

THE ENDANGERED BREEDS ASSOCIATION

Bulldog Banter

NUMBER 80 • MARCH 2008

EBA board meets in Las Vegas

New board members and services announced

Endangered Breeds Association welcomes Linda Emmert of Missouri, Russ Krohn of Missouri and Laura Dapkus of Texas to its board of directors.

► Meet EBA's board of directors for 2008/
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► For more on the group's finances, turn to
Page 3.

Convention in Las Vegas, Nev., Feb. 23-24, the board discussed several items and approved some changes for members.

All three have many years experience raising, breeding, training and owning American Pit Bull Terriers; and in dealing with breed specific ordinances in their respective states.

At its annual board meeting held during the annual American Dog Breeders

Dues to the organization have been \$10 for singles and \$15 for families since 1980 when EBA was formed. We have tried to hold off increasing dues for many years, but no longer can do this. Effective April 1, dues will be \$15 for single memberships and \$20 for families.

However, to encourage clubs to achieve the 100 percent status, those joining EBA through their ADBSI sanctioned club will still be able to join for \$10 singles and \$15 families. These memberships must be sent in as a club group in order to take advantage of this price.

The board also approved adding Pay Pal to the Web site's membership form.

Each year, EBA has expenses of \$3,000 plus to produce, print and mail the newsletter to the membership. In an effort to cut these costs, the newsletter now will be available via email, starting with the next issue.

Those who would like to receive their newsletter by email should send their email address to morrison@mynewroads.com

During the annual EBA address to those attending the convention, annual awards were presented. Joel

Halverson of Washington, Harry George of Ohio and Colleen Hill of Louisiana received appreciation plaques for their years of service on the EBA board of directors.

Sharon Sundy of California, EBA vice president, received a satin EBA jacket for her dedication to the breed and exemplary representation of responsible dog ownership.

Molly Gibb of Oklahoma, an EBA representative, received a jacket for her continued work bringing public awareness to the positive attributes of the breed and her work using American Pit Bull Terriers in a youth at risk program.

Lucretia Ashcraft of Texas, an EBA board member, and Liz Cowan of Texas, an EBA member, received jackets for the exceptional work they do each year at a major American Kennel Club dog show in Houston, Texas.

The women set up an information booth at the show that has provided factual, logical information to owners of all breeds of dogs. The booth's popularity has grown in recent years, and anyone who would like to help the women in the booth should contact Ashcraft at 409-782-3154.

ALL MEMBERSHIPS EXPIRE DEC. 31 UNLESS MULTI-YEARS ARE PAID.



**BULLDOG
BANTER**

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The Bulldog Banter welcomes articles, news clippings, letters and other comments from its readers. The editor reserves the right to edit submissions as needed. All letters for publication must be signed.

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To subscribe to the Bulldog Banter, please see the EBA Membership application on the back page.

**ELECTRONIC
DIRECTORY**

- Endangered Breeds Association**
www.endangeredbreedsassociation.org
- American Kennel Club**
www.akc.org
www.animallaw.com
www.responsiblepetowners.org
- American Dog Breeders Association**
www.adba.cc
- National Animal Interest Alliance**
www.naiaonline.org

**WE WANT TO MEET
YOUR PET!**

E-mail your photograph to featuresboss@yahoo.com. Photographs are printed as space allows. Include your name, your pet's name and the town where you live. NO SALES.

We thank our donors

Endangered Breeds Association would like to thank the following individuals and clubs who made donations other than memberships and show receipts in 2007:

Michael and Janice Carter, Newark, DE; Kelly and Sherry Young, Temperance, MI; Mark Miller, Toms River, NJ; John and Denise Boos, Lakeville, MN; William Bauer, Wentzville, MO; Tulsa Dog Training Club; John & Laura Gardner, Norman, OK ; Amanda Myers, Lawton, OK; Suzy Hodge, Bethel, OK); John Crissy, Davis, OK ;Kristi & Mark Winner, Tyrone, OK; Joyce and Molly

Gibb, Oklahoma City, OK; Brad and Patty Bullock, Riverton, UT; Brian Sennikoff, Yuma, AZ; Lance Harrington, Watts, OK; Cody Hudson, Midwest City, OK; Toby Payne, Canton, IL; Ruperto Paz, Leon, OK; Mike and Mary Wood, Ardmore, OK; 89'er Pit Bull Club, Oklahoma city, OK; Gayla Seshier, Norman, OK; Jeff Neer, Indianapolis, IN; Ed Zenor, Cedar City, UT; "Pass the hat" donations at Trinity Valley Show; Stephen Kale, San Antonio, TX ; Global Training Academy, Somerset, TX; Glengowan Goldens, Lavon, TX; Joe

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Annual auction a huge success

Endangered Breeds Association conducted one of its most successful auctions in recent years during the recent American Dog Breeders Association convention in Las Vegas, Nev.

Several "bidding wars" occurred and auction items were very popular.

A total of \$3,412 was earned for EBA through the auction. Patrick Parker purchased the most items, spending \$420; Ruby Ronkowski and Dan Dapkus tied for second with \$320; and Andrea Press was third with \$300. Once again, Gary Hammonds served as auctioneer and kept the crowd energized.

EBA would like to thank the following donors, whose generous contributions made the auction the success it was.

Donors were: Animal Farm Foundation, Molly Gibb, Renee Greenwood, Roger Wolfe, Lucretia Ashcraft, JoAnn LeBlanc, Jean Carpenter, Joan Morrison, Terry Williams, Hoosier Pit Bull Club, Bulldogs of the Rockies Pit Bull Club, Gary Hammonds, Nathan and Loretta Pilgrim, and Western Carolina Pit Bull Club.

EBA helps win cases in Kansas

Two residents of Kansas City, Kan., had dogs confiscated in 2007, with animal control officers claiming the dogs were pit bulls when they were mixed breed dogs.

Kansas City Dog Advocates and EBA secured the efforts of attorney David McClain who won the cases.

The first involved Apryl Nash who violated the mandatory spay/neuter ordinance in Kansas City by advertising she had "free puppies." Animal control responded to the ad and decided her boxer/shar pei mix was a pit bull and confiscated the dog. She was required to sign an "owner relocation form" to save the dog. The attorney argued, and the municipal judge agreed, that Nash signed the form under duress. The judge ruled she could bring the dog back to the city and that he was not a pit bull.

The second case involved Mike Johnston. His dog came from the Raytown, Mo., animal hospital and was identified as a German shepherd mix. Kansas City animal control confiscated the dog and called it a pit bull.

After the dog spent nearly 7 months in the city shelter, Johnston agreed to DNA testing; and that revealed the dog was primarily Cavalier King Charles spaniel. The dog now is back with his owner.

EBA works for you

During the past year, Endangered Breeds Association has spent the following monies for legal/legislative issues:

Colorado	\$8,000.00
Indiana	3,000.00
Kansas	2,000.00
Mississippi	3,835.00
Missouri	702.67
North Carolina	2,000.00
Oklahoma	5,040.00
Texas	11,900.00
TOTAL	\$36,477.67

The Oklahoma and Texas monies included earmarked donations from several individuals.

FINANCIAL REPORT

START BALANCE (1-1-07)	\$50,142.38
INCOME	\$36,155.72

This includes the following:

Interest from CD
memberships, show receipts,
donations, memorials (some earmarked)

BALANCE	\$86,298.10
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EXPENSES	\$53,783.96
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Newsletter, printing, postage, bank fees, internet/web page expenses, travel, office supplies, legislative/legal expenses.

BALANCE 12-31-07	\$32,514.14
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VALUE OF CERTIFICATE OF DEPOSIT	\$50,652.27
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Income from donations — \$8,867.50, up \$5,582 from \$3,285.50 in 2006. Includes \$1,925 earmarked for Oklahoma; \$5,955.50 earmarked for Texas. Income from ADBSI shows — \$18,433.05 down \$1,448.95 from \$19,882 in 2006.

There are approximately 440 members; some are life members and some have paid multi-year memberships.



Legislative alerts

(Compiled from EBA board members, American Kennel Club, Denise Boos, Kellie Dillner, Ken Sondej, and Linda Witouski.)

ALABAMA

Colbert County — The county's animal control director is asking the county's larger municipalities to consider an ordinance that would outlaw chaining dogs.

Dothan — City has put aside the proposed ordinance that gives AC officers right of entry.

Fultondale — City Council discussing a proposed ordinance regarding owning and keeping dangerous animals in the city. However, officials are considering revisions to the proposal. <http://www.alabamac>

ARKANSAS

A case has been filed in federal court in Little Rock against the towns of Jacksonville, Lonoke, North Little Rock and Beebe. Endangered Breeds Association and Responsible Owners of Arkansas Dogs Inc. are financing this action, along with donations from owners of dogs in Arkansas.

All four towns have some form of BSL which the plaintiff owners complied with, however their dogs still were targeted.

Donations can be made to ROADS through Roger Schnyer, P.O. Box 18, Lonoke, AR 72086. More information is available at <http://roadsinc.org>

Rector — City Council continued its discussion on how best to approach the implementation of a new vicious dog ordinance during a January meeting.

ARIZONA

Home Page: <http://www.azleg.gov/> All of the following proposals can be read there and the status obtained.

HB2011 — AN ACT relating to vicious animals.

HB2153 — AN ACT relating to offenses against public order. Relating to dog fighting.

HB2485 — AN ACT dealing with the

unlawful public sale of animals.

HB2516 — proposed law will prohibit persons from owning or keeping a dog or cat that is more than six months old if the animal has not been spayed or neutered.

El Mirage — City Council will consider an intergovernmental agreement with the county for full-time animal control services.

CALIFORNIA

Home Page: <http://www.legislat> All of the following proposals can be read there and the status obtained.

AB0667 (2007) — An act making it a crime to willfully and maliciously injure any horse or dog used by a peace officer in his or her duties.

SB0986 (2007) — An act relating to pet stores.

Long Beach — City Council's Public Safety Committee was expected to meet Feb. 19 or 26 to discuss a proposed "dangerous dog ordinance."

Los Angeles — Most dogs and cats in the city of Los Angeles would have to be spayed or neutered by four months of age under a proposal recently approved by a City Council committee. UPDATE: PASSED

Modesto — City Council proposal regarding dangerous dogs could send their owners to jail and provide penalties for canine attacks.

Napa — City Council adopted new regulations for dealing with dangerous and vicious animals.

Santa Barbara County — Discussions regarding mandatory spay neuter have been postponed to April or May.

West Hollywood — City Council has voted to ban the sale of dogs from puppy mills.

COLORADO

Home Page: <http://www.leg.state.co.us/> All of the following proposals can be read there and the status obtained.

HB1185 — AN ACT concerning the mandatory sterilization of specified pet animals from certain facilities.

Aurora — City council will have a

review of their breed ban which began in February 2006 to determine its effectiveness. UPDATE: A rise in dog bites has some council members wondering if a ban on "fighting dogs" is having the desired effect. Since city council banned pit bulls and other dangerous dogs in 2005, the number of reported dog bites from the restricted animals is down. But overall, the number of reported bites in Aurora is up, from 110 in 2005 to 157 last year. Council directed city staff to take a closer look at the statistics.

FLORIDA

Home Page: <http://www.myfloridahouse.gov/> All of the following proposals can be read there and the status obtained.

HB101 — An Act relating to dangerous dogs.

SB444 — Sale of Dogs and Cats.

Broward County — Commissioners are studying the Palm Beach County ordinance for possible passage in Broward County.

Keystone Heights — At a recent City Council meeting the town's pet ordinances were termed vague, etc. The council passed a motion seeking review of the measures related to pets in the city. <http://www.zwire.com/site/news.cfm?>

Palm Beach County — West Palm Beach — commissioners gave initial approval to require all pet owners to spay and neuter their animals. The rules would also prevent breeders from breeding more than two litters of puppies and kittens a year. UPDATE: PASSED 2/5/08

Volusia County — MSN laws currently on the books to be reviewed. UPDATE: County Council directed attorneys to draft an ordinance requiring owners to spay/neuter their dogs, cats.

GEORGIA

Home Page: <http://www.legis.state.ga.> All of the following proposals can be read there and the status obtained.

HB301 — an act relating dogfighting.

Colquitt County — Moultrie — County

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Legislature

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Board of Commissioners, by general consensus, have agreed to simply enforce state law rather than significantly alter the county's dangerous dog ordinance.

Macon — City Council committee proposed a tethering ordinance.

Sugar Hill — City Council considering banning pit bulls from public property.

IDAHO

Home Page: <http://www.legislat.ure.idaho.gov/> All of the following proposals can be read there and the status obtained.

H0391 — AN ACT RELATING TO DOGS;

Boise — A bill that would make dog-fighting a felony and attending a dog fight a misdemeanor has won initial approval.

ILLINOIS

Home Page: <http://www.ilga.gov/> All of the following proposals can be read there and the status obtained.

HB0203 — Creates the Retail Sale of Dogs and Cats Act.

Burnham — village has decided it will not seek to ban pit bulls from the community because similar attempts to ban the dogs have been ruled unlawful.

Maryville — village must amend its ordinance that prohibits vicious dogs in the village and steer away from breed-specific ordinance.

INDIANA

Home Page: <http://www.in.gov/legislative/> All of the following proposals can be read there and the status obtained.

HB1254 — A BILL to animal cruelty laws.

HB1294 — A BILL for County option dog tax on kennels.

SB190 — A BILL setting minimum age requirements on the sale of dogs, birds and rabbits and proposing dog bite liability laws.

IOWA

Home Page: <http://www.legis.state.ia.us/> All of the following proposals can be read there and the status obtained.

HF2005 — An Act relating to contest events where an animal is injured, etc.

Fremont — City Council decided to ban all pit bulls. Passed 02/04/08

Waterloo — city's animal control ordinance facing changes as it pertains to dangerous dogs.

KANSAS

Edwardsville — City Council changed animal control ordinance updating definitions and strengthening penalties. Passed 02/11/08

LOUISIANA

Beauregard Parish — Parish Police Jury will discuss the possibility of implementing new vicious dog regulations in the parish.

Oberlin — Allen Parish — considering pit bull ban

Sulphur City — Council is now looking at limiting tethering time for dogs.

MAINE

Home Page: <http://janus.state.me.us/legis/> All of the following proposals can be read there and the status obtained.

LD 2010 (2007) — An Act To Ensure Ethical and Humane Dog Breeding in the State.

LD 2171 — An Act To Amend the Animal Welfare Laws.

MARYLAND

Home Page: <http://mlis.state.md.us/> All of the following proposals can be read there and the status obtained.

HB378 — Increasing the penalties for abuse or neglect of animals and aggravated cruelty to animals; etc.

HB662 — Increasing the maximum term of imprisonment and fine that may be imposed for attending a dogfight or a cockfight.

MASSACHUSETTS

Home Page: <http://www.mass.gov/?pageID=mg2homepage&L=1&LO=Home&sid=massgov2> All of the following proposals can be read there and the status obtained.

SB512 — AN ACT updating the animal control laws of Massachusetts.

Lynn — Council currently examining an increase in fines for unleashed dogs and whether a "Pit Bull ban" is a feasible

option to protect residents from unruly animals.

MINNESOTA

Home Page: <http://www.leg.state.mn.us/leg/legis.asp> All of the following proposals can be read there and the status obtained.

Apple Valley — The dangerous dog ordinance went into effect Dec. 1. You can make copies for yourself or others by going to the PDF version online at http://www.arottalove.org/bsl.htm#bsl_pack et

HF2906 — Dangerous dogs regulating provisions changed.

HF2469/SF2292 — Dog and Cat Breeders Act adopted providing standards of care.

Minneapolis — City Council changes city ordinance regarding dangerous dogs. Passed 01/18/08

MISSISSIPPI

Home Page: <http://billstatus.ls.state.ms.us/> All of the following proposals can be read there and the status obtained.

HB1364 — AN ACT making it a crime to have the custody or possession of certain vicious animals or dogs.

MISSOURI

Home Page: <http://www.house.mo.gov/> All of the following proposals can be read there and the status obtained.

SB886 — This act allows any city, town, or village to adopt ordinances, orders, or regulations to control dangerous dogs, provided that no such ordinances, orders, or regulations are specific to breed.

SB914 — This act creates the Healthy Pet Act.

NEBRASKA

Home Page: <http://www.unicam.state.ne.us/web/public/home> All of the following proposals can be read there and the status obtained.

LB1055 — AN ACT relating to dogs; to change provisions relating to dog running at large and dangerous dogs.

South Sioux City — city council voted to approve the dangerous dogs and poten-

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tially dangerous dogs ordinance. It will go into affect this June.

NEW HAMPSHIRE

Home Page: <http://www.gencourt.state.nh.us/ie/> All of the following proposals can be read there and the status obtained.

HB0504 — An Act restricting the number of puppies to be sold by commercial kennels.

HB0585 — An Act requiring all animal shelter facilities, pet shops and commercial kennels to collect a neutering deposit.

HB1143 — An Act relative to penalties for failure to provide outdoor dogs with necessary shelter.

HB1293 — An Act relative to eligibility requirements for the state animal population control program.

HB1314 — An Act relative to animal cruelty.

SB0513 — This bill allows the state to confiscate animals used in illegal fights.

NEW JERSEY

Home page: <http://www.njleg.state.nj.us/> All of the following proposals can be read there and the status obtained.

A820/S1045 — Requires court to issue animal protective orders against persons found guilty of abusing animals.

A899/S358 — Recodifies offenses against animals.

A902 — Establishes animal cruelty offenses.

A1173 — Requires dogs licensed out of state that are brought into NJ to be licensed in NJ within 60 days.

A1414 — Requires public schools to include instruction on humane treatment of animals.

A1568 — Requires all cats and dogs released from shelters and pounds be sterilized with certain exceptions.

A1591 — Prohibits certain breeding and sales practices.

A1603 — Revises vicious and potentially dangerous dog law.

A1828 — Sets restrictions on sale of any dog by kennel, pet shop or other retail establishment.

S815 — Authorizes civil action for cer-

tain damages against owner or keeper of animal that injures, kills another person's animal.

S835 — Establishes animal cruelty offenses pertaining to chaining or other restraint of animals.

S971 — Increases sterilization and animal control programs; establishes dog license surcharge.

NEW MEXICO

Home Page: <http://legis.state.nm.us/lcs/default.asp> All of the following proposals can be read there and the status obtained.

SB309 — An Act making an appropriation to the Attorney General for an animal cruelty task force.

NEW YORK

Home Page: <http://assembly.state.ny.us/> All of the following proposals can be read there and the status obtained.

A01677 — Requires the micro-chipping of all dogs and cats.

A01990/S01282 — Prohibits the confinement of companion animals in vehicles in extreme temperatures.

A02657/S01439 — Imposes civil liability of owners for persons bitten by a dog while in a public place or while lawfully in a private place.

A04455/S03856 — Prohibits insurers from cancelling homeowner's liability insurance based on ownership of a breed of dog.

A05751 — Increases penalties for attacks by dangerous dogs.

A06276 — Bans dangerous dogs from dwellings where children under 12 years reside.

A06553/S02052 — Provides that no dog shall be restrained by a tethering device attached to a fixed point or to a running cable trolley system for more than six hours per day.

A07766 — Makes it unlawful to conduct excessive breeding of dogs in an uncontrolled manner.

A08502/S05608 — Provides that pet dealers or other persons shall not sell dogs purchased or received from a puppy farm.

Wheatfield — Niagara County — some residents are pushing for changes in the

animal control ordinance.

NORTH CAROLINA

Raleigh — New rules allow animal shelters to continue using gas chambers for euthanasia, but with guidelines.

Henderson County — Commissioners passed MSN and it is written only in terms of education, outreach, and assistance. Passed 01/05/08

Orange County — Chapel Hill — Recommendation to be made in support of the anti-chaining ordinance.

NORTH DAKOTA

Minot — city is working on a new animal ordinance.

OHIO

Home Page: <http://www.legislature.state.oh.us/> All of the following proposals can be read there and the status obtained.

HB22 — Makes a second offense of animal cruelty a felony.

HB418 — Revises the penalties for animal cruelty.

HB415 — A bill increasing penalty for animal fighting, including cockfighting and dogfighting.

HB446 — A bill to amend statutes governing animal control.

Clayton — City Council approved an amendment to vicious dog ordinance calling for restrictions. Passed 1/24/08

New Richmond — anti-tethering ordinance has passed.

OKLAHOMA

Home Page: <http://www.lsb.state.ok.us/> All of the following proposals can be read there and the status obtained.

HB2598 — "Cody's Law" — An Act relating to dangerous dogs. Died in committee.

HB3192 — Creating Oklahoma Pet Quality Assurance and Protection Act. Died in committee.

HB3279 — Regulation and control of dogs running at large in counties. Passed house committee 2-28-08. Still to go to senate committee.

OREGON

Milton-Freewater — City Council to re-

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examine changes to the animal control code.

SOUTH CAROLINA

Home Page: <http://www.scstatehouse.net/index.html> All of the following proposals can be read there and the status obtained.

S0234 — A BILL to prohibit the denial, cancellation, or nonrenewal of homeowners insurance based on a specific dog.

S0833 — A BILL to prohibit tethering, fastening, chaining, tying, or restraining a dog to a stationary object.

Florence County — County Council is considering an amended animal control ordinance.

TENNESSEE

Home Page: <http://www.legislature.state.tn.us/> All of the following proposals can be read there and the status obtained.

HB0173 — Prohibits compensation for any animal seized due to a criminal charge of animal cruelty.

HB0422 — Establishes as element of cruelty to animals offense knowingly tying, tethering, or restraining dog in manner that results in the dog's suffering bodily injury.

HB0914 — Provides for forfeiture of an animal in some criminal cases.

HB2803 — To create the "Tennessee Animal Abuser Registration, Tracking and Verification Act of 2008.

HB2914 — Relative to dogs and cats (commercial breeder).

HB3984 — Relating to dogs.

SB2738 — Prohibits the ownership of American Staffordshire Terriers, American Pit Bull Terriers, American Bulldogs, Staffordshire Bull Terriers, and any mixed breed dog being identifiable as being 50% the above named breeds.

Knox County — Ordinance relating to animal control, microchipping, etc.

Knoxville — County Commission considering MSN.

Rockwood — City council is proposing a pit bull ban.

TEXAS

Arlington — New Web site lists where

dangerous dogs live in the city. Website shows dog's picture and what it did to make the list. Dog owners can appeal.

Dallas — Pet number limits. Mandatory spaying and neutering of most dogs and cats. A partial ban on chaining animals to trees or posts.

Fort Worth — City Council approved an ordinance that generally prohibits pet owners from leaving unattended dogs tied up in yards. Passed 01/22/08

Galveston — City Council decided to postpone enacting an ordinance banning the chaining of dogs.

Lubbock — City announces zero tolerance policy in enforcing leash law.

Madisonville — Pit bulls banned. UPDATE: The Texas Health and Safety code does not allow a local government (that includes cities or counties) to enact restrictions based on breed.

Plano — City council proposing an ordinance regarding tethering.

Waco — City Council discussing mandatory microchipping of all dogs and cats.

STATE LEGISLATURE HOME PAGE: <http://www.capitol.state.tx.us/> All of the following proposals can be read there and the status obtained. Texas legislators will be in session beginning January 2009.

HB1355 — Deals with punishment and felony status of dog attacks.

HB916 — Amends punishment in state's dogfighting law.

HB2328 — Deals with cruelty to livestock and non-livestock animals.

HB1411 — Deals with unlawful restraint (tethering).

SB254 — Deals with roadside sale of animals.

More information is available at www.TexasDogLawyer.com

UTAH

Home Page: <http://le.utah.gov/> All of the following proposals can be read there and the status obtained.

HB470 — Bill relating to animal cruelty.

SB102 — Bill providing that torture of any animal is a felony.

VERMONT

Home Page: <http://www.leg.state.vt.us/> All of the following proposals can be read there and the status obtained.

H769 — Relating to regulation of commercial dog breeders.

VIRGINIA

Home page: <http://www.virginia.gov/cmportal2/index.html> All of the following proposals can be read there and the status obtained.

VIRGINIA HUNTING & HUNTING DOG ENTHUSIASTS ARE ENCOURAGED TO VISIT <http://vhdoa.uplandbirddog.com/staterk.html> for bills affecting your sport!!

Virginians should also visit <http://vhdoa.uplandbirddog.com/stater.html> for further information and updates on the following:

HB114 — Bill relating to trapping etc.

HB217 — Tethering of animals.

HB538 — Commercial dog breeding operations.

HB1465 — A bill relating to dogfighting.

HB1570 — A bill relating to companion animals, spay/neuter.

Richmond — city licensing program changes.

WASHINGTON

Home page: <http://www.leg.wa.gov/legislature> All of the following proposals can be read there and the status obtained.

HB1310 — Relating to the enforcement of animal health laws.

HB2511 — Pertaining to pet dealers.

HB2547 — Preventing cruelty to canines, addresses dog fighting.

HB2836 — Relating to protecting animals from perpetrators of domestic violence.

HB2861 — Dangerous Dogs.

Pierce County — Tacoma — County officials changing dangerous animal code.

Walla-Walla — Proposals to change animal code dealing with dangerous dogs.

WEST VIRGINIA

Home Page: <http://www.legis.state.wv.us/index.cfm> All of the following proposals can be read there and the status obtained.

HB 2737 — Regarding animal fighting.

HB2869 — Pet quality.

HB3112 — Dangerous Dogs.

WISCONSIN

Home Page: <http://www.legis.state.wi.us/> All of the following proposals can be read there and the status obtained.

AB567 — Dog sales.

Madison — Felons won't be allowed to own vicious dogs under a bill the state Senate passed (1/15/08).



Oklahoma state law upheld by state's highest court

A favorable ruling in a case brought by Karen Lewis against the Oklahoma City animal shelter has resulted in that agency changing its policy on pit bulls.

The animal shelter previously had not allowed the adoption of pit bull dogs. Lewis challenged the rule and the case wound up in the Oklahoma State Supreme Court of Civil Appeals.

The court found Oklahoma City's policy breached state law that bans "breed specific" regulation of dangerous dogs by a municipality. As a result, Oklahoma City's rule was unenforceable, the appellate found.

"The plain meaning of the statute forbids (the) City from regulating potentially dangerous or dangerous dogs by breed," the rul-

ing states. "The Policy adopted by City's Animal Welfare Superintendent does just that. Therefore, the Policy is in conflict with the statute and must fail."

The ruling reverses a lower court decision that supported the city and sent the matter back to Oklahoma County District Judge Vicki Robertson for further proceedings.

On Jan. 23, the animal shelter announced it now would adopt out American Pit Bull Terriers and related breeds to comply with state law and the appellate court ruling.

Lawsuits are pending in Del City and Midwest City. Midwest City and Del City are suburbs of Oklahoma City. EBA is providing some funding for the suit in Del

City, but was not asked to provide funding for the Oklahoma City or Midwest City cases.

In Del City, the court case is set for March 20. The attorney feels strongly the recent ruling in Oklahoma City will have a major influence on the outcome of this case.

In Midwest City, a couple owned two Bull Terriers (Spuds McKenzie dogs). The dogs had not been outside of their home or yard, and had never caused problems of any kind. Animal control came to the home and told the couple they would have to get rid of their dogs.

The couple hired an attorney and is suing. No court date has been set, but again the Oklahoma City ruling should have some bearing on this case as well.

Donors

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If your city says your dog is illegal

By Laura Dapkus

EBA board member and Lone Star State Pit Bull Club member

If you are reading this newsletter, you probably already know that “pit bull” bans are illegal in Texas and Oklahoma. However, I am surprised by the number of people I meet who don’t know this, and have even been intimidated into giving up their dogs. At the last ADBA Convention, Hank Greenwood said something that stuck with me: “.... and you let them.” As in, “They took my dogs.... and you let them.”

In Texas, no one can remove your dog or ban him from the city without a hearing before a judge. And simply being a “pit bull” is not a valid reason.

What is legal?

A private entity can ban whatever it wants to ban. Breed bans enacted by a landlord, property management company, homeowners’ or condominium association, mobile home community, campground, etc. are legal. Read the fine print before you rent or even buy. Just because there seem to be a lot of large dogs in the complex, this does not mean they are allowed. Those owners could all be breaking the rules and be evicted tomorrow. So, get a copy of the rules. When you negotiate the lease, get your dogs specifically written into the lease by name so that when management changes, you are still protected. A verbal “OK” maybe sufficient for a poodle, but it is not sufficient for us. If you own one of the typically targeted breeds, don’t buy a home with a mandatory homeowners’ association.

There are some exceptions — our former neighborhood was about 30 years old, and had a voluntary homeowners’ association with nominal

yearly dues which was simply a crime watch and social organization. This posed no problems for us. My parents, by contrast, live in a new subdivision with mandatory monthly dues, and when you buy a home you receive a huge binder full of rules. Since the subdivision has a limit of three pets (even indoor pets), neighbors actually turn in neighbors for having four pets! If you don’t follow the rules, you are fined, and if you don’t pay a lien can be placed against your house. Before you buy a home, ask to see the sellers’ disclosure form — it will state if there is a voluntary or a mandatory homeowners’ association and what the dues are. If it is a mandatory association with dues, look elsewhere. If there is no breed ban now, the board may enact one in the future.

What is not legal?

The Texas Health and Safety code does not allow a local government (that includes cities or counties) to enact restrictions based on breed. The code is here: <http://tlo2.tlc.state.tx.us/statutes/hs.toc.htm>

LOCAL REGULATION OF DANGEROUS DOGS. A county or municipality may place additional requirements or restrictions on dangerous dogs if the requirements or restrictions: (1) are not specific to one breed or several breeds of dogs; and (2) are more stringent than restrictions provided by this subchapter. Added by Acts 1991, 72nd Leg., ch. 916, § 1, eff. Sept. 1, 1991.

If a city has a breed-specific law on the books, it conflicts with state law, and needs to be removed. If you are told that your city does not allow “pit bulls,” go to city hall and get a copy of

the ordinance. If the ordinance has a breed-specific restriction, contact the city secretary or your city council person and ask to be put on the city council agenda. Go before the city council and ask that it be removed, and provide them with a copy of the Texas Health and Safety code, printed out from the above link. Let them know in a nice way that if it is not removed, legal action will need to be taken against the city. The city attorney will usually advise to have the language removed. If you live in an unincorporated area, you will be going to the county commissioners instead of a city council.

If the city does not voluntarily remove the language, the city will need to be sued. This is where the Endangered Breeds Association (EBA) can help with advice and possibly even attorney’s fees. The EBA has been helping a woman in Del City, OK fight an illegal ban. They lost at the city level, but it is being appealed at the state level. Prior to her lawsuit, many people were issued citations under an illegal ban and even gave up their dogs.

The important thing to remember is that you are not alone.

If you ever need to go before the city council or a court to fight an illegal ban, or any situation where you were denied your due process, please let your local club know. You will have plenty of company to help you prepare and stand behind you at the meeting. If financial assistance is needed, you may even apply to the EBA board for assistance.

Note: This article was originally authored by Laura Dapkus for the Lone Star State Pit Bull Club newsletter.



ABOUT THE
ENDANGERED
BREEDS
ASSOCIATION

(EBA) is a non-profit organization founded in 1980 for the purpose of preserving the American Pit Bull Terrier. Our goals are public education, media monitoring, legislative lobbying, and legal intervention to protect responsible owners from breed-specific legislation and unfair harassment by public offi-

cial or agencies. We oppose animal abuse or any illegal activities with animals. Membership is \$15-single \$20-family per year with members receiving four newsletters a year. Canadian and overseas members please send US Dollars money orders only. All memberships expire Dec. 31 of each year.

EBA MEMBERSHIP APPLICATION

(PLEASE PRINT CLEARLY!)

Name (s) _____ Occupation _____
Address _____ City _____ State _____ Zip _____
Phone _____ E-mail _____
Membership type: New _____ Renew _____ Single _____ Family _____

Information packet included

Please make check or money order payable to the Endangered Breeds Association and mail to:
Joan Morrison, Route 1, Box 71, Gore, OK 74435

ENDANGERED BREEDS ASSOCIATION
Route 1, Box 71
Gore, OK 74435