

Approved 3-26-90
Date

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:05 a.m./~~p.m.~~ on March 23, 1990 in room 254-E of the Capitol.

All members were present ~~except~~:

Committee staff present:

Mary Galligan, Legislative Research
Deanna Willard, Committee Secretary

Conferees appearing before the committee:

Helen Stephens, Kansas Peace Officers Association
Janet Chubb, Kansas Racing Commission
Jim Conant, ABC

SPECIAL MEETING

A Senate Federal and State Affairs Committee meeting was called at the rail 3-23-90 at 12:40 p.m.

A motion was made by Senator Bond and seconded by Senator Morris to introduce a committee bill to authorize the continued operation of a state lottery. The motion carried.

Senator Daniels was recorded as voting "no."

REGULAR MEETING

Continued hearing on: SB 470 - concerning licensure and registration of certain persons dealing in animals

Senator Montgomery distributed material showing the number of licensed facilities in the various categories and minutes of the Kennel Advisory meeting, February 23, 1990. (Attachment 1)

Also distributed were news articles discussing the agendas of various animal-protection groups and a humane society newsletter. (Attachments 2 and 3)

A motion was made by Senator Strick and seconded by Senator Bond that a committee bill be introduced to authorize the continuation of the state lottery. The motion carried.

Action on: HB 2018 - Sale to or possession of firearms by felons

Helen Stephens, Kansas Peace Officers Association, presented amendments to the bill. (Attachment 4)

A motion was made by Senator Yost and seconded by Senator Daniels to adopt the balloon except that it continue to apply to one who is addicted to and a user of alcohol.

A substitute motion by made by Senator Bond and seconded by Senator Morris to adopt the amendments as presented. The motion carried.

Senator Daniels was recorded as voting "no."

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs,
room 254-E Statehouse, at 11:05 a.m./~~p.m.~~ on March 23, 1990.

A motion was made by Senator Bond and seconded by Senator Morris to recommend the bill favorably as amended. The motion carried.

Action on: SB 617 - Removing certain prohibitions on racing commission advisory committee members

Senator Vidricksen gave testimony explaining his reasons for introducing this bill which would correct what he sees as an injustice to persons asked to voluntarily serve as advisors to the Racing Commission. (Attachment 5)

Janet Chubb, Kansas Racing Commission, discussed the role of the advisory committee members and praised their efforts. (Attachment 6)

A motion was made by Senator Bond and seconded by Senator Morris to recommend the bill favorably. The motion carried.

Action on: SB 517 - Alcoholic liquor; retailers' renewals, salesperson's permits, notice of events of caterers and temporary permit holders

A balloon amendment was presented by Senator Vidricksen. (Attachment 7)

A motion was made by Senator Vidricksen and seconded by Senator Morris to adopt the amendment. The motion carried.

A motion was made by Senator Morris and seconded by Senator Bond to amend the provisions of SB 761 concerning microbreweries into SB 517. The motion carried.

Jim Conant, Attorney, ABC, said the ABC Division would have no problem with these actions.

A motion was made by Senator Vidricksen and seconded by Senator Morris to recommend the bill favorably as amended. The motion carried.

Senator Daniels was recorded as voting "no."

The meeting was adjourned at 12:00 noon.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

VISITORS

Date: 3-23-90

Name	Address	Organization	Wish to testify?	Bill No.	Proponent or Opponent
Beth Powers	Topeka	KS. Choice Alliance			
Jim Conant	"	ABC			
Charles Neuherrin	Topeka	K. Fire & Safety			
Dan Hamer	Topeka	KRC			
Janet Chubb	Topeka	KRC			
Jim & Sonia Faust	Valley Falls	Bo-M.E.K			
Jean Duncan	Topeka	KREC			
Gene Yockers	Top	KREC			
Whitney Danner	Topeka	DISCUS			
J.P. Small	Topeka	Washington Co. Norman Hanson			
Tom Burgess	Topeka	Superior Sales			

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

VISITORS

Date: 3-23-90

Name	Address	Organization	Wish to testify?	Bill No.	Proponent or Opponent
Tule Downs	Topolca	KLSWA	maybe		
Neal Whiteaker	Topolca	KBWA	Possibly		
Janet Stubbins	"	KBAK	no		
Karin Cain	Topolca	KRLDA			
Peggy Jarnan	White	WHCS			
Kane Fuciver	Topolca	KAA			
Arnold Gideon	Paxico K				

LICENSED ESTABLISHMENTS AS OF SEPTEMBER 8, 1989

February 1, 1990

LICENSE CATEGORY	# EST.	\$ EST.	# ACTUAL	\$ ACTUAL
A & B Dealer with USDA License \$75.00	550	\$41,250	570 475	\$35,625
No Federal License (cannot sell to pet shops, broker or re- search facility) \$150.00	1,270	190,500	29 22	3,300
Pet Shops/Pounds & Shelters \$150.00	170	25,500	135 127	19,050
Research Facilities \$150.00	12	1,800	10 9	1,350
Hobby Breeders \$25.00	1,925	48,125	317 272	6,800
TOTAL	3,927	\$307,175	1001 - 905	\$267,257

BUDGET

\$172,275

SALARIES	\$105,000
Secretary	
Inspectors (3)	
Veterinarian	
TRAVEL EXPENSE	35,000
TOTAL	\$141,000

DR. KIMMELL'S
TESTIMONY
SHEET

Senate F&SA
3-23-90
Att. 1

- Items 27-28 Completed by corporations only
- Item 29 List persons who do business under your license, include family members, employees, etc.
- Items 30-35 CERTIFICATION; COMPLETE ALL SECTIONS. THIS IS A LEGAL DOCUMENT AND CERTIFIES THAT YOU HAVE MADE APPLICATION AND THAT YOU AGREE TO COMPLY WITH THE REGULATIONS AS STATED IN TITLE 9 CFR.

DEFINITION OF DEALERS

- "A" Dealer - raises and sells animals from own stock
- "B" Dealer - buys animals for resale or buys animals for resale and also sells animals from own stock

INSTRUCTIONS FOR COMPLETING ITEMS 17-18 of VS FORM 18-3

1. Gross income from sale of animals raised on premises
2. One-half of total shown on line 1
3. Gross income from resale of purchased animals
4. Enter total of Lines 1 & 3 as Item 17 of VS Form 18-3
5. Total of Lines 2 and 3 above
6. Cost of animals purchased for resale
7. Line 4, less Line 5
8. Enter total from Line 7 as Item 18, VS Form 18-3

FEE SCHEDULE

Use figure on Line 7 above to compute fee due from following chart

<u>From</u>	<u>To</u>	<u>Fee required</u>
\$ 0.00	\$ 500.00	\$ 5.00
501.00	2,000.00	15.00
2,001.00	10,000.00	25.00
10,001.00	25,000.00	100.00
25,001.00	50,000.00	200.00
50,001.00	100,000.00	300.00
over 100,000.00		500.00

FEE SCHEDULE FOR EXHIBITORS

<u>Number of Animals (Item 15)</u>	<u>Fee required</u>
1-5	\$ 5.00
6-25	10.00
26-50	25.00
51-500	50.00
501 and up	100.00

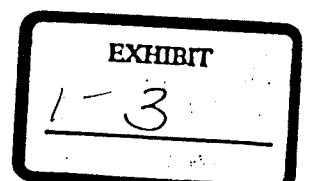
SUBMISSION OF FEE:

For new applicants, no fee is to accompany your application. The fee is not required until after premises are inspected and approved for licensing.

If you are renewing your license, the annual report must be accompanied by a certified check, cashier's check, personal check, or money order; NO CASH CAN BE ACCEPTED, for the amount of fee due. Check made payable to the UNITED STATES DEPARTMENT OF AGRICULTURE.

LICENSED ESTABLISHMENTS

Class - A Dealers	462
Class - B Dealers	44
NFL License	27
Pet Shops	130
Research Facilities	8
Pounds and Shelters	22
Hobby Breeders	<u>342</u>
As of June 22, 1989	1,035



**REPORT ON USDA INSPECTION OF FEDERALLY LICENSED DEALERS
IN KANSAS AS OF MARCH 2, 1990**

Dr. Swartz from Eureka, Kansas is responsible for inspection of five counties. These counties are Greenwood, Butler, Cowley, Elk, and Chautauqua.

Dr. Burton from Lenexa, Kansas is responsible for inspection of five counties. These counties are Doniphan, Atchison, Leavenworth, Wyandotte, and Johnson.

Dr. Swartz and Dr. Burton inspect 60 kennels in these ten counties.

LAY INSPECTORS:

Robert Bacon from Council Grove, Kansas is responsible for inspection of 29 counties which contain 280 kennels. In 1989, Mr. Bacon missed inspecting four kennels due to "no one home" and division line changes between inspectors. Catch up inspection is in progress.

Tone Pflughoeft from Ellsworth, Kansas is responsible for inspection of 65 counties with approximately 300 kennels. In 1989 Ms. Pflughoeft missed inspecting ten kennels due to "no one home" and division line changes between inspectors. Catch up inspection is in progress.

TENTATIVELY SCHEDULED:

5th inspector to report as early as 3-16-90, this inspector will be responsible for 17 counties in S.E. Kansas.

Consideration has also been given to yet a **6th inspector**. This inspector would be taking over 15 counties in S.W. Kansas. At this time division lines would be reestablished for Mr. Bacon and Ms. Pflughoeft for the inspection of the remaining counties.

SUMMARY:

14 kennels were not inspected in 1989, by converting this to a percentage we find that **USDA** inspectors had an efficiency rating of **98%** for that year which is **excellent**. Excellent is defined by Webster's dictionary as being "**remarkably good**".



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Regulatory
Enforcement
and Animal
Care

South Central Sector
P.O. Box 6258
Ft. Worth, TX 76115-6258

March 9, 1990

Senator Donald Montgomery
Room 128 South
State Capitol Building
Topeka, KS 66612

Dear Senator Montgomery:

This letter is in response to your request this week about the number of inspections the USDA does on its licensed facilities. At the present time it is National policy to inspect each facility at least twice per year. However, more inspections may be done on problem facilities as the situation dictates.

I enjoyed our recent telephone conversation and if I can be of any further help, please call me (817)885-6923.

Sincerely,

Walter A. Christensen, D.V.M.
Sector Supervisor - Animal Care
South Central Sector



FUNCTION FIVE

CONSERVATION OF AGRICULTURE AND NATURAL RESOURCES

Board of Agriculture

The Legislature approved for the Board of Agriculture a FY 1989 operating budget totaling \$14,996,298, of which \$7,705,722 is from the State General Fund and \$7,290,576 is from special revenue funds. The FY 1989 budget, which includes salaries for 311.0 FTE positions, is \$2,561,703 (and 6.0 FTE positions) above the budget approved for FY 1988.

FY 1989 appropriations include \$919,340 and 8.0 FTE positions to continue the Farmers Assistance, Counseling and Training Service (FACTS), including \$459,670 from the State General Fund and a matching amount from federal funds. Approved expenditures are \$573,289 and 3.0 FTE positions above the level of funding approved for FY 1988. Other Administration Division expenditures of \$998,186 were approved for FY 1989, including the salary of 1.0 FTE new Research Analyst III for the Statistics Program.

The Legislature appropriated \$3,347,970 and 15.0 FTE positions for the Marketing Division in FY 1989. Approved expenditures include \$2,434,190 from grain commodity receipts (an increase of \$1,056,339 above FY 1988), \$723,084 from the State General Fund, \$178,696 from the Economic Development Initiatives Fund, and \$12,000 from other special revenue funds.

Other expenditures approved for FY 1989 include \$3,619,113 for the Inspections Division (an increase of \$194,775), \$3,684,992 for the Division of Water Resources (an increase of \$238,731), \$757,844 for the Laboratory Division (an increase of \$54,695), and \$1,668,853 for the Plant Health Division (an increase of \$215,469 and 1.0 FTE new Noxious Weeds Program Ecological Specialist and 1.0 FTE clerical position for the Records Center Program).

A total of \$21,991 from the State General Fund was appropriated to replace a laboratory vacuum pump and air compressor.

Animal Health Department

The 1988 Legislature approved an FY 1989 operating budget of \$1,460,908 and 42.0 FTE positions for the Animal Health Department, including \$250,000 from the State General Fund. Expenditures include \$99,415 and 6.0 FTE new positions during the second half of FY 1989 for the regulation of the animal breeding and selling industry in Kansas (H.B. 2219). Under the provisions of H.B. 2219, the Commissioner will expand licensure and inspection activities to include approximately 550 animal dealers who have been licensed only under the federal Animal Welfare Act (\$75 annual fee, one inspection per year, and annual revenue of \$41,250) and an estimated 1,270 animal dealers exempted under current law because their businesses are operated out of their residences (\$150 annual fee, two inspections per year, and \$190,500 annual receipts). An estimated 1,925 hobby kennels will be registered (\$25 annual fee, no inspections except upon receipt of complaints, and annual revenue of \$48,125) and 144 pet shops and pounds will continue to be licensed (\$150 annual fee, two inspections per year, and annual revenue of \$21,600). All receipts will be credited to the agency's Animal Disease Control Fund.

LIST OF NAMES OF PEOPLE IN ATTENDANCE OF KENNEL ADVISORY MEETING ON
FEB. 23, 1990:

NAME: ADDRESS,

1. DIANNE BOLAIN, KS. HUMANE SOC. , WICHITA,
2. MILLIE DOLD, 15901 W. HWY. 54, GODDARD 67052, (WICHITA KENNEL CLUB)
3. ELLEN QUERNER, 4218 S.E. BLVD, WICHITA, 67210, KS. HUMANE SOC.
4. MARCIA GITELMAN, HELPING HANDS HUMANE SOC., 2625 ROCHESTER RD. TOP
5. AUDREY MCCAIG, HELPING HANDS HUMANE SOC. " " " TOPEKA 66617
6. LINDA CLARKE, KS. FEDERATION OF HUMANE SOC. RT. 2, BOX 14-A,
EMPORIA 66801
7. JULIA CLELAND, RILEY COUNTY HUMANE SOC. BOX 1202, MANHATTAN 66502
8. BETTY TOWNSEND, RILEY CO. HUMANE. SOC. BOX 1202, MANHATTAN 66502
9. RON & CATHY STOPFER, R.C. KENNELS, BREEDER,
RT. 2, BOX 101, JUNCTION CITY, 66441
10. KURT PETERSON, COOPERS-PITTMAN-MOORE, RESEARCH,
2000 S. 11TH ST. K.C. KS. 66103
11. E. PHILLIP MILLER, DVM. " " " " " "
12. ROGER LAMBERT, LAMBRIAR INC. BROKER, BREEDER,
100 PINE ST. MAHASKA, 66955
13. DONALD BRAMLAGE, DVM, LAMERIAR INC, 100 PINE ST, MAHASKA 66955
14. DEBBIE RHINE, BREEDER, RT. 1, BOX 66, MAHASKA 66955
15. LEROY & DONNA LONG, BREEDER, RT. 2, WASHINGTON, 66968
16. RALPH RINDT, BROKER, BREEDER, RT. 2, HERINGTON, 67449
17. OPAL FEATHERSTON, BREEDER, RT. 1, BOX 44, WHITING, 66552
18. BERKLEY KERR, BROKER, BREEDER, RT. 1, SILVER LAKE, 66599
19. ARNOLD GIDEION, CATTERY, BROKER, BOX 292, PAXICO, 66526
20. JIM SMART, DVM, 619 WOODLAND DR., WASHINGTON, 66968
21. SHARON STAGGENBORG, BREEDER, RT. 1, BOX 102, MARYSVILLE, 66508
22. BOB SPARKS, BROKER, BOX 2453, SALINA 67402-2453
23. RICHARD BARTA, DVM, BOX 301, INDEPENENCE, KS. 67301
24. MARILYN FARMER, BREEDER, RT. 1, BOX 518, ALTOONA, 66710
25. SHERRILL WEDEL, BREEDER, RT. 2, BOX 52, MCPHERSON, 67460
26. ROBERT MUELLER, MOBAY CORP, RESEARCH, 17745 S. METCALF, STILWELL 66088
27. BRAD WALKER, DVM., 1423 S. BYPASS, MCPHERSON, 67460

(29 PEOPLE TOTAL - NOT INCLUDING DR. FORTNEY, DR. KIMMELL, AND SHON KOENIG)

FEBRUARY 23, 1990--FIRST KENNEL ADVISORY BOARD MEETING

THE MEETING WAS AN OPEN MEETING AND HELD AT THE COLLEGE OF VETERINARY MEDICINE, MANHATTAN, KS, IN THE BASEMENT OF TROTTER HALL, RM 2, AT 1:30 P.M.

DR. KIMMELL INTRODUCED HIMSELF, DR. FORTNEY AND SHON KOENIG. HE THEN ASKED EVERY ONE IN ATTENDANCE TO INTRODUCE THEMSELVES AND THEIR AFFILIATION. THERE WERE 29 PEOPLE IN ATTENDANCE BESIDES DR. KIMMELL, DR. FORTNEY AND SHON KOENIG.

DR. KIMMELL STARTED THE MEETING BY READING PORTIONS OF A LETTER WITH HANDOUTS FOR REFERENCES. THE LETTER WAS IN REGARD TO SELECTING PEOPLE OF ALL PARTS OF THE INDUSTRY FOR THE ADVISORY BOARD AND THE HANDOUTS WERE FROM THE USDA FEDERAL REGISTER, PARTS 1-3.

DR. KIMMELL READ PORTIONS OF THE LETTER IN REGARD TO:

1. PURPOSE OF THE ADVISORY GROUP WILL BE TO FORMULATE GOALS

6-7

2. SUGGEST POLICY -- REGARDING LICENSED PLACES THAT FALL OUT OF COMPLIANCE, LETS ESTABLISH GUIDELINES,
3. COMPLAINTS--HOW DO WE RESPOND TO COMPLAINTS?,
4. ASSIST IN FORMULATING GUIDE LINES & POLICY REGULATIONS.

THERE WILL BE A HEARING ON APRIL 6, 1990, ON RULES AND REGS. DR. KIMMELL SAID THE ANIMAL HEALTH DEPARTMENT WILL TRY TO NOTIFY EVERYONE THAT SIGNED UP TODAY OF THE EXACT TIME AND PLACE OF THE MEETING.

DR. KIMMELL STATED THAT ONE OF OUR GOALS SHOULD BE DURING THIS MEETING AND IN THE FUTURE TO BE A POSITIVE GROUP. WE HAVE HAD ENOUGH NEGATIVISM. DR. KIMMELL SAID MISSOURI WILL HAVE THE NEXT ANIMAL WELFARE PROGRAM AND THAT MISSOURI IS LOOKING AT THE KANSAS PROGRAM. MISSOURI ALSO REGISTERS TWICE AS MANY LITTERS WITH AKC AS KANSAS DOES.

DR. FORTNEY STRESSED THE POINT THAT THIS IS AN ADVISORY GROUP, NOT A REGULATING GROUP AND TO HAVE A POSITIVE ATTITUDE.

DR. KIMMELL ASKED IF EVERYONE WOULD FORMULATE WHAT THE GOALS SHOULD BE OF THIS PROGRAM.

RALPH RINDT SUGGESTED THAT WE CLEAN UP THE BAD KENNELS AND GET RID OF THE DIRTY ONES THAT ARE GIVING THE REST OF THE KENNEL INDUSTRY THE BAD REPUTATION.

DR. KIMMELL EXPLAINED SOME OF THE LAWS REGARDING TIME AND ENFORCEMENT WITH THE DATES OF COMPLIANCE BEING JANUARY 1, 1990.

DR. KIMMELL READ THE NUMBERS OF LICENSED PLACES IN KANSAS:

A & B: 510

P & S: 135

N F L: 29

PET SHOPS: 112

RESEARCH FAC.: 10

HOBBY BREEDERS: 317.

THERE WAS MUCH DISCUSSION FROM THE FLOOR ABOUT HOBBY BREEDERS, PEOPLE SELLING FROM THEIR HOMES, AND HOW DO WE GO IN AND INSPECT SUCH PLACES?

THE FLOOR DISCUSSED USDA REAC AND USDA RULES-- WITH VARIOUS INPUT FROM MR. KERR. BOB MUELLER FROM MOBAY STATED THAT PARTS 1 & 2 ARE CURRENTLY IN USE AND PART 3 HAS BEEN PULLED BACK FOR MODIFICATION AND MAY BE SOME TIME IN COMING.

THE QUESTION WAS RAISED REGARDING MONEY ALLOCATED TO THE COMPANION ANIMAL PROGRAM AND HOW CAN WE MAKE IT WORK? DR. KIMMELL RESPONDED: WHEN THE BILL WAS PASSED THEY LET US BORROW \$100,000 FROM OURSELVES, THAT WAS MONEY THAT WE WERE COLLECTING FROM SALEBARNs, ETC. THIS WAS TO BE USED TO PAY FOR 4 INSPECTORS, A SUPERVISORY VETERINARIAN, AND A FULL TIME OFFICE PERSON. NOW WE HAVE A HALF-TIME OFFICE PERSON AND 2 INSPECTORS.

DR. FORTNEY ASKED HOW CAN 2 INSPECTORS INSPECT 1000 KENNELS AND BEAT THE BUSHES TO FIND UNLICENSED KENNELS?

SHON KOENIG REPLIED THAT IT WILL NOT BE POSSIBLE TO BEGIN TO COVER ALL THE AREAS NEEDING US. SHON KOENIG ALSO STATED THAT IN HER OPINION OUR TWO BIGGEST PROBLEM AREAS ARE 1. THE HOBBY BREEDERS, A) THEY NEED TO BE MORE ACCOUNTABLE (THEY ARE USUALLY BELOW STANDARD), B) THE HOBBY BREEDER FEE IS A RIP OFF, AND 2) WE NEED TO SET A STANDARD COURSE OF

ION FOR CLOSING THE BAD FACILITIES IN A SWIFT AND EFFECTIVE MANNER.

RALPH RINDT SUGGESTED THAT WE CONCENTRATE ON THE UNLICENSED KENNELS AND THE BAD PLACES.

LICENSE FEES WERE DISCUSSED AT LENGTH BY THE FLOOR: SOME OF THE THOUGHTS AND SUGGESTIONS WERE THAT THE MORE DOGS HANDLED THE BIGGER THE FEE, MUCH IN THE SAME MANNER THAT USDA DOES THEIRS. MOST OF THE PEOPLE HAD POSITIVE COMMENTS ABOUT RAISING THE FEES OF THE HOBBY BREEDERS AND GETTING ALL KENNELS ON A MORE EVEN STANDARD. AT THIS TIME I THINK DR. FORTNEY ASKED IF WE SHOULD ADDRESS AMENDING THE LAW? OR SHOULD WE WORK WITH WHAT WE HAVE? ROGER LAMBERT SAID HE THOUGHT IT WAS PREMATURE AT A FIRST MEETING TO DISCUSS AMENDING A LAW.

ELLEN QUENTER DISCUSSED VARIOUS ASPECTS OF USING THE ANTICRUELTY LAWS AND EXPLAINED THAT THEY SHOULD BE SUFFICIENT TO USE IN MOST CASES.

SOMEONE ASKED WHAT WAS OUR POLICY WHEN WE DO FIND A FACILITY THAT DOES NOT COMPLY? DR. KIMMELL EXPLAINED: WE DO HAVE ADMINISTRATIVE HEARING PROCEDURES. WE HAVE TO GO THRU THE ATTORNEY GENERAL'S OFFICE. RITA NOLL WAS OUR ADVISOR HOWEVER SHE HAS LEFT NOW AND WE HAVE A NEW ADVISOR. THE LINE OF ACTION THAT THE ATTORNEY GENERAL'S OFFICE WANTS US TO USE IS TO FIRST TRY TO GO THRU THE LOCAL COUNTY ATTORNEY'S OFFICE. DR. KIMMELL EXPLAINED THAT SOMETIMES THIS IS NOT TOO FRUITFUL, THEN WE MUST PERSUE THE PREVIOUSLY MENTIONED AVENUES.

RALPH RINDT ASKED WHAT PROCEDURE TAKES PLACE FROM START TO FINISH IF YOU COME ON A PLACE AND THEY DON'T COMPLY AND THEY WILL NOT LET YOU INSPECT?

DR. KIMMELL SAID THAT THESE THINGS TAKE TIME AND THINGS JUST DON'T HAPPEN OVERNIGHT. THEY DISCUSSED THE COUNTY ATTORNEY VS. ATTORNEY GENERAL'S OFFICE AND THE ANTICRUELTY LAWS ARE UNDER CHAPTER 21 AND THE INSPECTION ACT UNDER CHAPTER 47. DR. KIMMELL SAID WE HAVE TO FOLLOW PROCEDURES GIVEN US BY THE ATTORNEY GENERAL'S OFFICE. ELLEN QUENTER AND SOME OF THE FLOOR DISCUSSED THIS AT LENGTH ALSO. THERE WERE MANY POINTS MADE FOR THE NEXT MEETING WITH FOOD FOR THOUGHT.

RALPH RINDT SAID HE WOULD LIKE TO PERSUE A COURSE OF ACTION TO RAISE FUNDING FOR MORE INSPECTORS OTHER THAN BY RAISING LICENSE FEES. THIS SHOULD BE ONE OF OUR GOALS.

ELLEN QUENTER RESPONDED THAT IF ALL THE BREEDERS AND HUMANE SOCIETIES AND EVERYONE INVOLVED IN THE INDUSTRY WOULD UNITE TO WORK TOGETHER IT WOULD BE POSSIBLE TO AMEND THE LAW BUT NOT IF THERE WAS NO UNITY.

RALPH RINDT SPOKE TO THE FLOOR BY STATING THAT IF THE AMENDMENTS COULD BE MADE TO HELP THE KENNEL AND NOT GET INTO HOGS AND CATTLE, HE WOULD BE 100% FOR IT BUT IF THE HUMANE SOCIETIES GET TOO BROAD AND START TO INCORPORATE THE LIVESTOCK INDUSTRY IT WILL NOT WORK AND THE KLA WILL NOT STAND FOR IT. KANSAS IS AN AGRICULTURAL STATE AND THAT IS THE BOTTOM LINE.

THE FLOOR DISCUSSED HOW TO SHUT DOWN BAD KENNELS WITH DISCUSSION ON HEARINGS AND TAKING POSSESSION OF ANIMALS. BERKLEY KERR ASKED WHAT WAS LACKING AND WHY WASN'T ADOPTION OF THE ANIMAL WELFARE ACT WORKABLE FOR THE STATE? DR. FORTNEY AND KIMMELL DID NOT UNDERSTAND HIS QUESTION. MR. KERR RESTATED PART OF IT AND DR. KIMMELL REPLIED THAT IS WHY WE NEED THIS ADVISORY BOARD TO ADOPT AND MAKE CHANGES TO SUITE THE INDUSTRY. WE DO NOT WANT TO GET CAUGHT UP IN THE POSITION OF THE USDA

THE PAST OF TAKING TOO MUCH TIME OR NOT BEING ABLE TO MAKE THESE PLACES COMPLY OR GET OUT OF BUSINESS. (I DON'T KNOW ALL OF THIS DOWN EXACTLY WORD FOR WORD BUT THIS IS FAIRLY ACCURATE I THINK) THERE WAS OTHER FLOOR DISCUSSION OF THIS ALSO.

BERKLEY KERR SAID: LETS JUST ADOPT THE ^{AS A STOCK COM} USDA RULES AND MAKE SOME ADDITIONAL RULES FOR ANIMAL SHELTERS AND PET SHOPS.

DR. KIMMELL DISCUSSED THE FACT THAT THE ANIMAL HEALTH DEPARTMENT ONLY HAD 3 FOOD ANIMAL VETERINARIANS AND NO COMPANION ANIMAL VETERINARIAN ON STAFF. ONE OF THE BIG CRITISISMS WAS HAVING 2 DIFFERENT SETS OF RULES.

BOB SPARKS AND THE FLOOR DISCUSSED A TIME LIMIT ON COMPLYING WITH A VIOLATION AND WHAT THE SUBSEQUENT ACTION SHOULD BE. SOME THOUGHT IF A FACILITY RECIEVED A VIOLATION THEY SHOULD HAVE 30 DAYS TO COMPLY AND IF AT THAT TIME IT WAS NOT ACCOMPLISHED THE FACILTII SHOULD HAVE THEIR LICENSE REVOKED. THE FLOOR ALSO DISCUSSED WHAT TO DO IF A LICENSE WAS PULLED. CAN THEY STILL SELL DOGS/CATS WITHOUT A LICENSE? SHOULD THERE BE A SUBSTANTIAL FINE FOR SELLING ANIMALS WITHOUT A LICENSE? IT WAS AGREED THAT ALL OF THESE AVENUES NEED TO BE PERSUED. ONE LADY SUGGESTED THAT IF A FACILITY WAS GIVEN 30 DAYS TO COMPLY, THEN A 2ND VISIT PRECEDED BY A LETTER OF WARNING. ELLEN QUENTER SUGGESTED THAT WE ALL MAKE A LIST OF SUGGESTIONS FOR THE NEXT MEETING AND COME UP WITH A SUMMARY LIST.

THE FLOOR DISCUSSED AGAIN AT LENGTH USDA RULES AND REGS. RALPH RINDT SAID LETS NOT GET BOGGED DOWN WITH THE USDA.

~~DR. BARIA MADE A MOTION THAT WITH THE HELP OF THE INSPECTORS LETS~~
1) IDENTIFY THE BAD FACILITIES, AND 2) LETS GO AFTER THEM WITH THE RULES THAT WE HAVE AVAILABLE.

RALPH RINDT SECONDED THE MOTION AND THE VOTE CARRIED.

RALPH RINDT MADE THE MOTION THAT ALL FACILITIES NOT IN COMPLIANCE IN TWO ATTEMPTS BE REMOVED BY ALL POSSIBLE MEANS AS SOON AS POSSIBLE.

BOB SPARKS SECONDED THE MOTION AND THE VOTE CARRIED.

BERKLEY KERR ASKED WHAT ABOUT THE FACILITIES THAT DON'T HAVE RUNNING WATER IN THEM AND WHAT DID WE INTEND TO DO ABOUT THEM? THE FLOOR DISCUSSED THIS AND I DON'T REMEMBER WHAT THE FINAL OUTCOME WAS. BOB SPARKS SUGGESTED THAT PLACES NEED TO APPLY FOR A LICENSE AND BE INSPECTED BEFORE BEING ABLE TO SELL THEIR ANIMALS. THIS WAS DISCUSSED BY SEVERAL AND THEN BOB SPARKS PUT IT INTO THE FORM OF A MOTION. KATHY STOPFER SECONDED THE MOTION AND THE VOTE CARRIED.

SHARON STAGGENBORG MOVED TO SET A STANDARD FEE AND ELIMINATE THE HOBBY BREEDER STANDARD SO ALL BREEDERS ARE OF EQUAL REGARDLESS OF THE NUMBER OF DOGS/CATS.

THE FLOOR DISCUSSED THE PROS AND CONS OF THIS AND THE MOTION WAS TABLED FOR THE TIME BEING SINCE IT WAS THOUGHT WE MAY HAVE TO AMEND THE LAW IN ORDER TO ACCOMPLISH THIS RIGHT NOW. DR. FORTNEY SUGGESTED WE ALL TRY TO THINK OF AN EQUITABLE WAY TO FINANCE THE PROGRAM AND WRITE DOWN SUGGESTIONS FOR THE NEXT MEETING.

ELLEN QUENTER MOVED THAT WE INCORPORATE THE PRESS INTO DEVELOPING A MORE POSITIVE APPROACH TO THE IMAGE OF THE KANSAS ANIMAL WELFARE

GRAM.

SHARON STAGGENBORG SECONDED THE MOTION AND THE VOTE CARRIED.

RALPH RINDT SAID HE THOUGHT THAT ANY PUPPY/KITTEN BROUGHT INTO THE STATE SHOULD BE ACCOMPANIED BY A HEALTH CERTIFICATE. DR. KIMMELL AND DR. FORNEY TOLD HIM IT ALREADY IS A LAW.

DR. FORTNEY SAID WE NEED TO FIGURE OUT IN WHAT WAY ARE WE GOING TO HANDLE COMPLAINTS?

DR. BRAD WALKER SAID HE THOUGHT PLACES WERE TURNED IN AND NOTHING WAS BEING DONE, HE THOUGHT SOMEWHERE ALONG THE LINE THERE WAS A BREAKDOWN IN PASSING THE INFORMATION ALONG.

SHON KOENIG EXPLAINED THAT IF SHE WAS OUT INSPECTING A FACILITY AND A NAME WAS GIVEN TO HER SHE WOULD CHECK IT OUT AND THE PERSON WHO GAVE HER THE INFORMATION WOULD REMAIN CONFIDENTIAL. SHON ALSO EXPLAINED TO THE FLOOR THAT THE PROPER WAY TO TURN IN A COMPLAINT WAS THAT THE PERSON MAKING THE COMPLAINT NEEDED TO WRITE IT DOWN AND SIGN IT AND DATE IT AND MAIL IT TO THE ANIMAL HEALTH DEPARTMENT. IF SOMEONE CALLED IN AND TALKED TO OUR SECRETARY BUT DID NOT WRITE A LETTER AND SIGN IT, THAT WE COULD NOT DO ANYTHING ABOUT IT. THE REASON FOR THIS IS TO PREVENT US FROM BEING SENT ON WILD GOOSE CHASES SINCE WE ARE SPREAD TOO THIN ANYWAY. I ASSURED EVERYONE THAT THE NAME OF THE PERSON MAKING THE COMPLAINT WOULD REMAIN CONFIDENTIAL AND IF WE HAD A SIGNED COMPLAINT WE WOULD FOR SURE CHECK IT OUT.

ARNOLD GIDEON MADE A MOTION TO HAVE DISCIPLINARY ACTION AGAINST VETS ISSUING BOGUS HEALTH CERTIFICATES AND HAVE ALL PUPPIES/KITTENS HEALTH CERTIFICATES PULLED AND THE VETERINARIAN'S LICENSE REVOKED.

DR. FORTNEY ASKED MR. GIDEON IF HE WAS BEING FICICIOUS(SP??-COULD NOT FIND IN MY COMPUTER OR DICTIONARY) HE ASKED IF THERE WAS A SECOND, THERE WAS NO SECOND AND THE MOTION DROPPED.

DR. BRAMLAGE BROUGHT UP THE QUESTION OF WHAT THEY SHOULD DO OR WHAT WAS THEIR RESPONSIBILITY IF THEY ARE LISTED AS A FACILITIES' VETERINARIAN IF THE FACILITY IS SUB STANDARD. ALSO HOW MANY TIMES ARE THEY REQUIRED TO INSPECT THAT FACILITY? THERE WAS DISCUSSION OF USDA FORMAT AND WHAT THE STATE FORMAT WOULD BE. IT WAS STATED THAT THE USDA REQUIREMENT WAS ONCE A YEAR AND ALSO DISCUSSED THAT ONE OF THE NEW RULES THAT STATE HAD WANTED WAS TO HAVE THE VETERINARIAN OF RECORD GO TO THE FACILITY TWICE A YEAR. DR. WALKER WANTED TO KNOW WHAT IF HE WENT TO A BAD PLACE AND IT WAS ONE OF HIS CLIENTS? I THINK THE DISCUSSION THAT FOLLOWED WAS TO TRY TO HELP THE CLIENT OR IF IT WAS REAL BAD HE PROBABLY SHOULD TURN IT IN. I AM NOT SURE IF HIS QUESTION WAS ANSWERED PROPERLY OR NOT.

DR. FORTNEY MOVED THAT DR. KIMMELL PUT INFORMATION OF THIS MEETING INTO A FORMAT SO EVERYONE CAN HAVE MATERIAL FOR A PRESS RELEASE.

SOMEONE SECONDED THE MOTION AND THE MOTION CARRIED.

DR. KIMMELL REMINDED EVERYONE THAT THE ANIMAL HEALTH DEPARTMENT WOULD NOTIFY EVERYONE IN ATTENDANCE OF THE NEXT MEETING AND WE ADJOURNED.

Shon Koenig, Acting Secretary

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LAW OFFICES OF
CARPENTER, CHARTERED

P.O. BOX 2543

1525 S. TOPEKA BLVD.

TOPEKA, KANSAS 66601

(913) 357-5251 800-637-4514

KENNETH M. CARPENTER

March 2, 1990

To All Members of the Kansas Senate:

Re: Senate Bill 470
Amendment to Kansas Animal Welfare Act
Exemption of Federally Licensed Dealers

Dear Members of the Kansas Senate:

The Senate Agriculture Committee reported out an amendment to K.S.A. 47-1701, et seq. which would exempt any person licensed under public law 91-579 (7 U.S.C. 2131, et seq.) to be required to be licensed under that statute. This corrects the action of the 1988 Legislature which have removed this same exemption.

I represent Kerr Kennels of Silver Lake, Kansas and urge you to support this amendment. Under the law prior to 1988 Federally licensed dealers were entitled to this exemption since they were already licensed and subject to federal inspection. The 1988 Legislature was erroneously lead to believe that numerous numbers of unlicensed kennels were operating in the State of Kansas and that if federally licensed dealers were required to be licensed by the State of Kansas and subject thereby to state inspection that these unlicensed kennels would be discovered. The experience of Dr. Kimmell's companion animal department has been exactly the opposite. The 1988 Legislature was likewise erroneously lead to believe that such a program could be self supporting based upon the discovered unlicensed kennels. After more than a year and a half in operation only 29 kennels have been discovered and licensed. Both Drs. Kimmell and Hogan have made it clear in their public statements and Legislative testimony that they have no reason to believe that there are anymore unlicensed kennels operating in this state.

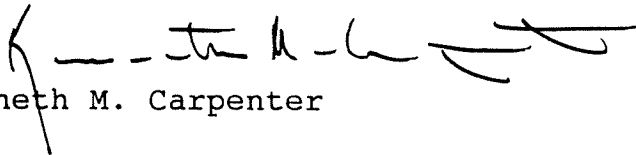
The consequences to the previously exempted federally licensed dealers has been submission to duplicitous licensure and inspection. In fiscal year 1989, \$29,999 of general funds were required to support this purported self sufficient program. While no general revenue funds have been budgeted for fiscal year 1990, Dr. Kimmell testified before the Senate Agriculture Committee that he intended to reduce his staff by one and that the gross salaries of the reduced staff would cost \$105,000. Dr. Kimmell also testified that the anticipated revenue from the currently licensed dealers would generate less than \$75,000. Obviously, the intention of Dr. Kimmell is to do what he did in 1989 and come in during an interim session in an ominous budget bill and request the additional \$30,000 to meet the expenses of this self supporting program. It is note worthy that Dr. Kimmell presented evidence to the committee of an additional estimated \$35,000 in travel expenses. Those travel expenses are not reflected in the governor's budget under the companion animal program and are in excess of the \$105,000 in salaries required for the reduced staff. Can you as Legislature rely upon the fact that Dr. Kimmell's self supporting program is now going to cost the taxpayers of the State of Kansas an additional \$65,000 over and above its self sufficient revenues?

Dr. Kimmell indicated in a recent meeting with his own advisory board in Manhattan, Kansas that the U.S.D.A.'s budget for the Animal Welfare Program, which is responsible for the inspection of federally licensed animal dealers, has doubled its budget from \$6,000,000 to \$12,000,000. Dr. Kimmell went on to indicate that this would provide increased federal inspection of those licensed dealers and that they were going to get tough and mean business. Representative Barr who testified before the Senate Agriculture Committee erroneously testified that it was necessary to keep federally licensed dealers under the act in order to have access to their records. This is totally and completely false. The U.S.D.A. and the records of all of its federally licensed dealers are subject to the Federal Freedom Information Act and federally licensed dealers are required to report the source of all puppies purchased and from whom. Ms. Barr has succeeded in fanning the fears and misplaced concerns of animal rights activists by characterizing this legislation as perpetuating the existence of "puppy mills". This Legislation has always been about getting federally licensed dealers to underwrite the cost and expense of a fishing expedition in search of thousands of unlicensed kennels that do not exist.

You have an opportunity by voting in favor of this amendment as recommended by the Senate Agriculture Committee ~~upon a 10 to 1 vote~~ to rectify this error. The federally licensed animal dealers of the State of Kansas are as concerned about the mistreatment of animals as is Representative Barr and the members of the Humane Society. The federally licensed dealers of the State of Kansas are subject to rigorous federal inspection by the U.S.D.A. which has now doubled its budget for that purpose. How can the State of Kansas expect to do a better job of inspecting the federally licensed dealers than a federal program with substantially more available resources and trained and experienced staff to implement the federal regulations which Dr. Kimmell has decided to adopt for the State Regulations regarding the same inspections.

Please take this opportunity to consider this issue upon reasoned grounds and not upon the emotional pleas that the State of Kansas is going to get a black eye nationally when there is no support in the facts for such a conclusion. There will always be unscrupulous individuals who violate the law and mistreat animals as well as humans, but the action of the 1988 Legislature cannot prevent this. Existing federal law adequately protects the welfare of animals in federally licensed dealers facilities. There is no reason to believe that duplicitous licensure and inspection will prevent the existence of a "puppy mill" in this state.

Sincerely,



Kenneth M. Carpenter

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Burkeley News

3. Referred to; defense based on mistake of law; construction of 21-3203; application of subsection (2), paragraph 2. State v. V. F. W. Post No. 3722, 215 K. 693, 694, 527 P.2d 1020.

4. Defendants charged hereunder entitled to be discharged, not brought to trial within 180 days after arraignment. State v. Cox, 215 K. 803, 528 P.2d 1226.

5. Section cited; 22-2512 and 22-3901 not in contravention of due process clause of federal or state constitution. State v. Pinball Machines, 222 K. 416, 420, 565 P.2d 236.

6. State may not seek sale or destruction of property under 22-2512 without notice to or hearing for those having property interest. State v. Durst, 235 K. 62, 68, 678 P.2d 1126 (1984).

21-4308. Installing communication facilities for gamblers. Installing communication facilities for gamblers is:

(a) Installing communication facilities in a place which the person who installs the facilities knows is a gambling place; or

(b) Installing communication facilities knowing that they will be used principally for the purpose of transmitting information to be used in making or settling bets; or

(c) Knowing that communication facilities are being used principally for the purpose of transmitting information to be used in making or settling bets, allowing their continued use: *Provided*, That when any public utility providing telephone communications service is notified in writing by a state or local law enforcement agency, acting within its jurisdiction, that any facility furnished by it is being used principally for the purpose of transmitting or receiving gambling information, it shall discontinue or refuse the leasing, furnishing, or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any such public utility for any act done in compliance with any notice received from a law enforcement agency. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a court of competent jurisdiction, that such facility should not be discontinued or removed, or should be restored.

Installing communications facilities for gamblers is a class E felony.

History: L. 1969, ch. 180, § 21-4308; July 1, 1970.

Source or prior law:

21-915, 21-916, 21-917, 21-923, 21-924, 21-933, 21-934, 21-1501, 21-1502, 21-1504, 21-1505, 21-1506, 21-1507, 21-1508, 21-1510.

Judicial Council, 1968: Under subsection (a) the offender must know the place in which he installs the communication facilities is a gambling place, i.e., a structure, one of whose principal uses is for making and settling bets, receiving, holding, recording or forwarding bets or offers to bet, conducting lotteries, or playing gambling machines.

Under subsection (b) the offender must know that the communication facilities he installs will be used principally for the purpose of transmitting information to be used in making or settling bets.

In subsection (c) the offender must allow the continued use of his communication facilities with knowledge that they are being used principally to transmit information to be used in making or settling bets.

Revisor's Note:

Proviso in subsection (c) not included in proposed criminal code by judicial council.

21-4309. False membership claim. A false membership claim is falsely representing oneself to be a member of a fraternal or veteran's organization.

False membership claim is a class C misdemeanor.

History: L. 1969, ch. 180, § 21-4309; July 1, 1970.

Source or prior law:

21-1307, 21-1308.

21-4310. Cruelty to animals. (1) Cruelty to animals is:

(a) Intentionally killing, injuring, maiming, torturing or mutilating any animal;

(b) abandoning or leaving any animal in any place without making provisions for its proper care; or

(c) having physical custody of any animal and failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal.

(2) The provisions of this section shall not apply to:

(a) Normal or accepted veterinary practices;

(b) bona fide experiments carried on by commonly recognized research facilities;

(c) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated;

(d) rodeo practices accepted by the rodeo cowboys' association;

(e) the humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner

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thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter, pound or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, the operator of an animal shelter or pound, local or state health officer or licensed veterinarian three (3) business days following the receipt of any such animal at such society, shelter or pound;

(f) with respect to farm animals, normal or accepted practices of animal husbandry;

(g) the killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property; or

(h) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods.

(3) Cruelty to animals is a class B misdemeanor.

History: L. 1969, ch. 180, § 21-4310; L. 1974, ch. 148, § 1; L. 1975, ch. 198, § 1; L. 1977, ch. 116, § 2; L. 1980, ch. 182, § 4; L. 1980, ch. 157, § 1; July 1.

Source or prior law:

21-1201, 21-1202, 21-1203.

Judicial Council, 1968: Subsection (1) is substantially the Model Penal Code, 250.11. It is suggested in lieu of the former law which covered the same substance but was somewhat more complex. Subsection (2), in part, follows former K.S.A. 21-1203. There are no specific provisions in the section for appraisal and liability to the owner. However, it is assumed that the owner would be able to recover for the wrongful destruction of his animal, even in the absence of express provisions.

Cross References to Related Sections:

Damages for cruelty to domestic animals, see 29-409.

Attorney General's Opinions:

Cruelty to animals: custody of animals, 86-34.

CASE ANNOTATIONS

1. Cockfighting does not fall within the prohibitions of this section. *State, ex rel., v. Claiborne*, 211 K. 264, 265, 266, 268, 269, 505 P.2d 732.

2. Upon question reserved, it is held that exception in 21-4310(2)(g) does not apply to prosecutions under 21-3727. *State v. Jones*, 229 K. 528, 529, 530, 625 P.2d 503.

21-4311. Cruelty to animals; custody of animal; disposition; damages for killing, when;

expenses of care assessed owner, when; duty of county or district attorney. (1) Any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding or other care or, if an officer of such humane society or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing.

(2) The owner or custodian of an animal killed pursuant to subsection (1) shall not be entitled to recover damages for the killing of such animal unless the owner proves that such killing was unwarranted.

(3) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (1), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime.

(4) Upon the filing of a sworn complaint by any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility alleging the commission of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, the county or district attorney shall determine the validity of the complaint and shall forthwith file charges for the crime if the complaint appears to be valid.

(5) If a person is adjudicated guilty of the crime of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, and the court having jurisdiction is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

History: L. 1977, ch. 116, § 3; L. 1986, ch. 127, § 1; July 1.

Attorney General's Opinions:

Cruelty to animals; custody of animals. 86-34.

21-4312. Unlawful disposition of animals. (1) Unlawful disposition of animals is raffling, giving as a prize or premium or using as an advertising device or promotional display living rabbits or chickens, ducklings or goslings, but shall not include the giving of such animals to minors for use in agricultural projects under the supervision of commonly recognized youth farm organizations.

(2) Unlawful disposition of animals is a class C misdemeanor.

History: L. 1977, ch. 116, § 4; April 27.

21-4313. Definitions. As used in this act [*], unless the context otherwise requires;

(1) "Animal" means every living vertebrate except a human being.

(2) "Farm animal" means an animal raised on a farm or ranch and used or intended for use as food or fiber.

(3) "Retailer" means a person regularly engaged in the business of selling tangible personal property, services or entertainment for use or consumption and not for resale.

(4) "Wild animal" means a living mammal or marsupial which is normally found in the wild state, but shall not include a farm animal.

(5) "Domestic pet" means any domesticated animal which is kept for pleasure rather than utility.

History: L. 1977, ch. 116, § 1; April 27.

* "This act," see also, 21-4310 to 21-4312, 47-1710.

21-4314. Sections part of criminal code. K.S.A. 21-4311, 21-4312 and 21-4313 shall be supplemental to and a part of the Kansas criminal code.

History: L. 1977, ch. 116, § 6; April 27.

21-4315. Dog fighting. (a) Unlawful conduct of dog fighting is: (1) Causing, for amusement or gain, any dog to fight with or injure another dog, (2) knowingly permitting such fighting or injuring on premises under one's ownership, charge or control, or (3) training, owning, keeping, transporting or selling any dog for the purpose or with the intent of having it fight with or injure another dog.

(b) Unlawful conduct of dog fighting is a class E felony.

(c) Attending the unlawful conduct of dog fighting is a class B misdemeanor.

(d) This section and K.S.A. 1984 Supp. 21-

4316 and 21-4317 shall be part of and supplemental to the Kansas criminal code.

History: L. 1982, ch. 131, § 1; L. 1984, ch. 123, § 1; April 19.

21-4316. Same; disposition of dogs; assessment of expenses of care. (a) When a person is arrested under K.S.A. 1983 Supp. 21-4315 and amendments thereto, a law enforcement agency may take into custody any dog on the premises where the dog fight is alleged to have occurred and any dog owned or kept on the premises of any person arrested under subsection (a) or (c) of K.S.A. 1983 Supp. 21-4315 and amendments thereto.

(b) When a law enforcement agency takes custody of a dog under this section, such agency may place the dog in the care of a duly incorporated humane society or licensed veterinarian for boarding, treatment or other care. If it appears to a licensed veterinarian that the dog is diseased or disabled beyond recovery for any useful purpose, such dog may be humanely killed. Except as provided in subsection (c), if it appears to the licensed veterinarian by physical examination that the dog has not been trained for aggressive conduct or is a type of dog that is not commonly bred or trained for aggressive conduct, the district or county attorney shall order that the dog be returned to its owner when the dog is not needed as evidence in a case filed under K.S.A. 21-4315 or 21-4310. The owner or keeper of a dog humanely killed under this subsection (b) shall not be entitled to damages unless the owner or keeper proves that such killing was unwarranted.

(c) If a person is convicted of unlawful conduct of dog fighting or attending the unlawful conduct of dog fighting under K.S.A. 1983 Supp. 21-4315 and amendments thereto, a dog taken into custody pursuant to subsection (a) shall not be returned to such person and the expenses incurred for the care, treatment and boarding of such dog prior to conviction of the owner or keeper shall be assessed to the owner or keeper. Disposition of such dog shall be in accordance with K.S.A. 21-4311 and amendments thereto.

History: L. 1984, ch. 123, § 2; April 19.

21-4317. Illegal ownership or keeping of a dog. (a) Illegal ownership or keeping of a dog is owning or keeping on one's premises a dog by a person convicted of unlawful conduct of dog fighting under K.S.A. 1983 Supp. 21-

4315 and amendments thereto within five years of the date of such conviction.

(b) Illegal ownership or keeping of a dog is a class B misdemeanor.

History: L. 1984, ch. 123, § 3; April 19.

Article 44.—CRIMES AFFECTING BUSINESS

21-4401. Racketeering. (1) Racketeering is demanding, soliciting or receiving anything of value from the owner, proprietor, or other person having a financial interest in a business, by means of either a threat, express or implied, or a promise, express or implied, that the person so demanding, soliciting or receiving such thing of value will:

(a) Cause the competition of the person from whom the payment is demanded, solicited or received to be diminished or eliminated; or

(b) Cause the price of goods or services purchased or sold in the business to be increased, decreased or maintained at a stated level; or

(c) Protect the property used in the business or the person or family of the owner, proprietor or other interested person from injury by violence or other unlawful means.

(2) Racketeering is a class D felony.

History: L. 1969, ch. 180, § 21-4401; July 1, 1970.

Source or prior law:

21-2460.

Judicial Council, 1968: Under section 21-3701 (1)(c), extortion is treated as one kind of theft and is punishable as such. However, extortion and racketeering are not parallel offenses, although there may be some overlap. Extortion (theft) applies only when any property is obtained by threat, as defined in section 21-3110 (24). Racketeering includes only the obtaining of business tribute and extends not only to those cases involving threats but to situations where special benefits are unlawfully promised or obtained.

The section submitted was lifted generally from the former statute.

CASE ANNOTATIONS

1. Allegations sufficient to establish pattern of racketeering activity examined. *O'Conner v. Midwest Pipe Fabricators, Inc.*, 660 F.Supp. 696, 698 (1987).

21-4402. Debt adjusting. (1) Debt adjusting is engaging in the business of making contracts, express or implied, with a debtor whereby the debtor agrees to pay a certain amount of money periodically to the person engaging in the debt adjusting business who

shall for a consideration distribute the same among certain specified creditors.

(2) The provisions of this act shall not apply to those situations involving debt adjusting, as defined here, which is incidental to the lawful practice of law in this state.

(3) Debt adjusting is a class B misdemeanor.

History: L. 1969, ch. 180, § 21-4402; July 1, 1970.

Source or prior law:

21-2464.

Judicial Council, 1968: This section follows closely former K.S.A. 21-2464, passed by the legislature in 1961. The validity of the act was sustained by the Supreme Court of the United States in *Ferguson v. Skrupa*, 372 U.S. 726.

21-4403. Deceptive commercial practices. (1) A deceptive commercial practice is the act, use or employment by any person of any deception, fraud, false pretense, false promise, or knowing misrepresentation of a material fact, with the intent that others shall rely thereon in connection with the sale of any merchandise, whether or not any person has in fact been misled, deceived or damaged thereby.

(2) The following definitions shall be applicable to this section:

(a) "Merchandise" means any objects, wares, goods, commodities, intangibles, real estate or services.

(b) "Person" means any natural person or his legal representative, partnership, corporation (domestic or foreign), company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestui que trust thereof.

(c) "Sale" means any sale, offer for sale, or attempt to sell any merchandise for any consideration.

(3) This section shall not apply to the owner or publisher of any newspaper, magazine, or other printed matter wherein an advertisement appears, or to the owner or operator of a radio or television station which disseminates an advertisement, when such owner, publisher or operator had no knowledge of the intent, design or purpose of the advertisement.

(4) A deceptive commercial practice is a class B misdemeanor.

History: L. 1969, ch. 180, § 21-4403; July 1, 1970.

"A RAT IS A PIG IS

Animal-protection groups run the gamut. Some, like the Humane Farming Association, emphasize welfare and want animal husbandry that is "both appropriate for the animal and viable for the farmer." Others, like PETA, go further, emphasizing animal rights and ultimately wanting a vegetarian society. But despite the differences, all the groups have two things in common: plenty of money, and agendas that will have a big impact on the cattle industry in the '90s.

No doubt you'll bristle at many of the groups' blanket assertions and consider some downright wrong. But many of these people are well spoken and skilled at getting their points out to the general public. To deal with them, cattlemen will have to know who the groups are, what they're saying, and why. Here's what eight of the top animal rights/welfare organizations have to say.

By KAREN McMILLAN



INGRID NEWKIRK

People for the Ethical Treatment of Animals

Purpose: To reduce and eventually eliminate the consumption of animals.

Membership: 275,000
Annual Budget: Over \$5 million

■ "A rat is a pig is a dog is a boy when it comes to feelings. They all have feelings," says Ingrid Newkirk, who grew up on a family farm in England and founded People for the Ethical Treatment of Animals (PETA) in 1980. The Rockville, Md.-based group is one of the more extreme animal-rights organizations. It often acts as spokesman for several animal liberation groups whose memberships and locations are secret—the Animal Liberation Front, Farm Freedom Fighters, the Band of Mercy, and True Friends. At the same time, PETA claims it does not endorse the illegal activities that these organizations are involved in.

PETA promotes vegetarianism, claiming that a diet without meat and animal products is better for human longevity and reduces the chances of cancer and heart disease. "Unlike some organizations, we don't just focus on the veal industry. If people stop eating veal, they'll just turn to eating another animal," says Newkirk. "We want people to eliminate the consumption of animals altogether.

"People should reexamine the ways in which they interact with all animals," says Newkirk. "We want them to start questioning whether animals should be used in the ways our societies have come to use them—as hamburgers and handbags—or whether we would be better off reassessing our relationships with animals and being more respectful of them as just other creatures on the planet. It's not for us to give animals rights, but to stop denying them their rights."

"Grotesquely cruel" is how Newkirk

describes animal farming practices today. "Animals are treated as objects without feeling, and it is for that reason that we are opposed to any kind of animal farming."

Newkirk claims animal agriculture is "a real mess and is ruining the earth—polluting the water, destroying the soil. We would like to see a return to more sensibly based agriculture with more thriving small farms that are not dependent upon growing an immense volume of crops to feed animals," says Newkirk. "Agriculture as it is today is very inefficient and is environmentally depleting. We need to see a shift to 'crop culture'—not crops to feed animals but crops to feed people."

Newkirk slams the beef industry: "Look, they are losing their own people"—referring to James Garner. "The beef industry is not only killing people, it's also environmentally destructive," says Newkirk. "Our main gripe is intensive agriculture because of all the chemicals, growth hormones and steroids used in these systems."

PETA's main goal is to tell as many people as possible that "eating animals is bad for the whole ecosystem." Education plays the key role here. PETA distributes videotapes showing pigs castrated and ear-notched without anesthesia, and pigs in farrowing crates and slaughterhouses, and asks whether this is an ethical society and whether we can endure this treatment. Members also circulate leaflets and vegetarian recipes, and even dress up as chickens to try to get their point across.

Senate F&SA

3-23-90 BEEF TODAY/MARCH 1990

Att. 2

A DOG IS A BOY™



MICHAEL FOX

Humane Society of the U.S.

Purpose: *To alleviate animal suffering and improve the care and treatment of animals in society.*

Membership: *Over one million*
Annual Budget: *Over \$10 million*

■ “Humane Sustainable Agriculture” is the new buzzword with the Humane Society. This is low-input, ecological, sustainable agriculture and entails tying together animal health and environmental benefits with an ecologically sound agricultural food production system, according to Michael Fox, vice president of farm animals and bioethics for the Humane Society.

“Livestock producers have been caught in a cruel economic bind where animal welfare is often sacrificed for short-term profits,” says Fox, who doesn’t believe animals were created for man’s use.

“One of my concerns is that some animal agricultural practices are not ecologically sound and thus not sustainable,” says Fox. “For instance, there is a lot of overgrazing by the livestock industry and a serious problem with the handling of animal waste.”

The Humane Society, based in Washington, D.C., and founded in 1954, is working with consumers who “support those farmers trying to get away from factory farming and the inherent evils of monoculture farming and intensive livestock confinement systems,” says Fox, who at one time aspired to be a veterinarian. “We need to build a much stronger alliance between the stewards of the land—good farmers—and concerned consumers,” Fox adds. “Good family farmers are fast becoming an endangered species.”

Fox says the Humane Society is working to develop recommended codes and guidelines for livestock and poultry

producers. “We don’t want to turn back the clock, we want to move forward to more humane stewardship of land and animals and more diversified integrated farms,” he asserts.



JOHN KULLBERG

American Society for the Prevention of Cruelty to Animals

Purpose: *To provide effective means to prevent animal cruelty throughout the U.S., including companion and work animals, research animals, wild animals, food animals, and animals for entertainment.*

Membership: *Over 400,000*
Annual Budget: *\$18.5 million*

■ The American Society for the Prevention of Cruelty to Animals (ASPCA) calls itself the founding humane society in the Western Hemisphere—dating back to 1866. According to John Kullberg, the president, “The ASPCA is an animal-rights organization in that it believes animals have a right *not* to be abused.”

The ASPCA opposes the raising of any animal under cruel and inhumane conditions. “It is cruel and inhumane to raise food animals in intensely confined quarters without the freedom of movement—a practice known as factory farming,” says Kullberg. “Even when rationalized as a means of reducing the cost of food, this can never be justified, because of the cruelty involved.”

“We want to improve the well-being of animals by improving our relationship with them and our attitude toward them,” he continues. Fox is a vegetarian, but not an animal rightist. “A shortcoming of the animal-rights movement is that it hasn’t really looked at the environmental side,” says Fox. “Our lifestyles and industrial agricultural practices are contributing to the greenhouse effect. We’re just now beginning to awaken to the global environmental crisis that threatens the economy and security of every nation.”

Fox has been with the Humane Society since 1976. He says the Humane Society will be taking a more active position in support of legislation to improve waste management practices and also in support of sustaining the family farm. ◀

Kullberg believes small farmers have been taken over by large corporations that are affiliated with pharmaceutical companies or feed manufacturers. “A nightmare has been created with the industrialization of farming,” he says. “It is time we look at this with a more ethically sensitive hat on. We must look at the repercussions, not only for human beings and the environment, but for what this is doing to animals,” says Kullberg, who has been president of the ASPCA for 12 years.

The ASPCA looks at farm animals as a huge focus area. Kullberg cites the “beef-cattle feedlot syndrome,” which he describes as the housing of animals in a less-than-appropriate environment. ▶

He also cites problems with transportation and slaughterhouse practices. "The industrialization of slaughter techniques is a big concern," says Kullberg. "Slaughterhouses are speeding up lines just because corporate headquarters is more concerned with the fast turn of the dollar than the pain and suffering they are causing the animal," he adds.

One of the ASPCA's accomplishments, says Kullberg, was an injunction on face branding during the dairy whole-herd buyout. All dairy cows in the program were required to be hot-iron face branded until a federal judge put a stay on the hot-iron branding and resolved

that farmers can choose between it and freeze branding.

ASPCA funding comes from membership dues, direct-mail marketing efforts, trusts, investment income and endowments. Kullberg describes a typical member as female, in her mid-to-late 50s, with an above-average income, and owning a pet. "The bottom line—we are going to do whatever we can to diminish all animal pain and suffering," says Kullberg, a vegetarian. "While we know that animals will continue to be used for the interests of humans, we want the amount of time that they give to humans a little less painful." ◀



ALEX HERSHAFT

Farm Animal Reform Movement

Purpose: *Short term, to improve conditions for livestock; long term, to persuade people not to raise animals for food. Ultimately, FARM wants a vegetarian society.*

Membership: 10,000

Annual Budget: not disclosed

■ "Nearly 1.5 million Americans are crippled and killed prematurely each year by chronic diseases that have been linked conclusively with excessive consumption of animal fat and meat," claims Alex Hershaft, president of the Farm Animal Reform Movement (FARM). "Raising animals for food wastes up to 90% of our irreplaceable agricultural resources, including topsoil and groundwater, destroys lakes and streams, levels forests and other wildlife habitats, and causes intense suffering to billions of innocent, feeling animals on U.S. factory farms."

The Bethesda, Md.-based group claims to be the "oldest and most active national grassroots organization working exclusively on behalf of the five billion animals that are abused on today's factory farms."

Hershaft, a chemist by training, gave up eating meat 25 years ago. He maintains, "we are seeing a dehumanization of the farm. The animals on factory farms are viewed as production units rather than individual beings. The profit motive has taken over the consideration of animals living in harmony with the environment."

Hershaft has a theory of how producers got roped into this: "The first thing is that they got persuaded by machinery

and building manufacturers to invest heavily in equipment. After that, they developed an attitude that in order to survive, they must be competitive," says Hershaft. "So they increased their number of animals per farm and developed a detached attitude toward them—the animals became just another line on a profit/loss statement."

FARM puts much of the blame on USDA. "USDA is not on the side of the farmer; it's on the side of agribusiness, because that is where its money comes from," says Hershaft. "That makes USDA a kind of self-perpetuating system. We need USDA to move to the side of the consumer and the side of generations yet unborn who are finding their agricultural resources being mined to exhaustion. Maybe it's too much to ask, but I'd like to see USDA on the side of the animals, too."

FARM is perhaps best known for two major annual campaigns. World Farm Animals Day (Oct. 2) "memorializes the abuses and destruction of billions of innocent, feeling animals in U.S. factory farms." And the upcoming Great American Meat Out (March 20) asks people to "kick the meat-eating habit and explore a less violent, more wholesome diet," explains Hershaft. ◀



LORRI BAUSTON

Farm Sanctuary

Purpose: *To end "factory farming" and the abuses of animal agriculture; end all practices of using animals as tools of production; and promote the rights of animals to basic humane care.*

Membership: 5,000

Annual Budget: \$150,000

■ "U.S. animal agriculture is horrendous," insists Lorri Bauston, president of Farm Sanctuary. "The whole system has become very cruel, mainly out of ignorance. People within the food-animal industry have not looked at animals as animals."

There are "blatant cruelties" in animal agriculture happening every day, says Bauston, who founded the Watkins Glen, N.Y., group with her husband Gene. Farm Sanctuary's main goal is to stop inhumane practices within the food-animal industry, explains Bauston.

"Unfortunately, almost every farm today is linked to a large corporation, and these corporations have no compassion for the animals," Bauston believes. "This industry has changed from small, independent, diversified farms to large corporate farms. That's where most of the problems started. We now have huge numbers of animals concentrated in the hands of a small number of individuals, and humane care is simply tossed out the window."

Farm Sanctuary's solution is "more diversified, less corporate-controlled operations," says Bauston. "And lenders need to gear themselves back to the interests of the small, diversified farmer," she adds.

As for the beef industry, Bauston says her group is opposed to feedlots—for both environmental and world-hunger reasons. "Cattle are entirely fed a grain diet. That grain could be supporting a human diet," she says. ▶

"Feedlots are by no means humane," proclaims Bauston. She says she has visited feedlots in California, Texas and smaller ones on the East Coast where there was no shade or shelter. "With a little money, they can make improvements," she says.

Bauston says her organization tries to work with the industry, "and we've learned a lot along the way. Sometimes the gap is not so big. We even have farmers who support our campaign and have ceased to take livestock to a particular stockyard because of the information we have found."

The organization's biggest claim to

fame was a protest at the Lancaster County, Pa., Stockyards, where 6,000 to 8,000 animals are processed daily. "We saw animals not adequately watered, living animals dumped into dead piles, and crippled or injured animals not receiving appropriate care," Bauston says. "We documented these problems, and the stockyard agreed to clean up their act. But they never did," says Bauston. "So we organized a demonstration of over 500 people.

"Wherever possible, Farm Sanctuary works within the law," says Bauston. But she adds, "I am not opposed to trespassing to stop animal abuse." ◀



ROBERT BROWN

Food Animal Concerns Trust

Purpose: *To do away with confinement husbandry systems. FACT contracts with farms to follow its husbandry guidelines, and then helps those farmers market their products.*

Membership: 16,000
Budget: \$900,000

■ "The big problem with factory farming is that it takes production out of the hands of family farmers and puts it into the hands of large corporations," says Robert Brown, founder and president of Farm Animal Concerns Trust (FACT). "We think that trend should be reversed," he says.

FACT, organized eight years ago and headquartered in Chicago, would like to see "environmentally friendly, clean" meat products. "Beef is closer to being there than any other," says Brown. To get it all the way there, he says producers need to eliminate the routine use of antibiotics and steroids, have less crowding in feedlots, and improve handling and shipment of cattle. Brown specifically wants producers to get rid of cattle prods and make sure animals get rest and water during transportation.

To prove that animal welfare and farming go hand in hand, FACT has a demonstration project with producers in Maine who produce veal without crates. The veal producers feed the calves both solid and liquid diets and let them roam on pasture. The veal is sold in Massachusetts, Brown adds.

Another project is FACT's Nest Eggs program, which shows the feasibility of producing eggs without hen cages. Nest

Eggs has seven producers (in Illinois, Pennsylvania and Maine) who sell their eggs in Massachusetts. The operations have retailed over \$2 million in eggs—volume has tripled over the last year, says Brown.

Third, FACT has an information program centered on the safety of the food supply, concentrating on poor husbandry practices. These include drug residue and food-borne disease problems in meat, milk and eggs, says Brown. One FACT brochure claims: "Intensive husbandry is increasing the incidence of food-borne disease and is contaminating the food supply with drug residues; and it also reduces economic opportunities for the family-owned and -operated farm."

Through their veal operation and Nest Eggs project, Brown says they prove that confinement is not necessary.

FACT doesn't believe in using demonstrations or pickets to get their message across—rather, the group works within the farming community, says Brown. "There are a number of people who just try to get farmers alarmed, saying they must fortify their farm against these radical animal welfarists. That's a lot of bologna," says Brown. "We believe that animal welfare can be the farmer's best friend." ◀



DIANE HALVERSON

Animal Welfare Institute

Purpose: *To promote humane treatment of animals, preserve endangered species and end animal exploitation.*

Membership: 8,000
Budget: \$468,000

■ "One of our main goals is to encourage farmers to use methods of animal husbandry that are appropriate for the animal and also viable for the farmer," says Diane Halverson, Animal Welfare Institute (AWI) research associate for farm animals. "One of the most constructive things we can do is get farmers to use humane animal systems."

The beef industry isn't high on AWI's agenda, but the Washington, D.C.-based group would like to see less-crowded feedlots, better shelter, more humane transportation to auction barns, and better handling once there.

"In California, I saw calves dragged through the auction barn by their ears; and in Minnesota, I saw dairy cows with broken legs being prodded through chutes," says Halverson, who grew up on a dairy, hog and poultry farm. "This is overt cruelty that even people not involved in animal welfare would be shocked to see."

Halverson says that one of AWI's most successful projects has been its Pastureland Farms program, marketing "humanely raised" pork. (See BEEF TODAY Feb. 1990, p. 65.) AWI has a protocol that hog producers must follow, such as allowing pigs to move freely on pasture or in bedded pens, and they aren't allowed to use antibiotics. "This is one of our most constructive projects," says Halverson. "This is a way consumers can express directly to farmers their choice for humanely raised pork, and also a way for farmers to identify a niche for their special product." ◀

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BRADLEY MILLER

Humane Farming Association

Purpose: *To eliminate the suffering of farm animals and promote humane farming practices; spearheads a national boycott of milk-fed veal.*

Membership: 55,000
Annual Budget: \$500,000

■ The Humane Farming Association (HFA) wants the pendulum to “swing back toward more safe and humane animal husbandry,” says Bradley Miller, executive director of HFA since it was founded in 1985. “The agricultural industry is being dominated by a relatively few large corporations. This is not only bad for animals, but bad for farmers and rural communities. Agribusiness often brags that only 2% of the population

feeds the entire country. I don’t think that is anything to brag about—there should be more farmers, not fewer.”

The beef industry is not on this San Francisco, Calif., organization’s current hit list, says Miller, “and it probably won’t be for the next couple of years, even though we do see problems with feedlot shipping and handling. Actually, both the beef and dairy industries have many producers who are in line with

what we ask for.” But Miller adds: “Many beef organizations are coming to the aid of the milk-fed veal industry, making them our opponents, too.”

A national milk-fed veal boycott is HFA’s main project—likely a result of Miller’s first exposure to animal agriculture. While working on a northern California dairy farm, Miller recalls shipping some drop calves off to slaughter. “The owner made the comment that these calves were the lucky ones—they weren’t going to milk-fed veal operations,” says Miller. “He took me to some of those operations, and that’s when I became aware of the abuses prevalent within the milk-fed veal industry. This issue we’ll stick with until it’s resolved.”

The HFA’s biggest milestone was the Raley Supermarket chain’s decision to no longer sell milk-fed veal, says Miller. Another landmark for the group occurred when the California legislature passed a bill outlawing the chaining of veal calves in 22"-wide crates.

Feb 26 '90 Newhatter Mercury

Dean's murder stirs fears here

Matt Bunker
Staff Writer

The murder of the dean of the University of Tennessee School of Veterinary Medicine has raised fears that other deans of veterinary schools may be in danger — fears that are being taken seriously at Kansas State University.

Cable News Network reported Saturday there was some evidence that the murder of Dean Hiram Kitchen was the first in a series of murders of veterinary medicine deans by animal rights activists concerned with animal experimentation in veterinary schools. CNN reported the investigation had turned up the possibility that future killings might be planned at a rate of one dean per month.

Investigator Michael Cheaves of the Knox County, Tenn., Sheriff's Department today said Kitchen, who was killed in his

driveway in Knox County Feb. 8, was shot eight times with a small caliber weapon.

Cheaves described the theory that animal rights activists were behind the death as "one possibility of many." He said the investigation has turned up



Michael Lorenz:
'It is something I'm taking fairly seriously.'

"several notes that could possibly be related," although he declined to say what the notes contained or to comment on the theory that other deans might be in danger.

"(Kitchen) was for animal rights, but due to his title he could have been singled out," Cheaves said. "We haven't ruled it out."

Cheaves said investigators had contacted veterinary medicine schools around the country seeking information about the death, but that the contacts had not amounted to warnings to the deans of the schools.

Michael D. Lorenz, dean of KSU's College of Veterinary Medicine, said he had heard about the possible threat and was not taking it lightly.

"I'm not going to totally alter my life, but it is something I'm taking fairly seriously," Lorenz said. "I know that other deans, at least in the southeastern United States, were notified of that report."

Lorenz said Kitchen had been a friend of his and that Kitchen's views on animal rights made him an unlikely candidate for assassination.

"He was known as a real moderate — he was extremely concerned about topics like veterinary ethics," Lorenz said. "He had also spoken out against

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Continued from Page A1

actions like dog fighting in Tennessee; he had a real soft spot for animals."

"We were all shocked — if it's true, they picked on the wrong guy."

Lorenz, who said he was not aware of any threats or intimidation at KSU, has been checking through local law enforcement authorities to determine the validity of reports surrounding Kitchen's death. "There's no question he was assassinated," he said.

Lorenz has heard rumors that other faculty members at the

University of Tennessee had received threatening notes prior to Kitchen's murder. He said militant animal rights activists have thus far apparently limited their actions to destroying property in the United States — including burning a diagnostic laboratory at the University of California at Davis — but that researchers in Great Britain have received letter bombs and pipe bombs from activist groups.

Lorenz said there are 27 veterinary medicine colleges in the United States, all of which do some animal experimentation. KSU's research concentrates agricultural animals like beef

cattle and swine.

Since Kitchen's death, other veterinary medicine colleges have taken steps to increase security, Lorenz said. Although KSU is not ready to go that far yet, Lorenz said he wants to "make sure our faculty, staff and students are safe if there's any problem."

Spokespeople for the Riley County Police Department and the K-State University Police said they had not received any official notification of Kitchen's death and were not in the process of conducting investigations in connection with the possible threat.

THIS WEEK IN FARM BUREAU

TELE: (617) 275-4374

VOL. XVII NO. 11

report to members for week ending MARCH 11, 1988

PLYMOUTH FARMERS TO BREAKFAST WITH LEGISLATORS... on April 7 at the Carlton House in Brockton (Rte. 27). Breakfast will begin at 7:30 a.m. ALL regular members are encouraged to attend. There is no cost, but reservations are required by telephoning (617)295-2222 prior to Monday, April 4.

PAIGE LABS IS THERE FOR FARMERS: Considering what a small minority we have become in Massachusetts, farmers are fortunate to have a diagnostic facility of such high quality as Paige Labs at UMass in Amherst. By making use of the resource, you are showing your support for one of the few such services still available to farmers in Massachusetts.

WATCH YOUR MAIL BOXES! Within the next few days a first class mailing will be delivered to each regular Farm Bureau member explaining in detail the effects of the FARM ANIMAL RIGHTS INITIATIVE legislation and why each member must join Farm Bureau in voicing their personal opposition to this initiative. YOUR generous contributions and support have launched the Massachusetts farmers into a campaign to help the public to understand the devastating effect C.E.A.S.E. and animal rights activists like C.E.A.S.E. can have on family farms and open space. THERE IS A NEED FOR MORE FUNDING if we are to continue this campaign to the end. The good news is that it turns out both family farms and open space are very important to the vast majority of people in Massachusetts.

BE VERY CAREFUL: For your own safety, do not invite the animal rights activists onto your property or near your animals. We understand you have nothing to hide and are anxious to prove it. HOWEVER, instances of violence and treachery by these activist groups have been clearly documented in the not too distant past. Last year Farm Bureau obtained a copy of a document entitled "ACTION FOR ANIMALS PART ONE", subtitled, "COMPILED FROM FIRST-HAND EXPERIENCE AND RESEARCHED MATERIAL". It outlines violent tactics that can be used by animal rightists in their effort to destroy property they consider is used to bring about animal suffering. For instance, an outline on how to stop a car describes the effect of a heavy cable stretched across the road and pulled taut. It explains to marauders the how-to's of break and entry without leaving fingerprints or other incriminating evidence. ...a little like playing with a loaded gun...

DEADLINE NEARING FOR 1988 FARM TRAILS QUESTIONNAIRES: If you live in any county other than Worcester, Essex or Berkshire and you want to be included in the 1988 Farm Trails/Harvest Trails publications - you still have time to call for a questionnaire - BUT NOT VERY MUCH TIME!

WE'LL PRINT YOUR FAVORITE PHOTO! We're looking for good, candid photos of farmers with their animals or caught in the act of farming. If your photo is one of those chosen, it will appear on the Farm Trails/Harvest Trails publication for your county! We can use black and white or color - BUT THEY MUST BE 35MM PRINTS. If we don't use them, we'll return them. Send photos to Pam at Farm Bureau. Send a note along with photo.

CONFUSION OVER PERMITS AND GREENHOUSES: Chapter 671, an act exempting certain greenhouses from provisions of the state building code - DOES NOT exempt greenhouses from all of the permits required of other constructions and only exempts plastic film type greenhouses from the state building code.

Animal Rights Debate Invades The Barnyard

TOPEKA (AP) — Animal rights activists have captured the attention of Kansas farmers concerned about the impact of the movement on livestock production.

Delegates to the recent Kansas Board of Agriculture annual meeting heard from Steve Kopperud, executive director of the Animal Industry Foundation, a pro-agriculture group.

Animal rights speakers also appeared at the Kansas Farm Bureau annual meeting in December and the topic was discussed at the Kansas Livestock Association's recent annual meeting.

The National Cattlemen's Association has formed a Task Force on Animal Welfare. It met in Wichita Jan. 17.

Kopperud said some animal rights groups believe animals shouldn't be killed for any reason.

Others think food animals should be allowed to roam free, and some attack the use of vitamins, minerals, antibiotics and growth-promoting chemicals.

Like the anti-abortion campaign, it is a socio-political

movement, he said.

"It is well-funded. It is well-organized. It's a European import. And it's coming to Kansas," he said.

The threat isn't just from newly founded groups, Kopperud said. Animal welfare advocates also are attacking agriculture, he said.

The American Society for the Prevention of Cruelty to Animals, for instance, refers to factory farming as "one of the 10 most unwanted activities involving animals."

Factory farming is a description animal rights activists use to claim producers care as little for their animals as a steel mill operator cares about the iron ore he uses.

The Humane Society of the United States mounted a "breakfast of cruelty" campaign against pork and egg producers because swine and chickens are held in confinement, Kopperud said.

Protesters have picketed supermarkets and told customers meat, milk and egg products are full of deadly drugs, Kopperud said.

Some have engaged in

product tampering, he said, by placing labels on packages in stores. The stickers carried slogans such as "Eat At Your Own Risk," and "Farm Animals Never Have A Nice Day."

"The basic philosophy here is: 'If we can't stop them from producing, then stop them from selling it, or at the very least make it so expensive that nobody wants it anymore,'" Kopperud said.

There are more than 400 animal rights groups in the United States with combined operating budgets exceeding \$200 million, he said.

People for the Ethical Treatment of Animals (PETA), which he described as one of the most radical, started several years ago with a \$100,000 annual budget, Kopperud said.

Today, it has 1.5 million members and a budget of almost \$3 million. PETA has an office in Kansas City, Kan.

Ellen Querner of Wichita, president of the Kansas Humane Society, said she has become concerned about the confinement raising of livestock and the growth-promoting hormones and an-

tibiotics used in feedlots.

"If the general public that eats meat could see how some of these animals are raised, they would be upset," said Mrs. Querner.

A recently formed Wichita animal rights group, the Prairie Society, has staged two protests at a fur store and plans other activities.

Spokesman Steve Tasheff, a home designer and builder, said the group is concerned about all issues that affect the welfare, health and comfort of animals.

The society, which has 15 to 20 members, wants to present school programs and launch a public education effort, Tasheff said.

Almeda Edwards was a delegate to the State Board of Agriculture annual meeting. During caucus discussions she said many people in agriculture aren't paying much attention to the animal rights movement.

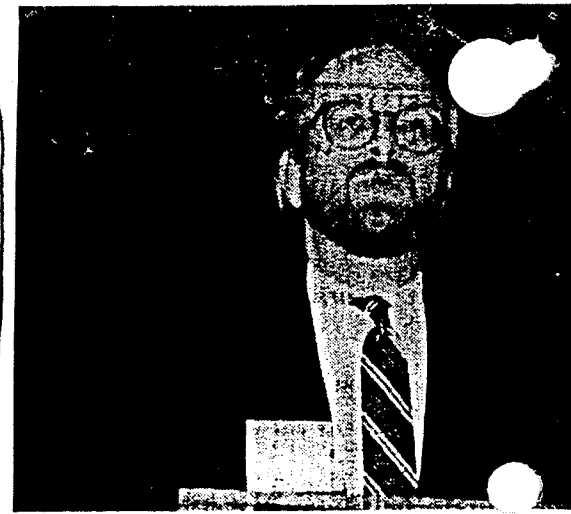
"My concern is that they're not taking it seriously enough," she said.

Mrs. Edwards, who farms and ranches with her husband, Kenneth, near Ottawa, said the activists have departed from reality by giving animals human traits and personalities.

John Wise, a Linwood area grain farmer who also has a small sheep flock, said producers need to police themselves and make sure there isn't any unnecessarily rough treatment of livestock.

He and Mrs. Edwards agreed on the impact of the animal rights movement.

"I think they're going to give agriculture a real hard time," Mrs. Edwards said.



ANIMAL RIGHTS WELL-FUNDED

There are over 400 recognized animal rights groups in the United States today with a combined budget of over \$1 billion, according to Steve Kopperud, at the K Board of Agriculture meeting in Topeka. The executive director of the Animal Industry Foundation said the group was founded and subscribed to by those involved in animal agriculture and interested in defending animal rights activists. He said talking reason with animal rights proponents on any subject is impossible.

JAN 1989

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ANALYSIS

Animal rights groups plan ongoing national strategy

By Larry Waterfield
Washington editor

ARLINGTON, VA. — The tone was one of militancy, zeal and willingness to commit to years of struggle when some 500 animal rights activists recently met here for a national strategy session.

Representatives of over 45 groups heard strategists call for grassroots efforts, sophisticated lobbying and a push to change animal welfare and farming laws. "We want to change laws," said one, "because once there's a law it's not easy to change back."

The activists see as a sort of role model the National Rifle Association. Although the activists don't accept the goals of the NRA, they want to copy its tactics: grassroots funding and activism, strong lobbying and plenty of political clout.

The pressure from the new activism is already paying off. Lawmakers can no longer ignore the animal rights' activists.

"A few years ago no one in Congress had anyone to deal with animal issues," said Peter Linck, director, National Alliance for

Animals Educational Fund, an umbrella group uniting animal activists. "Now every single member of Congress has someone delegated to deal with animal rights." Next year, the alliance plans a march on Washington.

Although the groups are expending great effort on such issues as animal testing and endangered species, farm animals are getting increasing attention. The strongest effort now is for passage of HR 84 to regulate veal calf production methods. Activists held a "vigil against veal" June 12-14 in Lancaster, Pa., during the annual conference of the American Veal Association.

There are now several groups that sponsor legal defense funds for animals. One is the Animal Legal Defense Fund, a nationwide network of 250 attorneys. ALDF has fought hot-iron face-branding of dairy cows, veal calf confinement and the patenting of genetically altered farm animals.

Other activist groups include the Farm Animal Reform Movement, People for the Ethical Treatment of Animals, Student Action Corps for Animals, Friends of Animals, the Commit-

tee for Humane Legislation, Trans-Species Unlimited, Legal Action for Animals and assorted vegetarian organizations.

The groups attack "factory farming," confinement of livestock, the use of drugs, hormones and antibiotics and many other livestock practices. The anti-meat, anti-agricultural agenda is finding its way into the environmental movement.

Some groups speak of "direct action" and even violent confrontation. One anti-fur militant said, "We are willing to ask people to stop their abuse of animals...if they don't, they are responsible for the consequences."

The activists feel pressure and new laws can literally put a lot of "capital-intensive" livestock producers out of business. They claim even small husbandry changes can raise producer costs and force them into insolvency.

Some observers think old-line, more moderate groups may at some point split with the militants. But right now the animal rights movement seems to be growing in numbers, clout, zeal, sophistication and willingness to fight livestock producers.

Drought progression

Environmental influence wreaks havoc on CRP rules

The recent opening of conservation reserve acres to haying and grazing says a lot about how federal budgetary pressure and the influence of environmentalists are affecting drought relief for cattlemen.

While the CRP concessions were welcomed by cattlemen, they weren't exactly a freebie. Producers taking advantage of them are required to forfeit 50 percent of their CRP payments for the year. That's a 100 percent increase over last year.

And use of CRP acres isn't as simple as just opening the gate and driving in the cows. Twenty-five percent of each field used must be shielded from grazing so that wildlife will not be disrupted. This means an investment of time and money in fence construction.

Chandler Keys, NCA's director of Congressional relations, believes the measures were "put together very hastily — they let the environmentalists scare them to death."

Seth Huisman, deputy director of the Emergency Operations and Livestock Programs Division of Agricultural Stabilization and Conservation Service, said Yeutter "had to walk a very narrow line between the needs of

producers, concerns of environmentalists, and considering public funds" used to establish CRP acreage.

While Huisman recognizes that the CRP provision setting aside 25 percent of each field poses special problems in grazing, including the problem of erecting temporary fencing, he notes that wildlife interests find grazing more objectionable than haying.

Keys says, "It's not the cow that got this land in a problem, it was the plow." He calls "highly-paid, professional environmentalists in Washington" a source of special trouble.

Keys says an effort was made in Iowa to arrive at acceptable compromises between cattle producers and environmentalists, and the two groups arrived at an approach both liked.

This solution was overturned, he said, by Washington-based environmentalists who are "very anti-cattle, often vegetarians."

Drought aid measures this year have contributed to a problem Keys says responsible, conservative producers increasingly cite. "USDA is losing credibility in the country. I think producers don't think USDA knows what farming is about any more."

— Drovers Journal staff

NW ranchers compromise

WASHINGTON UPDATE

Cattle production methods are on hidden agendas of consumerists

Animal rights groups, vegetarians, environmental activists, anti-pesticide groups and consumer organizations are changing tactics. It used to be that these groups separately pursued their special interests. Now they are forming coalitions, developing new strategies and adopting one another's agendas. Now you may find a vegetarian section in an environmentalist group, with vegetarians attacking meat eating on environmental grounds.



Larry Waterfield

Groups often bury their goals in a larger agenda. Nowhere is this more evident than in the Greenhouse Crisis Foundation's new national program to save the ozone layer, stop the greenhouse effect and stave off global warming and ecological disaster. The group is headed by Jeremy Rifkin, a leading critic of biotechnology.

Backing this coalition are dozens of organizations, including the National Council of Churches, YMCA, Campfire Girls, Big Brothers, Girl Scouts, Humane Society and American Forestry Association. Several members of Congress and actress Morgan Fairchild were on hand to kick off a massive three-year campaign on June 8.

National Cattlemen's Association representatives attended. Good thing, too, because part of the plan to save the ozone layer and stop global warming was a broadside attack on livestock production and meat.

The GCF said people should "reduce the consumption of meat. The production of meat contributes significantly to the greenhouse crisis. In the U.S., approximately 220 million acres of land have been deforested for animal agriculture...the raising of animals creates billions of pounds of waste every day, resulting in the emission of methane — a major greenhouse gas."

NCA immediately refuted the claims and charged the GCF was promoting a hidden vegetarian agenda. The GCF then threatened to sue NCA. GCF and NCA people have since met to iron out differences, but there remains "hostility and failure to communicate" on all sides.

The campaign is filled with attacks on modern agriculture. People are told to shun shipped or attractive-looking produce because pesticides probably were used and the foods shipped long distances. This rules out most fruits and vegetables, including winter produce from Texas, Florida or California.

Such coalitions want some good things: conservation, reduced use of fossil fuels, recycling, carpooling and packaging changes. But few will question wrong assumptions on American farming. Land is not being cleared for cattle production. Modern farming reduces the land needed for food, so more land can be kept in a natural state. China's low-input farming needs every inch of land and 900 million people to feed one billion, creating a low standard of living *plus* a spoiled environment.

The attacks on livestock production are increasing as groups learn how to frighten urbanites about the food supply. It costs a fortune to try to counter these attacks, and not even money can guarantee the true story will be heard. — L.W.

ANALYSIS

Veal bill, meant to 'break' producers, faces uphill fight

By Larry Waterfield
Washington editor

WASHINGTON — Livestock groups, including cattlemen, are fighting to block passage of a bill they see as the "foot in the door" leading to legal controls over livestock animal husbandry techniques.

The bill, HR 84, The Veal Calf Protection Act, would increase the crate size for confined veal calves, set dietary requirements and provide for on-farm inspections. The bill is aimed at calves fed a special liquid diet to produce high-value white meat. Opponents claim the bill could be interpreted to apply to 40 million beef calves.

Connie Greig, chairman, animal care subcommittee of the National Cattlemen's Association, called the bill "an inappropriate first step toward federal regulation of the production practices of animal agriculture." She added, "HR 84 defines a veal calf so broadly that all the provisions in the legislation could apply to beef

cow/calf production, as well as anyone who owns, sells, purchases, or transports even a single bovine animal under the age of nine months."

Bill supporters, including a wide array of animal welfare and animal rights groups, face an uphill battle in getting the bill through the House Agriculture Committee. Rep. Charles Stenholm, D-Texas, chairman of the subcommittee, held hearings in June, a first step in the movement of a bill. Heavy pressure to pass a bill is coming from members of the animal welfare groups. Rep. Charles Bennett, D-Fla., sponsor of the bill, gave the subcommittee petitions with 60,000 signatures calling for passage of a bill.

Bennett, who represents the urban district of Jacksonville, Fla., said he would support changes in his bill if it would help its chances of passage. Jim Pearthree, aide to Rep. Bennett, said the bill's supporters think they will have a difficult time getting the legislation through the House Agriculture

Committee.

Many militant animal rights groups aren't willing to compromise. One spokesman told supporters the veal bill provides a way to "break" producers by forcing changes in a capital-intensive industry.

Sheri Spader, animal welfare chairperson, Missouri Cattlemen, said, "Livestock producers are and were the first animal welfarists in this nation. Animal care, whether named by welfarist or husbandry, is our business. We are caretakers of these animals that serve a useful role in our society."

Although the vegetarian movement is fighting for laws to change husbandry practices and stop meat production, the old-line humane groups take a more reasonable approach.

"We are not promoting vegetarianism," said Dr. Michael Fox of the Humane Society of the United States, "or trying to put the veal farmer out of business. The HSUS believes inhumane treatment of veal calves is largely the fault of a system which makes unreasonable demands on the farmer, and not the fault of the farmer who produces the animal."

Veal slaughterer and processor Jack Fleishman, speaking on behalf of the American Meat Institute, said the bill could destroy the veal industry.

Dr. Keith Sterner of the American Veterinary Medical Association, said the bill could actually hurt veal calves by increasing disease rates.

Ad Watch faces challenge of animal rights groups

By Marsha Watson
Associate editor

Ad Watch, the National Live Stock and Meat Board's program to combat advertising that unfairly maligns meat, has had some major successes over the last two years, but it still faces big hurdles.

Craig Mitchell, Director of Consumer Information for the Meat Board, who oversees the Ad Watch program, says the program's "low-key, behind-the-scenes" approach is an effective way of combating negative media coverage.

For example, last year Kellogg's introduced a bran product as a more healthful source of the iron found in red meat. The Ad Watch staff met with executive staff from Kellogg's North American and won a partial victory: the campaign was withdrawn early.

A similar situation is in the works now. General Mills is introducing "Benefit," a new breakfast cereal with the slogan, "Cholesterol — you know where to find it," while the camera pans a fried egg and a raw steak. The campaign has not yet aired nationally. The outcome of discussions is not known yet.

Although Mitchell says the grain industries are particularly interested in peddling the "no cholesterol" message in today's health-conscious climate, they're not the only offenders. In one case that's close to resolution, a Denver

grocery promoting a meat product as "all-natural, hormone-free" has been approached by Ad Watch, since the message plays pretty heavily on consumer fears about meat products in general.

It's difficult to tell how successful Ad Watch has been. Mitchell says nobody really keeps score on either the number of complaints or the outcomes. Many ads are one-time, one-place items, he says. Ad Watch typically responds to these by supplying information and encouraging advertisers to check the facts before advertising.

Mitchell believes the amount of inaccurate nutritional information about meat is gradually declining. But a June 19-20 *New York Times* ad illustrates an ongoing problem Ad Watch faces. The ad, co-sponsored by the author of an environmentally oriented book promoting vegetarianism and an animal rights group, is titled, "How to win an argument with a meat eater." It features a number of environmental concerns along with dietary issues. Ad Watch plans to approach the *Times* about the ad, Mitchell says. "We want to convince the *New York Times* that they're carrying an ad that's a disservice to the public."

Mitchell warns that animal rights groups are more sophisticated and now play on nutritional concerns in hopes of swelling their ranks. He says animal rights ads are a new challenge, and he clearly doesn't believe his job is done.

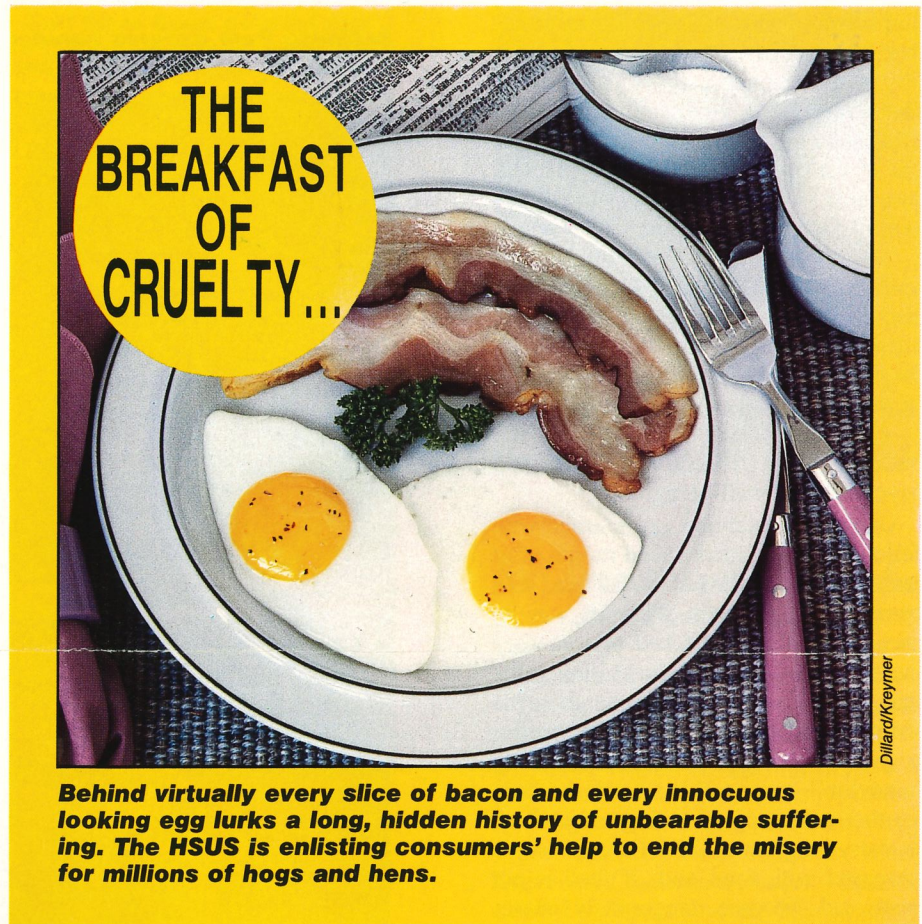
The HSUS Launches Campaign to End Sow, Hen Suffering

Demands Reforms Within Pork and Egg Industries

The Humane Society of the United States (HSUS) is fed up with America's pork and egg producers! After years of grappling with pork and poultry industry leaders—imploreing them to halt their unconscionable exploitation of animals—we've yet to see any significant steps taken to alleviate the suffering of millions of hogs and hens. We can no longer depend solely on dialogue. We must now take direct action against both the pork and egg industries and demand that they adopt humane reforms. Our new campaign depends on consumers like you to rise up against these multi-billion-dollar exploiters and spur industrywide change!

For years, producers have tried to conceal the deplorable conditions under which the nation's laying hens and breeding sows are forced to live out their lives. For a staggering 266 million hens—more hens than there are men, women, and children in this country—life is spent behind the closed doors of "factory farms" in cages so crowded that birds barely have room to move. Millions of sows used for breeding endure life inside metal crates so small that they are prevented from ever turning around. Many sows are actually chained to the floor!

Over the past ten years, Dr. Michael W. Fox, director of The HSUS's Institute for the Study of Animal Problems, has worked to draw public attention to farm-animal abuses. He has crisscrossed the country to talk with farm associations, animal scientists, veterinarians, and educators—anyone who will listen—urging the implementation of humane alternatives to abominably cruel husbandry methods. While we've made some head-



Behind virtually every slice of bacon and every innocuous looking egg lurks a long, hidden history of unbearable suffering. The HSUS is enlisting consumers' help to end the misery for millions of hogs and hens.

way, dramatic change from within has yet to materialize.

"The conditions on many of the nation's hog and hen operations are an out-and-out disgrace!" says Dr. Fox. "What's worse, the number of these animal factories has drastically increased over the past twenty years. Unfortunately, as long as consumers continue to purchase these products at current rates,"

he says, "the pork and egg industries will continue to let millions of animals suffer under these miserable conditions. *It's up to consumers to demand that it stop now!*"

For this reason, The HSUS is now enlisting your help. We want you to pledge to give up bacon-and-egg breakfasts until the pork and egg industries take appropriate actions toward

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...g more humane producti
me...s. Mail the enclosed postcards to
industry leaders to inform them that you
will not eat the "breakfast of cruelty"
and that you demand humane reforms.
After all, only when producers realize
that their callousness can affect their
profits will they stop treating animals like
unfeeling, assembly-line machines!

Don't Bring Home the Bacon!

So industrialized are today's hog
operations that most of the pork con-
sumed in the United States comes from
vast superfarms—many owned by giant
insurance, oil, and other conglom-
erates—that are capable of spewing out
up to half a million hogs a year. It's in
the gloom of these warehouse-like
buildings that an estimated two million
breeding sows, hogs used strictly for the
production of piglets, endure life in the
desolation of narrow, metal-barred gesta-
tion crates. There, locked away in their
tiny prisons, captives cannot walk or even
turn around. An estimated 100,000 of
these helpless creatures are actually strap-
ped to the floor, held in place by a chain
so short they cannot even stretch their
aching legs.

"As a veterinarian, I think this is an
outrage!" says Dr. Fox. "Under natural
circumstances, these animals would be
outside exploring, foraging for food,
playing, and interacting socially. Yet, in
these factories, they're banished to a two-
by-six-foot cell and deprived of all the
basic freedoms necessary for health and
psychological well-being!"

Unable to exercise or interact with
fellow animals, sows spend month after
endless month staring at the bars and feed
trough before them. With no way to
escape from the wretched prison, they
become frustrated and start biting at the
bars and swinging their heads in a
neurotic, repetitive fashion. Eventually,
a pitiful condition called "mourning
behavior" may set in; sows become
apathetic and appear to lose all interest
in everything—even food. Others become
obsessed with food and, if feed is not
restricted, become dangerously obese.
Even when such behaviors occur, *nothing*
is done to alleviate their suffering.

In fact, few farms even provide sows
with straw bedding to lie on! Instead,
these massive creatures are forced to live
on concrete or metal-slatted flooring that,
for ease of cleanup, allows the sow's
dung to fall through. For these hapless
animals, even standing up and lying
down on the slippery surfaces can prove
hazardous. In crate after crate, limbs are



HSUS/Fox

An estimated two million sows are sentenced to spend their entire productive lives—up to four years—inside metal crates so small that they can't even turn around. Neatly compartmentalized in rows, the sows above resemble assembly-line parts more than they do farm animals.

Suffering from extreme boredom, sows routinely engage in neurotic behaviors such as bar biting (below) and head swinging.



Animal Welfare Institute/Haverson



HSUS/Eisnitz

Prior to bearing her young, the sow will be driven into another tiny crate. There, her nesting instinct frustrated, she'll give birth on the cold, slippery floor. Few farms provide hogs with straw bedding: it clogs up the automatic waste removal system and impairs cleanup.



E. Cory

Crammed inside tiny battery cages, laying hens are unable to ever stretch their wings, preen, or sit comfortably when laying their eggs. In constant distress, birds become agitated, and fighting, feather-pulling, and pecking erupt. One can hardly visit a commercial laying operation today without seeing scores of birds, like those above, that have been pecked raw and bloody by frustrated cagemates. Yet, for nearly all of the nation's 280 million layers, it's one, sometimes two, years inside the cramped, barren confines of battery cages.



HSUS/Fox

With anywhere from 50,000 to two million birds per farm, hens do not receive individual care. Instead, dozens of dead and dying birds are removed from cages each morning—the casualties of stressful conditions. Pictured above, a few of the day's dead at a California laying operation.

torn ragged on sharp metal fixtures, and knees are scraped bare on rough concrete floors. Chained sows develop deep shoulder ulcers from the pressure of the tethers. Time and again, open sores become infected and, left untreated, never heal. The aching joints and arthritis that routinely accompany the sow's immobility compound this misery.

Immediately before bearing her litter, the hog is driven into another cage of similar dimensions. There, the piglets are born. In three short weeks, they'll be taken from their mother's side. The sooner they are weaned, the sooner the sow can be rebred and returned to the dismal confines of the gestation crate to endure the whole process all over again.

You Can Eat with a Conscience!

Wherever you live, you can find sources of less inhumanely produced pork and eggs. It's just a matter of making the effort. Start by looking in area health-food stores, co-ops, farmers' markets, even the health-food section of local supermarkets.

Free-range eggs (from hens allowed to run outdoors), like some pork and beef products, are becoming increasingly popular in many specialty food shops across the country. Save yourself some time by checking the yellow pages under relevant headings (food, grocers, health food, meat) and phoning ahead.

If you live in a rural area and don't have access to a specialty market, contact your county extension agent for suggestions. He may be able to provide you with the names of farms from which you can purchase such products directly. Or, if you have land available, consider keeping a few laying hens of your own.

Here's a hint: Because animals raised under the stressful, disease-promoting conditions of factory farms must be medicated daily to keep them alive and producing, those items advertised as "chemical-free" are generally—but not always—the products of more humane environments.

It's Assault and Battery for America's Layers

In terms of sheer numbers, the sow's suffering doesn't begin to compare to that endured by laying hens. Of the nation's 280 million hens, a staggering 95 percent spend their lives in barren, cramped battery cages. With four to five birds sharing a cage with floor space not much larger—and sometimes smaller—than the *Close-Up Report* you are now reading, today's layers endure the most restrictive conditions of all farm animals.

Despite the hen's natural urges to peck, take dust baths, and lay eggs in seclusion, today's hen houses are built with cost-cutting efficiency in mind. Crammed together inside tiny wire cages, birds are unable to stretch their wings, preen, or even sit comfortably when laying their eggs. Forced to spend their lives on a sloping wire floor (so eggs conveniently

ro hens' legs become deformed and their feet ridden with blisters, foot sores, and, ultimately, infections. "It's truly pitiful to see a hen that's been released from a battery cage and placed on solid ground," says Dr. Fox. "The bird can be so painfully crippled that it can't even stand up. And, when it tries to walk, it repeatedly falls over as if it were in a drunken stupor."

In constant discomfort, caged birds become aggressive; fighting, feather-pulling, and pecking erupt. A visit to any modern hen house attests to these clashes. In the gloomy darkness of the deep, windowless shed, one can hardly avoid the sight of mutilated bodies—those birds with bare, bloodied spots pecked raw by cagemates. These are the producers of America's "wholesome" eggs! In fact, for virtually every egg consumed in the United States, a hen will have endured 26 long hours under conditions like those described.

Eventually, lack of exercise causes the bones of caged birds to become thin and fragile. For some layers, this weakness spells broken wings and legs. Pent up inside crowded cages and unable to move out of the way of other birds, thousands

of disabled hens suffer the most grisly of deaths—they are trampled, cannibalized, or pecked to death by cagemates.

After a year's worth of producing eggs, survivors are either destroyed for use in soup and pet food or "recycled" to spend a second year in a crowded cage. By cruelly depriving these creatures of water, then starving them for a week to ten days, farmers induce a molt, and a new laying cycle begins. During this process, thousands die from starvation and acute stress. The fate of the emaciated survivors is not much brighter: it's another year in the battery cage.

United States Lags Behind EEC

Swiss legislators recently acknowledged the brutality of the cage system by outlawing its use nationwide by the year 1991. The Netherlands has also begun such a phaseout. The British government recently denounced the cage. In fact, there's a movement underway to ban the cage throughout the European Economic Community (EEC). Likewise, the use of tethers for the restraint of breeding sows has been outlawed in both

Sweden and Switzerland. So progress is Sweden that roughly 85 percent of sows in that country spend their lives in the comfort of straw-bedded pens.

Yet, here in the United States, it's quite a different story. Guidelines recently proposed by the United Egg Producers, the U.S. egg-industry trade association, called for cage space almost *half* of that suggested in the standards adopted by four European nations!

The HSUS has already been instrumental in persuading the United Egg Producers to establish humane codes for the handling and destruction of unwanted male chicks at hatcheries. Similarly, we've provided the pork industry with a wide array of studies demonstrating the efficiency of humane production systems over intensive confinement operations. Despite a decade of dialogue, however, *this is one battle we cannot win alone*. Now it's up to you—the consumer—to drive our message home by informing industry leaders that you will no longer subsidize this cruel exploitation. Only with your help can we speak out for the hundreds of millions of helpless hens and hogs suffering behind the closed doors of America's factory farms.

WE NEED YOUR HELP

■ **Don't eat bacon-and-egg breakfasts until more humane production standards are adopted by the pork and egg industries.** Be sure to mail the enclosed postcards to the National Pork Producers Council and the United Egg Producers, informing them of your pledge not to eat the breakfast of cruelty and demanding humane reforms. Also, use the third postcard provided to encourage your local grocer or restaurateur to offer humanely raised animal products.

■ **Order extra postcards and urge friends and neighbors to send them.** Because the pork and egg industries will be measuring the demand for reform on the success of our campaign, it's crucial that both producer organizations receive a deluge of postcards. For additional postcards, send \$1 for 4 sets, \$2.50 for 25 sets with the enclosed reply card.

■ **Finally, help The HSUS end the misery for millions of anonymous creatures that are forced to spend their lives in the brutal confines of factory farms. Your tax-deductible contribution will enable**



HSUS/Fox

In an effort to prevent hens from pecking one another to death, each bird has a portion of its beak seared off with a hot blade. The hen above is an extreme example of a debeaking mutilation. The entire upper part of its beak was removed.

us to continue working to improve the plight of farm animals pushed to their limits for profit and all wild and domestic creatures exploited for human gain. Please use the enclosed postage-paid envelope to send your contribution today.



The Humane Society of the United States
2100 L Street, NW, Washington, DC 20037 (202) 452-1100

Additional copies of this report are available upon request at 30¢ each or in quantities of 12 for \$2.00 and 25 for \$3.50. Payment must accompany order.

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Proposed SENATE Substitute for HOUSE BILL NO. 2018

By Committee on Federal and State Affairs

AN ACT concerning crimes and punishments; relating to certain crimes involving firearms; amending K.S.A. 21-4203 and 21-4204 and repealing the existing sections.

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

Section 1. K.S.A. 21-4203 is hereby amended to read as follows: 21-4203. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than ~~twelve-(12)~~ 12 inches long to any person under ~~eighteen-(18)~~ 18 years of age; or

(b) selling, giving or otherwise transferring any firearms to any ~~habitual--drunkard--or-narcotic-addict;--or~~ person who is addicted to and a user of a controlled substance;

(c) selling, giving or otherwise transferring any firearm with a barrel less than ~~twelve-(12)~~ 12 inches long to any person who, within the preceding five years, has been convicted of a felony under the laws of this or any other jurisdiction ~~if-such sale,-gift-or-transfer-is-made-to-such--convicted--person--within five--(5)--years-after-his-release-from-the-penitentiary-or-within five-(5)-years-after-his-conviction-if-the-defendant-has-not-been imprisoned--in--the--penitentiary~~ or has been released from imprisonment for a felony; or

(d) selling, giving or otherwise transferring any firearm to any person who, within the preceding 10 years, has been convicted of a crime to which this subsection (1)(d) applies, or has been released from imprisonment for such a crime, and has not had the conviction of such crime expunged or been pardoned for such crime.

(2) Subsection (1)(d) shall apply to a felony under K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414,

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21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a or 65-4127b, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as such felony.

{2} (3) Unlawful disposal of firearms is a class A misdemeanor.

Sec. 2. K.S.A. 21-4204 is hereby amended to read as follows:
21-4204. (1) Unlawful possession of a firearm is:

(a) Possession of any firearm by ~~an habitual drunkard or narcotic addict~~; or a person who is addicted to and a user of a controlled substance;

(b) possession of a firearm with a barrel less than ~~twelve~~ {2} 12 inches long by a person who, within five {5} years preceding such violation has been convicted of a felony under the laws of Kansas or any other jurisdiction or has been released from imprisonment for a felony; or

(c) possession of any firearm by any person who, within the preceding 10 years, has been convicted of a crime to which this subsection (1)(c) applies, or has been released from imprisonment for such a crime, and has not had the conviction of such crime expunged or been pardoned for such crime.

(2) Subsection (1)(c) shall apply to a felony under K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a or 65-4127b, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as such felony.

{2} (3) Violation of subsection (1) (a) ~~of this section~~ is a class B misdemeanor; violation of subsection (1)(b) or (1)(c) is a class D felony.

Sec. 3. K.S.A. 21-4203 and 21-4204 are hereby repealed.

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

BEN E. VIDRICKSEN
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TOPEKA
—
SENATE CHAMBER

Assistant Majority Leader

TESTIMONY

FEDERAL & STATE AFFAIRS COMMITTEE

SENATE BILL 617

S.B. 617 would correct an injustice that has occurred as a result of the Paramutuel legislation. I believe it was not legislative intent to include the persons who were asked to voluntarily give advice and counsel to the Racing Commission as the Commission worked on the Rules and Regulations to govern the racing industry in our state? It was necessary to ask the most knowledgeable and active people in the racing industry to act as advisors to the Commission. This was the case and it happened.

I do not consider and did not consider those persons asked to serve the State of Kansas to be included on the same level as an appointee the likes of stewards, racing judges and others who work in sensitive positions.

In 1982 the legislature dropped all persons appointed to or Chairpersons of Advisory Councils from the confirmation process by the Senate. The reasoning behind this was due to the fact they had no policy making authority, their job was to lend advice and their know how to do a job. The policy making belonged to others.

I recall talking to several of the members of the racing industry regarding the advisory group and at no time did I ever think they could not pursue their profession in the industry. Had this been the case, there would have been no persons to provide this service. You will note in the bill that at no time did we list the Advisory Council per se by name, even though we named some very sensitive positions. It could be interpreted to include the advisory group.

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... One must become involved in the accomplishments of his time, lest he be judged not to have lived ...

COMMITTEE ASSIGNMENT
CHAIRMAN: LEGISLATIVE, JUDICIAL AND
CONGRESSIONAL APPORTIONMENT
MEMBER: ECONOMIC DEVELOPMENT
FEDERAL AND STATE AFFAIRS
GOVERNMENTAL ORGANIZATION
PUBLIC HEALTH AND WELFARE
TRANSPORTATION AND UTILITIES
LEGISLATIVE POST AUDIT
JOINT COMMITTEE ON STATE
BUILDING CONSTRUCTION
MEMBER: GOVERNOR'S COMMISSION ON TRAVEL
AND TOURISM
MEMBER: NATIONAL CONFERENCE OF STATE
LEGISLATURES

S.B. 617 would clarify that legislative intent was not to impose restrictions on those private citizens who volunteered their expertise, advice and counsel at no cost to the State. These persons were not paid compensation or expenses of any kind.

KANSAS RACING COMMISSION MEETING
EDITED EXCERPT--DECEMBER 1, 1989
ADVISORY COMMITTEE RECOGNITION

JANET CHUBB:

It was my privilege to sit with the advisory committee members during the drafting of regulations for the commission. I think they were very modest when they spoke to the interim committee about their contributions during that time. They were appointed by the commission October 16, 1987, and they broke out of their respective gates or boxes in a mad dash. Their first meeting was the next week, October 23. It was a prehearing in the court of appeals chambers at the Judicial Center. I don't think members of the commission and advisory committee had met at that time.

Advisory committee members were soon charged with helping develop the commission's regulations. Many meetings followed. I went back to my calendar to try to recall those meetings in number and in subject. They met at least 20 times between October 1987 and May 1988, for eight to ten hours a meeting. The commission will recall that you were meeting weekly at that time, so your advisory members would return after those Tuesday meetings for your Friday meetings, which were also eight to ten hours in length. There were at least five weeks that the commission had two-day meetings, generally in Topeka. That meant there were three days of meetings for your advisory members.

I don't know whether it was significant or not that it was Holy Week, but at that time in 1988 the commission was hearing formal presentations from developers in Topeka. Your advisory committee sat with you, and you and they reviewed the presentations of your racetrack projects--four days that week, often until eight o'clock at night. Everybody did finally go home for Good Friday. These members have spent many hours serving the commission well. They received little recognition and no compensation for expenses during this volunteer service.

Advisory members have also served the commission staff very well. I put a notebook containing our regulations up here on the table today. These members were actively involved in

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drafting either each word of the fourteen chapters in that book of regulations or recommending the general outline for the chapter. Of course, after helping with regulations, advisory members continued to meet with you during your regular meetings to help with technical questions.

These advisory members, three representing the horse industry and three representing the greyhound industry, were brutally honest during the time they met, and there were some hot times. In their meetings which were open, they were surrounded by as many people as they are today, but they met in a small conference room at the Lottery building. Sometimes the air conditioning worked, and sometimes it didn't. I got the impression after a while that people were afraid to leave them, because ties would be loosened, coats would come off and glasses would slip down noses, but nobody would leave the room, including lobbyists and counsel for developers. There was a lot of work done. That regulation book might be a lot longer and a lot thicker, except one of our advisory members had a very quick way of editing with an expression I'll never forget: "Get that sucker out of here." And we did--in every case.

We the staff also thank the advisory committee members and extend to them our best wishes.

JAC53-cd

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SENATE BILL No. 517

By Committee on Federal and State Affairs

1-18

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7

9 AN ACT concerning alcoholic beverages; amending K.S.A. 1989
10 Supp. 41-318, 41-333, 41-2643 and 41-2645 and repealing the
11 existing sections. and K.S.A. 79-41a01, 79-41a02, 79-41a03, 79-41a04, 79-41a06, 79-41a07 and 79-41a0

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 1989 Supp. 41-318 is hereby amended to read
15 as follows: 41-318. When application for a retailer's license ~~or, to~~
16 ~~renew a retailer's license~~ to sell alcoholic liquor in the original
17 package in any city is filed with the director, the director shall notify
18 the city clerk of the city or the township clerk of a township having
19 a population of more than 11,000; where such license is sought.
20 Such notice shall state the date and place where a hearing will be
21 held on such application. No such license shall be issued by the
22 director until the expiration of at least 10 days from the time of
23 filing such application with the director, during which period the
24 governing body of such city or the township board of any such
25 township may make advisory recommendations relative to the grant-
26 ing or refusal to grant a license. The hearing on the application shall
27 be conducted in accordance with the provisions of the Kansas ad-
28 ministrative procedure act.

29 Sec. 2. K.S.A. 1989 Supp. 41-333 is hereby amended to read as
30 follows: 41-333. Any natural person may act as a salesperson for the
31 sale of, or the taking or soliciting of orders for the sale of, alcoholic
32 liquor or cereal malt beverage in the state of Kansas only after such
33 person has first applied for and received a permit therefor from the
34 director, except that no such permit shall be required of a licensed
35 retailer or an employee of such retailer *operating solely on the*
36 *licensed retail premises.*

37 Sec. 3. K.S.A. 1989 Supp. 41-2643 is hereby amended to read
38 as follows: 41-2643. (a) A caterer's license shall allow the licensee to
39 offer for sale, sell and serve alcoholic liquor for consumption on
40 unlicensed premises, which may be open to the public, but only if
41 such premises are located in a county where the qualified electors
42 of the county:

43 (1) (A) Approved, by a majority vote of those voting thereon, the

7-2

proposition to amend section 10 of article 15 of the constitution of the state of Kansas at the general election in November, 1986, or (B) have approved a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county at an election pursuant to K.S.A. ~~1987~~ 1989 Supp. 41-2646 *and amendments thereto*; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. ~~1987~~ 1989 Supp. 41-2646 *and amendments thereto*.

(b) A caterer shall be required to derive from sales of food at each catered event ~~not less than 30% of the caterer's gross receipts from all sales of food and beverages at such event~~ unless the caterer offers for sale, sells and serves alcoholic liquor only in counties where the qualified electors of the county: catered events. at catered events in a 12-month period

(1) Have approved, at an election pursuant to K.S.A. ~~1987~~ 1989 Supp. 41-2646 *and amendments thereto*, a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. ~~1987~~ 1989 Supp. 41-2646 *and amendments thereto*.

(c) Each caterer shall maintain the caterer's principal place of business in a county in this state where the caterer is authorized by this section to sell alcoholic liquor by the individual drink in a public place. All records of the caterer relating to the caterer's licensed business and the caterer's license shall be kept at such place of business. The caterer's principal place of business shall be stated in the application for a caterer's license and the caterer shall notify the director of any change in its location within 10 days after such change.

(d) A caterer shall notify the director at least 10 days prior to any event at which a the caterer will sell alcoholic liquor by the individual drink ~~In addition, prior to the event, the caterer shall notify:~~ unless the director waives the 10-day requirement for good cause shown

(1) The police chief of the city where the event will take place, if the event will take place within the corporate limits of a city; or

(2) the county sheriff of the county where the event will take place, if the event will be outside the corporate limits of any city.

(e) A caterer may rebate a portion of the caterer's receipts from the sale of alcoholic liquor at an event to the person or organization contracting with the caterer to sell alcoholic liquor at such event.

Sec. 4. K.S.A. 1989 Supp. 41-2645 is hereby amended to read

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issued shall be used only for the purposes stated in the application for such permit.

(g) A temporary permit shall not be transferable or assignable.

(h) The director may refuse to issue a temporary permit to any person or organization which has violated any provision of the Kansas liquor control act, the drinking establishment act or K.S.A. 79-41a01 *et seq.*, and amendments thereto.

Insert sections 5-11, attached

~~Sec. 5. K.S.A. 1989 Supp. 41-318, 41-333, 41-2643 and 41-2645~~ and K.S.A. 79-41a01, 79-41a02, 79-41a03, 79-41a04, 79-41a06, 79-41a07 and 79-41a08 are hereby repealed.

~~Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.~~

Sec. 5. K.S.A. 79-41a01 is hereby amended to read as follows: 79-41a01. As used in K.S.A. 79-41a01 through ~~79-41a04~~ 79-41a09, and amendments thereto:

(a) "Alcoholic liquor" means alcoholic liquor, as defined by K.S.A. 41-102 and amendments thereto, and cereal malt beverage, as defined by K.S.A. 41-2701, and amendments thereto.

(b) "Caterer," "club," and "drinking establishment" and "temporary permit" have the meanings provided by K.S.A. 41-2601 and amendments thereto.

(c) "Gross receipts derived from the sale of alcoholic liquor" means the amount charged the consumer for a drink containing alcoholic liquor, including any portion of that amount attributable to the cost of any ingredient mixed with or added to the alcoholic liquor contained in such drink.

Sec. 6. K.S.A. 79-41a02 is hereby amended to read as follows: 79-41a02. (a) There is hereby imposed, for the privilege of selling alcoholic liquor, a tax at the rate of 10% upon the gross receipts derived from the sale of alcoholic liquor by any club, caterer or, drinking establishment or temporary permit holder.

(b) The tax imposed by this section shall be paid by the consumer to the club, caterer or, drinking establishment or temporary permit holder and it shall be the duty of each and every club, caterer or, drinking establishment or temporary permit holder subject to this section to collect from the consumer the full amount of such tax, or an amount equal as nearly as possible or practicable to the average equivalent thereto. Each club, caterer or, drinking establishment or temporary permit holder collecting the tax imposed hereunder shall be responsible for paying over the same to the state department of revenue in the manner prescribed by K.S.A. 79-41a03 and amendments thereto and the state department of revenue shall administer and enforce the collection of such tax.

Sec. 7. K.S.A. 79-41a03 is hereby amended to read as

follows: 79-41a03. (a) The tax levied and collected pursuant to K.S.A. 79-41a02 and amendments thereto shall become due and payable by the club, caterer or, drinking establishment or temporary permit holder monthly, or on or before the last day of the month immediately succeeding the month in which it is collected, but any club, caterer or, drinking establishment or temporary permit holder filing an annual or quarterly return under the Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607 and amendments thereto, shall, upon such conditions as the secretary of revenue may prescribe, pay the tax required by this act on the same basis and at the same time the club, caterer or, drinking establishment or temporary permit holder pays such retailers' sales tax. Each club, caterer or, drinking establishment or temporary permit holder shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross receipts derived from the sale of alcoholic liquor by the club, caterer or, drinking establishment or temporary permit holder for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross receipts derived from the sale of alcoholic liquor shall be kept separate and apart from the records of other retail sales made by a club, caterer or, drinking establishment or temporary permit holder in order to facilitate the examination of books and records as provided herein.

(b) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a club, caterer or, drinking establishment or temporary permit holder as may be necessary to determine the accuracy of such reports required hereunder.

(c) The secretary of revenue is hereby authorized to administer and collect the tax imposed hereunder and to adopt such rules and regulations as may be necessary for the efficient

and effective administration and enforcement of the collection thereof. Whenever any club, caterer ~~or~~, drinking establishment or temporary permit holder liable to pay the tax imposed hereunder refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617 and amendments thereto.

(d) The secretary of revenue shall remit daily to the state treasurer all revenue collected under the provisions of this act. The state treasurer shall deposit the entire amount of each remittance in the state treasury. Subject to the maintenance requirements of the local alcoholic liquor refund fund created under K.S.A. 79-41a09 and amendments thereto, 25% of the remittance shall be credited to the state general fund, 5% shall be credited to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126 and amendments thereto and the balance shall be credited to the local alcoholic liquor fund created by K.S.A. 79-41a04 and amendments thereto.

(e) Whenever, in the judgment of the secretary of revenue, it is necessary, in order to secure the collection of any tax, penalties or interest due, or to become due, under the provisions of this act, the secretary may require any person subject to such tax to file a bond with the director of taxation under conditions established by and in such form and amount as prescribed by rules and regulations adopted by the secretary.

Sec. 8. K.S.A. 79-41a04 is hereby amended to read as follows: 79-41a04. (a) There is hereby created, in the state treasury, the local alcoholic liquor fund. Moneys credited to such fund pursuant to this act or any other law shall be expended only for the purpose and in the manner provided by this act.

(b) All moneys credited to the local alcoholic liquor fund shall be allocated to the several cities and counties of the state as follows:

(1) Each city that has a population of more than 6,000 shall receive 70% of the amount which is collected pursuant to this act

from clubs or drinking establishments located in such city, or from caterers whose principal places of business are so located, or from temporary permit holders whose permitted events are so located and which is paid into the state treasury during the period for which the allocation is made.

(2) Each city that has a population of 6,000 or less shall receive $46 \frac{2}{3}\%$ of the amount which is collected pursuant to this act from clubs or drinking establishments located in such city, or from caterers whose principal places of business are so located, or from temporary permit holders whose permitted events are so located and which is paid into the state treasury during the period for which the allocation is made.

(3) Each county shall receive: (A) 70% of the amount which is collected pursuant to this act from clubs or drinking establishments located in such county and outside the corporate limits of any city, or from caterers whose principal places of business are so located, or from temporary permit holders whose permitted events are so located and which is paid into the state treasury during the period for which the allocation is made; and (B) $23 \frac{1}{3}\%$ of the amount which is collected pursuant to this act from clubs or drinking establishments located in the county and within a city that has a population of 6,000 or less, or from caterers whose principal places of business are so located, or from temporary permit holders whose permitted events are so located and which is paid into the state treasury during the period for which the allocation is made.

(c) The state treasurer shall make distributions from the local alcoholic liquor fund in accordance with the allocation formula prescribed by subsection (b) on March 15, June 15, September 15 and December 15 of each year. The director of accounts and reports shall draw warrants on the state treasurer in favor of the several county treasurers and city treasurers on the dates and in the amounts determined under this section. Such distributions shall be paid directly by mail to the several county treasurers and city treasurers.

(d) Each city treasurer of a city that has a population of more than 6,000, upon receipt of any moneys distributed under this section, shall deposit the full amount in the city treasury and shall credit 1/3 of the deposit to the general fund of the city, 1/3 to a special parks and recreation fund in the city treasury and 1/3 to a special alcohol and drug programs fund in the city treasury. Each city treasurer of a city that has a population of 6,000 or less, upon receipt of any moneys distributed under this section, shall deposit the full amount in the city treasury and shall credit 1/2 of the deposit to the general fund of the city and 1/2 to a special parks and recreation fund in the city treasury. Moneys in such special funds shall be under the direction and control of the governing body of the city. Moneys in the special parks and recreation fund shall be expended only for the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. Moneys in the special alcohol and drug programs fund shall be expended only for the purchase, establishment, maintenance or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers.

(e) Each county treasurer, upon receipt of any moneys distributed under this section, shall deposit the full amount in the county treasury and shall credit to a special alcohol and drug programs fund in the county treasury 23 1/3% of the amount which is collected pursuant to this act from clubs or drinking establishments located in the county and within a city that has a population of 6,000 or less, ~~or~~ from caterers whose principal place of business is so located, or from temporary permit holders whose permitted events are so located and which is paid into the state treasury during the period for which the allocation is made; of the remainder, the treasurer shall credit 1/3 to the

general fund of the county, 1/3 to a special parks and recreation fund in the county treasury and 1/3 to the special alcohol and drug programs fund. Moneys in such special funds shall be under the direction and control of the board of county commissioners. Moneys in the special parks and recreation fund shall be expended only for the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. Moneys in the special alcohol and drug programs fund shall be expended only for the purchase, establishment, maintenance or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers. In any county in which there has been organized an alcohol and drug advisory committee, the board of county commissioners shall request and obtain, prior to making any expenditures from the special alcohol and drug programs fund, the recommendations of the advisory committee concerning such expenditures. The board of county commissioners shall adopt the recommendations of the advisory committee concerning such expenditures unless the board, by unanimous vote of all commissioners, adopts a different plan for such expenditures.

(f) Each year, the county treasurer shall estimate the amount of money the county and each city in the county will receive from the local alcoholic liquor fund and from distributions pursuant to K.S.A. 79-41a05 and amendments thereto. The state treasurer shall advise each county treasurer, prior to June 1 of each year of the amount in the local alcoholic liquor fund that the state treasurer estimates, using the most recent available information, will be allocated to such county in the following year. The county treasurer shall, before June 15 of each year, notify the treasurer of each city of the estimated amount in dollars of the distribution to be made from the local alcoholic liquor fund and pursuant to K.S.A. 79-41a05 and

amendments thereto.

Sec. 9. K.S.A. 79-41a06 is hereby amended to read as follows: 79-41a06. No club, drinking establishment or, caterer or temporary permit holder shall sell any alcoholic liquor without a registration certificate from the secretary of revenue. Application for such certificate shall be made to the secretary upon forms provided by the secretary and shall contain such information as the secretary deems necessary for the purposes of administering the provisions of this act. The registration certificate shall be conspicuously displayed in the licensed premises or permitted for which it is issued.

Upon violation of any of the provisions of K.S.A. 79-41a01 et seq., and amendments thereto, or any of the terms of this act, and upon due notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the secretary may revoke such registration certificate.

Sec. 10. K.S.A. 79-41a07 is hereby amended to read as follows: 79-41a07. (a) The director of taxation or the director of alcoholic beverage control may enjoin any person from engaging in business as a club, drinking establishment or, caterer or temporary permit holder when the club, drinking establishment or, caterer or temporary permit holder is in violation of any of the provisions of K.S.A. 79-41a01 et seq., and amendments thereto, or any of the terms of this act and shall be entitled in any proceeding brought for that purpose to have an order restraining the person from engaging in business as a club, drinking establishment or, caterer or temporary permit holder. No bond shall be required for any such restraining order or for any temporary or permanent injunction issued in that proceeding.

(b) If a club, drinking establishment or caterer licensed by the director of alcoholic beverage control or a temporary permit holder violates any of the provisions of K.S.A. 79-41a01 et seq., and amendments thereto, or any of the terms of this act, the director of alcoholic beverage control may suspend or revoke the license of such club, establishment or caterer in accordance with

K.S.A. 41-2609 and amendments thereto or may impose a civil fine on the licensee or permit holder in the manner provided by K.S.A. 41-2633a and amendments thereto.

Sec. 11. K.S.A. 79-41a08 is hereby amended to read as follows: 79-41a08. The tax imposed by this act shall be a lien upon the business and any property of the club, drinking establishment ~~or~~, caterer or permit holder which may be sold. The person acquiring such business or property shall withhold a sufficient amount of the purchase price thereof to cover the amount of any taxes due and unpaid by the seller, until the seller shall furnish the purchaser with a receipt from the secretary of revenue, as herein provided, showing that such taxes have been paid. The purchaser shall be personally liable for the payment of any unpaid taxes of the seller, to the extent of the value of the business or property received by the purchaser, and if a receipt is not furnished by such seller within 20 days from the date of sale of such business or property, the purchaser shall remit the amount of such unpaid taxes to the secretary on or before the 20th day of the month succeeding that in which such purchaser acquired such business or property.