

THE FOLLOWING IS A STATEMENT FROM SENATOR JOSH BRECHEEN OF OKLAHOMA (DISTRICT 6) ON THE FILING OF SB15. (part one)

In an attempt to preserve constitutionally guaranteed personal property rights, I have filed SB15. This bill would overturn the Commercial Pet Breeders Act, which narrowly passed during the last legislative session.

The Commercial Pet Breeders Act (CPBA) set up a new state regulatory board to inspect every commercial dog or cat breeder with 11 or more producing females. It mandates involuntary inspection of private property without a warrant. Its board now has the authority to tell private business owners how to run their businesses yet has only one-out of eight- representatives who is a commercial breeder.

The CPBA board until recently imposed regulations that were crippling to commercial dog breeders with grossly high license fees, mandated animal exercise schedules, rules on number of employees per animal and facility humidity level guidelines among other regulations. In short, this board is convinced they know more about animal husbandry than the producers and their veterinarians.

I have grave concerns that although some regulations for the time being now resemble USDA guidelines (after major outcry from the industry), the board will return to their original regulations in years ahead (due to the left leaning philosophy of board members and lack of representation from the industry). I also see the handwriting on the wall for the state taxpayer picking up more of a tab for the regulatory services as private fees are reduced. Other states with like programs have increased state government involvement and taxpayer expense at a rapid pace.

The most egregious part of this statute (UNCHANGABLE WITHOUT REPEAL) is the mandatory inspection of private property. ALL commercial owners of 11+ producing females will be under the supervision of the state. The state inspector will have access to their private property (not a public facility) without a warrant. This is a direct violation of an Oklahoman's Fourth Amendment protection from unreasonable search and seizure. Individual liberty is at stake and we must not allow the loss of personal freedoms and constitutional rights, lest we are next.

Imagine if your cattle, swine, horses or poultry were being subjected to similar invasive inspections under guidelines established by bureaucrats who think meat comes from a plastic wrapped styrofoam tray? We wouldn't be too thrilled, yet the Commercial Pet Breeders Act sets the stage for exactly that kind of legislative tradition. That discussion is for next week's column.

Many of us know a commercial pet breeder. They are our friends, neighbors and relatives. Commercial breeders use the income to survive and support their local economy. For some, it's their retirement plan. They are small businesses, taxpayers and part of our community. Most breeders are professional and treat animals humanely. They know if they don't, it's extremely hard to sell a sickly or thin animal. The market, not a government inspector, ensures this.

Yes, there are bad actors, but these actors aren't getting rich by being inhumane. They aren't the ones selling to pet stores as that privilege is reserved only for those who are already USDA inspected and compliant. The bad actors are the ones who try and stay out of the light of day by selling puppies in superstore parking lots or some other quick sale location. They will not be effectively discovered under this new Oklahoma law. They will just move their operation deeper into the woods.

Current state law already establishes a way for animal cruelty to be addressed. Our local law enforcement officials can enter property without a warrant or line of sight confirmation and seize harmed animals. The state can recoup the cost of these actions through fines or sale of the animals. The problem, by many accounts, is not historical statute. The problem is twofold; the lack of personal responsibility, such as

people alerting authorities when they see something of concern, and enough knowledgeable law enforcement personnel to address complaints.

I recently met with a District 6 constituent to talk about these concerns. She is a former Missouri state kennel inspector who now runs an animal welfare charity in our district and has a tremendous heart for protecting animals. I doubt anyone in the state of Oklahoma has greater expertise or knowledge about the regulation of the commercial pet production industry and the challenges of addressing animal cruelty. She, too, contends that the recently passed law needs to be repealed as it will NOT make a significant difference in the welfare of animals and that there is a BETTER SOLUTION. If an animal welfare advocate with years of commercial breeding expertise doesn't support this law, how can the rest of Oklahoma feel confident in it accomplishing its intended goals? This individual and I are working together and believe we have found an alternative that protects animals while reducing state expense, the government's interference in free commerce and trampling of private property/constitutional rights.

Identification of those selling sickly animals is the key to a new plan. This information could be gathered through requiring health certificates at time of purchase (already required for out-of-state purchases and at certain livestock auctions). The health certificate would include verifiable facility information for the purchaser (a relationship with local veterinarian issuing certificate is essential in this step). For health certificates issued for exchange purposes, the information would then be sent to an existing state agency that already oversees other livestock production industries.

The state agency would then identify and plot the locations of commercial pet facilities (available online) based upon the number of health certificates issued yearly (number of sales). As is, this state agency has the staff to handle this new responsibility and could also assist local law enforcement officers in addressing animal cruelty when discovered (calls from informed neighbors or recipients of sickly animals.) Those engaged in criminal acts would be imposed upon while those who operate humanely would continue as normal (as most obtain health certificates already).

The agricultural community with both private and state regulatory interests should welcome this new idea given the potential problems ahead for production agriculture without repeal. This will be discussed in next week's column. Senator Josh Brecheen, District 6