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October 13, 1987

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ATTORNEY GENERAL OPINION NO. 87- 150

The Honorable Ginger Barr
State Representative, 51st District
Rt. 1, Box 58
Auburn, KS 66402

Re: Crimes and Punishments--Crimes Against the Public
Morals--Use of Live Lures

Synopsis: The prohibition against the use of live lures in the
"training" of racing greyhounds includes the use of
such lures in instructing, exercising, drilling and
teaching greyhounds to race regardless of racing
experience. Cited herein: K.S.A. 1986 Supp.
77-201 Second; and L. 1987, ch. 112, sec.
10(f).

* * *

Dear Representative Barr:

You have requested an opinion interpreting a portion of 1987
House Bill No. 2044, now L. 1987, ch. 112, §10(f). That
section states:

"It is a class B misdemeanor for any
person to use any animal or fowl in the
training or racing of racing greyhounds".

You ask whether this language prohibits the use of live lures
in the training of greyhounds which are being trained to be
racing greyhounds but have not yet raced.

Since this is a new statute, there are no cases which
interpret this language. However, it is a general rule of

statutory construction that legislative intent is to be determined, if possible, from the language of the statute where the language is plain and unambiguous. See, State of Kansas v. V.F.W. Post No. 3722, 212 Kan. 693 (1974). Similarly, in Pillsbury Co. v. Atchison, Topeka and Santa Fe Railway Co., 548 F. Supp. 28 (D.Kan. 1982) the United States District Court stated:

"Where the language is clear and unambiguous there is no need to resort to further rules of construction to ascertain meaning."

Thus, we may assume the legislature intended the plain meaning of the word "training."

K.S.A. 1986 Supp. 77-201, Second states:

"Words and phrases shall be construed according to the context and approved usage of the language, but technical words and phrases, and other words and phrases that have acquired a particular and appropriate meaning in law, shall be construed according to their particular and appropriate meaning."

Since "training" is not a technical word, we must construe it according to its context and approved usage. The verb "training" is defined in Webster's Third New International Dictionary (Unabridged, 1986), p. 2424 as:

"to instruct or drill in habits or thought or action: to teach or exercise: give instruction to: to cause to be disciplined: develop skills or habits: to teach (an animal) to obey commands ." (Emphasis added.)

Applying these definitions we find no ambiguity. Clearly, the legislative intent can be ascertained from the language of the statute. The term "training" must be construed according to its approved usage, and so must refer to the instructing, drilling and teaching to obey commands. Thus, the prohibition against the use of live lures in section 10(f) of chapter 112 of H.B. 2044 includes the use of such lures in instructing,

drilling and teaching greyhound dogs to be racing greyhounds
regardless of racing experience.

Very truly yours,



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