

2/1/88

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRSThe meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson11:00 a.m. ~~pm~~ on February 3, 1988 in room 254-E of the Capitol.All members were present ~~except~~:

Committee staff present:

Mary Galligan, Legislative Research
Emalene Correll, Legislative Research
Mary Torrence, Assistant Revisor or Statutes
June Windscheffel, Committee Secretary

Conferees appearing before the committee:

Mr. Brad Avery, General Counsel, Kansas Association of Public Employees (KAPE)
Dr. Patricia T. Schloesser, Director, Division of Health, Department of Health and Environment (KDHE)
Mr. Gerald Duree, Topeka, Kansas
Miss Audrey B. McCaig, Executive Director, Helping Hands Humane Society, Inc.
Mr. E. A. Mosher, Kansas League of Municipalities

The Chairman welcomed the first conferee, Mr. Brad Avery, General Counsel, for the Kansas Association of Public Employees. Mr. Avery appeared to request the introduction of proposed legislation amending the Public-Employer-Employee Relations Act, K.S.A. 75-4321, et seq. A copy of his statement is part of these Minutes (Attachment #1), along with a copy of the proposed amendment. (Attachment #2).

Senator Daniels moved that the bill be introduced. The motion was seconded by Senator Anderson. The motion carried.

The next matter before the Committee was a letter from Mr. Paul Coleman of the Kansas Tobacco-Candy Distributors & Vendors, Inc. (Attachment #3) Also included in Mr. Coleman's packet was a copy of information, from the North Carolina General Assembly, concerning sales tax relief for sales made through coin-operated vending machines (Attachment #4) and an article concerning the sales tax relief bill in Massachusetts (Attachment #5). The Chairman explained the association's wish to have legislation introduced.

Senator Martin moved that legislation be introduced. The motion was seconded by Senator Strick. The motion carried.

The Chairman then introduced Dr. Patricia Schloesser, Director, Division of Health, Kansas Department of Health and Environment. Her letter dated December 23, 1987 to the Chairman was before the Committee (Attachment #6), along with information provided for Senator Ed Reilly concerning a Statewide Genetic Services program, (Attachment #7), information from the KDHE concerning such a program (Attachment #8), and proposed legislation for the program, 7 RS 2006 (Attachment #9). Dr. Schloesser made her comments concerning the program.

Senator Hoferer moved that the proposed legislation be introduced. The motion was seconded by Senator Bond. The motion carried.

The Committee turned its attention to SB515, concerning sterilization of certain dogs and cats. Miss Audrey McCaig, who spoke as a proponent (Attachment #10) of the bill. She also asked for a change in the language: in line 21 to delete the word "or" and insert a "," and add "any duly incorporated humane society."

Senator Hoferer then spoke before the Committee, stating that she had requested introduction of SB515, at the request of the Helping Hands Humane Society. She said the interest in this comes from people who love animals. She said there is a serious problem with unwanted animals in the United States.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ on February 3, 1988.

The Chairman then directed the Committee to SB518, concerning regulating dogs determined to be dangerous. Senator Hoferer again appeared before the Committee. She explained that there have been a number of articles in newspapers concerning vicious dogs and injuries inflicted by them. She said this proposed legislation provides a mechanism for people to file a complaint about a dog about which they feel concern.

The next conferee was welcomed by the Chairman. He was Mr. Gerald Duree, of Topeka. Mr. Duree was the victim of a serious attack by two pit bulldogs last summer in Jefferson County. Mr. Duree spoke about the matter of attacks by dogs against people in the State of Kansas, as well as nationwide. He spoke of the attacks in Topeka, also. An outline of Mr. Duree's remarks are part of these Minutes. (Attachment #11) Mr. Duree also spoke of the death of a 2-year old girl, and handed out copies of the article for the Committee of the newspaper article concerning that. (Attachment #12) He suggests control and financial responsibility for dangerous dogs. He requested proper legislation.

The Chairman thanked Mr. Duree for appearing.

Miss Audrey McCaig then appeared as a proponent of SB518, and she had proposed changes in the bill. Also her statement in support. (Attachment #13 and #13A).

Following her testimony the Chairman asked staff to prepare a synopsis of statutes which are on the books concerning the above matter.

Mr. E. A. Mosher, of the League of Kansas Municipalities was the next conferee. His statement (Attachment #14) says that the League has some reservations about the bill. Attached to his testimony are examples of pit bulldog ordinances and general vicious animal ordinances. (Attachments #15, #16, #17, #18 and #19) Mr. Mosher said they would like to make an alternative approach as shown on the bottom part of his statement.

The Chairman thanked all the conferees for appearing.

The Chairman also pointed out that there was a report of general information from Legislative Research, dated January 27, 1988), concerning the Liquor Law Review Commission Report, (Attachment #20) before the Committee. This concerns some of the recommendations, and the Committee will consider this later.

The Committee will meet at its regular time and place tomorrow.

The Chairman announced that there will be two days of committee meetings of the Joint Committees on Federal and State Affairs next week.

The meeting was adjourned at noon.

Senate Bill # 18
From Gerald J. Durre 141 Wristed
To Federal & State Affairs Committee
TOPPE # 1

Control & Financial Responsibility For dangerous dogs

1. There has been numerous attacks by dogs against people in the State of Kansas and nationwide.

- A. Serious attacks in Topeka
- B. Kansas City: One very serious "a child"
- C. Wichita Kans In one case a pit Bull had to be shot seven or eight times by Police
- D. Jefferson Co. I myself attack by two Pit Bulls
- E. Nationwide, In Ohio, Michigan, Rhode Island, and Calif, Washington State have reported deaths and injuries.

There has been far too many in this state alone.

*2. Upon written complaints of dog presumed to be dangerous, written proof of required vaccinations should be required of owner. If owner cannot show ^{proof} dog or dogs should be held in quarantine by other than owner at owners expense until they have complied with the law in that regard. If not complied with in 3 to 5 days dog or dogs to be destroyed at owners expense.

Senate FSA

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Attachment #11

* 3. Under Sec 3. B "Indoor" is not secure enough. ¹

4. Maintaining a dangerous dog or animal should require financial responsibility of the owner. [#] 100,000 or more (Ohio & RIF) 1000 fine or 6 months jail or both with no reduction by a judge allowed.

5. 1. Some breeders maintain inbreeding cause dogs to have aggressive tendencies. 2. Dogs declared to be dangerous should be spayed or neutered at owners expense.

6. Description of the attack on me. clothes, Pictures, Lack of state law to protect, Vet wrong in two cases (my opinions) No one should ever have to go through what I did.

7. This is a good bill, I feel it should be strengthened some and hopefully passed.

Thank you for allowing me to express my sincere and honest opinion about this bill.

Thanks
Gerald J. Durel
141 S.W. Wish Oil
Topeka Kansas PH 272-1291

Owner charged after dogs kill 2-year-old girl

By Debra Mason
Dispatch Staff Reporter

Kenneth I. Ferguson's neighbors were afraid to walk past his patio because his dogs, a Rottweiler and a pit bull, would bark and shake the fence in their efforts to get free.

Yesterday, the dogs did get free, and they mauled 2-year-old Shannon Tucker to death.

The dogs killed Shannon, daughter of Gayle Tucker, 22, as she played yesterday morning behind her home at 4872 Foxcroft Ct. in the Winding Hills condominium complex on the Far East Side.

FERGUSON, 4876 Foxcroft Ct., was charged about 3:30 p.m. yesterday with involuntary manslaughter and was taken to the Franklin County Jail. Police are trying to find out how the animals escaped from Ferguson's patio, which is surrounded by a 6-foot-high, wooden stockade fence.

The dogs are in the Franklin County Animal Shelter.

Tucker said she and Shannon took a bath yesterday morning and then she let Shannon outside to play about 11:30 a.m. after checking to see that the dogs were not out.

John Petrella, 29, of Noe Bixby Rd. was waxing his car in the complex's parking lot when Shannon left the fenced patio behind her home to play on a sidewalk between the parking lot and patio. Petrella said he heard the gate to Ferguson's patio open, and he turned to see Shannon being mauled.

"SHE ONLY screamed short and quick," said Petrella. "They tossed her around like a rag doll."

Death could be test of vicious-dog law, Page 1 D

He jumped on a car and screamed for help.

"It was like they were eating lunch," he said.

The dogs dragged Shannon across the parking lot to a grassy area where neighbors said they often saw the dogs play. One of Shannon's white tennis shoes remained behind on the sidewalk, said Columbus Police Sgt. Raymond Clary.

Ferguson, 32, ran from his home and used a tape-covered club to beat the animals and chase them home, police said.

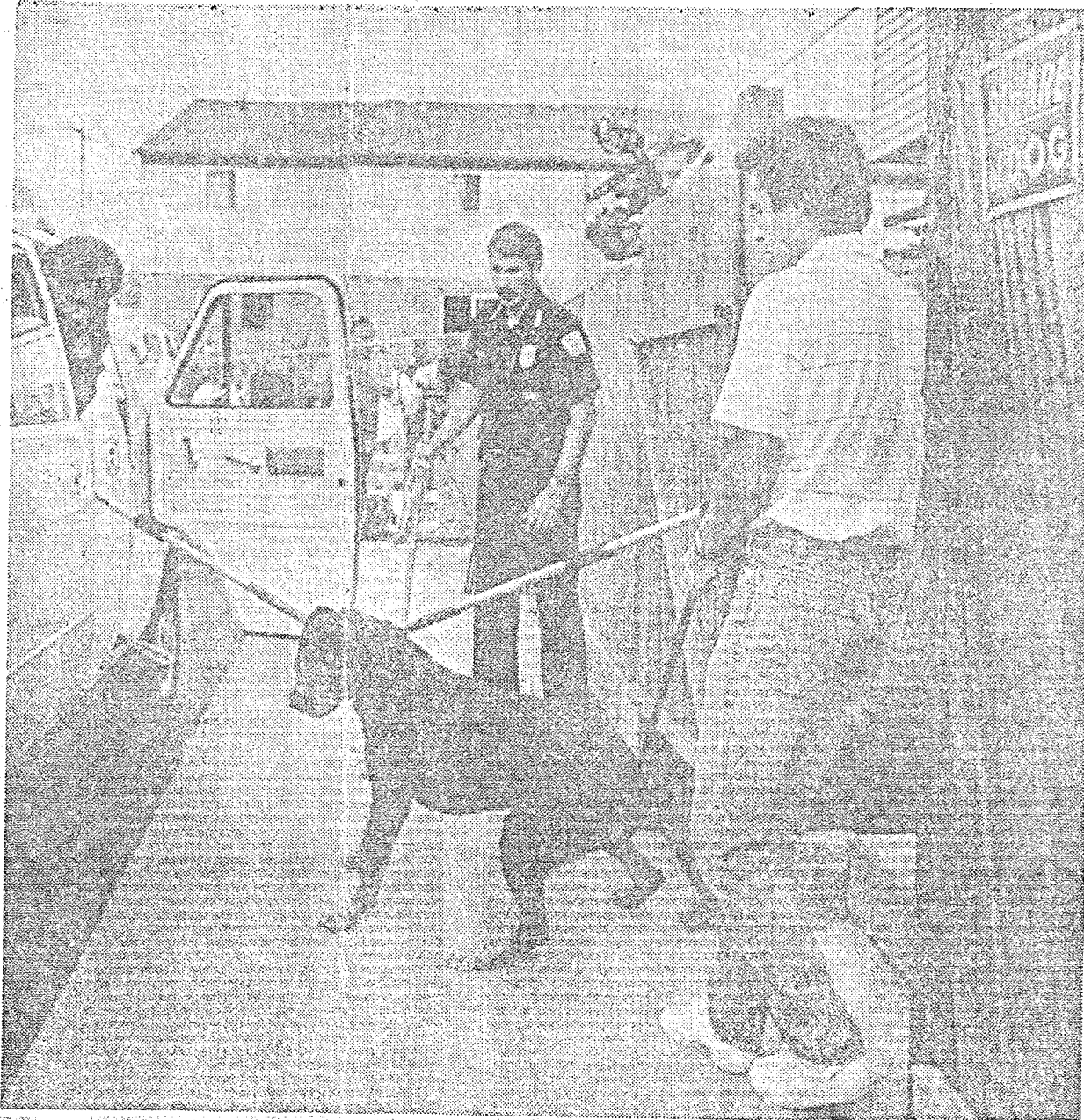
Mark Statler, 27, who lives with Tucker, said he rushed to cradle Shannon. Betty Hodge restrained a distraught Tucker, who had rushed outside in underclothes after her bath. Tucker, Statler and Hodge, 24, have lived in the rented condominium since May.

Truro Township medics took Shannon to Mt. Carmel East Hospital, where she died about an hour after the attack from loss of blood and a broken neck, said Robin Hutchinson, hospital spokesman.

Neighbors said they had been wary of the male dogs, named King and Bear. Hodge said they attacked her cat in July, and the cat had to be put to sleep.

Neighbors said Ferguson had told them that the dogs were trained in both obedience and attack tactics.

"I've seen them with him and thought he had control of them, but he didn't have control of them



Dispatch photo by Doral Chenoweth III

Franklin County animal control officers prepare to take away a Rottweiler, one of two dogs that attacked and killed Shannon Tucker, 2, top right. At lower right is Shannon's mother, Gayle Tucker.

today," Petrella said.

Ferguson has "Beware of Dog" signs posted at his home.

When the animals were in the enclosure, the Rottweiler's head was often visible above the fence as it stood on its hind legs, neighbors said. The Rottweiler, a German breed of cattle dog, is larger

than the pit bull.

"The fence would just shake" from the force of the dogs banging against it when they heard people walk by, said neighbor Lucy Albanese of Noe Bixby Rd.

"I'd take the dogs right out here and shoot them," another neighbor said.

Shannon was known by many of those living in the area, her mother said.

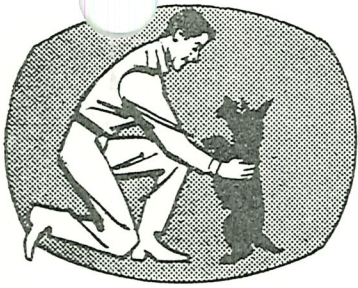
"Everyone loved Shannon," Tucker said. "And Shannon loved everybody."

Shannon's father is David Tucker, who is divorced from Gayle Tucker.

Mrs. Tucker said Shannon was a rambunctious girl who had just been given a mixed breed puppy named Chrissy to keep her occupied.

"I'm hoping that God has something special to keep that child busy - if God could just keep her busy," said Mrs. Tucker.

Senate FISA
2/3/88
Attachment #12



Helping Hands Humane Society, Inc.

OFFICE AND ANIMAL SHELTER
2625 Rochester Road
Topeka, Kansas 66617
Telephone 233-7325

Testimony by: Miss Audrey B. McCaig, Executive Director, Helping Hands Humane Society

Re: S.B. 518

Committee: Senate Federal and State Affairs

Date: February 3, 1988

Mr. Chairman and Members of the Committee:

I appreciate the time to appear before you today concerning S.B. 518, which concerns certain dogs; regulating dogs determined to be dangerous.

I am very much in favor of seeing S.B. 518 passed this Session but I do have one question.

On the first page, line 0037 (B) be owned or kept primarily or in part for the purpose of dog fighting or be trained for dog fighting; or --

I believe this should be stricken -- it is now a felony in the State of Kansas.

The rest of the bill I agree with completely and recommend it be passed.

Thank you for your support of this!

Respectfully submitted,

Miss Audrey B. McCaig,
Executive Director

Senate FSA

2/3/88

2/3/88

Changes That Need to be Made

SB 515 Line 0021, delete the word or and insert a comma and add "or any duly Incorporated Humane Society."

SB 518 Delete lines 0037 and 0038 - There is already a dog fighting bill that I believe covers this and makes it a felony.

Sec. 2 - Line 0058 - Change to any complaint made by the public or animal control should be investigated if there is probable cause to believe it.

Bill speaks only about animal control officers and there are many counties that do not have animal control officers and if not they should have county health officer investigate.

It only mentions dangerous dogs attacking people -- it should mention dangerous dogs attacking and killing other animals.

Audrey B. McCraig, Executive Director
Helping Hands Humane Soc.
Topeka, Ks, 66617

Senate FSA

2/3/88

Attachment #13A

2/3/88



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

RE: SB 518--Regulating Dangerous Dogs
TO: Senate Committee on Federal and State Affairs
FROM: E.A. Mosher, Executive Director
DATE: February 3, 1988

The League has some reservations about SB 518, notwithstanding the good intent of the sponsors. Indeed, one policy committee of the League has expressed their opposition to the bill unless some accommodation can be made to the many local units which have already taken action to regulate and control dangerous dogs, in an effort to meet community needs, and to the level of community acceptance.

The League has records reflecting that at least 107 Kansas cities have adopted pit bulldog-specific ordinances. At least three counties have adopted similar resolutions. In addition, we estimate that over 200 other cities have general vicious dog or vicious animal ordinances.

Attached to this testimony are some examples of pit bulldog ordinances and general vicious animal ordinances. It will be noted that a wide variety of local approaches have been used. For example, some cities require the filing of proof of liability insurance by the owners of pit bulls. Perhaps SB 518 is the solution, and there should be no local standards or variations. But we would also suggest that effective local enforcement requires some local influence and local commitment.

We attempted to draft an amendment to the bill which would effectively provide that the provisions of SB 518 shall not apply within any city or county which has enacted a comprehensive ordinance or resolution regulating dangerous dogs. We have been unsuccessful; who determines whether a local ordinance or resolution is comprehensive?

We are concerned about any proposed state law which supersedes local control over a subject traditionally left to local governments. Consequently, we suggest that the Committee may want to look at the alternative approach of strengthening the existing state law relating to dangerous animals, thus leaving to local governments the enactment of more comprehensive and restrictive regulations to supplement the basic state law. The existing law provides as part of the Kansas Criminal Code, and the article Crimes Against Persons, as follows:

21-3418. Permitting dangerous animal to be at large. Permitting a dangerous animal to be at large is the act or omission of the owner or custodian of an animal of dangerous or vicious propensities who, knowing of such propensities, permits or suffers such animal to go at large or keeps such animal without taking ordinary care to restrain it.

Permitting a dangerous animal to be at large is a class B misdemeanor.

Senate FSA
2/3/88
Attachment #14

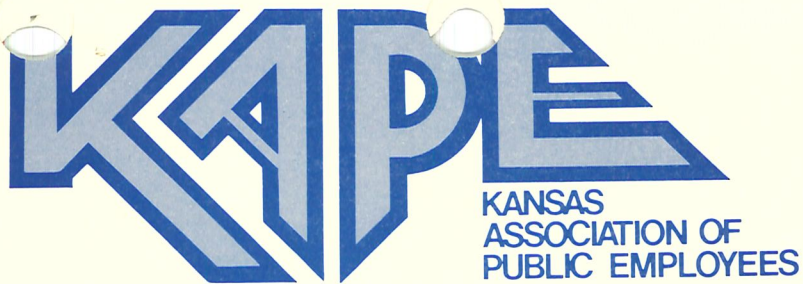
President: Carl Dean Holmes, Mayor, Plains • Vice Presidents: Douglas S. Wright, Mayor, Topeka • Past Presidents: John L. Carder, Mayor, Iola • Directors: Nancy R. Denning, Commissioner, Manhattan • Ed Eilert, Mayor, Overland Park • Irene B. French, Mayor, Merriam • Frances J. Garcia, Commissioner, Hutchinson • Robert G. Knight, Mayor, Wichita • Paula McCreight, Mayor, Ness City • Jay P. Newton, Jr., City Manager, Newton • Richard U. Nienstedt, City Manager, Stockton • David E. Retter, City Attorney, Concordia • Judy M. Sargent, City Manager, Russell • Joseph E. Steineger, Mayor, Kansas City • Arthur E. Treece, Mayor, Coffeyville • Executive Director: E.A. Mosher

We offer no particular amendments to SB 518, but suggest there may be something that lies between this brief statute and a lengthy bill like SB 518.

It might also be noted that Kansas law has more restrictive provisions as to dogs which "worry" any "domestic animal" than those dogs which "worry" individuals. The following is from Chapter 47 of the statutes, relating to Livestock and Domestic Animals.

47-645. Liability of owner of dog for damages. If any dog shall kill, wound or worry any domestic animal the owners of such dog shall be liable to the owner of such animal for all damages that may be sustained, thereby to be recovered by the parties so injured before any court having competent jurisdiction.

47-646. Killing dog lawful, when. It shall be lawful for any person at any time to kill any dog which may be found injuring or attempting to injure any cattle, hogs or sheep.



2/3/88

1/28/88

Senator Ed Reilly
Chairman,
Federal and State Affairs Committee
State Capitol Building
Topeka, Ks. 66612

Dear Senator Reilly,

This letter is written as an explanation to the attached piece of proposed legislation amending the Public Employer-Employee Relations Act, K.S.A. 75-4321, et. seq.

Sections one and two are designed to bring all units below the state level of government under the act. Currently, its provisions require the governing bodies of these units make an election to come under the act.

As you might guess, that has resulted in an overwhelming majority of nonstate public employees being without the option of selecting representation. We receive regular inquiries from these employees asking for our help in helping to cope with their personnel problems, but there is little KAPE can do unless the act has been recognized by the governing body concerned.

Whatever motives have prevented most local governing bodies from recognizing the act are not reflective of its generally successful operation in those areas which have. Where in place, the act has been successful in accomplishing its prime directive, i.e. "the development of harmonious and cooperative relationships between government and its employees." K.S.A. 75-4321(a)(1).

As an example, KAPE currently represents four local units of government and has achieved memorandum agreements with three (the fourth was certified this month). We have been to mediation/fact finding, the most extreme remedy available in the act when negotiations break down, precisely once in our 16-year history of representing local units. Strikes and interference with management rights are prohibited by the act.

What the act does for employees is give them, at their option, a single voice in negotiations and a means to address

Senate FSA
Brad Avery
2/3/88
Attachment #1

PROPOSED AMENDMENTS TO THE PUBLIC EMPLOYER-EMPLOYEE RELATIONS ACT

1) K.S.A. 75-4321(b) is amended as follows:

Subject to the provisions of subsection (e), it is the purpose of this act to obligate agencies, public employees and their representatives.....

2) K.S.A. 75-4321(c) is amended as follows:

The present subsection is abolished.

3) K.S.A. 75-4322 (f) is amended as follows:

"Public agency" or "public employer" means every governmental subdivision, including any county, township, city school district, special district, board, commission, or instrumentality or other similar unit whose governing body exercises similar governmental powers, and the state of Kansas and all of its state agencies, **regardless of funding sources used to pay its employees or location within the government.**

Senate F.S.A.
2/3/88
Attachment #2

Kansas Tobacco-Candy Distributors & Vendors, Inc.

Paul D. Coleman - Executive Secretary

(913) 234-2416 or 235-3460 434 S.W. Topeka, Blvd. Topeka, Kansas 66603

President
GALE CYNOVA
Junction City, Kansas

Vice President
JOE WESTERMAN
Iola, Kansas

Secretary
ROBERT PIOTROWSKI
Fort Scott, Kansas

Treasurer
RONALD OSWALD
Lawrence, Kansas

Chairman
Board of Directors
DAVE MINICH
Overland Park, Kansas

Directors
TOM GUTHRIE
Kansas City, Kansas

GEORGE LAWRENCE
Hutchinson, Kansas

DOYLE PEPPER
Topeka, Kansas

RICHARD REGNIER
Leavenworth, Kansas

MIKE CARSON
Wichita, Kansas

RONALD PRIBYL
Kansas City, Kansas

RONDA WASSENBERG
Marysville, Kansas

Directors at Large
MIKE CARSON
Wichita, Kansas

EARL DePOY
Pittsburg, Kansas

KENNETH HAGMAN
Pittsburg, Kansas

BASIL HODGES
Liberal, Kansas

TOM POPEK
Kansas City, Kansas

CECIL PRIBYL
Kansas City, Kansas

RONALD PRIBYL
Kansas City, Kansas

FRED STEVENS
Wichita, Kansas

January 14, 1988

The Hon. Edward F. Reilly
Room 255-E
State House
Topeka, Kansas 66612

Dear Senator Reilly:

The Kansas Tobacco - Candy Distributors & Vendors, Inc., has renewed its resolve to see that a bill become law which would modify the method of computation of sales tax liability for tangible personal property, other than cigarettes, sold through vending machines. To that end, I am enclosing photocopies of my correspondence to you dated February 13, and May 1, 1987.

Since that time, at least two other states have taken similar steps. I am enclosing information relating to actions taken in North Carolina and Massachusetts. Although neither of these take the same approach we propose, the end results are basically the same.

Although their methods vary and their number is difficult to determine exactly, approximately two-thirds of the states, plus the District of Columbia, now offer some type of relief to vendors.

As always, I remain anxious to work with you or the Revisor's office in any way I can. I thank you on behalf of the Association for your willingness to sponsor this legislation.

Sincerely,



Paul D. Coleman

PDC:jm
Encls.



*Senate FSA
2/3/88
Attachment #3*



NATIONAL
AUTOMATIC
MERCHANDISING
ASSOCIATION

20 N. WACKER DRIVE, CHICAGO, ILLINOIS 60606 (312) 346-0370

Serving the Vending / Foodservice management industry

EASTERN OFFICE: 11718 Bowman Green Drive, Reston, VA 22090 (703) 435-1210
WESTERN OFFICE: 11300 Sorrento Valley Road, San Diego, CA 92121 (619) 452-5711

September 15, 1987

SPECIAL LEGISLATIVE BULLETIN NO. 87-18

North Carolina

VENDING SALES TAX RELIEF ADOPTED

Effective 7/1/89

The North Carolina General Assembly passed SB 484 August 14, 1987 which, among other things, provides sales tax relief for sales made through coin-operated vending machines with the exception of closed-container soft drinks and tobacco products. The tax will be assessed at 50% of the selling price.

The appropriate section reads as follows:

"Sec. 3. G.S. 105-164.3(16) is further amended by adding a new paragraph to read:

"f. The sales price of tangible personal property sold through a coin-operated vending machine, other than closed-container soft drinks subject to excise tax under Article 2B of this chapter or tobacco products, is considered to be fifty percent (50%) of the total amount for which the property is sold in the vending machine."

This section is effective July 1, 1989 and will apply to sales made on or after that date.

Brian B. Allen
Richard W. Funk
Department of Government Affairs

*Senate FSA
2/3/88
Attachment 4*

Massachusetts Council Wins Fight For Candy/Snack Sales Tax Relief

BOSTON, Mass. — The Massachusetts Automatic Merchandising Council reports that a sales tax relief bill which it sponsored has become law. It was passed by the state legislature last year, and took effect this year.

The measure exempts from the state's five per cent sales tax all candy and snack foods sold for less than \$1.00 through vending machines. It was introduced by State Rep. John H. Flood, chairman of the Committee on Taxation, who had submitted a similar piece of legislation last year.

Rep. Flood was the guest of honor at a dinner held recently by MAMC to commemorate its successful effort to secure equitable treatment under the state's tax law.

Howard Michaels, Dining Management (Randolph, Mass.), a past-chairman of the National Automatic Merchandising Association who chairs MAMC's Legislative Committee, reminded the guests of the association's long struggle to secure tax relief. When vendors lost the \$1.00 exemption in the mid-70s, MAMC retained legal counsel and sought redress through the courts.

When this failed, the association sought to inform legislators of the inequities inherent in the revised tax law.

When the inequitable language of the tax law, and its adverse impact on the vending industry, came to Rep. Flood's attention, he submitted a bill endorsed by MAMC, Michaels recalled. The Council's Legislative Committee coordinated a grass-roots campaign in which members contacted their legislators and explained the importance of the measure.

"Though the bill died in 1985, it was resubmitted in 1986," the Legislative Committee chairman observed. "Finally, after considerable effort on the part of Rep. Flood and MAMC, the bill was passed and signed into law."

MAMC chairman Allan Gilbert, New England Vending (Lowell, Mass.), who is also a member of the Legislative Committee, commended Rep. Flood and the Council members for their efforts, and congratulated them on their success in demonstrating that results can be obtained through the legislative process. "You've proven that the system works," he said.

Senate FSA
2/3/88
Attachment #5

STATE OF KANSAS



DEPARTMENT OF HEALTH AND ENVIRONMENT

Forbes Field

Topeka, Kansas 66620-0001

Phone (913) 296-1500

Mike Hayden, Governor

Stanley C. Grant, Ph.D., Secretary

Gary K. Hulett, Ph.D., Under Secretary

December 23, 1987

The Honorable Edward F. Reilly, Jr.
Kansas Senator
1412 S. Broadway
Leavenworth, Kansas 66048

Re: Genetic Disease Program Legislation

Dear Senator Reilly:

Yesterday I met with Norman Furse at your request and provided him with suggested language for legislation and background information on the existing program (see enclosure). We have decided it best to leave intact current laws relating to newborn screening, sickle cell and hemophilia - all of which would be compatible with the proposed legislation.

I note Senator Bogina's letter of December 7th to Dr. Schimke and am concerned that the scope of the Kansas genetic disease program outreach clinics may not have been fully presented in the past to the legislature. Also, it is troubling that the federal grant funds replaced state funds during the past three years at KDHE for a nurse and secretary position which had worked full time with state genetics activities since 1965. Now these two positions have been lost.

Please let me know how we can be of further help to you and Representative Branson in your efforts to secure new legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia T. Schloesser".

Patricia T. Schloesser, M.D.
Director, Division of Health

PTS:pc

pc: Representative Jessie Branson
Neil Schimke, M.D.
Gary K. Hulett, Ph.D., Under Secretary
Sechin Cho, M.D.

Office Location: Landon State Office Building—900 S.W. Jackson

Senate FSA
2/3/88
Attachment #6

Prepared for Senator Ed Reilly
By Division of Health, Kansas Department of Health and Environment
December 1987

Statewide Genetic Services Program.

Establishment of statewide genetics services program.

The Secretary of Health and Environment shall establish a statewide genetic services program to:

1. develop the public health policy with respect to the conduct of scientific investigations and research concerning the causes, prevention, treatment and cure of birth defects, inherited handicapping conditions and chronic diseases in humans.

2. conduct or cause to be conducted scientific investigations and surveys of the causes, morbidity, mortality, methods of treatment, prevention and cure of birth defects.

3. publish the results of the investigations and surveys for the benefit of the public health and collate the publications for distribution to scientific or professional organizations and qualified scientists, physicians and others with an interest in the findings.

4. develop and administer statewide genetic and metabolic screening programs to detect and prevent or treat birth defects or inherited handicapping conditions and chronic diseases.

5. develop specifications for and designate central laboratories in which tests pursuant to number 4 will be performed.

6. develop standards and monitor the compliance of laboratories providing services intrinsically involved with genetic services

7. institute and carry on an intensive educational program among physicians, hospitals, public health nurses, education facilities and the public. This education program shall include information about the causes, methods of treatment, prevention and cure for birth defects and inherited handicapping conditions or chronic diseases and the importance of genetic screening.

8. institute and carry on an education program to the staff of the colleges, universities and technical schools preparing the individuals who will be working with persons with birth defects, inherited handicapping conditions and chronic diseases. This education program shall include information about the causes, methods of treatment, prevention and cure for birth defects and inherited handicapping conditions or chronic diseases and the importance of genetic screening.

9. support diagnosis, treatment and clinical genetic counseling services.

10. maintain a central registry of diagnosed cases including information of importance for the purpose of follow-up services to prevent further morbidity or mortality.

11. Establish a broad based advisory committee with representation from, at least, clinical genetics; professionals working in the field of genetics or with a client population with a birth defect, inherited handicapping conditions and chronic diseases; parent or person with birth defect, inherited handicapping conditions and chronic diseases and the public

Senate FSA
2/3/88
Attachment #7

Confidentiality

Information concerning genetic and metabolic screening programs and counseling program is confidential and shall not be disclosed except as provided in this section. The secretary may disclose information concerning genetic and metabolic screening and counseling:

1. upon receipt of a written request from the person who is the subject of the information or the parent or guardian if the person is 18 years of age or younger; or
2. upon the request of an organization or scholarly investigator for legitimate research or data collection purposes so long as such information is disclosed in a manner which will not reveal the identity of the persons who are the subject of the information.

Rules and Regulations

The secretary shall adopt rules and regulations necessary to administer the provisions of this act.

Kansas Department of Health and Environment
December 1987

Genetic Services Program of Kansas

Purpose: Expand, strengthen and link genetic services through development of outreach clinics, education and common data reporting.

Funding: MCH block grant set aside for Special Projects of Regional and National Significance (SPRANS). Final year of a four year funding period, with extension until March 31, 1987.

Type of service provided: Genetic counseling and education activities

Outreach clinic sites

Garden City
Parsons
Hays
Salina
Topeka
Great Bend

Educational offerings from 6/1/85 through 3/15/86

Kansas City Center - 27
Wichita Center - 16

Attachment: Geneticss Fact Sheet
Genetics Services Pamphlet

*Senate FSA
2/3/88
Attachment #8*

Genetics Fact Sheet

- * All persons are products of genetic inheritance.
- * Interest in recent years has pervaded all aspects of society.
- * Knowledge about human genetics is not new:
Chaldeans, 6000 years ago were aware of heredity
Talmud recognizes that hemophilia affects boys
- * Genetic Services include diagnosis and counseling.
- * Genetic counseling is basically a communication process:
about the disease in question,
the way it is inherited in families,
reproductive and family planning options available,
assisting family to identify personal goals and values, and
assisting family to incorporate the information into their
lifestyle.
- * Genetic services were available at centers in Kansas City and
Wichita and at outreach clinics in Topeka, Salina, Hays, Colby,
Garden City, Parsons, and Pittsburg during the grant period.

1984-1986
Statistics--Comments
Genetics Services Program

- * 4745 Kansans were provided genetic services through grant activities.
- * 10,239 Kansans were present at the genetic counseling sessions.
The 7267 additional Kansans accompanied the 4745 individuals to the genetic counseling sessions.
- * These Kansans were from 103 of the 105 counties in the state.
- * Of the individuals where sex of the individual was noted, more females (2074) than males (1080) requested the genetic services.

* The following, based on the individuals identified with a race/ethnic background, is the statistics for race/ethnic background.

White	3,062	65%
Black	125	3%
Hispanic	67	1%
Others	62	1%

Data on race/ethnic background is not kept in a consistent format across agencies, thus making it difficult to compare data. The United States Bureau of the Census, 1980 Report, indicates that Blacks made up 5.3% of the Kansas population and whites 91.8%

* The 1986 data shows that 35% of the 688 households identifying their annual income earned less than \$10,000. This is consistent with previous years. Data from the 1980 Census Report indicates that 25% of the Kansas households earned less than \$10,000 annually.

* Education, measured by years of completion, is another factor for which data is accumulated. Thirty-three percent of the identified population in the 1986 data completed high school and 10% had less education for a total of 43% with high school or lower education. In 1984 and 1985 combined data, 35% of the individuals were educated at this level. Data from the 1980 Census Report indicates that 69% of Kansans, over 15 years of age, are high school graduates.

* Individuals with the following conditions have been provided genetic counseling:

- Down syndrome,
- Autosomal Chromosome Abnormality,
- Sex Chromosome Abnormality,
- Developmental/Growth Delay,
- Neural Tube Defect,
- Metabolic Disorder,
- Cleft lip and palate,
- Hemoglobinopathy,
- Muscular Dystrophy,
- Neurofibromatosis,
- Skeletal Abnormality,
- Coagulation Disorder,
- Mental retardation,
- Multiple Congenital Anomalies and
- Teratogen Exposure

which, by calendar year, from which clients received genetic counseling services.

CHEYENNE	RAWLINS 85	DECATUR 84 85 86	NORTON 85 86	PHILLIPS 84 85 86	SMITH 84 86	JEWELL 84 85 86	REPUBLIC 84 85 86	WASHINGTON 85 86	MARSHALL 84 85 86	NEMAHA 85 86	BROWN 85 86	DONIPHAN 85 86		
SHERMAN 85	THOMAS 85 86	SHERIDAN 86	GRAHAM 86	ROOKS 84 85 86	OSBORNE 86	MITCHELL 84 85	CLOUD 85 86	CLAY 84 85	RILEY 84 85 86	POTTAWATOMIE 84 85 86	JACKSON 85 86	ATCHISON 86	LEAVENWORTH 85 86	YAMCOTTE 85 86
WALLACE 84 85 86	LOGAN 85 86	GOVE 84 85 86	TREGO 84 86	ELLIS 84 85 86	RUSSELL 85 86	LINCOLN 84 85 86	OTTAWA 84 85 86	DICKINSON 84 85 86	GEARY 84, 85, 86	WABAUNSEE 85 86	SHAWNEE 84 85 86	DOUGLAS 84 85 86	JOHNSON 84 85 86	
GREELEY 84 86	WICHITA 84 86	SCOTT 84 85	LANE 86	NESS 84 85 86	RUSH 84 85	BARTON 84 85 86	ELLSWORTH 85 86	SALINE 84 85 86	MORRIS 84 85 86	LYON 84 85 86	OSAGE 85 86	FRANKLIN 85 86	MIAMI 85 86	
HAMILTON 84 85 86	KEARNY 84 85 86	FINNEY 84 85 86	GRAY 84 85 86	HODGEMAN 84 85 86	PAWNEE 84 85 86	STAFFORD 84 85 86	MC PHERSON 84 85 86	RIGE 84 85 86	MARION 84 86	CHASE 84 85 86	COFFEY 84 85 86	ANDERSON 86	LINN 84 85 86	
GRANT 84 85 86	HASKELL 84 86	FORD 84 85 86	EDWARDS 84 85	KIOWA 84 85 86	PRATT 84 85 86	KINGMAN 84 86	RENO 84 85 86	HARVEY 84 85 86	BUTLER 84 85 86	GREENWOOD 84 85 86	WOODSON 84 85 86	ALLEN 84 85 86	BOURBON 85 86	
MORTON 84 85 86	STEVENS 84	SEWARD 84 85 86	MEADE 85 86	CLARK 85 86	COMANCHE 84 85 86	BARBER 84 85 86	HARPER 84 85 86	SUMNER 84 85 86	COWLEY 84 85 86	ELK 85 86	WILSON 84 85 86	NEOSHO 84 85 86	CRAWFORD 84 85 86	
										CHAUTAUQUA 85 86	MONTGOMERY 84 85 86	LABETTE 84 85 86	CHEROKEE 84 85 86	

SENATE BILL NO. _____

BY COMMITTEE ON FEDERAL AND STATE AFFAIRS

AN ACT establishing the statewide genetic services program; providing for administration by the secretary of health and environment.

Be it enacted by the Legislature of the State of Kansas:

Section 1. The secretary of health and environment shall establish a statewide genetic services program to:

(a) Develop the public health policy with respect to the conduct of scientific investigations and research concerning the causes, prevention, treatment and cure of birth defects, inherited handicapping conditions and chronic diseases in humans;

(b) conduct or cause to be conducted scientific investigations and surveys of the causes, morbidity, mortality, methods of treatment, prevention and cure of birth defects;

(c) publish the results of the investigations and surveys for the benefit of the public health and collate the publications for distribution to scientific or professional organizations and qualified scientists, physicians and others with an interest in the findings;

(d) develop and administer statewide genetic and matabolic screening programs to detect and prevent or treat birth defects or inherited handicapping conditions and chronic diseases;

(e) develop specifications for and designate central laboratories in which tests pursuant to paragraph (d) will be performed;

(f) develop standards and monitor the compliance of laboratories providing services intrinsically involved with genetic services;

(g) institute and carry on an intensive educational program among physicians, hospitals, public health nurses, education

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facilities and the public, including information about the causes, methods of treatment, prevention and cure for birth defects and inherited handicapping conditions or chronic diseases and the importance of genetic screening;

(h) institute and carry on an education program to the staff of the colleges, universities and technical schools preparing the individuals who will be working with persons with birth defects, inherited handicapping conditions and chronic diseases, including information about the causes, methods of treatment, prevention and cure for birth defects and inherited handicapping conditions or chronic diseases and the importance of genetic screening;

(i) support diagnosis, treatment and clinical genetic counseling services;

(j) maintain a central registry of diagnosed cases including information of importance for the purpose of followup services to prevent further morbidity or mortality;

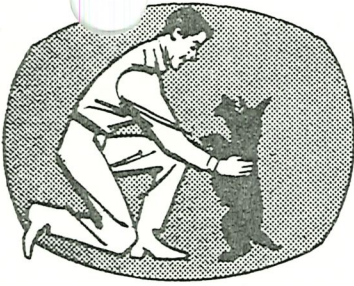
(k) establish a broad based advisory committee with representation from professionals working in the field of genetics, client population, parents of person with birth defect, inherited handicapping conditions and chronic diseases and the public.

Sec. 2. Information concerning genetic and metabolic screening programs and counseling program is confidential and shall not be disclosed except as provided in this section. The secretary of health and environment may disclose information concerning genetic and metabolic screening and counseling: (a) Upon receipt of a written request from the person who is the subject of the information or the parent or guardian if the person is 18 years of age or younger; or (b) upon the request of an organization or scholarly investigator for legitimate research or data collection purposes so long as such information is disclosed in a manner which will not reveal the identity of the persons who are the subject of the information.

Sec. 3. The secretary of health and environment shall adopt

rules and regulations necessary to administer the provisions of this act. The secretary may enter into contracts as necessary to administer the provisions of this act.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.



Helping Hands Humane Society, Inc.

OFFICE AND ANIMAL SHELTER
2625 Rochester Road
Topeka, Kansas 66617
Telephone 233-7325

Testimony by: Miss Audrey B. McCaig, Executive Director, Helping Hands Humane Society

Re: S.B. 515

Committee: Senate Federal and State Affairs

Date: February 3, 1988

Mr. Chairman and Members of the Committee:

I appreciate the time to appear before you today concerning S.B. 515, which deals with Sterilization of Certain Dogs and Cats.

I am very much in favor of seeing S.B. 515 passed this Session because there are too many humane societies and dog pounds that do not require sterilization of their animals. They will sell them for \$3.00 or \$5.00 and forget about the fact that they are putting unsterilized animals out there that will be reproducing faster than we can put them to sleep.

In other words, they are defeating their purpose by doing this. All animals in a pound or animal shelter should be sterilized! We have done this for at least nineteen years and it works.

I know that you know this does not apply to owned animals that are being held to be claimed by their owner.

Thank you for your support of this!

Respectfully submitted,

Audrey B. McCaig
Miss Audrey B. McCaig, *Senate FSA*
Executive Director
2/3/88

"Paws for Pleasure"

#10



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

PIT BULL DOG ORDINANCES IN KANSAS CITIES February 1, 1988

Partial Bans

1. Axtell
2. Baldwin City
3. Beloit
4. Bushton
5. Canton
6. Cawker City
7. Cimarron
8. Columbus
9. Council Grove
10. DeSoto
11. Dwight
12. El Dorado
13. Ellinwood
14. Enterprise
15. Eskridge
16. Fairway
17. Fort Scott
18. Gas
19. Geneseo
20. Glen Elder
21. Hiawatha
22. Herington
23. Holton
24. Humboldt
25. Iola
26. Kanopolis
27. Kiowa
28. Lansing
29. Lecompton
30. Leoti
31. LeRoy
32. Louisburg
33. Madison
34. Moran
35. Moundridge
36. McCune
37. Ogden
38. Olmitz
39. Ottawa
40. Overland Park
41. Paola
42. Park City

Complete Bans

1. Alma
2. Argonia
3. Benton
4. Blue Rapids
5. Bucklin
6. Coats
7. Damar
8. Elsmore
9. Emmett
10. Fredonia
11. Gardner
12. Goessel
13. Greenleaf
14. Highland
15. Hill City
16. Kingman
17. Lakin
18. Latham
19. Lincoln Center
20. Lindsborg
21. Little River
22. Long Island
23. Milford
24. Mission Woods
25. North Newton
26. Norwich
27. Osawatomie
28. Osborne
29. Oxford
30. Pawnee Rock
31. Plainville
32. Pleasanton
33. Prescott
34. Pretty Prairie
35. Quinter
36. Robinson
37. Rolla
38. Stockton
39. Tipton
40. Troy
41. Wakeeney
42. Walton

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Partial Bans

- 43. Perry
- 44. Pittsburg
- 45. Plains
- 46. Pomona
- 47. Princeton
- 48. Rossville
- 49. St. Paul
- 50. Scranton
- 51. Seneca
- 52. Shawnee
- 53. Silver Lake
- 54. Simpson
- 55. South Hutchinson
- 56. Spring Hill
- 57. Strong City
- 58. Syracuse
- 59. Valley Falls
- 60. Wathena
- 61. Weir
- 62. Wellington

Complete Bans

- 43. Waterville
- 44. Wilson
- 45. Woodbine

PIT BULL DOG RESOLUTIONS IN KANSAS COUNTIES

- 1. Brown County
- 2. Douglas County
- 3. Greenwood County

CITY OF SHAWNEE

ORDINANCE NO. _____

AN ORDINANCE PERTAINING TO THE KEEPING OF PIT BULL DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE AND AMENDING CHAPTER II, ARTICLE 2, SECTION 2-207 OF THE CODE OF THE CITY OF SHAWNEE AND ORDINANCE NOS. 1670 AND 1671.

WHEREAS, the Governing Body of the City of Shawnee on the 11th day of May, 1985, passed Ordinance No. 1670 prohibiting the keeping of pit bull dogs within the corporate limits of the City of Shawnee, and

WHEREAS, said ordinance was approved and signed by the Mayor on the 20th day of May, 1985, and

WHEREAS, the Governing Body of the City of Shawnee on the 28th day of May, 1985, passed Ordinance No. 1671 amending Ordinance No. 1670 by definitively describing the use of the term "Pit Bull Dog", and

WHEREAS, Ordinance No. 1671 was approved and signed by the Mayor on the 29th day of May, 1985, and

WHEREAS, Ordinance No. 1670 included certain legislative findings all of which findings are hereby ratified, adopted and confirmed by the Governing Body of the City of Shawnee.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SHAWNEE, KANSAS:

Section I. Chapter II, Article 2, Section 2-207 of the Code of the City of Shawnee, Kansas is hereby amended. The entire Section 2-207 as amended is hereinafter set forth:

Section 2-207 - Animals: Keeping Prohibited. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Shawnee, Kansas:

(1) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats; but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes).

(2) Any animal having poisonous bites.

(3) Any pit bull dog; provided, that pit bull dogs registered with the City on the date of publication of this ordinance may be kept within the City subject to the standards and requirements set forth in Section 2-207(a) of this Article. "Pit bull dog" is defined to mean:

- (a) The bull terrier breed of dog;
- (b) Staffordshire bull terrier breed of dog;
- (c) The American pit bull terrier breed of dog;
- (d) The American Staffordshire terrier breed of dog;
- (e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;
- (f) Any dog which has the appearance and characteristics of being predominantly of the breeds of

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bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

Section II. Chapter II, Article 2, of the Code of the City of Shawnee is amended by adding a new Section 2-207(a) titled Keeping of Registered Pit Bulls, which shall read as follows:

Section 2-207(a) - Keeping of Registered Pit Bulls. The provisions of Section 2-207 of this Article are not applicable to owners, keepers or harborers of pit bull dogs registered with the City of Shawnee as of June 5, 1985, the effective date of this article. The keeping of such dogs, however, shall be subject to the following standards:

(1) Leash and Muzzle. No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(2) Confinement. All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) Confinement Indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(4) Signs. All owners, keepers or harborers of registered pit bull dogs within the City shall within ten (10) days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(5) Insurance. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the effective date of this ordinance provide proof

to the Shawnee City Clerk of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Shawnee City Clerk.

(6) Identification Photographs. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the effective date of this ordinance provide to the City Clerk two color photographs of the registered animal clearly showing the color and approximate size of the animal.

(7) Reporting Requirements. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the incident, report the following information in writing to the Shawnee City Clerk as required hereinafter:

- (a) The removal from the City or death of a registered pit bull dog;
- (b) The birth of offspring of a registered pit bull dog;
- (c) The new address of a registered pit bull dog owner should the owner move within the corporate city limits.

(8) Sale or Transfer of Ownership Prohibited. Sale - No person shall sell, barter or in any other way dispose of a pit bull dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the City.

(9) Animals Born of Registered Dogs. All offspring born of pit bull dogs registered with the City must be removed from the City within six (6) weeks of the birth of such animal.

(10) Irrebuttable Presumptions. There shall be an irrebuttable presumption that any dog registered with the City as a pit bull dog or any of those breeds prohibited by Section 2-207 of this article is in fact a dog subject to the requirements of this section.

(11) Failure to Comply. It shall be unlawful for the owner, keeper or harborer of a pit bull dog registered with the City of Shawnee to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.

(12) Violations and Penalties. Any person violating or permitting the violation of any provision of this ordinance shall upon conviction in Municipal Court

be fined a sum not less than \$200.00 and not more than \$1,000.00. In addition to the fine imposed the Court may sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days. In addition, the court shall order the registration of the subject pit bull revoked and the dog removed from the City. Should the defendant refuse to remove the dog from the City the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this ordinance.

(13) Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this ordinance.

Section III. Chapter II, Article 2, Section 2-207 of the Code of the City of Shawnee, Ordinance No. 1670 except for the legislative findings set forth in that ordinance, and Ordinance No. 1671 now in force and effect are hereby repealed.

Section IV. This ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

PASSED by the City Council this ____ day of _____, 1985.

APPROVED AND SIGNED by the Mayor this ____ day of _____, 1985.

THOMAS A. SOETAERT, Mayor

ATTEST:

LEE MEYER, City Clerk

APPROVED AS TO FORM:

MARVIN E. RAINEY, City Attorney

RESOLUTION NO. _____
A RESOLUTION PROHIBITING THE OWNERSHIP OF CERTAIN VICIOUS DOGS; IMPOSING CERTAIN INSURANCE REQUIREMENTS; PROVIDING PENALTIES; AND AUTHORIZING THE DISPOSITION OF CERTAIN VICIOUS DOGS.

WHEREAS, the Board of County Commissioners of Greenwood County, Kansas, has had brought to their attention that there is a need for vicious dog control;

AND WHEREAS, K.S.A. 19-101 et seq. authorizes the Board to adopt such regulations pursuant to its home rule powers.

AND WHEREAS, subsection (a) (5) of K.S.A. 1985 Supp. 19-101a provides that in exercising its powers of local legislation and administration authorized by such action the home rule powers of cities shall not be superseded or impaired without the consent of the governing body of each city within the county which may be affected;

AND WHEREAS, based on information provided to the Board, the Board deems it advisable to adopt certain regulations governing the ownership of vicious dogs;

AND WHEREAS, the regulations adopted by this resolution have been determined by the Board to be reasonable and responsive to the needs and problems with vicious dogs in Greenwood County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GREENWOOD COUNTY, KANSAS:

Section 1. Definitions. (a) "Vicious dog," as used in this resolution, shall mean and include any dog which by virtue of its breeding, training, characteristics, behavior or other factors the owner or custodian thereof knows or has reason to know has a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings.

(b) Rebuttable Presumption. There shall be a rebuttable presumption that a pit bull dog is a vicious dog. "Pit bull dog" shall mean:

- (1) The bull terrier breed of dog;
- (2) The Staffordshire bull terrier breed of dog;
- (3) The American pit bull terrier breed of dog;
- (4) The American Staffordshire terrier breed of dog;

(5) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is commonly known as pit bulls, pit bull dogs, or pit bull terriers.

Section 2. Insurance. The owner or custodian of any vicious dog shall maintain a policy of insurance in an amount not less than fifty thousand dollars (\$50,000) per incident insuring said person against any claim, loss, damage or injury to any human being resulting from the acts of such dog. Such person shall produce evidence of the required insurance upon request of a law enforcement officer, animal control officer or public health officer. This section shall not apply to dogs kept by law enforcement agencies.

Section 3. Ownership of Certain Vicious Dogs Prohibited. It shall be unlawful to keep, harbor, own or in any way possess any vicious dog which either:

- (a) attempts to attack, bite or otherwise do bodily harm to a human being; or
- (b) attacks, bites, or otherwise does bodily harm to a human being.

This section shall not apply to dogs kept by law enforcement agencies.

Section 4. Penalty. A person who has been convicted of violating either section two (2) or three (3) may be sentenced to a fixed term of confinement in the county jail not to exceed six (6) months. In addition to or instead of

confinement, any such person may be sentenced by the court to pay a fine not exceeding \$1,000. Any person convicted of violating section three (3) also may be ordered by the court to make full or partial restitution to any individual who has suffered bodily injury as the result of an attack by such person's vicious dog.

Section 5. Disposition of Certain Vicious Dogs.

(a) Any public health officer, law enforcement officer, or licensed veterinarian, or any officer or agent of a duly incorporated humane society, may take into custody any dog suspected of being kept by its owner or custodian in violation of section three (3). When a law enforcement agency takes custody of such dog, the agency may place the dog in the care of a duly incorporated humane society or licensed veterinarian for boarding, treatment, or such other care deemed necessary.

(b) Any vicious dog kept in violation of section three (3) may be ordered by the court destroyed in a humane manner when, in the court's judgment, such vicious dog represents a continuing threat of serious harm to human beings. If the court does not order destruction of the dog, the court shall allow the owner or custodian thereof no more than 48 hours to remove the dog from Greenwood County. Failure to remove such dog within the time allowed by the court shall constitute a separate violation of section three (3).

(c) Any person convicted of a violation of section three (3) shall be assessed as costs all expenses for the care, treatment, boarding or other expenses necessitated by the seizure of any dog for the protection of the public, including all expenses for the humane destruction of such dog by order of the court.

Section 6. Effective Date. This is an ordinary home rule resolution and shall take effect and be in force within the unincorporated area of Greenwood County, Kansas from and after its publication once in the official County newspaper. Upon the effective date of the adoption of a resolution by the governing body of any city in Greenwood County consenting to the operation of this resolution within the corporate limits of such city, this resolution shall take effect and be in force therein.

ADOPTED this 25th day of June, 1987.

BOARD OF COMMISSIONERS
OF GREENWOOD COUNTY, KANSAS

HOWARD VANCIL, CHAIRMAN
HAROLD FANKHAUSER, COMMISSIONER
ROGER WINFREY, COMMISSIONER

ATTEST:
Marilyn Wilson, County Clerk

(July 2, 1987)

Legal Notices

(First published in the Western Kansas Worker August 1, 1985)

CITY OF WAKEENEY ORDINANCE NO. 1269

AN ORDINANCE REGULATING THE KEEPING OF WILD OR DANGEROUS ANIMALS WITHIN THE CITY OF WAKEENEY, KANSAS.
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WAKEENEY, KANSAS.

Section 1. It shall be unlawful for any person, firm, or corporation to keep, maintain or have in his/her possession or under his/her control, within the city, any poisonous reptile or any other dangerous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.

Section 2. It shall be unlawful for any person to keep, maintain or have in his/her possession or under his control within the city any of the following animals:

(1) All poisonous animals including rear-fang snakes;

(2) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including but not limited to non-human primates, racoons, skunks, foxes and wild or exotic cats).

(3) Any pit bull dog. "Pit bull dog" is defined to mean

(a) The Bull Terrier breed of dogs;

(b) The Staffordshire Bull Terrier breed of dogs;

(c) The American Pit Bull Terrier breed of dogs;

(d) The American Staffordshire Terrier breed of dogs;

(e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;

(f) Any dog which has the appearance and characteristics of being predominantly of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

Section 3. If any provision, clause, paragraph, subsection or section of this ordinance is declared invalid or unconstitutional, or the application thereof to any person or circumstance is held invalid or unconstitutional, the validity and constitutionality of the remainder of the ordinance, and the applicability thereof to other persons and circumstances, shall not be affected thereby.

Section 4. Section 1 and 2 of this ordinance shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational institutions, or medical institutions, if:

1. Their location conforms to the provisions of the zoning ordinance of the city.

2. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.

3. Animals are maintained in quarters so constructed as to prevent their escape.

Section 5. Any person, firm or corporation violating the terms of this ordinance shall be fined in any sum less than \$100.00 or imprisoned for any period less than six (6) months or shall be both so fined and imprisoned. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

PASSED by the City Council this 22nd day of July, 1985.

APPROVED AND SIGNED by the Mayor this 22nd day of July, 1985.

Lloyd E. Freeman,
Mayor

Attest:
R. S. Courtney
City Clerk

1tc

(Published June 6, 1985)
ORDINANCE NO. 125

An Ordinance Providing For The Penning Of Fighting And Vicious Dogs.
Now therefore be it ordained by the Governing Body of the City of Princeton:

Section I. All fighting and vicious dogs such as Pit Bull Terriers are to be confined in a pen with a covered top.

Section II. Upon receipt of any complaint by the Governing Body of the City of Princeton relative to the keeping or harboring dogs of mean or vicious behavior such as chasing, fighting, harassing or biting of any person, any duly authorized representative of the City of Princeton shall seize and impound such dogs not complying with this Ordinance. Legal Action will be taken against any owner or keeper of such dogs.

Section III. Penalty: Any owner or keeper of such dogs violating any part of this Ordinance shall be fined a sum of not less than \$250.00 nor more than \$500.00.

Section IV. The above mentioned fine will supercede part of Section 7 of Ordinance #107.

This Ordinance approved and passed this 3rd of June, 1985.

This Ordinance shall take effect and be in force from and after its publication in the Official City Paper.

(s) Robert Burnett
Mayor

Attest:
(s) Reba Raiston
City Clerk

(First published in the Blue Rapids Times on Thursday, the 17th day of October, 1985)

ORDINANCE NO. 1643

AN ORDINANCE AMENDING ORDINANCE NUMBER 1640 WHICH PROHIBITS THE KEEPING OF PIT BULL DOGS WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BLUE RAPIDS, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BLUE RAPIDS, KANSAS.

Section 1. Item twenty-one (21) of Section one (1) of Ordinance number 1640 is hereby amended by deleting said item and substituting in place hereof the following:

(21) Any pit bull dog. "Pit bull dog" is defined to mean:

(a) The Bull Terrier breed of dogs;

(b) The Staffordshire Bull Terrier breed of dogs;

(c) The American Pit Bull terrier breed of dogs;

(d) The American Staffordshire Terrier breed of dogs;

(e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;

(f) Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier; any other breed commonly known as pit bulls, pit bull dogs, or pit bull terriers; or a combination of any of these breeds.

Section 2. This ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

Passed by the council and signed by the mayor this 9th day of October, 1985.

Floyd J. Stryker, Mayor

Attest:
Wilma Watters, City Clerk

(Seal)

LEGAL

(First published in The Louisburg Herald December 24, 1985)

ORDINANCE NO. 437

AN ORDINANCE PERTAINING TO THE KEEPING OF PIT BULL DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF LOUISBURG, PROVIDING FOR THE DEFINITION OF A PIT BULL DOG AND SETTING STANDARDS AND REQUIREMENTS FOR THE KEEPING OF PIT BULL DOGS WITHIN THE CITY LIMITS OF THE CITY OF LOUISBURG, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOUISBURG, KANSAS:

SECTION 1. A "Pit Bull Dog" for the purpose of this ordinance is defined as follows:

- (a) The bull terrier breed of dog;
- (b) Staffordshire bull terrier breed of dog;
- (c) The American pit bull terrier breed of dog;
- (d) The American Staffordshire terrier breed of dog;
- (e) Dogs of mixed breed or of other breeds than above listed, which breed or mixed breed, is known as pit bulls, pit bull dogs or pit bull terriers;
- (f) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

SECTION 2. The Governing Body of the City of Louisburg finds and determines:

- (a) That a Pit Bull Dog in the City of Louisburg viciously attacked another dog within the City.
- (b) That instances of attacks by Pit Bull Dogs have occurred upon members of other communities in Eastern Kansas.
- (c) That as a breed of dogs, all Pit Bull Dogs are inherently dangerous.
- (d) That the possession of Pit Bull Dogs within the City poses a significant threat to the public's health, safety and welfare.
- (e) That protective measures by Pit Bull Dog owners are inadequate to protect the public from attacks by these animals.

SECTION 3. An owner of a Pit Bull Dog shall procure and obtain a license with the City of Louisburg as provided by Chapter 10 of Ordinance

No. 212 of the City of Louisburg.

SECTION 4. Pit bull dogs shall only be kept and allowed within the city limits of the City of Louisburg, Kansas, upon the following standards and requirements:

(a) Leash and Muzzle. No person shall permit a pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(b) Confinement. All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(c) Confinement Indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure

that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) Signs. All owners, keepers or harborers of pit bull dogs within the City shall within ten (10) days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(e) Insurance. All owners, keepers or harborers of pit bull dogs must within ten (10) days of the effective date of this ordinance provide proof to the Louisburg City Clerk of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Louisburg City Clerk.

(f) Identification photographs. All owners, keepers or harborers of pit bull dogs must within ten (10) days of the effective date of this ordinance provide to the Louisburg City Clerk two color photographs of the animal clearly showing the color and approximate size of the animal.

(g) Reporting Requirements. All owners, keepers or harborers of pit bull dogs must within ten (10) days of the incident, report the following information in writing to the Louisburg

City Clerk as required hereinafter:

(1) The birth of offspring of a pit bull dog;

(2) The new address of a pit bull dog owner should the owner move within the corporate city limits.

(h) Sale or Transfer of Ownership Prohibited. Sale — No person shall sell, barter or in any other way dispose of a pit bull dog to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the licensed owner of such dog; provided that the licensed owner of a pit bull dog may sell or otherwise dispose of a licensed dog or the offspring of such dog to persons who do not reside within the City.

(i) Irrebuttable Presumptions. There shall be an irrebuttable presumption that any dog licensed with the City as a pit bull dog or any of those breeds prohibited by Section 1 of this ordinance is in fact a dog subject to the requirements of this section.

(j) Failure to Comply. It shall be unlawful for the owner, keeper or harbinger of a pit bull dog, within the City of Louisburg to fail to comply with the requirements and conditions set forth in this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.

SECTION 3. Any person violating or permitting the violation of any provision of this ordinance shall upon conviction in Municipal Court be fined a sum not less than \$200.00 and not more than \$1,000.00. In addition to the fine imposed, the Court may sentence the defendant to imprisonment in the county jail for a period of time not to

exceed sixty (60) days. In addition, the Court shall order the license of the subject pit bull revoked and the dog removed from the City. Should the defendant refuse to remove the dog from the City, the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including

shelter, food, handling, veterinary care, witness fees and court costs necessitated by the enforcement of this ordinance.

PASSED by the City Council this 4th day of December, 1985.

APPROVED AND SIGNED by the Mayor this 4th day of December, 1985.

Roger L. Coltrin, mayor

ATTEST:
(Seal)

Norma L. White, City Clerk

Press Clipping Division
Kansas Press Service, Inc.
Affiliate of Kansas Press Association
Box 1773, Topeka, Kansas 66601

KANSAS
Rice County Monitor-Journal
Little River, Ks.
DEC. -8, 1983

Legals

(First published in The Rice County
Monitor-Journal, December 8, 1983) It

ORDINANCE NO. 466

AN ORDINANCE PROHIBITING
ANY DANGEROUS OR VICIOUS
ANIMALS WITHIN THE CITY
LIMITS OF THE CITY OF LITTLE
RIVER, RICE COUNTY, KANSAS.

BE IT ORDAINED BY THE GOVER-
NING BODY OF THE CITY OF LITTLE
RIVER, KANSAS:

Section 1. It shall be and is hereby
declared unlawful for any person to keep,
harbour or maintain any dangerous or
vicious animals including, but not limited
to 'Pit Bull Dogs,' within the City of Little
River, Rice County, Kansas.

Section 2. Any person or persons
violating the provisions of this article shall
be deemed guilty of misdemeanor, and
upon conviction shall be fined in a sum not
less than \$10.00, and not more than \$100.00,
and if the animal be not removed within
five (5) days thereafter, it shall be deemed
a second offense, and every like neglect of
each succeeding five (5) days thereafter
shall be considered an additional offense
against the provisions of this section.

Section 3. This ordinance shall take
effect and be in force from and after its
publication once in The Rice County
Monitor-Journal, the official City paper.

Passed by the Council and approved by
the Mayor this 28th day of November, 1983.

/s/ Vernon B. Kruse
Mayor

Attest:
/s/ Dorothy J. Goodrick
City Clerk

12/8

A RESOLUTION PROHIBITING THE OWNERSHIP OF CERTAIN VICIOUS DOGS; IMPOSING CERTAIN INSURANCE REQUIREMENTS; PROVIDING PENALTIES; AND AUTHORIZING THE DISPOSITION OF CERTAIN VICIOUS DOGS.

WHEREAS, the Board of County Commissioners of Douglas County, Kansas, has met on two occasions with representatives of the cities of Douglas County to discuss the problem of vicious dog control;

WHEREAS, at such meetings public testimony was received concerning the need for additional regulations by Douglas County of the ownership of vicious dogs;

WHEREAS, K.S.A. 19-101 et seq. authorizes the Board to adopt such regulations pursuant to its home rule powers.

WHEREAS, subsection (a) (5) of K.S.A. 1985 Supp. 19-101a provides that in exercising its powers of local legislation and administration authorized by such section the home rule powers of cities shall not be superseded or impaired without the consent of the governing body of each city within the county which may be affected;

WHEREAS, based on such testimony and technical information provided to the Board, the Board deems it advisable to adopt certain regulations governing the ownership of vicious dogs; and

WHEREAS, the regulations adopted by this resolution have been determined by the Board to be reasonable and responsive to the needs and problems with vicious dogs in Douglas County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

Section 1. Definitions. (a) "Vicious dog," as used in this resolution, shall mean and include any dog which by virtue of its breeding, training, characteristics, behavior or other factors the owner or custodian thereof knows or has reason to know has a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings.

(b) Rebuttable Presumption. There shall be a rebuttable presumption that a pit bull dog is a vicious dog. "Pit bull dog"

Senate FSA
2/3/88
Attachment #17

shall mean:

- (1) The bull terrier breed of dog;
- (2) The Staffordshire bull terrier breed of dog;
- (3) The American pit bull terrier breed of dog;
- (4) The American Staffordshire terrier breed of dog; or
- (5) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is commonly known as pit bulls, pit bull dogs or pit bull terriers.

Section 2. Insurance. The owner or custodian of any vicious dog shall maintain a policy of insurance in an amount not less than fifty thousand dollars (\$50,000) per incident insuring said person against any claim, loss, damage or injury to any human being resulting from the acts of such dog. Such person shall produce evidence of the required insurance upon request of a law enforcement officer, animal control officer or public health officer. This section shall not apply to dogs kept by law enforcement agencies.

Section 3. Ownership of Certain Vicious Dogs Prohibited. It shall be unlawful to keep, harbor, own or in any way possess any vicious dog which either:

- (a) attempts to attack, bite or otherwise do bodily harm to a human being; or
- (b) attacks, bites, or otherwise does bodily harm to a human being.

This section shall not apply to either (1) dogs kept by law enforcement agencies or (2) dogs used to guard or protect public or private property or persons thereon and which have acted in the manner described in this section on the property of the owner or custodian of such dog.

Section 4. Penalty. A person who has been convicted of violating either section two (2) or three (3) may be sentenced to a fixed term of confinement in the county jail not to exceed six (6) months. In addition to or instead of confinement, any such person may be sentenced by the court to pay a fine not exceeding \$1,000. Any person convicted of violating section three (3) also may be ordered by the court to make full or partial restitution to

any individual who has suffered bodily injury as the result of an attack by such person's vicious dog.

Section 5. Disposition of Certain Vicious Dogs. (a) Any public health officer, law enforcement officer, or licensed veterinarian, or any officer or agent of a duly incorporated humane society, may take into custody any dog suspected of being kept by its owner or custodian in violation of section three (3). When a law enforcement agency takes custody of such dog, the agency may place the dog in the care of a duly incorporated humane society or licensed veterinarian for boarding, treatment, or such other care deemed necessary.

(b) Any vicious dog kept in violation of section three (3) may be ordered by the court destroyed in a humane manner when, in the court's judgment, such vicious dog represents a continuing threat of serious harm to human beings. If the court does not order destruction of the dog, the court shall allow the owner or custodian thereof no more than 48 hours to remove the dog from Douglas County. Failure to remove such dog within the time allowed by the court shall constitute a separate violation of section three (3).

(c) Any person convicted of a violation of section three (3) shall be assessed as costs all expenses for the care, treatment, boarding or other expenses necessitated by the seizure of any dog for the protection of the public, including all expenses for the humane destruction of such dog by order of the court.

Section 6. Effective Date. This is an ordinary home rule resolution and shall take effect and be in force within the unincorporated area of Douglas County, Kansas from and after its publication once in the official County newspaper. Upon the effective date of the adoption of a resolution by the governing body of any city in Douglas County consenting to the operation of this resolution within the corporate limits of such city, this resolution shall take effect and be in force therein.

ADOPTED this 6th day of March, 1986.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Nancy B. Hiebert
Nancy B. Hiebert, Chairman

David C. Hopper
David C. Hopper, Commissioner

Warren Rhodes
Warren Rhodes, Commissioner

ATTEST:

Patty James
Patty James, County Clerk

ORDINANCE NO. 651

AN ORDINANCE PERTAINING TO THE KEEPING OF WILD OR EXOTIC ANIMALS, ANIMALS HAVING POISONOUS BITES, AND PIT BULL DOGS, PROVIDING FOR THE REGISTRATION OF PIT BULL DOGS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED by the Governing Body of the City of DeSoto, Kansas:

Section 1 - Animals: Keeping Prohibited. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of DeSoto, Kansas;

(1) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including but not limited to non-human primates, raccoon, skunks, foxes and wild and exotic cats; but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes).

(2) Any animal having poisonous bites.

(3) Any pit bull dog; provided, that pit bull dogs registered with the City on the date of publication of this ordinance may be kept within the City subject to the standards and requirements set forth in Section 2 of this Article. "Pit bull dog" is defined to mean:

- (a) The bull terrier breed of dog;
- (b) Staffordshire bull terrier breed of dog;
- (c) The American pit bull terrier breed of dog;
- (d) The American Staffordshire terrier breed of dog;
- (e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;
- (f) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

Section 2 - Keeping of Registered Pit Bulls.

The provisions of Section 1 of this ordinance are not applicable to owners, keepers or harborers of pit bull dogs registered with the City of DeSoto on the effective date of this ordinance. The keeping of such dogs shall, however, be subject to the following standards:

(1) Leash and Muzzle. No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(2) Confinement. All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked

pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) Confinement Indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(4) Signs. All owners, keepers or harborers of registered pit bull dogs within the City shall within ten (10) days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(5) Insurance. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the effective date of this ordinance provide proof to the DeSoto City Clerk of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any person or persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the DeSoto City Clerk.

(6) Identification Photographs. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the effective date of this ordinance provide to the City Clerk two color photographs of the registered animal clearly showing the color and approximate size of the animal.

(7) Reporting Requirements. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the incident, report the following information in writing to the DeSoto City Clerk as required hereinafter:

(a) The removal from the City or death of a registered pit bull dog;

(b) The birth of offspring of a registered pit bull dog;

(c) The new address of a registered pit bull dog owner should the owner move within the corporate city limits.

(8) Sale or Transfer of Ownership Prohibited. Sale - No person shall sell, barter or in any other way dispose of a pit bull dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit

bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the City.

(9) Animals Born of Registered Dogs. All offspring born of pit bull dogs registered within the City must be removed from the City within six (6) weeks of the birth of such animal.

(10) Irrebuttable Presumptions. There shall be an irrebuttable presumption that any dog registered with the City as a pit bull dog or any of those breeds prohibited by Section 2-207 of this article is in fact a dog subject to the requirements of this section.

(11) Failure to Comply. It shall be unlawful for the owners, keeper or harbinger of a pit bull dog registered with the City of DeSoto to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.

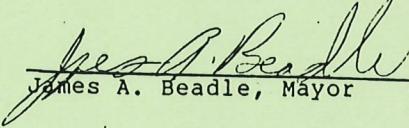
Section 3 - Violations and Penalties. Any person violating or permitting the violation of any provision of this ordinance shall upon conviction in Municipal Court be fined a sum not less than \$200.00 and not more than \$1,000.00. In addition the fine imposed the Court may sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days. In addition, the Court shall order the registration of the subject pit bull revoked and the dog removed from the City. Should the defendant refuse to remove the dog from the City the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this ordinance.

Section 4 - Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this ordinance.

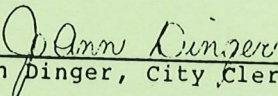
Section 5 - Effective Date. This ordinance shall take effect and be in full force from and after March 1, 1986.

PASSED AND APPROVED by the City Council this 9th. day of January, 1986.

APPROVED AND SIGNED by the Mayor this 9th. day of January, 1986.


James A. Beadle, Mayor

ATTEST:


JoAnn Dinger, City Clerk

(First published in the Basehor Sentinel, January 14, 1988)

2
ORDINANCE NO. 211

AN ORDINANCE REGULATING THE OWNERSHIP OF VICIOUS DOGS; IMPOSING CERTAIN INSURANCE REQUIREMENTS; PROVIDING PENALTIES AND AUTHORIZING THE DISPOSITION OF CERTAIN VICIOUS DOGS, AND REPEALING INCONSISTENT SECTIONS OF THE CODE OF THE CITY OF BASEHOR.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

Section 1. Definitions. (a) Dog shall include both male and female dogs, three months of age or older.

(b) Own shall mean and include own, keep, harbor, shelter, manage, possess, or have a part interest in any dog. If a minor owns a dog subject to the provisions of this article, the head of the household of which such minor is a member shall be deemed to own the dog for the purposes of this article.

(c) Owner shall mean the one who owns, his or her employee, agent, or other competent person into whose charge the actual owner has placed the dog.

(d) At large shall mean off the premises of the owner or keeper or not under the control or supervision of the owner or keeper.

(e) Animal Control Officer shall mean the chief of police of the city, or any police officer of the city, or any other person designated by the chief of police or the mayor of the city.

(f) "Vicious dog," as used in this resolution, shall mean and include any dog which by virtue of its breeding, training, characteristics, behavior or other factors the owner or custodian thereof knows or has reason to know has a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings.

Section 2. Insurance. The owner or custodian of any vicious dog shall maintain a policy of insurance in an amount not less than fifty thousand dollars (\$50,000) per incident insuring said person against any claim, loss, damage or injury to any human being resulting from the acts of such dog. Such persons shall produce evidence of the required insurance upon request of a law enforcement officer, animal control officer or public health officer. This section shall not apply to dogs kept by law enforcement agencies.

Section 3. Leash and Muzzle. No person shall permit a vicious, ferocious or dangerous dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious, ferocious or dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all vicious, ferocious or dangerous dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

Section 4. Confinement. All vicious, ferocious or dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine vicious, ferocious or dangerous dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than one (1) foot. All structures erected to house vicious, ferocious or dangerous dogs must comply with all zoning and building regulations of the City. All such structures must be ventilated and kept in clean and sanitary conditions.

Section 5. Confinement Indoors. No vicious, ferocious or dangerous dogs may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when screen doors are the only obstacle preventing the dog from exiting the structure.

Senate FSA
2/3/88
Attachment #18

Section 6. Signs. All owners, keepers or harborers of vicious, ferocious or dangerous dogs within ten (10) days of the effective date of this ordinance shall within a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

Section 7. Registration of Vicious Dogs. All owners, keepers or harborers of vicious, ferocious or dangerous dogs within the City shall within ten (10) days of the effective date of this ordinance register said dogs with the City Clerk. Such registration shall include a photograph of each vicious dog owned, kept, or harbored.

Section 8. Ownership of Certain Vicious Dogs Prohibited. It shall be unlawful to keep, harbor, own or in any way possess any vicious dog which either:

- (a) attempts to attack, bite or otherwise do bodily harm to a human being; or
- (b) attacks, bites, or otherwise does bodily harm to a human being.

This section shall not apply to dogs kept by law enforcement agencies.

Section 9. Penalty. A person who has been convicted of violating this ordinance may be sentenced to a fixed term of confinement in the county jail not to exceed six (6) months. In addition to or instead of confinement, any such person may be sentenced by the court to pay a fine not exceeding \$1,000. Any person convicted of violating section eight (8) also may be ordered by the court to make full or partial restitution to any individual who has suffered bodily injury as the result of an attack by such person's vicious dog.

Section 10. Disposition of Certain Vicious Dogs. (a) Any public health officer, law enforcement officer, or licensed veterinarian, or any officer or agent of a duly incorporated humane society, may take into custody any dog suspected of being kept by its owner or custodian in violation of section eight (8). When a law enforcement agency takes custody of such dog, the agency may place the dog in the care of a duly incorporated humane society or licensed veterinarian for boarding, treatment, or such other care deemed necessary.

(b) Any vicious dog kept in violation of section eight (8) may be ordered by the court destroyed in a humane manner when, in the court's judgment, such vicious dog represents a continuing threat of serious harm to human beings. If the court does not order destruction of the dog, the court shall allow the owner or custodian thereof no more than 48 hours to remove the dog from the City. Failure to remove such dog within the time allowed by the court shall constitute a separate violation of section eight (8).

(c) Any person convicted of a violation of section eight (8) shall be assessed as costs all expenses for the care, treatment, boarding or other expenses necessitated by the seizure of any dog for the protection of the public, including all expenses for the humane destruction of such dog by order of the court.

BE IT FURTHER ORDAINED that ordinance 11 section 8 of the City Code of the City of Basehor is hereby repealed.

Anna Mary Landauer
Anna Mary Landauer, Mayor

ATTEST:

Mary Ann Mogle
Mary Ann Mogle, City Clerk

January 13, 1988
Publication

(First Published In The Ellis Review, March 10, 1983)

ORDINANCE NO. 966

AN ORDINANCE MAKING IT UNLAWFUL TO HARBOR A VICIOUS ANIMAL IN THE CITY OF ELLIS, KANSAS, AND ESTABLISHING PROCEDURES FOR THE ELIMINATION OF VICIOUS ANIMALS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ELLIS, KANSAS:

Section 1. As used in this ordinance "vicious animal" means any animal which manifests in any way a propensity, tendency or habit to do any act which might endanger the safety of persons or property of others.

Section 2. It shall be unlawful for any person, corporation or other entity to keep, maintain or harbor any vicious animal in the City of Ellis, Kansas.

Section 3. It shall be the duty of the police officers of the city or other persons appointed by the Chief of Police to immediately take into custody and impound any vicious animal found in violation of this code.

If taken into custody and impounded, the vicious animal shall be kept for forty-eight (48) hours after the publication of a notice of such impounding, or in lieu thereof, the actual service of written notice upon the owner or harbinger of said vicious animal, and if claimed by any person, shall be delivered upon satisfactory proof that said person is the owner thereof and that said vicious animal will not be kept, maintained or harbored within the City of Ellis, Kansas, and upon the payment of the following fees and charges:

A. The sum of five dollars (\$5.00) for each day or part thereof during which said animal was in custody, for the costs of feeding, impounding and care of said animal.

B. The sum of five (\$5.00) for the cost of publication of notice and/or service of actual notice of impoundment.

If any vicious animal shall not be claimed within the time limits of this code, such animal may be humanely destroyed.

Section 4. Any person, corporation or entity who is found guilty of keeping, maintaining or harboring a vicious animal shall be fined in any sum not exceeding one hundred dollars (\$100.00).

Section 5. Section 20319 of the Code of Ordinances of the City of Ellis, Kansas, is hereby repealed.

Section 6. This ordinance shall take effect upon publication in the official City newspaper.

PASSED AND APPROVED this 8th day of March, 1983.

Marvin V. Honas Mayor

ATTEST: Bernie Schoenthaler City Clerk (SEAL)

Senate FSA 2/3/88 Attachment #19

Press Clipping Division

Kansas Press Service, Inc. Affiliate of Kansas Press Association Box 1773, Topeka, Kansas 66601

KANSAS

Lakin Independent

DEC. -6. 1984

(First published in The Lakin Independent, Lakin, Kansas, December 6, 1984.)

ORDINANCE NO. 558

AN ORDINANCE OF THE CITY OF LAKIN, KANSAS, AMENDING ARTICLE 2-208 OF THE 1967 CODE OF THE CITY OF LAKIN, ENTITLED DISEASED, DANGEROUS OR VICIOUS DOGS, MAKING IT UNLAWFUL TO OWN, KEEP OR HARBOR SUCH DOGS; DEFINING TERMS; AND PROVIDING FOR DISPOSAL.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAKIN, KANSAS:

SECTION 1. That Article 2-208 of the 1967 Code of the City of Lakin, entitled DISEASED, DANGEROUS OR VICIOUS DOGS, be amended to read as follows:

2-208. DISEASED, DANGEROUS OR VICIOUS DOGS. It shall be unlawful to own, keep or harbor, or have custody of, within the City of Lakin, any dog which has a communicable disease or is vicious or dangerous. A dog shall be determined as vicious or dangerous if found by the court to have performed any act threatening to do bodily harm to any person or persons, coupled with the apparent ability to inflict harm and resulting in the immediate apprehension of bodily harm by a person in fear for his or her safety or the safety of another, or any dog which has been found by the court to have bitten a person. The judge shall, upon finding a dog to be diseased, dangerous, or vicious, order the same forthwith seized and disposed of.

SECTION 2. This Ordinance shall take effect and be enforced from and after its publication in The Lakin Independent.

Passed by the Governing Body of the City of Lakin the 3rd day of December, 1984.

Approved and signed by the Mayor the 3rd day of December, 1984.

GENE HORNBAKER, Mayor

ATTEST: A. Janice Sivils City Clerk (SEAL)

Press Clipping Division
Kansas Press Service, Inc.
Affiliate of Kansas Press Association
Box 1773, Topeka, Kansas 66601

KANSAS

Atchison Daily Globe

SEP. -9, 1984

2

Official Publication
ORDINANCE NO. 5590
AN ORDINANCE AMENDING SECTION 2-212 OF THE REVISED ORDINANCES OF 1956 AND SECTION 7-55 OF THE CODE OF ORDINANCES OF THE CITY OF ATCHISON, KANSAS, THEREBY REDEFINING THE TERM "VICIOUS DOG" AND DEFINING THE TERM "UNCONFINED" UNDER CERTAIN CIRCUMSTANCES UNCONFINED, VICIOUS DOGS, AND PROHIBITING THE OWNING OR HARBORING OF DOGS FOR PURPOSES OF DOG FIGHTING, AND REPEALING SECTION 2-212 OF THE REVISED ORDINANCES OF 1956 AND SECTION 7-55 OF THE CODE OF ORDINANCES OF THE CITY OF ATCHISON, KANSAS
BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF ATCHISON KANSAS:
SECTION 1. No person owning or harboring or having the care or custody of a vicious dog shall suffer or permit such dog to go unconfined beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained.
SECTION 2. No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait, or use any dog for the purpose of dog fighting or for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals.
SECTION 3. No person shall suffer or permit a vicious dog to be unconfined.

SECTION 4. Definitions:

(a) A vicious dog is "unconfined" as the term is used in this section if, while on the premises of its owner or harborer, such dog is not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises of the person described in subsection (a) hereof. Such pen or dog run area must be adequate to insure the confinement of such dog upon said premises.

(b) A "vicious" dog as the term is used in this section means:

(1) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety or human beings or domestic animals; or

(2) Any dog which attacks a human being or domestic animal without provocation;

(3) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

SECTION 5. Any violation of Section 1, or Section 3 herein shall be deemed a Class B Misdemeanor and shall have as a minimum penalty therefor of Three Hundred Dollars (\$300).

SECTION 6. Section 2-212 of the revised Ordinances of 1956 and Section 7-55 of the Code of Ordinances of the City of Atchison, Kansas, are hereby repealed.

SECTION 7. This ordinance shall be effective from and after its passage and publication once in the official City newspaper.

PASSED, this 2nd day of July, 1984.

Norm Ellis,
Mayor

ATTEST:
Mark Thelen,
City Clerk
July 9, 1984

Press Clipping Division
Kansas Press Service, Inc.
Affiliate of Kansas Press Association
Box 1773, Topeka, Kansas 66601

F-5535
KANSAS

Osawatomie Graphic

SEP. 13, 1984

Osawatomie, Kansas 66004
(913) 755-3858

Attorneys for Plaintiff

(Published in the Osawatomie Graphic, Sept. 13, 1984) O1tc27

ORDINANCE NO. 42-A

SECTION 3

AN ORDINANCE PROHIBITING THE KEEPING OR HARBORING OF VICIOUS DOGS OR PUPS WITHIN THE CITY OF LANE, KANSAS.

Be it Ordained by the Governing Body of the City of Lane, Kansas:

1. It shall be unlawful for any person to keep or harbor any vicious dog or pup within the City of Lane, Kansas. A vicious dog or pup is one which has bitten or attempted to bite any person.
2. Upon a determination by the Municipal Court that any dog or pup in the City is vicious as defined by this ordinance, the Judge of the Municipal Court for the City of Lane, Kansas, shall order the same forthwith seized, impounded and destroyed by the City Marshal or other proper authority as determined by the Municipal Judge, provided, however, the Judge of the Municipal Court may permit the owner to post a cash bond in the sum of Fifty Dollars (\$50.00) to insure that said dog or pup will not be allowed to run at large. Lack of knowledge by the owner of the viciousness of a dog or pup shall not be a defense to any action brought upon this section.
3. That this ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed and Approved by the Governing Body this 4th day of September, 1984.

PAT McDANIEL
Mayor

ATTEST:
EDITH CHAMBERS
City Clerk

Published in the Osawatomie

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Box 1773, Topeka, Kansas 66601

7-35-35
KANSAS
Frankfort Index

SEP. 29. 1983

Legal Notices

(First published in the Frankfort Index, Thursday, September 29th, 1983).

ORDINANCE NO. 663

AN ORDINANCE RELATING TO VIOCIUS OR DANGEROUS DOGS. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FRANKFORT, KANSAS:

Section One: It shall be unlawful to own, keep or harbor, within the City of Frankfort, Kansas, any dog which is vicious or dangerous.

Section Two: Upon complaint of any person filed before the municipal judge of the city of Frankfort, Kansas, that any dog within the city is vicious or dangerous, the hearing shall be held before the municipal judge. At said hearing the judge shall determine whether the dog, as alleged in the complaint, is vicious or dangerous. If the judge shall determine that the said dog is vicious or dangerous, the judge shall order the dog seized and impounded.

Section Three: If appropriate, the dog shall then be transported to a veterinarian for the determination of rabies, and if not, the dog shall be disposed of by a licensed veterinarian in a humane manner.

Section Four: This ordinance shall be in full force and effect commencing on the date of its publication in the Frankfort Index.

Passed by the council and approved by the mayor this 26th day of September, 1983.

Dannie F. Caffrey
Mayor

Attest:
Anna J. Tilley
City Clerk

Press Clipping Division
Kansas Press Service, Inc.
Affiliate of Kansas Press Association
Box 1773, Topeka, Kansas 66601

H 35.35
KANSAS
Lyons Daily News
AUG. 19. 1983

(Published in The Lyons Daily News August 19, 1983.)

ORDINANCE NO. 1482

AN ORDINANCE PROHIBITING THE KEEPING OF VIOCIUS ANIMALS WITHIN THE CITY LIMITS OF THE CITY OF LYONS, KANSAS, AND PROVIDING DETAILS IN CONNECTION THEREWITH. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LYONS, KANSAS:

Section 1. That the owning or keeping of a vicious animal or animals within the City Limits is hereby prohibited.

Section 2. The Municipal Court shall make a determination at the time of trial as to whether or not an animal is vicious. In making such determination, the Municipal Court shall consider the following:

- a. The seriousness of any injury or damage to persons or property that may have been inflicted;
- b. The past history of the animal or animals with respect to injury or damage to persons or property;
- c. The potential propensity of the animal to injure or damage persons or property;
- d. The conditions existing when the animal may have inflicted injury to persons or property;
- e. Whether or not persons or property have been threatened by the animal or animals;
- f. The conditions under which the animal or animals have been kept and maintained.

Section 3. If the Municipal Court determines that an animal is vicious, the Court may cause the animal to be picked up and destroyed, or in lieu of such destruction; the Court may permit the confinement of the animal in such manner and location as the Court deems appropriate. In lieu of making a finding that the animal or animals is vicious, the Court may make a finding that the animal or animals have a propensity to be vicious and in such case may allow the owner or keeper of said animal or animals to continue the keeping of said animal or animals under such terms and conditions as the Court may specify.

Section 4. That any person found guilty of violating the provisions of this ordinance shall be punished by fine of not to exceed \$500.00 or by imprisonment not to exceed six (6) months in the Rice County jail or both fine and imprisonment.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 6. That this ordinance shall be in full force and effect upon publication once in the Lyons Daily News, the official newspaper of the City of Lyons, Kansas.

Adopted by the Council this 15th day of August, 1983.

Paul E. Jones, MAYOR

ATTEST:
Norma Miller
City Clerk
(SEAL)

*Copies for Com. H.
2/2/88*

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 545-N - Statehouse

Phone 296-3181

January 27, 1988

TO: SENATOR EDWARD REILLY

Office No. 255-E

RE: LIQUOR LAW REVIEW COMMISSION REPORT

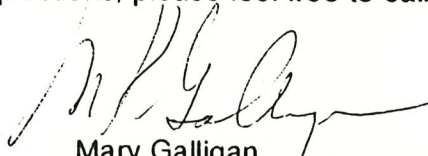
In response to your inquiry, the following matters were recommended in the Liquor Law Review Commission (LLRC) report issued in December, 1986:

- allowing price and brand advertising effective July, 1988;
- allowing the use of credit cards for purchases at retail liquor stores; and
- allowing retail liquor licensees to have more than one sign on their establishments and giving the director of the ABC specific rule and regulation authority regarding retail liquor store signs.

The following matters that you inquired about were not recommended in the report:

- thirty day terms from wholesalers to retailers (LLRC recommendation was for C.O.D. sales only);
- quantity discounts from wholesalers (LLRC recommended that discounts on products begin with the first case or unit); and
- use of specialty advertising (not specifically addressed in the report).

If you have any additional questions, please feel free to call.


 Mary Galligan
 Principal Analyst

MG/bd

*Senate FSA
 2/3/88
 Attachment #20*