

Approved: 3-14-95
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:00 a.m. on February 17, 1995 in Room 254-E of the Capitol.

All members were present except: Sen. Hensley
Sen. Vidricksen

Committee staff present: Mary Galligan, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Kim Perkins, Committee Secretary

Conferees appearing before the committee: Theresa Kiernan, Revisor of Statutes
Dr. Bill Fortney, Kansas Veterinary Medical Association
Dr. Clell Solomon, Kansas Veterinary Medical Association
Renee Harris, Lawrence Humane Society
Ellen Querner, Sedgwick County Humane Society
Kelly Larkin, President of the Kansas Animal Control Ass.
Cindy Plant, Supervisor of Sedgwick County Humane Society
Debra Duncan, State Animal Health
Bobby King, Great Bend Shelter Management
Wendell Maddix, National Humane Society

Others attending: See attached list

Sen. Tillotson announced that the Chairperson was testifying before another committee and would join the committee shortly. Vice Chairperson, Sen. Tillotson began the meeting and called for introductions. Theresa Kiernan, Revisor of Statutes, explained a bill for introduction concerning state boards and commissions; relating to the powers, duties, and functions of members thereof; relating to the terms. Sen. Jones made a motion to introduce the bill and it was seconded by Sen. Papay. The motion passed.

Sen. Tillotson announced that the committee would begin hearing for **SB 252** and introduced Dr. William Fortney (Attachment 1) and Dr. Clell Solomon to give background information regarding the bill. Dr. Solomon stated that he would provide written testimony at a later date. Sen., Tillotson introduced Renee Harris, the Lawrence Human Society; Debra Duncan, State Animal Health; Bobby King, Great Bend Shelter Management; and Ellen Querner, Sedgwick County Humane Society to speak as proponents to **SB 252** (Attachments 2,3,4, & 5). Sen. Oleen asked Ellen Querner whether the owners of confiscated dogs ever paid anything for their housing and food and Ellen Querner answered that they did not pay anything. Sen. Jones asked why the dogs were being held and Ellen Querner answered that they are held because they are evidence until the court case is decided, the dogs are still the property of the owner.

Sen. Tillotson introduced Cindy Plant, Sedgwick county Humane Society, to provide oral testimony only in support of **SB 252**. Cindy Plant explained supported testimony of those others who had testified and stressed that her shelter just did not have the money to continue to pay for the care of the confiscated fighting dogs.

Sen. Tillotson introduced Kelli Larkin, Pres. of the Kansas Animal Control Association; and Wendell Maddix, National Humane Society to speak in support of the bill (Attachments 6 & 7).

Sen. Oleen announced that the committee would turn the discussion to **SB 27** and called for committee discussion of the bill. Sen. Walker made a motion to amend the bill to read that the money generated by the lottery which currently goes into the EDIF fund would be transferred tot he General Fund. The motion was seconded by Sen. gooch. Sen. Oleen called for discussion on the motion to amend and Sen. Papay commented that when the people voted for the lottery , she believed that they voted to have the money placed in EDIF. Sen. Walker responded by saying that the people are generally confused with how the money is distributed and that the legislature could still decide to transfer money from the General Fund to EDIF or any

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E
Statehouse, at 11:00 a.m. on February 17, 1995.

other program. Sen. Walker stated that he believed that the programs supported by EDIF should be able to justify their monetary need to the legislature.

Sen. Oleen stated that she had compiled news clippings from the 1987 session which may give a historical perspective to the committee. Sen. Praeger commented that she believed that the money should stay in EDIF in order to assure the investment in the programs currently being funded. Sen. Oleen called for a vote on the motion and the motion failed.

Sen. Walker made a motion to amend the bill to read that a cap of \$25 million would be placed on the money transferred to EDIF with any excess being transferred to the State General Fund. The motion was seconded by Sen. Jones. Sen. Gooch clarified that currently the cap was set at \$50 million. The motion failed on a voice vote.

Sen. Gooch made a motion to recommend **SB 27** favorably and the motion was seconded by Sen. Papay. The motion passed without dissent.

Sen. Oleen called for further discussion, and seeing none the meeting was adjourned at 11:55 a.m.

The next meeting is scheduled for February 21, 1995.

Letter from The City of Stockton included with minutes for 2-17-95 (Attachment 8)



KANSAS VETERINARY MEDICAL ASSOCIATION, INC.

816 SW Tyler, Suite 200, Topeka, Kansas 66612, (913) 233-4141

FAX: (913) 233-2534

February 17, 1995

Lana Oleen, Chair
Senate Federal and State Affairs Committee
Statehouse
Topeka, Ks. 66612

Dr. Gary L. Modrcin
President
College Blvd. Animal Hospital
11733 College Blvd.
Overland Park, Ks. 66210

Dr. Duane M. Henrikson
President-Elect
Emporia Veterinary Hospital
710 Anderson
Emporia, Ks. 66801

Dr. William D. Fortney
Vice President
Dept. Clinical Sciences
KSU College of Veterinary Med.
1735 Cedar Crest
Manhattan, Ks. 66502

Dr. Vern Otte
Trustee-at-Large
State Line Animal Hospital
2009 W. 104th
Leawood, Ks. 66206

Dr. Frank Solomon
Treasurer
Solomon Veterinary Clinic
7810 E. Funston
Wichita, Ks. 67207

Catharine A. Deever
Executive Director
KVMA Office
816 SW Tyler, Suite 200
Topeka, Ks. 66612

Dear Chairwoman Oleen and **RE: Senate Bill 252**
Members of the Committee:

In addition to serving as Vice President of the Kansas Veterinary Medical Association, I also serve as Chairman of the Kansas Companion Animal Advisory Board.

In both of these capacities, I am often called upon to advise in matters of animal welfare (health and well-being). My first question of this bill is directed at its impact on animal health.

Animals used in illegal activities often suffer traumatic wounds and experience which is irreversible in terms of physical and psychological health. By providing a specified time period in which owners of animals taken into custody may act to reclaim them, veterinarians are given the latitude to euthanize an animal suffering from irreversible trauma, diseased or disabled beyond recovery.

Connected to animal well-being is the care given and resulting costs. Most animal shelters are already over-crowded and not funded at the level required to house, sustain and medically treat abused and suffering animals over an extended period of time. This actively burdens a shelter's limited resources, even more so when there is no restitution. A reduction in care services as a result of inadequate funding only enhances the plight of animals already in physical jeopardy.

The provision of cash or a corporate surety bond would ease the financial burden on a humane society or other care provider for continued animal care.

Should you have additional questions, please feel free to contact me.

Respectfully yours,

William D. Fortney, DVM
Vice President
Kansas Veterinary Medical Association

Sen Fed & State
2-17-95
Attachment 1

February 17, 1995

Lawrence Humane Society
Renee Harris, Manager
1805 E. 19th Street
Lawrence, KS 66046
(913) 843-6835 Phone
(913) 843-6369 FAX

Senate Committee of Federal and State Affairs
Room 254 E
Senate Bill 252

Chairman and Committee Members:

This legislation was requested to address the disposition of animals seized in both cruelty and dog-fighting cases. Presently these animals are required to be held until the case is complete within the judicial system. At times this process may take as long as twelve to eighteen months. The difficulties created by this prerequisite creates several burdens on the holding facilities in these cases. Firstly the expenses involved in the care and rehabilitation of these animals is extremely costly. The holding facilities involved will most likely incur costs ranging in the thousands of dollars per case. The humane societies rarely recover the incurred cost involved. Our shelter alone has exceeded the fifty thousand mark within the past two years. Although restitution is generally part of the judgment we seldom receive even a partial amount. This presents a huge burden to the non-profit societies and, in the case of municipal pounds, cost to the taxpayers. In some cases cruelty and dog-fighting are allowed to continue simply because there are no facilities financially able to hold and care for these animals while the case is being processed. Additionally, these animals will be occupying space that could be used for animals that are homeless and available for immediate placement by adoption. When this space is not available the adoptable may have to be euthanized. Although only a handful of our cases actually require cruelty charges the number of animals involved total in the hundreds. On many occasions the seized animals are required to be euthanized at the end of the case, mostly due to chronic illnesses or aggressive behavior.

There are three areas in which we are asking to be addressed in this particular bill:

A. The first refers to the financial responsibility to the animals being held. In the amendment the owner or custodian of the animal(s) would be held financially responsible for these animals. Once notification is given to either the owner or custodian of said animal(s) they are given ten days to post a cash or corporate surety bond that would cover the cost for all reasonable expenses incurred in caring and providing for the animal(s), including estimated medical care, for the next thirty days and then renewed every thirty days until the case is finalized. At the end of any of the thirty day time allotment if security has not been made for the next thirty day period the holding facility may determine the appropriate disposition for the said animal(s).

B. Secondly we are requesting the penalty be increased from a class B to a class A nonperson misdemeanor. With stiffer penalties it may help deter the continuation of the abuse or neglect that is occurring.

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C. Thirdly we would like to request added terminology in regards to 21-4311 (4) to the effect the county or district attorney shall immediately determine the validity of the complaint and within ten days file appropriate charges for the crime if the complaint appears to be valid. This would assist in shortening the time frame involved in holding these animals as well as a check and balance for cases in which the bond may be posted.

There are currently three states that have similar statutes. I have attached copies of the statutes as well as references. I have also attached a copy of the notice used in Loudoun County Animal Care & Control. With this bill it would allow the cruelty laws to be used effectively when situations are warranted.

Missouri State Law

Shirley Sostman, Alliance for Animals
(312) 822-3714

Ms. Sostman stated that the law has been used fairly often and has worked extremely well. There have been no court challenges of which she is aware.

Minnesota State Law

Joe Beaton
(612) 827-8122

Mr. Beaton stated that the law has been used frequently and successfully. However, it has been challenged twice and is currently under challenge. The first two times (in Olmsted and Douglas counties), the law was sustained by the district court. The current case is still pending. Regarding improvements to the law, he suggested clarification of the availability of a court hearing. In all other aspects, he believes the law to be good.

Loudoun Count Ordinance, State of Florida

Barbara Cassidy
Loudoun County Animal Care and Control
(703) 882-3211

Ms. Cassidy stated that the ordinance has been used on almost every animal cruelty case and has been very effective. So far, there have been no court challenges, and she does not recommend any changes to the ordinance.

(The above information was gathered by Brooke Sabin, Office of Government Affairs, The Humane Society of the United States, 2100 L Street, N.W., Washington, D.C. 20037, (202) 452-1100)

Our in-depth look at animals as evidence continues with advice for humane agents.



Alexandria ACOs were able to euthanize this dog, which was too weak to walk.

because there are delays built into our system from the rights we give to the accused." The defendant may need a continuance to hire an attorney, another for the attorney to prepare a case, and so forth.

Lanzinger notes also that most states have laws requiring speedy trials, although the exact provisions vary. Defendants waive that right, though, if extending the case is in their interests.

Toledo attorney Byron Choka (of Spengler, Nathanson, Heyman, McCarthy, and Durfe) works with the Toledo Humane Society, and notes that it usually helps the defendant to put off a case. "The longer you wait, the less likely it is that witnesses will show up, and the more likely it is that the person who brought the charges will be willing to drop them—in short, the more likely it is that it will go away by itself."

Last summer, the Alexandria Animal Shelter (910 Payne St., Alexandria, VA 22314) rescued 37 dogs from a home with 6 inches of fecal material on the floor and a urine stench so strong that the animal control officers had to wear respirators.

Under Virginia animal cruelty laws, Animal Control Director Bill Gregory obtained a search warrant, and he and his officers removed the animals, which were then treated for ammonia burns in their eyes, worm infestation, and other problems.

At first, the shelter was unable to euthanize any animals pending a custody hearing. The owners were then served with summonses, and they signed the dogs over to the shelter.

Gregory says Virginia law would have made the owners responsible for the animals' expenses until the custody hearing, and he speculates that's why they agreed to surrender the dogs. If the owners had not done so, the shelter would have had to petition the court to allow euthanasia.

Eight dogs were euthanized, several have been adopted, and several await adoption. The owners were convicted of cruelty and given substantial penalties; they are appealing. The owners are still responsible for costs incurred up to the time they surrendered the dogs.

Gregory says the extensive media coverage of the case was "phenomenal and helped a lot. It even hit the national news." Although the shelter is public and does not solicit donations, people sent many gifts of money and food, which the shelter is allowed to accept. ■

Impoundment
of abused animal

578.018. 1. Any duly authorized public health official or law enforcement official may seek a warrant from the appropriate court to enable him to enter private property in order to inspect, care for, or impound neglected or abused animals. All requests for such warrants shall be accompanied by an affidavit stating the probable cause to believe a violation of sections 578.005 to 578.023 has occurred. A person acting under the authority of a warrant shall [not be liable for any necessary damage to property while acting under such warrant. All animals impounded pursuant to a warrant issued under this section shall be]:

(1) [Placed] Be given a disposition hearing before the court through which the warrant was issued, within thirty days of the filing of the request for the purpose of granting immediate disposition of the animals impounded;

(2) Place impounded animals in the care or custody of a veterinarian, the appropriate animal control authority, or an animal shelter. If no appropriate veterinarian, animal control authority, or animal shelter is available, the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose; [or

(2)] (3) Humanely kill any animal impounded if it is determined by a licensed veterinarian that [an] the animal [impounded under a warrant] is diseased or disabled beyond recovery for any useful purpose[, that animal may be humanely killed.];

(4) Not be liable for any necessary damage to property while acting under such warrant.

2. The owner or custodian [of] or any person claiming an interest in any animal [who has been convicted of animal neglect or animal abuse shall be liable for reasonable costs for the care and maintenance of the animal. Any person incurring reasonable costs for the care and maintenance of such animal shall have a lien against such animal until the reasonable costs have been paid, and may put up for adoption or humanely kill such animal if such costs are not paid within ten days after demand. Any moneys received for an animal adopted pursuant to this subsection in excess of costs shall be paid to the owner of such animal.] that has been impounded because of neglect or abuse, may prevent disposition of the animal by posting bond or security in an amount sufficient to

43 provide for the animal's care and keeping for at least
44 thirty days, inclusive of the date on which the animal was
45 taken into custody. Notwithstanding the fact that bond
46 may be posted pursuant to this subsection, the authority
47 having custody of the animal may humanely dispose of
48 the animal at the end of the time for which expenses are
49 covered by the bond or security, unless there is a court
50 order prohibiting such disposition. Such order shall
51 provide for a bond or other security in the amount
52 necessary to protect the authority having custody of the
53 animal from any cost of the care, keeping or disposal of
54 the animal. The authority taking custody of an animal
55 shall give notice of the provisions of this section by
56 posting a copy of this section at the place where the
57 animal was taken into custody or by delivering it to a
58 person residing on the property.

59 3. The owner or custodian of any animal humanely killed
60 pursuant to this section shall not be entitled to recover any
61 damages related to nor the actual value of the animal if the
62 animal was found by a licensed veterinarian to be
63 diseased or disabled, or if the owner or custodian (shows that
64 such killing was unwarranted) failed to post bond or security
65 for the care, keeping and disposition of the animal after
66 being notified of impoundment.

NEW LEGAL DEVICE CAN PROTECT SHELTERS THAT BOARD ANIMALS DURING CRUELTY CASES

Animal-care and -control agencies who rescue large numbers of animals from cruel situations like puppy mills and animal collectors often face a catch-22 dilemma. On the one hand, they must carry out their mandate to protect animals and enforce state and local laws by seizing animals and holding them in custody pending the outcome of a hearing or trial. On the other hand, once the case is resolved, they are often left holding the tab for the care and medical treatment of the animals.

Loudoun County, Virginia, incurred over \$135,000 in costs in less than a year after the Loudoun County Department of Animal Care and Control prosecuted two animal collector cases. One case in 1992 involved 143 dogs with a total cost of \$106,000. A second case in January 1993 involved 29 dogs and a total cost of \$29,800.

"We had to pay for the animals' medical care, food, and other custody costs from the time of seizure to the conclusion of each case," said Animal Care and Control Administrator Barbara Cassidy, describing a costly problem faced by humane societies and animal-control agencies nationwide.

In an effort to prevent similar occurrences in the future, Cassidy proposed what Loudoun County calls a "security bond" amendment (see sidebar on next page). The simple amendment requires that the owner post a security bond (either cash or corporate surety) within 10 days of the date his or her animals are seized. The amount of the bond would cover the estimated cost of custody, including medical care, for the animals for 30 days and is renewable at the end of 30 days if the case has not been concluded. The requirement even applies to the seizure of one animal.

"The security bond amendment

places the financial burden for the animals' care on the owner of the animals rather than on the county," said Cassidy. The amendment may also provide an incentive to an animal owner charged with cruelty to push for a quicker resolution to the case.

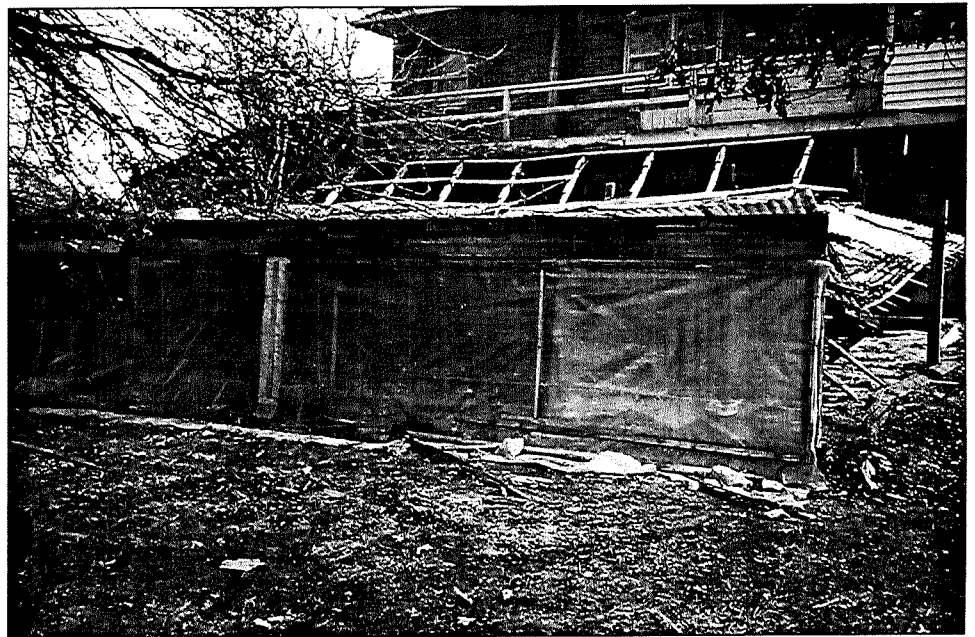
If the bond is not posted within the 10-day period, the animals may be humanely disposed of by sale, adoption, or euthanasia. If a "judicial determination" is made that the owner is deemed fit to adequately care for the animals, then the owner is given a full refund of the bond.

After developing the proposed ordinance amendment with the assistance of the county attorney, Cassidy presented the amendment to the Animal Control Advisory Committee for consideration. Support for the amendment was also obtained from the

Humane Society of Loudoun County and the Loudoun County Veterinary Medical Association. The Board of Supervisors passed the ordinance amendment by unanimous vote at an April 21, 1993, meeting. The ordinance was effective immediately.

To carry out the ordinance, the county developed a Notice (see sidebar on next page) that will be posted or served by the county animal warden whenever animals are seized. The Notice specifically advises the owner or custodian of the animals of the requirements of the amendment and the action he or she must take.

For more information about how this ordinance amendment was developed and passed, write to Barbara Cassidy, Administrator, Loudoun County Animal Care and Control, Rt. 1, Box 985, Waterford, VA 22190. □



Ellen Forsyth, Animal Warden/Loudoun County Animal Care & Control

This outdoor enclosure housed over 30 dogs on a floor of dirt and feces. The 143-dog, \$106,000 case against the owner, who was convicted and declared an unfit owner, led to passage of Loudoun County's security bond amendment.

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THE LOUDOUN COUNTY SECURITY BOND ORDINANCE AMENDMENT

Amendment to Chapter 612 of the Codified Ordinances of Loudoun County
Approved by the Board of Supervisors on April 21, 1993—effective immediately

Chapter 612.24(a). DISPOSITION.

Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized pursuant to Virginia Code Section 3.1-796.115 and humanely disposed of by sale, adoption, or euthanasia at the discretion of the Animal Care & Control Administrator; 1) after 10 days following the date on which the animal was seized; or 2) in accordance with a judicial determination by the General District Court that the owner is unable to adequately provide for the animal or is not a fit person to own the animal, provided, however, that the hearing required by Virginia Code Section 3.1-796.115 to be set within 10 days of the date of seizure may be continued to a later date if the owner of the animal provides a cash or corporate surety bond in accordance with 612.24(b).

Chapter 612.24(b). SECURITY. A person claiming an interest in any animal confined pursuant to Virginia Code Section 3.1-796.115 may prevent disposition of the animal after the 10-day period set forth in paragraph 612.24(a) by posting a bond, cash or corporate surety, with the County Treasurer prior to the expiration of the 10-day period in an amount sufficient to secure payment for all reasonable expenses incurred in caring and providing for the animal, including estimated medical care, for at least 30 days, however, that such bond or security shall not prevent the authority

having custody of the animal from disposing of such animal at the end of the 30-day period covered by the bond or security, unless the person claiming an interest posts an additional bond, cash or corporate surety, with the County Treasurer to secure payment of reasonable expenses for an additional 30 days, and does so prior to the expiration of the first 30-day period. The amount of the bond shall be determined by the Animal Care and Control Administrator, based on the current rate for board and on the condition of the animal after examination of the animal by the Animal Warden. At the conclusion of the case, the bond shall be forfeited to the County unless there is a finding that the owner is able to adequately provide for such animal and is a fit person to own the animal. If a cash bond was paid into the County Treasurer and a judicial determination is made that the owner is able to adequately provide for such animal and is a fit person to own the animal, the owner shall be entitled to a refund of the cash bond from the Treasurer.

Chapter 612.24(c) NOTICE. The authority taking custody of the animal under the foregoing provisions shall give notice of this section by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner within 24 hours of the time the animal was seized.

LOUDOUN COUNTY ANIMAL CARE & CONTROL

RT. 1, BOX 985
WATERFORD, VA 22190
777-0406 or metro: 478-1950
EXT: 0406

NOTICE

Date: _____ Time: _____
Animal Warden: _____
Animal Owner: _____
Address/Location: _____

Virginia Code Section 3.1-796.115 specifically authorizes an Animal Warden to remove and care for any animals found abandoned, neglected, or cruelly treated or unfit for use. The following animals have been seized from your property in accordance with this code section: _____

Pursuant to Section 612.24 of the Codified Ordinances of Loudoun County [which appears on the notice below the Animal Warden's signature], any animal taken into custody pursuant to Virginia Code Section 3.1-796.115 may be placed for adoption or humanely disposed of after 10 days following the date of seizure unless a cash or corporate surety bond is posted with the Treasurer of Loudoun County, pursuant to Section 612.24 of the Codified Ordinances of Loudoun County, to secure the cost of its care and keeping for 30 days.

It is your responsibility to read Section 612.24 and to take appropriate action. **Please contact this office immediately for further information about this notice.**

Animal Warden

STATE OF KANSAS
KANSAS ANIMAL HEALTH DEPARTMENT
George Teagarden, Livestock Commissioner

712 South Kansas Avenue Suite 4-B Topeka Kansas 66603-3808
Phone 913/296-2326 FAX 913/296-1765

February 17, 1995

Madame Chair and members of the Senate Committee on Federal and State Government:

My name is Debra Duncan and I am the Director of the Animal Facilities Inspection Program for the Animal Health Department. I am here this morning for three reasons: first to support the Humane Societies in their efforts to be able to place or destroy animals held in their care unless a bond is posted. Court cases can take a long time and the care of seized animals can become very expensive.

The second reason is to express concern over the change in the definition of animal shelter in Sec. 4 of the bill. The Animal Health Department regulates pounds and shelters under the Kansas Animal Dealers Act. The revised definition of animal shelter in section 4 does not change that. Pounds would still be included under the act, but they would be called animal shelters. I believe this would be very confusing to small city dog pounds who will look for the word pound in the law, not see it, and assume they are no longer subject to the law.

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2-17-95
Attachment (3)

I am also here to ask for an amendment to S.B. 252. The amendment, which you have before you, would include no-kill shelters in the Animal Dealers Act. This change is included in H.B. 2523 which makes several revisions to the Act. Of all the proposed revisions, I consider the no-kill shelter provision to be the most important. Most of these shelters function like humane societies but are not subject to any of our rules and regulations, including the three-day holding period or record keeping requirements. Nor are they required to follow the spaying and neutering law. The definition of no-kill shelter also includes people who collect or maintain large numbers of animals, but who do not sell them or adopt them out.

Thank you for your attention. I am happy to respond to any questions.

Proposed amendment to K.S.A. 47-1701

"No-kill shelter" means a facility of an individual or organization, profit or nonprofit, maintaining 20 or more dogs or cats or both, for the purpose of collecting, accumulating, amassing or maintaining the animals or offering the animals for adoption, A no-kill shelter is a facility that does not prescribe to euthanasia of unwanted animals.

If this definition is adopted, other statutes referencing pounds and shelters would need to be changed to include no-kill shelters. These are: K.S.A. 47-1701(m)(2); 47-1704; 47-1710; 47-1712 and 47-1731.

SENATE-STATE AND FEDERAL AFFAIRS COMMITTEE
SENATO OLENA
BILL #252

IN 1992, THE GREAT BEND HUMANE SOCIETY ACCEPTED FOURTEEN PIT BULL DOGS FROM THE BARTON CO. SHERIFFS DEPARTMENT FOLLOWING A RAID ON A DOG FIGHT. SINCE THE DOGS WERE NEEDED AS EVIDENCE FOR LEGAL PROCEEDINGS, THE HUMANE SOCIETY WAS FORCED TO KEEP AND MAINTAIN THESE DOGS FOR FIFTEEN MONTHS AT A COST OF OVER THIRTY THOUSAND DOLLARS (\$30,000)

THESE ANIMALS ENDANGERED ANIMAL CARE WORKERS, DAMAGED KENNELS, REQUIRED VETERINARY CARE, AND ATE FOOD. BARTON COUNTY COMPENSATED THE HUMANE SOCIETY FOR ONE-THIRD OF THE EXPENSES. THESE DOGS NEVER APPEARED IN COURT.

AFTER THE JUDICIAL SYSTEM WORKED ITS MAGIC, MOST CHARGES WERE DISMISSED, AND THE ANIMALS WERE DESTROYED. NO PERSON OR AGENCY WAS MADE RESPONSIBLE FOR THE EXPENSE INCURRED.

ADDITIONALLY HUNDREDS OF DOGS LOST THE OPPORTUNITY FOR ADOPTION BECAUSE OF THE LACK OF KENNEL SPACE.

DOG FIGHTING HAS ALREADY BEEN JUDGED TO BE CRUEL AND INHUMANE. IN OTHER PHASES OF THE JUDICIAL SYSTEM WORD LIKE "RESTITUTION" AND "COMPENSATION" ARE USED, BUT NO ONE CAN "COMPENSATE" A DOG RAISED TO FIGHT, BECAUSE NOT EVEN A GOOD HOME CAN CHANGE ITS NATURE. PERHAPS BY MAKING THE OWNER LEGALLY RESPONSIBLE FOR ITS CARE, EVEN DURING LEGAL PROCEEDINGS, SUCH ABUSES CAN HAVE MORE SERIOUS CONSEQUENCES, EVEN IF THE DOG IS EUTHANIZED IMMEDIATELY.

IF ANIMAL SHELTERS ARE TO WORK IN COOPERATION WITH LAW ENFORCEMENT AGENCIES FOR THE CARE AND PROTECTION OF DOMESTIC ANIMALS SOME LEGISLATIVE MEASURES FOR FINANCIAL RESPONSIBILITY MUST BE TAKEN, SUCH AS SENATE BILL #252

THE GREAT BEND HUMANE SOCIETY HAS STILL NOT RECOVERED FINANCIALLY FROM SHELTERING THE DOGS. YOU SEE MOST OF OUR OPERATING CAPITAL COMES NOT FROM THE CITY OR COUNTY AGENCIES, BUT FROM THE MANY SMALL DONATIONS OF "ORDINARY" PEOPLE.

I WOULD LIKE TO THANK YOU FOR THE OPPORTUNITY TO SPEAK TODAY. IF THOSE OF US IN THE ANIMAL CARE INDUSTRY DON'T SPEAK OUT FOR THE ANIMALS, WHO WILL?

BOBBIE KING
PRESIDENT
GREAT BEND HUMANE SOCIETY

Sen Fed & State
2-17-95
Attachment 4

February 17, 1995

SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

RE: Senate Bill No. 252

Chairman Oleen and Members of the Committee:

My name is Ellen Querner, I reside in Wichita, Kansas. I am here in support of Senate Bill 252.

Over a year ago I was called on to assist the Kansas Animal Control Association. pick up and care for 49 fighting pit bulls. Because of the difficulty in caring for these dogs and the fact that these cases usually take at least a year or more to go through the legal system it was very hard to find the proper housing and persons willing to take on the expense and liability of caring for them. Butler Co. had no funds to care for the dogs therefore we had to find people or organizations that would fully bear the financial costs of housing them.

The fighting pit bull is not a pet, it is a dog whose soul purpose in life is to attack and try to kill other animals. Males will attack and kill females, adults will attack and kill puppies. They are not taught to fight, they are allowed to fight. Years of breeding only the most aggressive and successful fighters have developed lines of dogs that are deadly fighters. They do not feel pain, their bodies are built so as to take extreme punishment. A 30 pound fighting pit bull could easily kill a Doberman twice its size. In fact in the evidence picked up in the case were some Polaroid pictures of just that happening, the Doberman didn't have a chance.

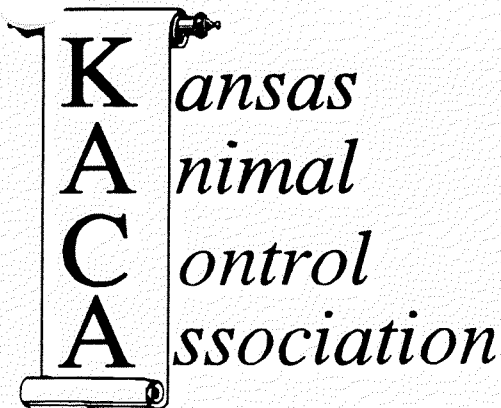
Ultimately the dogs were sent all over the state. Twelve Humane and Animal Control Shelters, Five Veterinarians and Five private facilities helped care for these dogs. The cost of housing was not the only problem in caring for them. Because of their nature they had to be kept in runs or areas where they could not come into contact with any other animal. That meant cement or sturdy metal containment areas and chain link only when no animal was immediately next to them. Even with such secure facilities and professionals caring for them they still caused serious problems and some had to be moved to even more secure facilities. Some of the problems and tragedies were:

1. One of the dogs kept by The Greater Kansas City Humane Society attacked and killed the shelters mascot, a chow. Although the pit was pulled off the chow in less than 5 min, the damage was already done, their mascot died the next day even with intense medical treatment.

Sen. Fed & State
2-17-95
Attachment 5

2. Two dogs kept by the Harvey Co. Humane Soc. had to be moved because they twice tore through chain link to attack one another. The dogs were moved as the shelter could no longer bear the expense of fixing the runs or place their employees and other animals at risk.
3. A dog kept at a veterinarians clinic with cement and metal runs was so aggressive that the clinic had to leave the run next to the dog empty because the dog would continually attack and try to chew through the metal to get at the other dog, even though it could not see the dog.
4. One dog at the S.W. Kansas Humane Society died when it chewed through the door of its run forcing its head out strangling itself.
5. At the Kansas Humane Society two fights occurred when dogs went through the front of the cage and attacked other dogs through the fence.
6. The Coffeyville Animal Shelter was broke into, and three of the pit bulls were stolen, presumably by someone who knew which dogs to get and where to get them.
7. At a private boarding kennel, two of the pit bulls were killed when they broke free and fought with another of the pit bulls. These were two separate incidents that happened at night when know one was available to stop the fights.

It is imperative that the owners of these dogs be required to post a cash or surety bond to cover the cost of the care of the dogs, but I think more could be done. I would like to see this bill amended to allow those pit bulls that are extremely aggressive to be euthanized immediately due the liability it would cause to the agency or person having to hold it. An evaluation of the pit bulls picked up in accordance with K.S.A. 21-4316 could be done using specific methods and specific animal behaviorists or qualified veterinarians to identify those dogs that show extreme aggressiveness toward other animals, allowing such animal to be euthanized.



P.O. Box 446, Olathe, Kansas 66061

February 17, 1995

SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

RE: Senate Bill #252

Chairman Oleen and Members of the Committee

My name is Kelli Larkins and I am the President of the Kansas Animal Control Association (KACA). KACA is a statewide, non-profit organization promoting performance and professionalism in animal care and control, with a membership representing over 75 counties in the state of Kansas. I am here in support of Senate Bill #252.

In November 1993 KACA was called upon to assist Butler County in taking care of some pit bull dogs that became evidence needed to pursue dog fight charges. KACA's job was to locate proper housing facilities for the dogs. The facilities had to meet a certain criteria before we could place the dogs with them. This took work. We are not talking about cute, little, friendly, go anywhere, with anyone type dogs. **These were pit bulls.**

We traveled from one end of the state to the other, in both directions, to place these dogs in a safe and secure environment. Twelve (12) humane societies, 5 veterinarians and 5 private facilities, housing 49 pit bull dogs. Then if the dogs became too expensive or destructive or unmanageable for any one location then the dogs had to be relocated, again at a cost to KACA and to the facilities.

To average out the costs, we break it down like this:

- ◆ 49 dogs
- ◆ \$5.00 per day, per dog, (this is an average)
- ◆ held for 12 months
- ◆ at a total estimated costs of **\$89,425 just for boarding these dogs.**

"Promoting Performance & Professionalism"

Sen. Fed & State
2-17-95
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This dollar amount does not include the numerous medical bills nor repairs of the facilities that were damaged by the dogs.

Butler County had no funds to care for these dogs. It was only because KACA, other agencies and individuals absorb the costs that Butler County pressed charges in the case. It is inconceivable to expect county law enforcement to be able to fund such prosecutions. It is equally inconceivable to expect KACA or other agencies or individuals to do likewise. Therefore making the enforcement of K.S.A 21-4316 financially impossible. Senate Bill #252 is needed to place the burden of the cost of caring for these dogs where it belongs, the person who is being charged.

I would suggest an additional amendment to the bill which would allow those pit bulls that show overtly aggressive tendencies to be euthanized immediately, thus eliminating the liability, stress and damage that would be incurred if the dogs had to be held the duration of the case.

Thank you!



The Humane Society Of The United States

TESTIMONY PREPARED FOR
THE KANSAS SENATE'S
FEDERAL AND STATE AFFAIRS
COMMITTEE
SENATOR LANA OLEEN CHAIRMAN

SENATE BILL 252

PENALTIES FOR ANIMAL CRUELTY; DISPOSITION OF ANIMALS
SEIZED; LICENSURE AND REGULATION AND ANIMAL SHELTERS

PRESENTED BY
THE HUMANE SOCIETY OF THE UNITED STATES

Wendell E. Maddox, Jr.
Regional Director
Department of Field Services
Kansas City, Missouri

FEBRUARY 17, 1995

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2-17-95
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Chairman, members of the committee, my name is Wendell E. Maddox, Jr.. I am Regional Director for the Humane Society of the United States (HSUS), based in our regional office in Kansas City, Missouri which serves the states of Kansas, Nebraska, Iowa and Missouri. The HSUS is a national non-profit organization dedicated to the prevention and elimination of cruelty to animals. The HSUS is the largest national, humane organization in the country with a constituency of more than two million persons, including over 16,000 residents in Kansas.

Mr. Chairman, I am appearing before your committee today in support of Senate Bill 252. If passed, S.B. 252 will provide holding facilities protection from incurring the costs of caring for seized animals.

For many years humane societies and other impounding agencies have had the sole responsibility for the cost of caring for seized animals. In addition, since seized animals are evidence for cruelty cases, these facilities have had to shelter animals indefinitely while the case is under litigation. Often, these cases take months to complete causing impounding agencies to incur enormous expenses related to the care of each animal. Although the courts do levy fines and penalties, they are rarely paid, consequently the seized animals are never retrieved.

The HSUS estimates the cost for caring for a dog or a cat in animal shelter to be \$10 a day. Using this average cost, maintenance of 10 animals for 30 days will cost \$3,000. If the case continues for an extended period, such as six months, \$18,000 in

expenses will have to be covered by the impounding agency.

Missouri (law attached) and Minnesota have been the first states to enact laws addressing the care of animals involved in cruelty cases. Loudon County, Virginia has enacted a similar ordinance. These laws contain almost the same provisions found in S.B. 252. I personally worked along with other animal protection organizations in gaining passage of the law in Missouri. The measure was introduced and passed in 1993.

In each one of the jurisdictions where these laws have been enacted, officials are reporting them to be highly effective in alleviating the financial burden of impounding agencies. Therefore, passage of S.B. 252 will have a similar impact in the state of Kansas.

I thank you for granting our organization the opportunity to testify today and for giving this important humane matter your thoughtful consideration.

Impoundment
of abused animals

578.018. 1. Any duly authorized public health official or law enforcement official may seek a warrant from the appropriate court to enable him to enter private property in order to inspect, care for, or impound neglected or abused animals. All requests for such warrants shall be accompanied by an affidavit stating the probable cause to believe a violation of sections 578.005 to 578.023 has occurred. A person acting under the authority of a warrant shall [not be liable for any necessary damage to property while acting under such warrant. All animals impounded pursuant to a warrant issued under this section shall be]:

(1) [Placed] Be given a disposition hearing before the court through which the warrant was issued, within thirty days of the filing of the request for the purpose of granting immediate disposition of the animals impounded;

(2) Place impounded animals in the care or custody of a veterinarian, the appropriate animal control authority, or an animal shelter. If no appropriate veterinarian, animal control authority, or animal shelter is available, the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose; [or

(2)] (3) Humanely kill any animal impounded if it is determined by a licensed veterinarian that [an] the animal [impounded under a warrant] is diseased or disabled beyond recovery for any useful purpose[, that animal may be humanely killed.];

(4) Not be liable for any necessary damage to property while acting under such warrant.

2. The owner or custodian [of] or any person claiming an interest in any animal [who has been convicted of animal neglect or animal abuse shall be liable for reasonable costs for the care and maintenance of the animal. Any person incurring reasonable costs for the care and maintenance of such animal shall have a lien against such animal until the reasonable costs have been paid, and may put up for adoption or humanely kill such animal if such costs are not paid within ten days after demand. Any moneys received for an animal adopted pursuant to this subsection in excess of costs shall be paid to the owner of such animal.] that has been impounded because of neglect or abuse, may prevent disposition of the animal by posting bond or security in an amount sufficient to

43 provide for the animal's care and keeping for at least
44 thirty days, inclusive of the date on which the animal was
45 taken into custody. Notwithstanding the fact that bond
46 may be posted pursuant to this subsection, the authority
47 having custody of the animal may humanely dispose of
48 the animal at the end of the time for which expenses are
49 covered by the bond or security, unless there is a court
50 order prohibiting such disposition. Such order shall
51 provide for a bond or other security in the amount
52 necessary to protect the authority having custody of the
53 animal from any cost of the care, keeping or disposal of
54 the animal. The authority taking custody of an animal
55 shall give notice of the provisions of this section by
56 posting a copy of this section at the place where the
57 animal was taken into custody or by delivering it to a
58 person residing on the property.

59 3. The owner or custodian of any animal humanely killed
60 pursuant to this section shall not be entitled to recover any
61 damages related to nor the actual value of the animal if the
62 animal was found by a licensed veterinarian to be
63 diseased or disabled, or if the owner or custodian [shows that
64 such killing was unwarranted] failed to post bond or security
65 for the care, keeping and disposition of the animal after
66 being notified of impoundment.



The City of Stockton
115 South Walnut - P.O. Box 512
Stockton, Kansas 67669

City Manager: (913) 425-6010
City Clerk: (913) 425-6703
Police Department: (913) 425-6220
Commission Meetings: 1st and
3rd Tuesdays at 7:00 p.m.

February 9, 1995

Senator Lana Oleen, Chr.
Federal & State Affairs Committee
136-N, State Capitol
300 SW 10th Ave.
Topeka, KS 66612-1504

Dear Senator Oleen:

We do not support S-27 which would abolish the operation of the Kansas Lottery and office of executive director.

We have read a copy Where Does The Money Go which gives a break down of how the dollars are spent and discussed this in the City office. The general consensus is, its up to the individual to decide whether they want to buy a ticket or not. This is not a tax that is imposed upon us.

We support the continuation of the lottery and the proceeds going **only** to fund Economic Development Initiatives and prison construction.

Thank you for your kind attention.

Sincerely,

Linda Yohon
Linda Yohon, Director
Economic Development

Dan Pickett
Dan Pickett
City Manager

Vicki Novotny
Vicki Novotny
Deputy Clerk

Teresa Hrabe
Teresa Hrabe
Ambulance Director

Sally Lowry
Sally Lowry
Office Assistant

cc: Senator Jerry Moran
Rep. Carol Dawson
Rep. Gayle Mollenkamp

*Sen Fed & State
2-17-95
Attachment 8*