINARY FACILITY;
- (4) A RETAIL PET STORE;
- (5) A RESEARCH INSTITUTION; OR
- (6) A BOARDING FACILITY.

The provisions of CT RAISED BILL 275 are completely without merit, as the State Of Connecticut has not proven nor cannot prove, a rational or legal basis upon which to base these provisions.

CT RAISED BILL 275 also begs the questions, "Are owners of tethered dogs (hunting dogs, sled dogs, American Pit Bull Terriers) entitled to any fewer Constitutional protections than owners of lap dogs"? AND,

"Are dogs in shelters, retail stores, veterinary or boarding facilities entitled to any fewer protections than privately-owned dogs"?

American Rottweiler Club, Inc.

Selective Enforcement & Racial Bias

SB274

We urge the Committee to reconsider and reject this bill, since it is already quite clear that should CT RAISED BILL 275 become law, it could only be enforced selectively and subjectively.

However, there is an even greater risk in CT RAISED BILL 275 as it relates to Unequal Protection, which is where race or ethnicity comes into the equation, and the potential for the abuse of our justice system is great.

There is a pervasive myth, perpetuated throughout the media, that the majority of dog owners of alleged "pit bull dogs" are "gang members, criminals, and drug dealers". This notion is completely unsubstantiated and without merit.

However, this viewpoint is interpreted by most to mean that "pit bull dogs" are owned by those in the minority community.

It becomes a question of which dog owners will be selectively targeted for enforcement and prosecution by local authorities and to what extent will law enforcement engage in racial profiling.

CT RAISED BILL 275 leaves the door open to abuse of powers by local law enforcement officials and creates a number of questions. For instance:

- Will minority or poor dog owners be targeted for enforcement over non-minority or middle class dog owners?
- Will owners of hunting dogs or American Pit Bull Terriers be targeted for enforcement?
- Will CT RAISED BILL 275 be used to dispense with evidence thresholds necessary to establish probable cause and create a proxy to bypass Due Process?

Civil Rights & Constitutional Issues

CT RAISED BILL 275 presents a multitude of civil rights issues and constitution challenges, including but not limited to unequal protection, violation of due process, removal of the presumption of innocence, selective enforcement, interference with lawful activities and

CT RAISED BILL 275 also sets the stage for unequal protection in that owners of subjectively targeted breeds or intact or dogs of breeding stock are thus arbitrarily and subjectively held to a different and higher legal standard than other dog-owning citizens, for which the State Of Connecticut has not proven nor cannot prove a rational or legal basis.

American Rottweiler Club, Inc.

SB 274

And since dogs are considered private and valuable property, violations of the 4th, 5th and 14th amendments are of concern, as outlined in the attached report by the Centers for Disease Control and the AVMA.

Expensive Legal Challenges

CT RAISED BILL 275, with its many issues and potential infringements of civil rights and constitutional protections, would place the State of Connecticut, and the counties and municipalities in the state in a position of defending against what could be a multitude of lawsuits brought on behalf of dog-owning citizens.

The American Rottweiler Club respectfully points out that CT RAISED BILL 275 is fraught with issues not only with regard to public safety, but issues that make CT RAISED BILL 275 a potential minefield of expense, legal issues, unintended consequences and a waste of valuable taxpayer dollars.

Legal challenges to the constitutionality of such legislation is now underway in other states, including Pennsylvania, where a large group of plaintiffs, including dog owners, breeders and enthusiasts has filed suit against lawmakers there.

Closing Thoughts

In closing, the American Rottweiler Club rejects the criminalization of responsible dog ownership, the flawed concept of outlawing or eliminating though heavy-handed regulation the lawful ownership, and custody of dogs – or ANY animals.

We formally oppose the erosion by proxy laws of the civil rights and liberties guaranteed to all citizens of the United States under the guise of animal protection.

The American Rottweiler Club, having conducted a thorough analysis of this bill, concludes that Connecticut Raised Bill 275 would:

- **Criminalize dog ownership.**
- **Fail to protect the welfare of ALL dogs**
- **Interfere with legal activities.**
- **Create a proxy for warrant search & seizure under the guise of animal protection**
- **Deprive citizens of Equal Protection & Due Process**
- **Threaten animal agriculture and food production**
- **Violate 4th, 5th & 14th Amendments**
- **Incur liability for local, county and state governments**
- **Waste valuable tax-payer dollars**

American Rottweiler Club, Inc.

CT RAISED BILL 275: In Summary

SB274

The American Rottweiler Club urges the State Of Connecticut and the Esteemed Members of the Committee on the Environment to act appropriately and responsibly to protect the welfare of animals through the effective enforcement of existing animal cruelty and animal control laws.

We respectfully ask if the Committee not allow deep-pocketed special interest groups who back CT RAISED BILL 275 and similar bills to prevail over the safe and humane treatment animals while seriously eroding the constitutional protections of everyday citizens.

We urge the Committee Members to reject CT RAISED BILL 275 in its entirety, and not allow this dangerous and misguided piece of legislation, no matter how well- intentioned, to bring about the destruction of innocent dogs, eliminate the responsible and ethical ownership of dogs, discriminate against owners of intact dogs, and deprive people of their civil rights.

We thank you for your attention to this very important matter and remain committed to providing the State of Connecticut with expert advice in matters of animal husbandry and the humane care and treatment of dogs. We would be honored to be called upon to serve.

Very truly yours,



Jeff Shaver
President
American Rottweiler Club, Inc.
e) jshaver522@yahoo.com
w) www.AmRottClub.org

cc: Legal Counsel, American Kennel Club
Legal Counsel, American Dog Breeders Association
Legal Counsel, United Kennel Club

✓
SB274

Mr. Chairman and members of the committee thank you for allowing me to appear here today to express my opposition to the Tethering Bill. I have been actively involved with dogs on a daily basis for over 55 years as a breeder, exhibitor. Professional handler licensed by the AKC, an AKC dog show judge and a pet owner. As a licensed handler I attended over 175 shows a year exhibiting dogs in 46 of the contiguous United States. I give you all this to demonstrate to you my personal experiences with the everyday living and working with dogs whether they be AKC registered or just a mongrel. Currently I am president of the Windham County KC as well as treasurer of the Connecticut dog federation. The Ct.D.F. is a club made up of 40 AKC licensed dog clubs located throughout the state of Ct with 2,000 registered voters as members as well as their extended families.

This bill, as written, will have a negative impact on a large number of responsible dog owners with very little impact on the owners for which this bill is intended. Who will continue to ignore the bill if it is passed.

The space required in the bill does not take the size of the various breeds of dogs into consideration. A Great Dane or a Chihuahua do not require the same area. There are over 165 AKC recognized breeds as well as untold sizes and shapes of mix breeds licensed yearly in this state. One size does not fit all. There is no consideration given to the various breed characteristics requirements. Sled dogs, Huskies, Sammys, and Mals thrive in the cold. They normally do not do well in heated homes while Chihuahua or Chinese Cresteds and many small breeds need the heated homes to survive. Cresteds have to be protected from the sun while the Nordic dog thrive under all sets of

conditions. Yet there is no consideration given in this bill to cover these different variables.

Who is going to enforce this bill? Are you expecting the towns to hire more animal control officers? Towns, which are currently running at a deficit and, for example, having to let 100 teachers go because there is no money to pay them. Or is the state going to hire more animal control officers and increase the size of the Dept. of Agriculture so they can enforce this bill? A department, that is so strapped for money that they currently have an animal control officer doing his job as well as that of his boss who retired over a year ago. What kind of training are these new hires going to be given? Where is the money going to come from to train them? Are you going to leave the enforcement of this law to untrained ACOs to determine if the animal is unreasonably confined for an unreasonable time? This allows for personal opinions, personal prejudices and total lack of uniformity to occur. Thus, leading to potential law suits by aggrieved owners. Do you expect ACOs to sit outside various dog owners' residences to time how long the dog is tied out? If so, how can they assure that the owners have full vision of their dogs at all times. Has any consideration been given to the owners of service dogs? No where, that I can find. How can a blind person with a seeing eye dog have full view of their dog. Or handicapped individuals confined to a bed or wheel chair for that matter.

This bill's requirements does not take into consideration the health of the animal. Animals recovering from an illness or surgery are often required to be crated for an extended period of time.

Many elderly people, who are your constituents, will be negatively and severely harmed by this bill. Such people who live in communities ~~such~~^{like} as senior housing, condos and apartments, that do not allow fencing of any kind. What about the old people of physically disabled who cannot walk their dogs and must tie them out to relieve themselves and get a little exercise? In many cases these dogs are these people best friends and prized possessions. If this bill is passed it will end their ability to keep their dogs forcing them to turn them over to a shelter thus putting another burden on the tax payers who support these shelters.

Personally I never travel with my dogs in a car unless they are crated. No they cannot stand up but they are secure like all persons in the car WEARING THEIR SEAT BELTS. My puppies start out being crated for training, the safety of the puppy and my residence. As a result many of my older dogs will readily get into an open crate as they regard it as their space. This happens especially when grandchildren appear on the scene.

Once again various breed which are bred for specific reasons like your sled dogs and hunting dogs are kept tethered for a reason. Sled dogs, it teaches them to bond and be able to work together, hunting dogs, it gives them a chance to get the scent while waiting to be released to hunt; especially at field trials. There are many reasons to tether dogs that are not cruel or inhuman.

I could go on but know I am limited to a time frame. Let me say that if this bill is passed it will hurt far more responsible dog owners than it will correct the problem. It will be an added burden on the tax payers of

this state. It is ridiculous and will be a waste of tax payers' money to pass this bill which cannot be enforced unless an exorbitant amounts of public funds are allocated to train, certify and hire sufficient personnel to enforce this farce.

Why make owning a dog such a burden on your constituents? Besides they spend lots of money in the local economy because of their pets; plus providing employment opportunities for many who are involved with pet care.

As I am sure I have used up my time, I have provided a hand out, prepared by The American Kennel Club, which explains the vast economic impact to our state created by the number of dog shows held here yearly

Thank you for you time
Edward F. Lyons,Jr.
32 Parker Rd.
Somers,Ct 06071
860 763 0397

TESTIMONY OF ANDREA G. SHEPTOFF

March 8, 2010

**SB 274 Legislation Concerning the Unreasonable Tethering and Confinement
Of Dogs**

Senator Meyer, Representative Roy, and fellow Environment Committee members, thank you the Environment Committee for allowing me to express my strong support of SB 274, legislation concerning the unreasonable tethering and confinement of dogs.

I do not want to quote the statistics, horror stories and frustrations that you have heard and will hear from Animal Control Officers and from the many animal welfare volunteers who want to end the suffering of dogs who spend their entire life often cold, hungry, thirsty, injured, frustrated and aggressive—their constant barking, calls for help, regarded by many as a mere nuisance.

I just want to state my belief that it is our duty and moral obligation to help those who are unable to help themselves. I know the enforcement of this law, if passed, will still, in many instances, be difficult to enforce...but so are many other laws such as those regarding drug sales and immigration. But that doesn't mean we should just throw in the towel. I hope you will regard this legislation in a favorable way. And even if just one dog's suffering is lessened or one dog owner educated, then it will be worth the trouble it took for me to be here today. As Mahatma Gandhi said, "The greatness of a nation and its moral progress can be measured by the way in which its animals are treated".

Andrea G. Sheptoff
3 Hockanum Road, Marlborough, CT 06447
860.228.9761

Testimony of Barbara Rudnick ✓
44 Stony Mill Lane
East Berlin, Ct. 06023

Member of CT Votes for Animals, The CT Underhound Railroad and a volunteer with the New Britain Animal Shelter

Concerning House Bill No. SB 274
An Act Prohibiting The Unreasonable Confinement And Tethering Of Dogs.
March 8, 2010

Senator Meyer, Representative Roy, members of the Environment Committee, thank you for the opportunity to express my concerns on House Bill SB 274.

I have worked with animal welfare and rescue for more than 20 years. I ask your support of this bill because no dog should suffer the neglect of being excessively tethered with inadequate shelter or care. The dogs of Connecticut deserve better and need to be treated with dignity and compassion.

- SB 274 will ensure enforcement of the dog tethering and confinement law by clarifying the conduct that it prohibits.
- Dogs are social animals and require interaction and exercise, which tethered dogs do not receive.
- Tethered dogs present public safety concerns due to aggressive behavior.

I have sadly witnessed several dogs in my life that were chained to a couple of pieces of wood the owners referred to as a shelter. The small area around them was usually covered with dirt and feces. Never did I see a ball or toy and in most cases the water dish was turned over as the poor dogs ran back and forth just hoping that someone would stop and play with them. Unfortunately on that rare occasion when someone did stop they would jump all over them simply because they were so starving for attention. Since the poor dog was now covered in dirt, feces and mud no one stayed long. I also remember the look in their eyes of such sadness.

What I remember the most regarding these dogs was that they were left out every day and night in the freezing cold. I did make a complaint to the ACO, but she informed me that the language was so vague that the pieces of wood were actually considered adequate. To me their lives were filled with neglect, abuse and they were not companion animals, but prisoners. I will never understand why people like this would get a dog?

I ask you to please support Bill 274 and urge the committee to incorporate amendments proposed by CT Votes for Animals and the ASPCA.

Thank you,

Barbara Rudnick

✓

Testimony of Kathleen Sullivan
Member CT Votes for Animals
Advisory Board Member Our Companions Domestic Animal Sanctuary

In Support of Senate Bill 274 – an Act Prohibiting the Unreasonable Confinement and Tethering of Dogs
Joint Environment Committee
March 8, 2010

Senator Meyer, Representative Roy, and fellow Environment Committee members, thank you for this opportunity to express my strong support for SB 274.

Laws on the books that are not enforceable are not effective. This is the case with the existing legislation regarding animal tethering. CT Votes for Animals, Our Companions Domestic Animal Sanctuary and the statewide coalition of animal welfare organizations with the Animal Welfare Federation of CT, are trying to change this to protect the neglected dogs involved as well as the public at large.

This issue is about protecting animals that live their lives chained to a stationary object without adequate food, water, shelter, or medical care. I am sure there is not one among you who would not be in favor of more humane treatment of the victims of such unthinkable cruelty. As a resident of the City of Hartford, I don't have to stray far from my own back yard to witness such heart wrenching situations. Sadly, after such confinement, these animals often become threat to public safety as well, and SB 274 is intended to address that problem as well.

Therefore, I urge you to do the right, humane thing and please support SB 274 and the amendments proposed by the ASPCA and CT.Votes for Animals. This bill would strengthen the current law and give Animal Control Officers a means to protect neglected dogs and keep our community safe.

Kathleen Sullivan
86 Bloomfield Avenue
Hartford, Connecticut 06105

March 8, 2010

To the Environment Committee
Connecticut General Assembly

Dear Chairs and members of the Committee.

SB274

I am writing this in support of the Dog Chaining and Confinement Bill, a bill which would more closely define and regulate the time a dog may be chained and other considerations such as how much space must be allowed.

I will start by saying that a bill such as this is long overdue.

Dogs chained outside for any significant time are vulnerable to all kinds of weather conditions and pests such as fleas and ticks. In addition, dogs chained outside suffer very greatly from loneliness. A dog is a natural family (pack) animal. Chaining him alone is not just a living condition, it is a cruel punishment.. Also they are naturally inquisitive and need to roam and explore. Dogs chained outside feel and are very defenseless. They cannot fight very well, neither can they run very far. They are vulnerable to predators (coyotes, bobcat, rabid animals) . They are vulnerable to being stolen or possibly abused by humans. No dog should ever be put in this unfair and dangerous disadvantage. Because they sense their defenselessness, chained dogs are in a constant state of anxiety, vigilance, and a ready-to-fight- state of mind. They become overly aggressive even when not called for. This is how you create a vicious dog. Dogs tied by a neck collar and leash may choke trying to fight against it. Some have even been strangled. Dogs on long leashes may become entangled and immobilized, a particularly uncomfortable and dangerous state.

For these reasons, dogs should never be chained outside except for short periods, in good weather and only when human supervision is available.

The above information was extrapolated from an interview I had with an Animal Control Officer for the purpose of airing our conversation as a show on public access television.

Thank you for your attention, I hope you will support this bill.

Barbara Day
178 Cedar Swamp Road
Storrs, Conn.
860-429-8026

Testimony of Joel Serota, 121 Tuttle Road, Woodbury, CT March 8, 2010

In opposition to Raised Bill No. 274

An Act Prohibiting the Unreasonable Confinement and Tethering of Dogs.

As many times as I read and re-read this proposed bill I still have to search for its genesis! It raises so many questions as to why this bill is even necessary in the first place? Whom does it benefit? Who does it harm and most puzzling, what is it that you are trying to accomplish? Let me share with you my findings that you, who serve this state, should collectively withdraw this bill now. Here are more than several reasons to do so. Any of which should cause you as legislators to rethink your positions.

Why is this Bill necessary? You are placing yourselves in a position to know what is best for someone else's dog. You are looking to make a determination as to tethering in an unreasonable manner in a confined place primarily based upon square footage and unattended, not within the visual range of the owner. This proposed Bill places an unreasonable burden on the owner to always have to be on site or have a dog sitter on the premises. The concept is just not realistic, but the fines are? Think of the legal rights of owners of the property when drafting legislation? Have you even considered the enforcement of such a law? Consider the legal consequences when someone attempts to make a determination as to square footage or goes on to someone's property to see if the owner is in visual range of the animal. How about in an urban setting with its limited area or the inside of a person's apartment. How do you enforce this Bill? Could you be creating a situation that could result in owners abandoning their dogs to roam the streets? Who is going to pay for this or the litigation the State would surely face when owners of dogs or real property seek to enforce their legal rights? It's an unnecessary bill, unenforceable and financially detrimental to the State based upon potential liability.

Whom does it benefit? Not the dog lover that has and continues to take care of his pet. He knows how his pet should be taken care of inside and outside in a confined enclosure. Certainly not the officials that have to enforce this ill conceived and poorly defined Bill. Not the taxpayers of the State, whose tax dollars will best serve the State in areas that require services.

There is missing language in this Bill that should exempt or exclude a kennel housing a pack of sporting hounds. The very purpose of having such hounds close together in a confined area is the socialization and pack mentality of working together. Although licensed, it is not a commercial kennel. This Bill addresses confined or tethered without consideration to sporting dogs. Again, why such a lack of thought in proposing a Bill that misses key elements that a Bill should have?

What were you trying to accomplish with this Bill? Helping dogs? Then if this is true, why not allow our very able Animal Control officials do what they currently do? They have the authority without this bill to protect dogs and ensure their welfare. This Bill would be a very costly bill and be burdensome to the State, our citizens who own dogs and officials that would have to enforce an unnecessary regulation. I urge you to withdraw this Bill now.

Joel Serota

**CONNECTICUT VETERINARY MEDICAL ASSOCIATION
TESTIMONY TO CGA ENVIRONMENT COMMITTEE REGARDING RAISED
BILL NO. 274**

**AN ACT PROHIBITING THE UNREASONABLE CONFINEMENT AND
TETHERING OF DOGS**

March 8, 2010

Messrs' Chairmen and Members of the Environment Committee:

We are writing as representatives of the Connecticut Veterinary Medical Association, which represents 95% of Connecticut licensed veterinarians. We respectfully request that veterinary hospitals and clinics be considered exempt from raised bill 274, as animals being hospitalized for medical and surgical treatment require confinement for appropriate treatment.

Thank you for your consideration.

Sincerely,

Eva Ceranowicz DVM
Past President and Co Chair Government Affairs Committee
Connecticut Veterinary Medical Association

Robert Belden DVM
Past President and Co Chair Government Affairs Committee
Connecticut Veterinary Medical Association