

THE ENDANGERED BREEDS ASSOCIATION

Bulldog



Banter

NUMBER 87 • NOVEMBER 2009

It's time to cast your vote

Nominations are in and it's time to cast your vote for Endangered Breeds Association board members.

Board members whose terms expire are: Linda Emmert, Seneca, MO; Russ Krohn, Blue Springs, MO; and Laura Dapkus, Whitewright, TX. All of these board members have been nominated for another term.

In addition, Liz Cowan, Spring, TX, has been nominated.

Emmert is a life member of EBA and has served the board as its secretary in past years. She is well versed in Breed Specific Legislation and other issues regarding dogs. Emmert is an award-winning dog trainer and exhibitor of American Pit Bull Terriers and American Staffordshire Terriers.

Krohn is a registered lobbyist in the state of Missouri, and also has served on the board for three years. He, too, is an award-winning dog trainer and

VOTE FOR THREE

- Linda Emmert
- Russ Krohn
- Laura Dapkus
- Liz Cowan

exhibitor of American Pit Bull Terriers and American Staffordshire Terriers. Krohn is treasurer of the Sho Me State Pit Bull Club in Missouri.

Dapkus, is a staunch supporter of American Pit Bull Terriers and related breeds and has worked tirelessly the past three years fighting an array of breed specific and non-breed specific dog legislation in the state of Texas. She also writes a column regarding dog issues and how to deal with them. She is a member of Lone Star State Pit Bull Club in Texas.

Cowan has been showing American Pit Bull Terriers since 2000. She has served as secretary and vice president of Trinity Valley Pit Bull Club; and since 2003 has designed and manned the annual EBA booth at the AKC Reliant Dog Show in Houston, TX. Cowan has enlightened many responsible dog owners about EBA and its purpose and worked to defeat dog-related issues in the Texas Legislature.

"At the Reliant show, our booth has evolved from them not knowing who EBA is or what it does, to people looking for us as soon as we get there to set up the booth," she said.

All members in good standing may vote for three of the candidates. All ballots should be sent to EBA President Jean Carpenter by Nov. 30, 2009. Ballots may be mailed to Carpenter at P.O. Box 1148, Albany, LA 70711; or via e-mail to ebajeanc@aol.com

Care to make a pledge?

In its efforts to find new ways to build the coffers of EBA's treasury, members were asked for suggestions.

We've had some good ones and the board is considering each suggestion and how much some of the suggestions will cost to implement.

At the present time, we are working

with a member who makes lip balm and who has graciously offered to donate a portion of the cost. EBA soon will announce this effort.

Also, another member has suggested monthly pledges. A few people have heard about this suggestion by "word-of-mouth" and some pledges

have started coming in.

Some people are pledging \$5 per month; others, \$10 per month. Even \$2 per month would help EBA.

If you would like to make a monthly pledge, send your donation to our treasurer, Joan Morrison, at Rt. 1, Box 71, Gore, OK 74435.

Memberships expire Dec. 31 unless multi-years are paid.



BULLDOG BANTER

Joan Morrison,
Editor

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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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American Kennel Club

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www.animallaw.com

www.responsiblepetowners.org

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Items from this raffle booth at a special bully breed bash resulted in more than \$200 donated to the Texas Fund of EBA.

Bully Breed Bash deemed a success

A Sept. 26 special event hosted by North Texas State Bully Breed Club, Dallas; Central Texas Bully Breed Alliance, Austin; United Kennel Club; and Alamo City Bully Breeds United, San Antonio, resulted in a fine donation to the Texas legislative fund.

The groups held their event near Austin and held a UKC sanctioned weight pull and a conformation show. A raffle of items also was held and all proceeds — more than \$200 — were donated to EBA for the Texas fund.

EBA board member Lucretia Ashcraft, and her husband, Joe, also attended the show and manned an information booth.

"I spoke to the group about breed specific legislation in Texas and around the nation, and about EBA," Lucretia said. "After my talk, our table was swamped with folks seeking the materials I had to hand out."

EBA has been invited to set up information booths at all bully breed shows. Board members living near areas where the shows will be held will be working to get information to the shows.

The board of directors of EBA would like to thank the presidents of the clubs: Jennet Gaspar, North Texas; Tye Turner, Central Texas; and Pamela Hernandez, Alamo City, for allowing us to be a part of their show and for helping EBA continue our work. And a thanks to organizers of the recent Van Alstyne, TX, bully breed event who allowed EBA board member Laura Dapkus to have a booth at their October show. A donation from that show is being sent to EBA.

Dapkus also handed out BSL information and other reports important to owners and discussed issues with the people attending the show.



Around the nation: *Legislation that affects you*

There are currently five state legislatures in session and 45 that are in special session, recess, or have adjourned. All bills, proposals and ordinances may have changed and you should contact your government officials to check the status of any proposals listed; or of any which EBA is not aware.

Alabama – The Alabama Legislature has pre-filed a mandatory spay/neuter bill for their 2010 legislative session. A similar bill introduced in 2009 did not receive a hearing.

Arkansas – The City of Springdale is considering an ordinance that will ban or restrict the ownership of specific breeds. EBA has sent a letter to the city council; and local owners and club members should contact the council and express opposition to breed-specific animal control policies.

California – Assembly Bill 241 – This bill, which will prohibit dog breeders from owning more than 50 intact adult animals, is now before Governor Schwarzenegger.

Senate Bill 250 – Senator Dean Florez, the author of California Senate Bill 250, has issued a press release stating that the bill will be put on hold until the legislature reconvenes in January 2010; and as a result, the bill is dead for the year and has been placed on the inactive file. SB 250 would require the sterilization of an intact, unlicensed dog for a single at-large offense, and a licensed, intact dog on the 2nd offense - in its lifetime! The bill also mandates spaying and neutering for various other violations of other local animal control ordinances.

Santa Barbara County – A county task force has given preliminary approval to a mandatory spay/neuter ordinance for Santa Barbara County. The County Board of Supervisors was expected to vote on the proposal Nov. 3. Local residents should contact the county board.

Colorado – A Denver task force seeks to change the rules for dog breeders in

Colorado in an effort to crack down on so-called puppy mills. Breeders have agreed to an increased licensing fee and to pay for another investigator; and opened the door for the task force doing the rule review. The task force is made up of state regulators, breeders and animal rights activists.

Georgia – An 86-pound Akita recently got loose from its cable run and attacked a 5-year-old boy in Hull. The attack has prompted Madison County commissioners to look at ways to strengthen dog laws in the county.

Illinois – Highland City Council is considering an ordinance which would limit the number of dogs and cats that residents may own.

Park Ridge – Park Ridge City Council has rejected a proposed “pit bull” ban and will instead draft a more general dangerous dog law.

Indiana – Elkhart City Council has created a 9-member task force to consider a proposal which would make it illegal to own “pit bulls”, including American Staffordshire Terriers, Staffordshire Bull Terriers and American Pit Bull Terriers. Dogs of these breeds already residing in the city would be allowed to stay if the owner purchases a \$75 vicious dog license, provides proof of \$300,000 in liability insurance, has the dog tattooed or microchipped, and leashes and muzzles the dog any time it is off the owner’s property. The ordinance would also limit ownership to no more than 4 adult dogs, cats or other animals in one residence and contain new broad regulations regarding “public nuisance” animals. EBA has written the mayor and city council members opposing the changes. Local owners should also contact their city government.

Iowa – Des Moines City Council is considering banning new ownership of “pit bulls” in city limits, although current owners would be permitted to keep their pets. Local

fanciers, club members, and owners are urged them to contact the city council.

Louisiana – The City of New Orleans is expected to take action soon on a mandatory spay/neuter proposal. The proposal requires dog owners to have all dogs spayed or neutered by six months of age, or obtain a breeders permit. The proposal also seeks to limit female dogs from producing more than one litter per year, and makes it illegal to breed a female dog who is younger than 18 months of age. New Orleans residents are encouraged to contact members of the New Orleans City Council and express opposition to this proposal.

Massachusetts – House Bill 1977 – This bill seeks to strengthen dangerous dog laws without targeting specific breeds.

House Bill 1997 – Requires owners of unsterilized dogs to purchase an intact animal permit for an undisclosed fee. It also allows municipalities to adopt breed-specific legislation, allows for euthanasia of dogs deemed to be a nuisance, and severely limits the means by which an owner may restrain his dog.

Senate Bill 774 – Seeks to restrict the rights of responsible dog breeders, including requiring any owner of four or more dogs to obtain a kennel permit. It also limits ownership to 25 dogs, restricts breeding ages, allows for warrantless inspections, and imposes strict engineering standards for kennels.

Mashpee – Citizens of Mashpee were to be asked to consider a mandatory sterilization and possible euthanasia of “pit bulls” at an October 19 Town Meeting. The Mashpee Board of Selectmen had already voted against the proposal.

Nebraska – The Hampton Village Board of Trustees is considering an ordinance to ban or restrict ownership of specific dog

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Legislation

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breeds. A draft of the proposal is not yet available. EBA has sent a letter expressing opposition to breed specific legislation.

Nevada — Las Vegas City Council plans to review a proposed mandatory spay/neuter ordinance Nov. 3rd. It is vital that responsible dog owners and breeders become involved with these proceedings. The proposed ordinance is burdensome, overly restrictive and will significantly increase burdens on responsible owners and breeders. All dogs and cats over the age of 4 months must be spayed or neutered unless the owner holds a valid dog fancier, cat fancier permit, breeder permit or professional animal handler permit; the dog is used by a law enforcement agency as a law enforcement dog; or the dog is used by a search and rescue agency for search and rescue activities.

New Jersey — Assembly Bill 1173 — Would raise the penalties for violating state licensing of dogs, kennels, pet shops, shelters, and pounds. The bill would also reduce the number of days for someone to obtain a New Jersey dog license for a dog licensed in another state. A. 1173 has been assigned to the Assembly Agriculture and Natural Resources Committee.

Assembly Bill 1591 — This bill prohibits certain breeding practices and limits the selling of cats or dogs as pets to 25 animals per year per breeder. "Breeder" is defined under the bill as any person who owns or operates a breeding facility and sells more than five cats or dogs per year. The bill also requires annual registration for breeders selling cats or dogs as pets in the state. A. 1591 has been referred to the Assembly Agriculture and Natural Resources Committee.

Assembly Bill 1951/Senate Bill 1275 — These bills state that an insurer may not deny, cancel, or refuse renewal of a homeowner's insurance policy solely based on the breed of dog kept at the home. However, they would also allow insurers to issue policies that exclude liability coverage for particular breeds. Whenever an insurer offers or amends a policy, he or she is permitted to establish rates and premiums based on specific dog breeds.

Assembly Bill 2536/Senate Bill

1396/Senate Bill 1959 — These bills deem that failure to provide minimum care to dogs is a criminal and civil offense. "Minimum care" is defined as care sufficient to preserve the animal's health and well-being, including adequate protection from the weather, veterinary care deemed necessary by a reasonably prudent person, and food of sufficient quantity and quality to allow for normal growth, except in cases of emergency or circumstances beyond a person's reasonable control.

Senate Bill 364 — Directs the Department of Health and Senior Services to review current regulations concerning the proper care and housing of animals, determine the proper care and housing for each species of animal sold by kennels, pet shops and any other retail establishments selling animals, and adopt new rules and regulations as necessary. The bill also establishes penalties for kennel and pet shop owners guilty of overcrowding animals.

North Carolina — Asherville City Council has twice heard about a proposed tethering ban as part of its revised animal ordinance. As yet, the council has not agreed to a ban.

Ohio — House Bill 79 — Removes the term "pit bull" from Ohio's statutory definition of dangerous dogs. The bill has been referred to the House Agriculture and Natural Resources Committee.

House Bill 124 — As introduced, this bill included many arbitrary and unenforceable requirements for kennels, limits and restrictions on breeding ages and numbers of litters, and unclear licensing requirements. A substitute amendment has been offered that addresses some issues, including allowing breeders to dock tails and remove dewclaws if the puppy is under 96 hours old. Many concerns still remain.

Senate Bill 95 — As introduced, this bill includes many arbitrary and unenforceable requirements for kennels and unclear licensing requirements. SB 95 has not yet had a vote, but action is expected soon.

Elyria — Elyria City Council is considering adopting restrictions on "pit bulls", but no specific language is currently available. EBA has sent a letter to the city council urging them to adopt a dangerous dog ordinance

that is based on a dog's deeds, not its breed.

Oklahoma — The City of Claremore has enacted a mandatory spay/neuter law for all dogs and cats at least five months of age, unless the owner purchases a hobbyist or commercial breeder permit. The law does not apply to anyone who is not a resident or to any non-resident who participates in a dog event in Claremore. Claremore citizens are encouraged to contact the Mayor and City Council and express opposition to the new law. For questions regarding the new law and to purchase a permit, residents are asked to contact Claremore Animal Control at (918) 341-1260.

Pennsylvania — Senate Bill 50 — Seeks to expand Pennsylvania's Unfair Trade Law. A new owner has 14 days (instead of 10) to determine if the dog is clinically ill or has died from a contagious disease. The bill also increases the amount of time from 30 to 90 days for a veterinarian to determine if a dog has died from a congenital or hereditary defect.

Wilkes-Barre — The City of Wilkes-Barre plans to ask the State of Pennsylvania to repeal its prohibition on breed-specific legislation so the city can enact a breed ban. EBA has written a letter to the city council and local owners should work with the Pennsylvania Federation of Dog Clubs to defeat this proposal.

Rhode Island — Warwick City Council has approved an ordinance that restricts how long dog owners can leave their pets outdoors, particularly during extreme weather conditions, and without adequate shelter and food. A similar ordinance already is in place in East Providence.

Tennessee — The Jackson Safe Neighborhoods Taskforce has recommended an ownership limit of six dogs and cats (combined) for all residents unless the owner purchases an Animal Lodging Permit and allows for unannounced inspections of their property. Additionally, the proposal would require anyone with an intact animal to purchase a breeding permit, even if they are not breeding the animal.

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Recent Ky. ruling could have far-reaching effect

An October ruling by United States District Court Judge Charles R. Simpson III, Western District of Kentucky, (an esteemed Constitutional Scholar) is a profound victory for dog owners.

The ruling came in the case of Louisville Kennel Club Inc. v. Louisville/Jefferson County Municipal Government.

First, Judge Simpson held that there was no rational basis why owners of unaltered dogs should be treated differently than the owners of altered dogs. This declared the part of the ordinance that required owners of unaltered dogs to get the Director's written approval for those dogs' enclosures (owners of altered dogs did not have such a requirement) as an unconstitutional violation of Equal Protection and Substantive Due Process.

Reiterating another court's earlier decision that recognized that dogs are personal property, the judge further held Louisville's seizure bond requirement as an unconstitutional violation of procedural due process rules. This requirement, which required anyone accused of animal cruelty to post bond for the care of their seized animals, would have resulted in

the forfeiture of animals if they were not able to pay for the bond regardless of whether or not they were later determined to be innocent.

The precedent has far-reaching implications, and sets the stage for class-action lawsuits nationwide — anywhere ordinances have been enacted which question the constitutional rights of pet owners.

Highlights of the federal ruling are:

1 - Pets are personal property, under the Constitution. Due process, search and seizure, etc. - all protections provided by the Constitution - apply to pets. You are the Owner of your pets, not the "guardian."

2 - Requirements for housing, treatment, etc. cannot be mandated by legislation to be different for intact dogs vs. altered dogs.

3 - Seizure bond is illegal and unconstitutional. This practice constitutes unlawful taking of personal property. If, after a search warrant is obtained, a person is arrested and their dogs seized, their dogs must be held as is (can't be sterilized, sold, transferred, euthanized) unless the owner is found guilty after trial. The owner does not have to pay for the care until or unless they are found guilty.

Legislation

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Texas — Beaumont — Spaying and neutering pets will be mandatory in 30 days under a municipal ordinance recently adopted by the City Council. Owners also will be able to obtain a license for an unaltered animal from the city.

Houston — The City Council is considering a contract between the City and PETDATA Inc for Animal Licensing Services. It will cost the city about \$380,000 and would "deputize" veterinarians to enforce pet licensing laws. Local owners should make sure their vets' records are private.

Wisconsin — Assembly Bill 250/Senate Bill 209 — These bills, while differing slightly, both require licensing of animal shelters, animal control facilities, dog dealers (both in-state and out-of-state), and breeders, as well as facility inspections and adherence to basic standards of care.

Senate Bill 110 — This bill requires commercial dog breeders to be licensed if they sell at least 100 dogs per year. The state is permitted to inspect locations prior to issuing licenses or if it is believed there is a violation of state or federal animal welfare laws. This bill has not yet received a hearing.



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 _____

By providing your e-mail address, you agree to receive your newsletter via e-mail.

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Joan Morrison, Route 1, Box 71, Gore, OK 74435

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