

MINUTES OF THE HOUSE WILDLIFE, PARKS AND TOURISM COMMITTEE

The meeting was called to order by Chairman Don Myers at 3:30 P.M. on March 20, 2006 in Room 241-N of the Capitol.

All members were present except:

Representative Broderick Henderson- excused

Committee staff present:

Dennis Hodgins, Kansas Legislative Research

Lisa Montgomery, Revisor of Statutes Office

Betty Caruthers, Committee Secretary

Conferees appearing before the committee:

Senator Umbarger

Senator Goodwin

Secretary Michael Hayden - KS Department of Wildlife & Parks

Mike Good

Rhonda Good

J. Clay Thomas

Jerry Carson - Labette County Commissioner

Jim Fouts - Tanganyika Wildlife Park

Pat Quinn - ZAOA

Tom & Allie Harvey - Safari Park

Mitchell Papish

Matt Baker

Others attending:

See attached list.

Motion by Representative Oharah, seconded by Representative Long for approval of Minutes of the House Committee on Wildlife, Parks & Tourism held on March 15, 2006 be approved.

Motion carried.

Chairman Myers opened hearing on **SB 578 - Prohibiting possession of regulated animals except in limited circumstances; requiring registration; regulated animals include lions, tigers and bears.**

Chairman Myers requested Dennis Hodgins, Research, to give a summary explanation of **SB 578** to the Committee.

Chairman Myers recognized Senator Umbarger for testimony as a proponent. Senator Umbarger gave a summary as to what this bill will do if passed. (Attachment 1)

Chairman Myers recognized Senator Goodwin who also testified in favor of the bill. She stated that it is her belief that Kansas is long overdue to regulate the ownership and possession of certain animals within the state. (Attachment 2)

Chairman Myers recognized Secretary Michael Hayden who stated that further regulations are appropriate and that the Department of Wildlife & Parks is in favor of the provisions contained in **SB 578**. (Attachment 3)

Chairman Myers recognized Mike Good, a parent of Haley R. Hilderbrand, a teenager who was attacked and killed by a tiger in Mound Valley, Kansas on August 18, 2005 as she was to have her senior picture taken. He spoke to the dangers of exotic animal ownership and how to protect the public. (Attachment 4)

Chairman Myers recognized Rhonda Good, also a parent of Haley R. Hilderbrand. She is also in favor of strict regulations that need to be enforced so that no other family has to deal with what her family has been through. (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE House Wildlife, Parks and Tourism Committee at 3:30 P.M. on March 20, 2006 in Room 241-N of the Capitol.

Chairman Myers recognized J. Clay Thomas as a proponent. He shared a story of his wife and a scout troop posing for pictures at a zoo when his wife was attacked by a Siberian Tiger. Within a week after this incident the assistant scout leader passed away following chest pains after the attack. Mr. Thomas' wife has since passed away from cancer on the same side of the body as the attack. (Attachment 6)

Chairman Myers recognized Jerry Carson who spoke to what he sees as "the inadequacy of present Kansas Law and regulations regarding the ownership, handling and care of exotic animals." He also spoke to his belief that the members of ZAOA, the Zoological Association of America, should not be exempt from the bill. (Attachment 7)

Written testimony only from proponents included:

Mark Koch (Attachment 8)

Susan Metzger (Attachment 9)

Randall Allen (Attachment 10)

Josephine Martell (Attachment 11)

Chairman Myers recognized those who appeared neutral on the bill starting with Jim Fouts who testified as to his primary goal of public safety. He wants to see the Zoological Association of America and the American Zoo and Aquarium Association both exempt from all provisions of the Bill. He presented several recommendations for amendments for the Bill. (Attachment 12)

Chairman Myers recognized Pat Quinn who testified as to what the ZAOA is and what its' membership includes. Mr. Quinn is in agreement with some regulation but does not want to "obstruct individual rights and free-market commerce and enterprise". (Attachment 13)

Chairman Myers recognized Tom and Allie Harvey who stated they are in favor of **SB 578** with the balloon amendments outlined by Mr. Fouts. (Attachment 14)

Under the neutral position there was one written only testimony submitted by Mike Cargil. (Attachment 15)

Chairman Myers called for opponents to the bill. The first to testify was Mitchell Papish who supported the "spirit" of the bill but discussed changes he'd like to see put forth. (Attachment 16)

Chairman Myers recognized Matt Baker who presented concerns he saw with the bill in its' present form regarding cage requirements, exemption of ZAOA zoos and liability insurance requirements. (Attachment 17)

Chairman Myers closed hearing on **SB 578** and assigned a Sub-Committee to meet for further discussion of this bill. The following members were assigned to the Sub-Committee:

Representative Grange - Chair

Representative Oharah

Representative Morrison

Representative Mah

Representative Flaharty

The Committee was adjourned by Chairman Myers at 5:20.

A follow-up Committee meeting will be held after the assigned Sub-Committee holds their meeting.

State of Kansas
Senate Chamber

DWAYNE UMBARGER

SENATOR, FOURTEENTH DISTRICT
LABETTE & NEOSHO COUNTIES
AND PARTS OF CHEROKEE
AND MONTGOMERY COUNTIES

1585 70TH RD.
THAYER, KS 66776
(620) 839-5458



STATE CAPITOL—120-S
TOPEKA, KANSAS 66612-1504
785-296-7389
1-800-432-3924
(DURING SESSION)
(785) 296-8430
(TTY FOR HEARING/SPEECH IMPAIRED)

COMMITTEE ASSIGNMENTS
CHAIRMAN: WAYS & MEANS
CHAIRMAN: JOINT COMMITTEE ON STATE
BUILDING CONSTRUCTION
MEMBER: JUDICIARY
ORGANIZATION, CALENDAR
& RULES
JOINT COMMITTEE ON
PENSIONS, INVESTMENTS
& BENEFITS

TESTIMONY

concerning Senate Bill No. 578

re: Rules and Regulations regarding Exotic Animal Legislation

House Wildlife and Parks Committee

Presented by Dwayne Umbarger, Senator 14th District

March 20, 2006

Chairman Myers and members of the committee, thank you for opportunity to present testimony in support of Senate Bill 578.

Senate Bill 578

What this bill will do:

- 1.) If passed, this bill will regulate the ownership of six species of large cats (lions, tigers, leopards, jaguars, cheetahs and mountain lions), all species of bears and non-native venomous snakes.
 - a. Any animal in possession at the time of enactment would be required to be registered with the local animal control authority within 60 days.
 - b. Any facility holding large cats and bears would be required to meet the minimal standards set forth in the Animal Welfare Act within 90 days of enactment.
 - i. **Because the Animal Welfare Act applies only to warm-blooded animals, the standards for holding non-native venomous snakes will need to be addressed. It is suggested that these standards be set by Secretary regulation, set forth in Section 6 (a), allowing the possessor to come into compliance with these standards within 90 days of the effective date of the regulation.**
 - c. Annual registration of animals is required and facilities are subject to inspection. Local animal control authorities are provided the options to charge for registration (up to \$50 per animal with a maximum fee of \$500) and an inspection fee (up to \$100). All fees would be retained by the local entity for the administration of this program

- d. The person possessing the animal must secure \$250,000 of liability insurance against any property damage, bodily injury or death related to the registered animal. **Any insurer or surety company shall notify the local animal control authority no later than 10 days before the expiration, reduction or cancellation of any policy or bond taking effect.**
 - e. All animals must be identified by a microchip tag.
- 2.) Facilities licensed by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, at the time of enactment, would be allowed to continue operation.
- a. This license is required of all people who exhibit animals (zoos) or deal in animals.
 - b. USDA licensed facilities could acquire new or replacement animals from legal sources.
 - c. **A provision was added that a person operating under a USDA license can not have been convicted of a felony in Kansas or a crime substantially the same as a felony in another jurisdiction within the past 10 years**
 - d. *A provision should be added that those facilities licensed by USDA and possessing non-native venomous snakes may continue to possess these animals as long as they are operating under a USDA Class C exhibitor license, however they would be required to house and care for any non-native venomous snakes in accordance with the Secretary's regulation on caging standards set forth in Section 6.*
- 3.) Apart from facilities licensed by USDA at the time of enactment, no person could acquire any of these animals after enactment except under the following conditions.
- a. The person builds and operates a facility that meets and receives accreditation by the American Zoo and Aquarium Association **OR the Zoological Association of America.**
 - b. The person operates a wildlife sanctuary that is registered with the local animal control authority.
 - i. All registration, inspection and insurance provisions apply.
 - ii. The facility must be operated for the care and keeping of abandoned or abused animals.
 - iii. The facility is classified as a not-for-profit operation as defined by the Internal Revenue Service.
 - iv. The facility allows no breeding of any animals. There is an exception if the facility is a formal participant in the species survival plan of the American Zoo and Aquarium Association.
 - v. The animals can not be sold, traded, auctioned, leased or loaned.
 - vi. The animals can not be used for commercial purposes or for any type of entertainment.
 - vii. **All large cats and bears must be cared for in accordance with the Animal Welfare Act (requirement set forth in Section 1 (b) (7)). Non-native venomous snakes must be caged in accordance with the Secretary's regulations.**

- 4.) It is unlawful for the owner to allow any contact between the animal and any other person.
- a. ~~The only people who could come in contact with the animals are the owner, the registered designated handler, or a veterinarian providing medical examination or treatment.~~
 - i. **The local animal control authority may designate certain people to be registered designated handlers. Any applicant to be qualified must meet the training, experience and ability requirements set forth by regulation of the Secretary of Wildlife and Parks.**
 - b. The animals are required to be confined at all times and can not be brought to any commercial, retail or public property, with the exception that the animal could be brought to a veterinarian for medical treatment.
 - c. **Any cage permanently affixed to the premises shall be surrounded by a fence or guard at least five feet from any part of the cage to prohibit physical contact with any person other than the owner, handler or veterinarian.**
 - d. Animals can not be leashed, tethered or chained
 - e. Violating this provision constitutes a class "A" misdemeanor and would subject the owner to possibly losing all animals owned.
- 5.) Any animal that escapes, or is abused or not properly cared for, may be seized and an order issued to dispose of the animal, by placement in an appropriate facility or possibly euthanasia.
- a. If an animal escapes or is released, the owner must immediately notify local law enforcement
 - b. The owner of the animal is responsible for all costs associated with the recovery or lawful seizure and disposal, unless the escape was due to the criminal act of another person or a natural event (i.e. a storm)
 - c. A procedure is prescribed allowing the owner the ability to challenge the seizure through a hearing process.
- 6.) The owner must maintain and provide equipment to recapture any animal that may escape or be released.
- 7.) All facilities holding any of these animals must prominently display a sign on the structure where the animal is housed indicating the presence of the animal.
- 8.) Provisions exist to allow circuses and animal acts to perform in the state.
- 9.) The act allows local entities to maintain or adopt ordinances or rules more stringent than the provisions set forth in this bill.



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

STANDING COMMITTEES:
 JUDICIARY, RANKING MINORITY MEMBER
 EDUCATION
 ASSESSMENT AND TAXATION
 CONFIRMATION OVERSIGHT

JOINT COMMITTEES:
 CORRECTIONS AND JUVENILE JUSTICE
 OVERSIGHT, RANKING MINORITY MEMBER
 STATE BUILDING CONSTRUCTION

LEGISLATIVE APPOINTMENTS:
 KANSAS SENTENCING COMMITTEE

SUPREME COURT APPOINTMENTS:
 ADVISORY COMMITTEES:
 JUDICIAL COUNCIL PROBATE LAW
 JUDICIAL COUNCIL JUVENILE OFFENDER/
 CHILD IN NEED OF CARE
 CHILD SUPPORT GUIDELINES

GRETA H. GOODWIN
 SENATOR, 32ND DISTRICT
 COWLEY, SUMNER AND
 PORTION SEDGWICK COUNTIES
 STATE CAPITOL BUILDING
 ROOM 403-N
 TOPEKA, KANSAS 66612-1504
 (785) 296-7381
 420 E. 12TH AVE.
 WINFIELD, KANSAS 67156
 (620) 221-9058
 e-mail: ggoodwin@ink.org

TESTIMONY BEFORE
 WILDLIFE, PARKS AND TOURISM COMMITTEE
 REPRESENTATIVE DON MYERS, CHAIRMAN
 SENATE BILL NO. 578

March 20, 2006

Mr. Chairman and members of the Wildlife, Parks and Tourism Committee, I want to thank you for scheduling a hearing on this most important legislation. I appear to provide strong support of Senate Bill No. 578. You will hear heart-wrenching testimony this morning. You will no doubt think "only if we as a state had taken action on this issue sooner." I appreciate the family and friends of Haley coming to Topeka to tell their story before this committee this morning.

I believe it is long overdue to regulate the ownership and possession of certain animals within our state. It is time to provide criminal penalties for those individuals who put the safety of our public at risk by the owning of certain animals. Other states who have already passed laws to address the ownership of exotic animals are Arkansas, Colorado, Illinois, Iowa, Missouri, Nebraska, Oklahoma and South Dakota to name a few. Twenty-four states ban or partially ban exotic animals, 15 states require some sort of permit, and 8 states have statutes that regulate ownership. Only three states have no laws addressing the ownership of exotic animals. Our present laws leave the door open for other accidents to happen.

I would like to give you a situation which has my area of the state very concerned and even more so after the August death of Haley.

Last September, Vernon Roberts, a former resident of Florida, relocated his menagerie of animals consisting of lions, tigers, bears, panthers, wolves and reptiles to property he had purchased in Cowley County. Many neighbors and landowners became very concerned when it was perceived that the animals were not being caged properly. County residents appeared before our County Commission to express their concerns. When questioned why he chose our county and our state, Mr. Roberts indicated to the commission members, that he left Florida and moved his animals to Kansas because we do not have laws which prohibit his kind of operation, and Cowley County does not have zoning. Florida had recently passed stricter regulations and has now enforced those. After a considerable amount of time, the Commission passed a moratorium which would ban

further importation of dangerous animals into our county. This temporary six-month ban was enacted in anticipation of the state enacting statewide legislation which would address the issue of possessing exotic animals. The six-month period is soon to expire.

I encourage this committee to support Senate Bill 578 and recommend this bill favorably for passage.

KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SB 578 Relating to Limitations and Possession of Certain Animals
To
House Wildlife Parks and Tourism**

**By J. Michael Hayden
Secretary
Kansas Department of Wildlife and Parks**

March 20, 2006

Senate Bill 578 would create new statutes related to the possession and ownership of certain animals, namely lions, leopards, tigers, jaguars, cheetahs, mountain lions, bears or any hybrids of the above listed species as well as non-native venomous snakes. **The Department supports the provisions contained in SB 578.**

The possession of these animals, along with numerous other species, is a nationwide concern. Several states, including Minnesota, New York, Kentucky and Arkansas, have recently implemented laws concerning the possession of dangerous and exotic animals. Other states, like Florida and California, are reviewing their current laws, to address threats to public safety and the environment through unlawful release and escape. As more states enact stringent laws concerning these species, states like Kansas become logical destinations for those wanting to move their animals to jurisdictions that have little or no oversight.

Over the past two years, the Department and the Wildlife and Parks Commission have worked towards adopting effective regulations that would establish some level of oversight of these species to ensure both proper care and public safety. During this process many opinions were brought forth, ranging from a total ban on the possession to no further regulation at all. After review of all the information provided, the Department believes that further restrictions are appropriate. And while the Secretary does have authority to establish some regulatory oversight, the scope of any proposed regulation is not a replacement for an overall comprehensive program like the one proposed in the bill.

The Department feels it is appropriate to provide the citizens of the State of Kansas with the legal means to oversee the ownership of these species, ensure their proper care, and provide for public safety, both at the local and state level, and appreciates your support of the bill.

House Committee on Wildlife, Parks
and Tourism
3/20/06
Attachment 3

Office of the Secretary
1020 S Kansas Ave., Suite 200, Topeka, KS 66612-1327
Phone 785-296-2281 Fax 785-296-6953 www.kdwp.state.ks.us

To: Chairman Myers, Members of the Wildlife, Parks, and Tourism Committee

From: Michael Good

Date: March 20, 2006

Senate Bill # 578

On August 18, 2005, around 10:30am, our local police office informed me that my daughter, Haley R. Hilderbrand, had been attacked and killed by a tiger in Mound Valley, Kansas and that he was very sorry for my loss. No, that can't be possible. No! No, that could not happen to Haley. I recall asking him about going to Mound Valley but I was told I could not go because the accident was under investigation and the scene was secured. My immediate concern became informing my wife Ronda, Haley's mother, who was at work about 12 miles away in Parsons, KS before she heard it from someone else. Our local police officer offered to take me to Parsons and I agreed. I do not remember walking out of that room and across our campus to his car. I know I was just repeating over and over that this has not happened to Haley. Informing my wife that her wonderful, precious daughter was gone was the hardest thing I have ever had to do in my life. I still to this day have thoughts about how I informed family members of this tragedy. I hope no one ever again has to inform his or her family of a death caused by a dangerous exotic animal.

This accident was completely avoidable; parents should not have to worry about something like this happening to their child. Education of the public of the danger of exotic animals is needed as well as strict and enforceable state and federal laws. Since the loss of our intelligent and caring daughter on that day, Ronda and I have been working toward getting some type of legislation or regulation of dangerous exotic animal ownership in Kansas in order to help avoid another incident involving dangerous exotic animals and the public. Our local officials turned to the Kansas Parks and Wildlife for guidance but found they had no authority in this matter. The Kansas Parks and Wildlife Department has been discussing this issue for several years with

nothing as yet being enacted. With our urging and with the support of many people in Kansas, legislation has finally been proposed in Kansas. It is Senate Bill # 578 and has passed in the Senate by a 40-0 vote. Presently, the state of Kansas has no authority to regulate how tigers and other dangerous exotic animals are housed, handled, restrained or displayed to the public. The United States Department of Agriculture does license some owners, mostly people who want to breed and sell the animals for profit. They have very limited resources and none aimed at making sure the public is protected from these wild and dangerous animals. The primary concern of the USDA is the care of these dangerous exotic animals, not public safety. In regards to Haley's death the USDA has done nothing but file a complaint and suspend the license of the facility where Haley was killed. It has been seven months and such animals are still at this facility without any regulating authority at all. No hearing date has been set for the USDA complaint. Most tigers and other dangerous exotic animals owned in Kansas are not under any regulating authority. Many are trying to gain public acceptance as a sanctuary when really they are just a private owner with little or no valid training with these animals, and are in the business solely for a profit. According to The Association of Sanctuaries (TAOS), no accredited sanctuaries exist in Kansas. You may or may not know that it is estimated that 7,000 to 15,000 tigers are in the U.S. The large majority of them are privately owned. It is estimated that several hundred dangerous exotic cats are in Kansas. All but a handful of these exotic cats are privately owned. Since 1990, in the U.S, at least 14 people have been killed and many serious injuries have occurred when the public has been put in contact with privately owned exotic animals such as tigers, lions, and bears. Many people are unaware of the danger that these dangerous exotic animals present in our communities.

USDA Section 2.131(c)(1) states: "The Secretary of Agriculture has determined that there is an inherent danger present for both the viewing public and the exhibited animal(s)

where there is any chance that the public could come into direct contact with juvenile or adult big cats. The handling regulations prohibit the exhibition of such animals without sufficient distance and/or barriers between the animals and the viewing public to assure the safety of the public and the animals. Trained handlers, leashes, and stages, for example, are not substitutes for sufficient distance and/or barriers."

This regulation from the USDA did little to protect Haley since it had no enforcement authority and was not known to the public, or local authorities.

The tragic death of our daughter has brought awareness to many people about the fact that for many years the problem of dangerous exotic animal ownership has not been addressed in Kansas. The danger of these exotic animals has been hidden from the public and glossed over by TV, movies, and exhibitors that portray these wild dangerous animals as being tamed by man and safely approachable by the public. Nothing can be further from the truth.

Opponents of Senate Bill 578 say that requiring insurance and banning public contact with dangerous exotic animals will put them out of business or deprive the individual owner of their rights to own these dangerous exotic animals. Senate Bill 578 by requiring liability insurance in the amount of \$250,000.00 will not prevent ownership of dangerous exotic animals, it will just make the owners be more responsible and protect the victims of attacks by these dangerous exotic animals. Insurance is available, it may cost more to insure a dangerous 500 lb tiger than it does to insure your car, but car insurance is the law, insurance on your dangerous exotic animals also should be required by law. Opponents say that the educational experience children get by holding a baby tiger is important to fostering a relationship that will lead to those children having a better understanding of the needs to protect dangerous exotic animals. This is the wrong educational message. We can teach our children to respect all animals and to support the conservation of endangered species without putting both our children and the dangerous exotic animal at risk. I have talked with many animal educators that are

able to convey this concept without the physical contact. Dangerous exotic animals are wild animals and are not meant to interact with people; it is not natural to try to change the instinct of these predators.

Senate Bill 578 should only include the highest standards that are accepted in all other states and around the world. I urge you to remove from Section 8, "or the Zoological Association of America" from Bill 578. This association promotes handling of dangerous exotic animals up to 40 lbs. Serious diseases can be passed between humans and these dangerous exotic animals and serious injuries can be inflicted on people by these dangerous exotic animals even at a weight of 40 lbs.

For any legislation to be of value in regards to protecting the public it needs to place an absolute ban on all public contact with dangerous exotic animals. A means to monitor and enforce the legislation and regulations must be in place. Educating the public, along with local and state government officials, of this ban on public contact and why it is needed is crucial to the success of such legislation impacting the safety of the public.

I will never forget the day Haley was killed and do not want any other family to lose a loved one just so someone can say they own a tiger or so they can say they are protecting endangered animals or because no local, state, or federal agency will take the responsibility to ensure the public is safe from these animals.

Put the dangerous exotic animals where they belong, in certified sanctuaries and in zoos that have an absolute ban on public contact. Ensure that private owners are being held accountable for the dangerous exotic animals they own. I urge you to join with the Senate to pass Senate Bill 578 without the Zoological Association of America certification. This bill is an important step toward protecting our communities from these dangerous exotic animals, please enact this legislation now. Thank you for the opportunity to share my concerns about this issue.

To: Chairman Myers and Members of the Wildlife Parks and Tourism Committee

From: Ronda Good

Date: March 20, 2006

Senate Bill # 578

I'm here today to express my support for Senate Bill #578 concerning the regulation of exotic animals. This issue is very personal to me. On August 18, 2005, my life changed forever. On that day, a seven-year-old Siberian Tiger killed my daughter, Haley Hilderbrand. You cannot possibly imagine the pain of losing a child until you have experienced it. It is a pain that never goes away. You just learn to live with it. Not a day or even a minute goes by that I don't think about Haley. I miss her very much. It's the little things you take for granted that I miss the most, like the daily phone calls. Every afternoon Haley would call me. When I answered the phone, she would always ask "What ya doin?" She would then tell me about her day.

Haley was both intelligent and beautiful and her future was very promising. She was my pride and joy. She always had a smile and a hug for everyone. Haley brightened the lives of everyone she came in contact with, whether she had known them for years or just minutes. She should be enjoying her senior year of high school right now, filling out college applications, shopping for a prom dress, getting ready for track season, and looking forward to graduation. Haley is with the Lord, in a much better place now. It is those of us left behind who are suffering. For us, time stands still. It has been seven months since my baby died, but it seems like yesterday.

Haley was to have her picture taken with baby tigers that day. It is my understanding that the babies were too "rambunctious" to take pictures so the handler decided to use a full-grown tiger instead. He picked the tiger that he felt "was in the best mood". The tiger had been around people all his life and

there had never been any problems. But the fact is, it was still a tiger and it did what tigers do. He attacked Haley exactly like a tiger attacks its prey, killing her instantly. We were such a trusting community. We became accustomed to seeing tigers and bears at our schools and in our community. Teens had been posing for pictures with these animals for years. Those events were tragedies waiting to happen. Well, the tragedy finally happened and it cost Haley her life.

Haley's death could have been prevented. No one should have to go through what our family has gone through. If Senate Bill 578 were in place seven months ago, Haley would still be with us today. I strongly support Sec. 4 in regards to insurance coverage. I feel \$250,000 is the minimum amount that should be required. I was appalled to learn that people are operating exotic animal businesses open to the public with no liability insurance and hundreds of private owners also may be uninsured. I contacted an insurance agent and learned that this type of insurance is available. I firmly believe if a person wants to own these dangerous animals, they should be required to purchase such insurance so that those injured or killed have a method of recovering their medical and or funeral expenses. I also, strongly support Sec. 6 of Senate Bill 578, which prohibits physical contact with the dangerous exotic animals by anyone other than a registered designated handler or veterinarian regardless of the size or age of the animal.

Haley's death should be a wake up call for Kansas. We need strict regulations that will be enforced. Senate Bill 578 is an excellent start in protecting the public as well as the animals. According to the Captive Wild Animal Protection Coalition's Big Cat Incident Report, big cats in the United States have injured more than 20 people since 2004 alone. Please don't let another innocent child die.

First of all, I would like to thank you for giving me the opportunity to speak this morning. I believe that Senate Bill No. 578 is a greatly important one and I am glad to stand before you today and beg for your consideration in recommending it.

I do not come before you today with any "axe to grind," with any ill intentions or any vengeance for what has happened to me and my family. I am here because of my concern for safety of the people of Kansas and because I do not want anyone to ever have to go through the ordeal that my family and I have endured.

Our story, however unique it may be, is not, unfortunately not an uncommon one. One of my wife's activities was that of a Boy Scout leader. She had taken a group of young boys who had dropped out of scouting and started a new Scout Troop for them. On regular occasions she would load the Troop up and they would travel off for some great educational experience. One of these experiences involved traveling to a small private zoo. My wife, the assistant leader and the boys stayed the night in a cabin at the zoo location. As part of the overnight package deal a photo shoot with some of the animals was included. Everyone had their picture taken holding a tiger cub, playing with some sort of monkey and a group photo with the zoo's main attraction, a full grown Siberian Tiger that the owner had raised from a cub.

It was at the end of the group photo with the Tiger that the event happened that changed the lives of several families. This was taken just a few seconds before the attack. If you would look at the photo you will see several things. First of all, everyone is standing behind the safety railing and against the cage. This was a common practice for the owner to do. He said for the picture to be in better focus with the cats that they should be standing closer to the animals. This, he said, he had done hundreds of times. You will also notice my wife Debbie, second from right, holding her right hand up, as the quarters in which they were standing were so confined.

Debbie never knew and could never remember if she had put her hand against the fence or if the Tiger hit the fence and grabbed her hand. Whichever happened, we'll never know and it doesn't matter anyway. What does matter is that she was in close enough proximity for the Tiger to grab her hand and drag her arm in through the cage wires. It chewed and crushed her hand. It then de-gloved her forearm. It pulled her arm in as far as it could and bit through her biceps. It then went back down to her elbow and almost chewed it off entirely.

After almost dying from blood loss, then again from severe infections on her right side, she had to endure thirteen surgeries and three and a half years of therapy just to regain fifty percent use of her right arm. She had to do exercises on a daily basis just to maintain the movement and range of motion she had in her arm.

There were other horrible side affects also. When I finally brought her home, our youngest son would not go near her because the disfigurement scared him. It broke my heart to watch this happen. Everywhere she went, people stared. She lost her career because there's not much call for a one armed Nurse. She couldn't give a shot or take a blood pressure.

The Assistant Scout Leader, far right in the group photo, started having chest pains after the attack was over. He was dead within the week.

No one in my wife's family, either on her mothers or fathers side has ever had cancer as far

as records and recollections show. It is quite and amazing fact. Debbie however, contracted cancer on her right side, the same side that was attacked, one year ago this month. She died January 7th.

I cannot prove that either death was directly caused by the events of that summer day but I believe it in my heart to be true and no one will ever convince me any different.

Lions, Tigers and Bears are wild animals regardless of how they were raised. I believe that they cannot and should not be domesticated. Even in the community that I live in we have breed specific bans on certain domestic animals. Why should we not then have regulations governing wild and exotic animals. Please do not cast me as anti-animal. I want everyone to be able to view them, enjoy them and learn from them. I especially, however, want and expect it to be done safely and responsibly.

I believe that Senate Bill No. 578 is the absolute minimum that should be done. I would ask for no less. I would also ask you to consider raising the proposed \$250,000 liability minimum listed in Section 4 of the bill, to \$1,000,000. In the case of my wife, the cost attributed to her arm alone exceeded \$275,000. I further believe that an addition should be made to Section 6 that requires a minimum distance of no less than five feet between a barred or fenced cage and the viewing public. Had such a rule existed that year, then maybe I wouldn't have to be standing here today.

I thank you for your time this morning and I have listed all of my contact information at the end of my statement incase you think of any questions regarding what I have said.

J. Clay Thomas
302 N. 5th
Sterling, KS 67579
620-278-2550 home
620-204-0281 cell
cthomas@sterling.edu

PRESERVATION - PROPAGATION - EDUCATION

Preservation

We believe that animals belong in their natural habitats. Unfortunately, their natural habitats are quickly being destroyed and many animals are losing the opportunity to have full and happy lives. We think that much of this void can be filled with good care and social interaction.

We are striving to provide all of our animals a healthy, comfortable environment and larger habitats are being built as funds permit.

Propagation



There are often new babies being born at the park. We think this means our animals are healthy and happy.

As part of our captive research program, all statistics about the birth of endangered species are measured and recorded.



Education

"Struggle For Survival" is the theme of our Educational program that was recently rated number one in the United States and Canada for its educational value. We teach the importance of saving the beautiful endangered species and the tropical rainforests of our world. We use our people friendly animals as a focal point and discuss the different areas of the world these animals come from. The students enjoy the animals while learning the importance of protecting them and their habitats all over the world.

Safari Zoological Park is licensed with the United States Department of Agriculture and the Kansas Department of Wildlife and Parks.

House Wildlife, Parks and Tourism Committee

Re: SB 578

By: Jerry D. Carson, CPA, Labette County Commissioner

March 20, 2006

Chairman Myers and Members of the Committee, thank you for allowing me to speak to you today regarding SB 578.

Several of those that have testified earlier have told you of the tragic incident that took the life of 17 year old Haley Hilderbrand and their suggestions regarding legislation and regulations to help prevent future such incidents.

I will speak to the inadequacy of present Kansas Law and regulations regarding the ownership, handling and care of exotic Animals.

I applaud the committee for the consideration that it is giving to SB 578. Senate bill 578 makes tremendous strides in protecting the public from certain dangerous exotic animals and non-native venomous snakes.

This legislation is strongly supported by The Humane Society of the United States, which is the nation's largest animal protection organization.

The legislation well defines a "Wildlife sanctuary" and prevents such a facility from conducting any commercial activity with respect to any covered animal possessed and dealing in such animals or PARTS thereof.

Some individuals and organizations presently raise such animals for slaughter and the sale of certain parts such as skins and in the case of bears their gall bladders to the far East for use in alternative medicine.

House Wildlife, Parks and Tourism Committee
Re: SB 578

By: Jerry D. Carson, CPA, Labette County Commissioner
March 20, 2006
Page 2

The legislation prevents a Wildlife Sanctuary from breeding such animals, except under the species survival plan of the American Zoo and Aquarium Association. It also prevents any activity that is not inherent to the regulated animal's nature, and does not allow the use of such animals for any entertainment purposes

On the floor of the Senate the "Zoological Association of America" was added to Section 8 (a) which allows their members to be exempt from sections 2 and 3 of SB 578.

This organization was formed in 2005 by the merger of two organizations. It apparently promotes human contact with dangerous exotic animals weighing up to forty (40) pounds. The weight of a dangerous exotic animal does not eliminate the risk of diseases that are potentially deadly to humans or serious physical injury to a person.

Animals of this size can bite or scratch a human just as a larger one is capable of doing.

I do not believe that this organization's policies and procedures have stood the test of time regarding the care of such animals or protection of the public. If this organization is omitted from this bill and it is later discovered that it should not have been, the statute can be amended to exempt members of the organization.

In the meantime, the public and such animals may well be better protected. My research and inquiries have not discovered any other state that excludes this entity from the requirements of Sections 2 and 3.

House Wildlife, Parks and Tourism Committee

Re: SB 578

By: Jerry D. Carson, CPA, Labette County Commissioner

March 20, 2006

Page 3

I urge that the “Zoological Association of America” be removed from Section 8. (a) line 36.

The bill requires the secretary of wildlife and parks to adopt rules and regulations establishing training, experience and ability requirements for registered designated handlers. It also requires the secretary to create and conduct educational programs for the local animal control authority concerning the handling of such dangerous regulated animals.

The Kansas County Commissioners Association has agreed to work with the secretary to develop and sponsor these seminars.

The proposed legislation requires the acquisition of liability insurance or a bond in the amount of \$250,000 for each damage occurrence. This may well be the heart of the bill and I urge the committee to retain this requirement.

If you choose to drive a Corvette rather than a Chevrolet Impala you are knowingly making a choice to pay higher insurance costs. Those who own animals named in this bill are knowingly making such a choice. In several incidents, including the death of Haley Hilderbrand, the owners of such animals did not have insurance and the families of the victims have personally incurred the medical and or funeral expenses.

House Wildlife, Parks and Tourism Committee

Re: SB 578

By: Jerry D. Carson, CPA, Labette County Commissioner

March 20, 2006

Page 4

Generally these dangerous exotic animals are handled by individuals who do not understand or choose to ignore the fact these animals are wild and that their natural instincts cannot be changed by association with humans.

These wild animals belong in their native setting, or at least in zoos or accredited sanctuaries.

Many states have laws that govern the ownership of such animals. As a result of those laws the animals are being moved to states without appropriate legislation.

SB 578 is an excellent start towards the proper regulation of ownership, care and handling of some exotic animals. I urge the committee to adopt SB 578 and give serious consideration to the removal of the "Zoological Association of America" from Section 8 (a) so that they are not exempt from Sections 2 and 3 of the bill.

Big Cats in Captivity: Risk to Public Safety

8 People Dead in the United States Since 2001

Keeping wild animals as pets poses risks to both public safety and animal welfare. They can inflict serious injury and spread life-threatening disease, and the average pet owner cannot provide appropriate care for them.

This is a danger people might not know is in their midst. With little regulation of these animals, an exact count is impossible, but estimates are there are 10,000 to 15,000 big cats in private hands. Although in danger of extinction in the wild, in the United States lions and tigers can be purchased from exotic animal dealers and even over the Internet. Often purchased as cubs, they soon become too big and strong to manage.

Big cats are explosive predators and no amount of training will change their basic instincts. Over the past five years, eight people have been killed by captive big cats in the United States.

August 2005: Teenager killed by a tiger in Kansas. A 17-year-old girl was attacked by a tiger during a photo shoot at a federally licensed exotic animal facility. The incident is under investigation by the USDA and has spurred a legislative effort to ban big cats and other wild animals as pets in the state.

February 2004: Man killed by a lion in Illinois. A man cleaning a lion's pen was attacked after leaving a door unlocked between the main enclosure and a smaller pen. His wife was licensed to exhibit the lion along with cougars, wolves, and a bobcat at an exotic animal preserve outside their home.

December 2003: Boy killed by a tiger in North Carolina. A ten-year-old boy was killed by a relative's tiger when he got too close to the cage. The following week, President Bush signed into law the Captive Wildlife Safety Act, which Congress passed unanimously to prohibit interstate commerce in tigers and other big cats as pets.

April 2003: Woman killed by a tiger in Oklahoma. A woman volunteering at an exotic animal park was killed by a tiger. She was outside the cage but the tiger still managed to sever her arm.

March 2003: Man killed by tigers in Illinois. A licensed animal keeper was killed after entering a cage with two tigers on his rural property. A seven-year-old girl was bitten by a tiger there in 2002.

October 2001: Boy killed by a tiger in Texas. Three tigers were kept caged in the backyard of a mobile home. One grabbed a three-year-old boy from a relative's arms and attacked him.

July 2001: Man killed by a tiger in Florida. An employee at an exotic animal park was repairing a cage when a tiger broke through a wire barrier and attacked him. He had time to reach for his gun but not to shoot it.

March 2001: Man killed by a tiger in Nevada. A man preparing a tiger for a photo shoot was attacked and killed. The tiger had performed in films and advertisements for most of his seven years.

In addition to these deaths, numerous exotic animals have escaped and caused injuries.

Wild animals don't belong in our basements and backyards. They belong in the wild.

For more information: www.hsus.org/wildlife-notpets and www.cwapc.org.

To: Chairman Myers and Members of the Wildlife, Parks, and Tourism Committee

From: Mark Koch – Senior Pastor, Parsons Church of the Nazarene

Date: March 20, 2006

Bill # 578

Thank you for taking the time to hear this testimony in support of Senate Bill #578. I was given the sacred **Trust** and privilege of officiating the funeral of a precious and beautiful young lady named Haley Hilderbrand. Haley had a vivacious smile, beautiful eyes, an energetic spirit and a promising future! She was a member of our church, active in our youth group and a close friend of my daughter who is also a senior in high school. As a spiritual leader among hurting people I can tell you that Haley's death was like a dark, thick ominous cloud enveloping the soul of our community. Even though our life's routines have continued, the shock of Haley passing still betrays our **Trust** in the predictable and steady life of SouthEast Kansas.

I want to focus for a moment on that word, **Trust**. Virtually every profession in life has degree of **Trust** built in. The structural engineer who guarantees the bridge we drive over, the pilot flying us across the sky, the police officer patrolling our neighborhood, the medical doctor tending our injury and the bus driver taking us to school. We **Trust** their training, knowledge, certification, credentials, expertise and accountability. **Trust** says to the person entrusted, "I believe you know what you are doing." An individual encountering an exotic animal is not so much trusting the animal as they are the handler or authority over that animal.

Lets take Bill # 578 and responsibly equip, train, certify and account for the animal handler so that **Trust** can be well placed and the public good and safety advanced. We must not neglect safeguards that are within our power to enact. As those that have been given a **Trust**, lets protect lives and do our best to prevent another tragedy. It is extremely sobering to realize that if this bill would have already been in place, perhaps Haley would still be alive today.

Kansas House Wildlife and Parks Committee

Senate Bill No. 578

A proponent for passage of the bill.

March 20, 2006

My name is Susan K. Metzger and I represent our family which includes my husband, Pat Metzger, and six married children and 15 grandchildren. We live in rural Osage county at 109th street. Our family has endured many problems with exotic animals the past three years. Our attorney, Mr. Charles Benjamin, has informed our family of this hearing. He was the attorney for our family and our neighbors when we appeared before the Osage County Planning Commission, the Osage County Commissioners and in Osage County District Court as we sought to shut down the Lightning Ranch and Wildlife Preserve.

We have been neighbors to this preserve since they moved into Osage county in 1999. They brought one Siberian tiger into Osage county from Shawnee County and then proceeded to add exotic animals over a four year time period. These included Siberian tigers, lions and a bear. Osage County was unaware of the preserve existing and of the number of animals at the preserve.

The SB 578 includes a provision for animal owners to notify the local animal control authority of any possession of a regulated animal. Therefore Osage County would be made aware of exotic animals of this type brought into the county and the animals would be regulated accordingly.

On a Saturday, May 10, 2003, my son reported to me that he was driving to his home on 109th street where he and his wife and two children reside. An animal jumped up out of the ditch along 101st and Hoch rd. as if to attack his car. He noticed it was a Siberian tiger that was very large, jumping around and appeared extremely agitated. He stopped his car and the tiger ran into the tree line along the road. My son called 911 immediately and then drove to the property owner home to tell the owner that there was a tiger on his property. No one knew who owned the tiger or why it was loose on the road. The tiger was captured about 8 hours later by the Shawnee County authorities. Our neighbor who owns the preserve was transporting the tiger to an exhibit in Topeka and did not realize that the tiger had escaped until he arrived in Topeka.

The SB 578 would solve these kind of problems by requiring proper caging of animals, Microchip identification and immediate notification of law enforcement of an animal escape. The bill also does not permit a regulated dangerous animal to be brought to any public property or commercial or retail establishment.

We had reports from other neighbors that the exotic animals were being allowed to run free along the public road and even running over to a neighbor while he was planting his garden.

The SB 578 should put a stop to these kinds of activities by exotic animal owners because the bill is requiring confinement of animals in their cages and no physical contact with any person other than the owner.

We had a report that a windstorm blew the roof off a Siberian tiger cage located at the neighbors preserve. The tiger jumped out of the cage and had to be shot dead. The windstorms, tornadoes and even wildfires can destroy cages and fences so that these dangerous animals can escape into the neighborhood.

SB 578 does provide for the owners to maintain a written recovery plan in the event of an escape of a dangerous exotic animal. It also requires proof of liability insurance of the owner for his regulated animals.

We strongly encourage the passage of this bill for the protection and safety of our families. Thank you for your attention.



WRITTEN TESTIMONY
concerning Senate Bill No. 587
re. Ownership and Possession of Certain Animals
House Wildlife, Parks and Tourism Committee
Presented by Randall Allen, Executive Director
Kansas Association of Counties
March 20, 2006

Chairman Myers and members of the committee, thank you for the opportunity to submit written testimony *in support of SB 587* on behalf of the Kansas Association of Counties and its 96 member counties.

Certainly no function of local government (or any government, for that matter) is more important than public safety for its citizens – both residents and visitors. We typically think of preventing crime perpetrated by a person against another person, but SB 587 tackles the tough issue of wild animals purposely bred and raised by individuals and the occasional but tragic consequences when they escape the confines of their cages and attack innocent people.

SB 587 provides a way to regulate such wild animals – lions, tigers, and bears - by a local animal control authority. Where there is no animal control authority, the responsibilities are placed with a sheriff's office or police department, which seems logical since the Sheriff's Office or Police Department would likely be the responding agency to an emergency call anyway.

Further, SB 587 provides a fee structure for inspecting the premises of wild animals and regulating their health and veterinary care. As such, the financial burden of the regulatory process would not be placed on general property taxpayers at large.

In summary, SB 587 seems to us to be sound public policy. It excludes zoos, which are otherwise regulated. It exempts traveling circuses which are merely passing through a jurisdiction. We urge the committee to report the bill favorably for passage. Thank you for the opportunity to provide comments on this bill.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randall Allen or Judy Moler by calling (785) 272-2585.

IFAW International Fund for Animal Welfare

My name is Josephine Martell and I am representing the International Fund for Animal Welfare (IFAW). IFAW is a non-profit organization with over two million supporters around the world. Our global headquarters is in Massachusetts, and we have offices in Australia, China, Japan, Russia, Germany, France, The Netherlands, the United Kingdom, Canada, India, Belgium, Kenya, South Africa, Mexico, and in Washington, D.C.

IFAW's mission is to work to improve the welfare of wild and domestic animals throughout the world by reducing commercial exploitation of animals, protecting wildlife habitats, and assisting animals in distress. *IFAW seeks to motivate the public to prevent cruelty to animals and to promote animal welfare and conservation policies that advance the well being of both animals and people.*

I am pleased to submit this statement for the official hearing record on March 20, 2006 to urge the House Wildlife, Parks and Tourism Committee to support S. 578 and strengthen Kansas state law to ban ownership and possession of dangerous wild animals such as wild and exotic cats, bears and wolves.

The tragic death of Haley Hilderbrand last year, at a United States Department of Agriculture (USDA) licensed facility, is an unequivocal indicator that Kansas should ban the private ownership of dangerous, exotic animals like big cats. Since 1990, in the US only, big cats have killed 12 people and mauled close to 100 others. These ferocious animals simply do not belong at a petting zoo or in a backyard. "Pseudo" sanctuaries, or roadside zoos, that allow humans to come into direct contact with these dangerous, wild animals are a grave threat to human safety and compromise the welfare of the animals they profit from.

IFAW understands that it has been the intention of the House, by requiring USDA licensing, to only allow owners with appropriate facilities and knowledge to continue to possess these dangerous animals. However, the USDA Animal Plant and Health Inspection (APHIS) licensing system is neither strict enough nor adequately enforceable to prevent accidents, like Haley Hilderbrand's death from occurring. In addition, we remain concerned about the ease in which a pet owner can potentially qualify for APHIS licensing and the lack of regulatory enforcement. IFAW knows that the only way the public can be protected from tragic accidents of this nature is if they are never permitted to come into contact with dangerous, wild animals- regardless of their age or size. A cub, for instance, can cause considerable damage, as was illustrated in the 1999 mauling of a five-year old child by a 5 month-old tiger at the Safari Zoological Park in Wichita.

IFAW International Fund for Animal Welfare

To solve this, IFAW respectfully suggests that the Senate Ways and Means Committee consider the American Zoo and Aquarium Association (AZA) accreditation system as the only exemption. The AZA currently upholds one of the highest standards of public safety and animal care through its licensing system. This rigorous licensing system strives to ensure that only the most responsible and qualified people come into contact with these dangerous animals, thus protecting the public from harm and providing quality care for the animals in question.

IFAW further believes that it is critical that owners be required to carry a minimum \$500,000 in liability insurance. This will not only help protect members of the public should an accident occur but will also deter exotic animal owners whose intentions may be purely driven by profit .

Although, humans have kept pets, or companion animals, for centuries, "exotic" animals have recently been growing in popularity and numbers. These animals are either removed from the wild, often illegally, or bred in captivity from wild animals. Wild animals kept as pets include species of venomous reptiles, primates, and both small and large mammals, such as tigers and lions. It is estimated that there are 5-7,000 tigers, alone, in private ownership in the USA. Most of these large cats are kept in totally inadequate conditions and are tragic accidents waiting to happen. The exotic pet trade is a major component of the global and illegal wildlife trade, which is third only to the international trade in arms and narcotics. The exotic pet trade threatens the survival of many species worldwide, seriously compromises the welfare of the animals involved and undermines international conservation efforts.

As the heart-breaking death of Haley Hilderbrand has illustrated, large exotic animals are often deadly companions. In 2000, another tragedy occurred in Barton County, when a high-school girl was bitten by her school mascot, a cougar, when she stuck her hand in its cage on a bet. In 2001, in Oskaloosa, a police officer shot a privately owned, escaped tiger as it crouched to attack him. Last year, in Marion County, ten big cats, including lions, leopards and tigers, were seized from a private farm after a lion escaped a few months earlier and terrorized the surrounding area. And these are just a fraction of the incidents that occur across America.

IFAW has hands-on experience with this issue and has been involved in two major rescue and relocation efforts of big cats from sub standard facilities. In November 2003, IFAW conducted a joint operation to help local authorities rescue 24 Bengal tigers kept in appalling conditions in a woman's New Jersey backyard "pseudo-sanctuary." The seizure made national and international headlines and was the end result of a four-year

IFAW International Fund for Animal Welfare

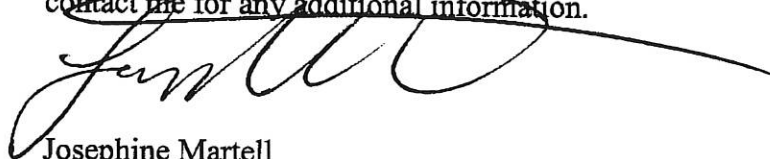
court case. In 2005, IFAW also assisted in the relocation of 13 big cats from two substandard facilities in Nevada.

IFAW was also instrumental in campaigning for passage of the U.S. Captive Wildlife Safety Act (CWSA), which bans the interstate trade of big cats for commercial purposes. However, the selling and breeding of large cats within states, such as Kansas, and the associated animal welfare and human safety issues remain at crisis levels.

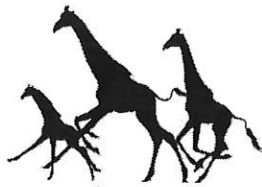
Organizations such as the USDA, the American Veterinary Medical Association (AVMA), the American Association of Zoo Veterinarians, The American Zoo and Aquarium Association (AZA) and many animal welfare groups also oppose the ownership of dangerous exotic animals. These organizations recognize that the need to safeguard the American people and uphold public standards of human and animal welfare.

Given the serious threat to public safety, and the inhumane treatment of these animals, IFAW urges the House Wildlife, Parks and Tourism Committee to protect the public of Kansas by supporting and strengthening S. 578.

Thank you for the opportunity to submit these comments. Please do not hesitate to contact me for any additional information.



Josephine Martell
Campaigns Officer
Animals In Crisis & Distress
(508) 744-2088
jmartell@ifaw.org



Tanganyika Wildlife Park
1037 S 183rd St W
Goddard, KS 67052

20 March 2006

Mr. Don Myers, Chairman
House Committee for Wildlife, Parks and Tourism

Re: Senate Bill 578

Mr. Chairman and Members of the Committee, my name is Jim Fouts, Director of Tanganyika Wildlife Park. I would like to pledge my support, with proposed amendments, for bill 578 in its present form and would encourage passage. Public safety is without question our primary goal. The tragic event which occurred last fall should never have happened and could not happen at Tanganyika Wildlife Park or any other responsible facility.

As an introduction, let me give you a brief overview of Tanganyika Wildlife Park. The Park is located in Goddard, Kansas. Our organization has a for profit entity, as well as a non profit 501c3 foundation. We have been located in Goddard since 1984 and have been active in the Zoo industry since 1972, either working in Zoos, operating USDA quarantine stations in Los Angeles, holding/breeding facilities in Goddard, and export facilities in East Africa. We have supplied the Zoo industry with birds and animals and transport services since 1977. We are licensed by USDA, USFWS, and the city of Goddard, and are accredited by the Zoological Association of America, (ZAOA). Information on ZAOA and our standards are enclosed for your review. We, of course, have insurance, safety and escape plans on file with the licensing authority.

Tanganyika has been open on a limited basis for several years and is currently progressing with a multi-million dollar expansion of the Park. Our plans will create a number of new jobs, add another tourism destination, and bring thousands of visitors to the state. A master plan of the Park is enclosed for you review.

There are those in government who will tell you that the Zoological Association of America (ZAOA) is not on par with the American Zoo and Aquarium Association, and may try to remove the association from the bill. I ask you NOT to allow that to happen. ZAOA has been in existence in its present form for a little over a year; however, it is the creation of two organizations which merged. Originally, the organization was started in 1987 by Ron Blakely, the well known Director of the Sedgwick County Zoo, in Wichita, as a group for professional animal people both public and private. Ron Blakely was not only President of AZA at one time, but was a founding Director of that organization. He believed there was a place for a competing organization.

The differences in our organizations has nothing to do with safety issues as some would have you believe, but are philosophically based in our animal management programs, something that has nothing to do with the bill before you today. Simply put, ZAOA is more inclusive and cost effective for both institutions and qualified private facilities to participate. It exists for its members and wildlife conservation rather than its own perpetuation. It is for this reason that ZAOA will continue to grow rapidly.

ZAOA accreditation standards are very objective and more specific than AZA, and accreditation by ZAOA shows that the facility has met those standards.

ZAOA standards include: (excerpts are included in your packet)

Perimeter fencing and public barrier requirements

Caging standards

Nutrition and Sanitation

Rules allowing contact

Public Safety

Visit zaoa.org for our published standards and other information about ZAOA.

Examples of Accredited members include both public and private:

Omaha Zoo, NE

Fort Worth Zoo, TX

Lowry Park Zoo, FL

Fossil Rim Wildlife Park, TX

Cacotin Preserve, MD

Montgomery Zoo, AL

Gulf Breeze Zoo, FL

San Diego Zoo, CA

African Wildlife Safari, OH

Peace River Conservation Center, FL

Southwick's Zoo, MA

Virginia Safari Park, VA

Metro Richmond Zoo, VA

Orange County Zoo, CA

El Rancho Exotica, KS

Tanganyika Wildlife Park, KS

Professional Members include: Naturalist, Jim Fowler of Wild Kingdom fame, who is a Board member, and former Zoo Director and TV personality, Jack Hanna. They believe in the value and mission of ZAOA.

I'm sure this Committee and Legislative body have no interest in embroiling itself in the internal politics of the Zoo industry when they have no bearing on public safety, the primary objective of this Bill.

AZA is no better than ZAOA. ZAOA should remain in the Bill, and both organizations should be exempt from this bill.

This Bill passed the Senate at record pace, few were allowed to view or comment on it, except at the hearing. We do need effective, reasonable, fair and balanced regulation dealing with these matters, however, we have serious concerns with this Bill and believe it should be amended in several ways, but, with the emotionally charged environment with which it flew through the Senate, and its rapid movement through this body, we fear cool heads and logic have little chance to prevail. We cautiously support Bill 578 but urge the Committee to consider the proposed amendments listed below before considering passage.

PLEASE SEE THE SUGGESTED ADMENDENTS BELOW

PROBLEMS WITH SENATE BILL 578
PROPOSED BALOONS BELOW

1) Based on Sec. 8 of this bill ZAOA and AZA institutions would be exempt from Sec. 2 and Sec. 3.

a) These groups should be exempt from Sec. 4 as well, as they should not be subject to fees when they are not inspected or licensed by animal control.

b) Sec. 10 give Parks and Wildlife authority to decide who is a qualified handler and who it not. I don't believe Parks and Wildlife should be involved in telling the industry which of our employees can handle our animals.

2) Municipal zoos in Kansas such as Brit Spaugh Zoo in Great Bend, Clay Center Zoo, Dodge City Zoo and Independence Zoo who are not members of either ZAOA or AZA will be affected by the entirety of this bill.

3) Based on Sec. 6 we are not allowed to permit public contact in any form with our animals. Our guidelines in ZAOA permit "incidental" contact with the public with animals weighing 40 pounds or less. "Incidental contact is defined as situations in which an exhibitor or handler maintains control, possession, and supervision of the animal" This contact is an invaluable teaching tool used throughout the country in many zoos and wildlife parks for onsite and offsite outreach programs and should not be prohibited here. We have been doing this for many years without incident. It is one of our best conservation tools and is why such personalities such as Jim Fowler, Jack Hanna, and Joan Embry use this approach to educate and bring the plight of these species to public attention.

Sec. 6: (b), (d) and (e) should be modified to allow "incidental" contact with animals of 40 pounds or less.

4) Also in Sec. 6, Parks and Wildlife is charged with setting caging standards. ZAOA has specific guidelines as does AZA pertaining to caging standards and public safety. Do accredited institutions really need an agency with NO experience dictating standards to our industry? As for non accredited facilities, a committee of professionals comprising ZAOA, AZA, Parks and Wildlife, and individuals should set on the Committee.

ZAOA and AZA should be exempt from all provisions of the Bill. This bill should be aimed at the backyard operation, not professional organizations. We are held by strict accreditation standards by our respective organizations. The Department of Parks and Wildlife knows no more about our business than we know about theirs.

BALLOON ADMENDENTS TO BILL 578: (underlined)

Sec. 8 (a) Institutions accredited by American zoo and aquarium association or the Zoological Association of America “and municipal zoos shall be exempt from this act.”

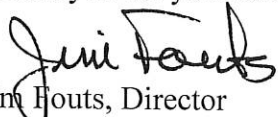
Sec. 6 (a) Line 26 “The rules shall be promulgated by a committee comprised of equal representation from Parks and Wildlife, Zoological Association of America, American Zoo and Aquarium Association and other facilities affected by this act”.

(d) A dangerous regulated animal “weighing more than 40 pounds” shall not be allowed to come in contact with any person other than the person possessing the animal, the registered designated handler or a veterinarian administering medical examination, treatment or care. “Animals weighing 40 pounds or less shall be allowed “incidental” contact with the public”.

(e) A dangerous regulated animal “of more than 40 pounds” shall not be brought to any public property or commercial or retail establishment, except to bring to a licensed veterinarian or veterinarian clinic.

Sec. 10. c. 1 Establishing training, experience and the ability requirements for registered designated handlers. “The standards shall be promulgated by a committee comprised of equal representation from Parks and Wildlife Committee, Zoological Association of America, American Zoo and Aquarium Association, and other facilities affected by this act.”

Thank you for your consideration,



Jim Fouts, Director
Tanganyika Wildlife Park

Contact info:

Cell: 316.393.0088

e-mail: jimfouts@tanganyikawildlife.org

28. Asiatic jackals (*Canis aureus*)
 29. Black-backed jackals (*Canis mesomelas*)
 30. Side-striped jackals (*Canis adustus*)
 31. Indian dholes (*Cuon alpinus*)
 32. African hunting dogs (*Lycaon pictus*)
 33. Wolverines (*Gulo gulo*)
 34. Honey badgers (*Mellivora capensis*)
 35. American badgers (*Taxides taxus*)
 36. Old World badgers (*Meles meles*)
 37. Binturongs (*Arctictis binturong*)
 38. Hyenas (all species) (family Hyaenidae)
 39. Dwarf crocodiles (*Osteolaemus tetraspis*)
 40. Alligators, caimans (except American alligator) (family Alligatoridae)
 41. Ostrich (*Struthio camelus*)
 42. Cassowary (*Casuaris* spp.)

(c) **Class III:**

All other wildlife not listed herein.

→ **FACILITY REQUIREMENTS:**

(I) Facility requirements for Class I Carnivores (lions, tigers, leopards, snow leopards, jaguars, and bears):

(A) The facility shall not be constructed on less than five (5) contiguous acres of property owned or leased by the applicant. If leased, the lease shall be for a term of not less than one year from the date of application and such lease is subject to initial and annual review and approval by ZAOA.

(B) The facility shall have a "buffer zone" of not less than 35 feet between the caging and the facility property line.

(C) The cages of the facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 11 1/2 gauge chain link, or equivalent, to prevent escape from the property of any wildlife that may escape the primary caging.

(II) Additional facility requirements for the following Class II carnivores: cougars; panthers, clouded leopards, and Class II Canidae:

(A) The facility shall not be constructed on less than two and one-half contiguous acres of property owned or leased by the applicant. If leased, the lease shall be for a term of not less than one year from the date of application and such lease is subject to initial and annual review and approval by ZAOA.

(B) The facility shall contain a "buffer zone" of not less than 35 feet between the caged wildlife and the facility property line.

(C) The cages of the facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 11 1/2 gauge chain link, or equivalent, or, as an alternative, a fence of not less than six (6) feet in height, with a 2-foot, 45 degree, inward angle overhang. The inward angle fencing and vertical fencing shall be constructed of 11 1/2 gauge chain link or equivalent. This fencing is to prevent escape from the property of any wildlife that may escape from primary caging.

General Regulations of Captive Wildlife.

(1) No person shall maintain captive wildlife in any unsafe or unsanitary condition, or in a manner which results in threats to the public safety, or the maltreatment or neglect of such wildlife.

(2) Caging Requirements:

(a) Cages or enclosures housing captive wildlife shall be sufficiently strong to prevent escape and to protect the caged animal from injury, and shall be equipped with structural safety barriers to prevent any physical contact with the caged animal by the public. Structural barriers may be constructed from materials such as fencing, moats, landscaping, or close-mesh wire, provided that materials used are safe and effective in preventing public contact.

(c) All cages or enclosures less than 1,000 square feet shall be covered at the top to prevent escape (except paddocks, reptile enclosures and habitats specified below). Class I or Class II wildlife shall not be kept in uncovered enclosures that are less than 1,000 square feet.

For the purpose of this section, the following definitions apply:

1. Paddocks: Areas enclosed by fencing, railing or other ZAOA-approved structures which allow animals to graze or browse.
2. Reptile enclosures: Areas encompassed by smooth walls or other ZAOA-approved materials which provide safe keeping of venomous and non-venomous snakes, Crocodylians and other reptiles.
3. Open air habitats or moated areas: Areas enclosed by ZAOA-approved fences, walls, or moats which provide safe keeping of species.

(d) Caging considered unsafe or otherwise not in compliance herewith shall not be approved by ZAOA.

(3) Unconfined captive wildlife shall be maintained under rigid supervision and control, so as to prevent injuries to members of the public. No captive wildlife shall be tethered outdoors unsupervised. To provide for public safety, all wildlife shall be controlled in such a manner as to prevent physical contact with the public, except as follows:

(a) Public contact exhibition.

1. General: All wildlife that will be used for contact with the public shall have been evaluated by the exhibitor to insure compatibility with the uses intended. All wildlife shall be exhibited in a manner that prevents injuries to the public and the wildlife. The exhibitor shall take reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of citizens or wildlife.

2. Class I wildlife shall only be permitted to come into physical contact with the public in accordance with the following:
a. Full contact: For the purpose of this section, full contact is defined as situations in which an exhibitor or employee handler maintains proximate control and supervision, while temporarily surrendering physical possession or custody of the animal to another. Full contact with Class I wildlife is authorized only as follows:

i. Class I cats (Felidae only) that weigh not more than twenty-five (25) pounds;

ii. Chimpanzees, orangutans, and gorillas that are not less than six (6) months of age and weigh not more than twenty-five pounds;

iii. Gibbons and siamangs not less than four (4) months of age and not more than two (2) years of age;

iv. Elephants as approved .

b. Incidental contact: For the purpose of this section, incidental contact is defined as situations in which an exhibitor or employee handler maintains control, possession and supervision of the animal while permitting the public to come into contact with it. Incidental contact with Class I wildlife is authorized only as follows:

i. Class I carnivores that weigh not more than 40 pounds;

ii. Chimpanzees, orangutans, and gorillas that are not less than six (6) months of age and weigh not more than 40 pounds;

iii. Gibbons and siamangs that are not less than four (4) months of age: no maximum poundage or age limit.

iv. Elephants

3. Public contact or handling intervals for Class I wildlife shall be limited as to frequency, intensity, and duration so that such handling will not adversely effect the health, welfare, or safety of the animals, nor expose the public to injury.

(4) Any condition which results in wildlife escaping from its enclosure, cage, leash, or other constraint, or which results in injury to any person, shall not be allowed.

(5) Sanitation and Nutritional Requirements:

(a) Sanitation, water disposal, and waste disposal shall be in accordance with all applicable local, state, and federal regulations.

(b) Water: Clean drinking water shall be provided daily. Any water containers used shall be clean. Reptiles and amphibians that do not drink water from containers and those in an inactive season or period shall be provided water in a manner and at such intervals as to ensure their health and welfare. All pools, tanks, water areas and water containers provided for swimming, wading or drinking shall be clean. Enclosures shall provide drainage for surface water and runoff.

(c) Food: Food shall be of a type and quantity that meets the nutritional requirements for the particular species, and shall be provided in an unspoiled and uncontaminated condition. Clean containers shall be used for feeding.

(d) Waste: Fecal and food waste shall be removed from inside, under, and around cages and stored or disposed of in a manner which prevents noxious odors or pests. Cages and enclosures shall be ventilated to prevent noxious odors.

(e) Cleaning and maintenance: Hard floors within cages or enclosures shall be cleaned a minimum of once weekly. Walls of cages and enclosures shall be spot cleaned daily. The surfaces of housing facilities, including perches, shelves and any furniture-type fixtures within the facility, shall be cleaned weekly, and shall be constructed in a manner and made of materials that permits thorough cleaning. Any surface of cages or enclosures that may come into contact with animal(s) shall be free of excessive rust that prevents the required cleaning or that affects the structural strength.

Structural Caging Requirements for Class I, II and III Wildlife.

(1) In addition to the standard caging requirements set forth above, Class I and Class II animals shall be caged in accordance with the following requirements:

(a) A fence sufficient to deter entry by the public, which shall be a minimum of five (5) feet in height, shall be present around the premises wherein Class I or Class II animals are housed or exercised outdoors.

(b) All cages or enclosures of Class I and Class II animals except paddocks, approved open air habitats, or outdoor reptile

original floor area. b. Each cage shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously. Each cage shall also have climbing apparatus.

4. Large arboreal monkeys (e.g., howlers, spiders, woolly)

a. For one or two animals, a cage 6 feet by 6 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously. Each cage shall also have horizontal climbing apparatus.

(c) Old World Monkeys

1. Macaques, guenons, mangabeys, patas, langurs, colobus, proboscis, simakobu, snub-nosed, and similar sized monkeys

a. For one or two animals, a cage 6 feet by 8 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

2. Baboons, mandrills and drills

a. For one or two animals, a cage 10 feet by 8 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

(d) Apes:

1. Gibbons and siamangs

a. For one or two animals, a cage 8 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

c. Wet or dry moats may be substituted for the required fencing provided AZOA written approval has been obtained. For island exhibits, wet moats shall be used that are no less than 24 feet wide, with 50 percent of the water having a depth twice the height of the tallest animal.

2. Chimpanzees and orangutans

a. For one animal under 50 pounds, a cage 8 feet by 6 feet, 6 feet high. For each additional animal double the original floor area. For one or two animals over 50 pounds, a cage 20 feet by 12 feet, 8 feet high. For each additional animal, increase cage size by 50 percent of original floor area.

b. Each cage shall have perching area(s) and shelter(s) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

c. Wet or dry moats may be substituted for the required fencing provided AZOA written approval has been obtained. For island exhibits, wet moats shall be used that are no less than 24 feet wide, with 50 percent of the water having a depth twice the height of the tallest animal.

3. Gorillas

a. For one or two animals, a cage 28 feet by 24 feet, 10 feet high. For each additional animal, increase cage size by 50 percent of original floor area.

b. Each cage shall have a platform(s) large enough to accommodate all animals simultaneously; such platform(s) shall be elevated three feet. Each cage shall also have shelter(s) large enough to accommodate all animals in the enclosure simultaneously.

c. Wet or dry moats may be substituted for the required fencing provided AZOA written approval has been obtained. For island exhibits, wet moats shall be used that are no less than 24 feet wide, with 50 percent of the water having a depth twice the height of the tallest animal.

→ (4) Carnivores and Certain Omnivores with Similar Requirements:

(a) Wild felines

In addition to requirements of this section, each cage or enclosure shall be equipped with a shelter(s)/nest box(es) large enough to accommodate all the animals in the enclosure simultaneously. Each enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, boxes, balls, bones, barrels, drums, rawhide, pools, etc.

1. African lions and Asian tigers

a. For one or two animals, a cage 24 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent

of original floor area.

- b. Each cage shall have an elevated platform(s) that shall accommodate all animal(s) simultaneously. Each cage shall have a claw log, unless the animal(s) front claws have been removed.
- c. Outdoor cages over 1,000 square feet (uncovered) shall have vertical jump walls at least 10 feet high, with a 2-foot, 45 degree, inward angle overhang, or jump walls at least 12 feet high, without an overhang. The inward angle fencing shall be made of the same material as the vertical fencing. Wet or dry moats may be substituted for the required fencing provided ZAOA written approval has been obtained.

2. Jaguars, leopards, and cougars.

- a. For one or two animals, a cage 20 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.
- b. Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a claw log, unless the animal(s) front claws have been removed.
- c. Outdoor cages over 1,000 square feet (uncovered) for cougars shall have vertical jump walls at least 10 feet high, with a 4-foot, 45 degree, inward angle overhang. Leopards and jaguars shall not be kept in uncovered enclosures except in facilities with wet or dry moats, which have been ZAOA approved in writing.

3. Lesser cats (e.g., bobcats, lynx, ocelots, caracal, serval, margay, fishing cats, jungle cats, Teminick's cats, golden cats)

- a. For one or two animals, a cage 12 feet by 6 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.
- b. Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a claw log, unless the animal(s) front claws have been removed.

4. Small cats (e.g., Geoffroy's cats, jaguarundis, leopard cats, wildcats (*Felis silvestris*), mountain cats, pampas cats, marbled cats, pallas' cats, sand cats, oncilla/tiger cats, black-footed, cats, flat-headed cats, kodkods, rusty-spotted cats)

- a. For one or two animals, a cage 6 feet by 6 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.
- b. Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a claw log, unless the animal(s) front claws have been removed.

5. Cheetahs

- a. For one or two animals, a cage 40 feet by 20 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.
- b. Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously.

(b) Bears

In addition to the requirements of this section, each cage or enclosure shall be equipped with a shelter(s) that shall accommodate all animals in the enclosure simultaneously. Each enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, boxes, balls, bones, barrels, drums, climbing apparatus, foraging items, etc.

1. Black bears, Asiatic, sloth, spectacled

- a. For one animal, a cage 20 feet by 20 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor space.
- b. Each cage shall have an elevated platform(s) for resting. Each cage shall have a 4 foot by 6 foot pool of water, 3 feet deep.

2. Sun bears

- a. For one animal, a cage 20 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor space.
- b. Each cage shall have an elevated platform(s) for resting. Each cage shall have a 3 foot by 4 foot pool of water, 2 feet deep.

3. Brown bears (e.g., European, grizzly, Kodiak) and polar bears

- a. For one animal, a cage 24 feet by 32 feet, 10 feet high. For each additional animal, increase cage size by 25 percent of original floor space.
- b. Each cage shall have an elevated platform(s) for resting. Each cage shall have a 6 foot by 10 foot pool of water, 4 feet deep, except for polar bears, which shall have a 10 foot by 10 foot pool, 5 feet deep.

(c) Raccoons, coati-mundis, olingos, kinkajous, ringtail (*cacomistles*)

In addition to the requirements for this section, each cage or enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not

Pat Quinn

In addressing the Kansas Legislators, I'd just state the following:

-ZAOA is a zoo membership and accrediting organization, who's members have over 10 million annual visitors. Our members include big zoos, small zoos and well run privately owned facilities. Our accredited members are all inspected by ZAOA's team of experts, many (if not all of which) have been AZA accreditation inspectors.

-Our institutional members include Tampa's Lowry Park Zoo and San Diego Zoo. These two members were rated as the number #1 and #2 Family Friendly Zoos in America by Child Magazine in 2004.

-ZAOA's membership is inclusive and includes public and private sector institutions and facilities.

-ZAOA is making an aggressive effort to mentor and improve small zoos.

-Remember that most animals in captivity are not in AZA zoos. They are in smaller facilities that ZAOA is actively working with.

Lex

3/18/2006

CURRICULUM VITA

Walter C. "Pat" Quinn
Director Emeritus
The ZOO – Gulf Breeze

EMPLOYMENT:

2004 – Present	Director Emeritus The ZOO -- Gulf Breeze, Florida
1983 – 2003	President/Director The ZOO -- Gulf Breeze, Florida
1979 – 1983	Vice President Benson's Animal Park – Hudson, New Hampshire
1976 – 1979	Consultant Quinn Zoological Consultant – Beverly Hills, California
1970 – 1976	Zoological Director and Corporate Vice-President Lion Country Safari – Laguna Hills, California
1967 – 1970	Developer of Zoological Park Pensacola, Florida
1965 – 1967	Program Developer Office of Economic Development & Litton Industries Animal Care and Farm Programs, Camp Parks -- Pleasanton, California

PROFESSIONAL ORGANIZATIONS:

Professional Fellow, American Zoo and Aquarium Association (AZA)

Founding Member, Florida Association of Zoological Parks and Aquariums (FAZA)

Appointed to Santa Rosa County Florida Tourist Development District Council by County Commission

Paul Harris, Fellow, Rotary International

Chair, International Understanding, Rotary International, Gulf Breeze, Florida

Member, Chambers of Commerce Gulf Breeze, Navarre, Fort Walton Beach and Pensacola

CONSULTING:

Consultant, Zoo World – Panama City Beach, FL

Consultant, Republic of China, Taipei and Kaohsiung Zoological Parks

Consultant on animal capture, conservation, etc., Fish and Game Agencies of Colorado, Wyoming, Montana and New Mexico

Consultant, Government of Kenya, provided advisory services relative to land use and wildlife management for the Tana River Project. Developed wildlife conservation proposals and assisted in implementing programs for poaching control and capture of injured elephants

TEACHING EXPERIENCE:

University of California – Irvine, California. Conducted classes on wildlife conservation, endangered species and related subject matter. Conducted classes for credit in Southern and Eastern Africa

Tufts University, School of Veterinary Medicine – Boston, Massachusetts. Conducted classes on capture and chemical restraint of wild animals and operations of zoological parks and game parks

OTHER ACTIVITIES:

Consulted with Parks Department and provided tracking equipment for Kenya Veterinary Service

Provided funds for Rhino Ark in Kenya (to provide fencing for Aberdare National Park Rhino Sanctuary)

Provided guns for anti-poaching Village Scout Programs – World Wildlife Fund, Luangwa Valley, Zambia

Fund-raised for Ducks Unlimited

Conduct safaris to Botswana, Kenya, Namibia, Zimbabwe, and South Africa

Fund-raised for the first anti-poaching helicopter used in Tsavo National Park, Kenya

Conducted series of educational television programs for WEAR (public television), Pensacola Junior College

State of Florida Fresh Water Fish and Game Captive Wildlife Committee Caging Standards for Captive Wildlife

EDUCATION:

Educated at Hiwassee College and University of Tennessee. Major field of study: Zoology

Kansas Legislative Hearing

ZAOA "White Paper"

March 2006

Page 1 of 2

No right-thinking person condones keeping a tiger or alligator in a New York City apartment or a pet lion in a suburban Topeka backyard!

No right-thinking person condones the creation or allowance of a circumstance whereby innocent and unsuspecting people could be injured or killed by a wild creature.

While right-thinking people should engage extraordinary effort to prevent such a circumstance, reaction to such an event should and must be carefully measured so as to not miss the point and consequently allow unintended failure in completely unrelated areas of responsibility...let's not throw out the proverbial "baby with the bath water"!

We should not and cannot banish the important efforts of legitimate and dedicated wildlife conservationists...those individuals, institutions and facilities that make important and significant contributions to our society through science, education and conservation programs and those that help to safeguard worldwide wildlife biodiversity through captive gene pool management.

We should certainly not banish those based upon their legal and individual choices of group or membership affiliation or the scale of their operations. There are a myriad existing local, state and federal ordinances, laws regulations and policies adequately addressing the appropriate safe, humane holding of exotic and other wildlife. We might be better served by pausing to slow down to review, evaluate, tweak as necessary, and enforce these existing statutes, rather than unnecessarily creating new ones. And we will certainly be better served by listening carefully to the broad and diverse wildlife conservation constituency committed to wildlife conservation as well as to the safety of both animals and people.

At a time when wild places and wild things continue to be driven toward non-existence and bio-diversity continues to be threatened, is a time to be more inclusive and not a time to be more exclusive!

It is a time to include all the many diverse and dedicated stake-holders in wildlife conservation profession - private and public entities, breeders, zoological parks, game parks and ranches, sanctuaries, aquariums, museums, dedicated hobbyists, wildlife agencies, academic and field researchers and others.

It is a time to recognize all these dedicated stakeholders have an important and significant contribution to make toward the continuance of global biodiversity in both managed and wild animal populations.

It is a time to recognize no single or monopolistic association or entity can meet the diverse challenges presented in both the art and science of successful wildlife husbandry and management and promote the interest of wildlife conservation and biodiversity to society at large.

WE do not argue with or oppose common sense regulation or policy which effectively addresses proper safety precautions for people and animals. But we must and do oppose unreasonable and unconstitutional actions obstructing individual rights and free-market commerce and enterprise.

We must, therefore, encourage and strongly support inclusion of language that recognizes a new, broad-based conservation and education membership organization, the Zoological Association of America (ZAOA) and its accredited members, along with any other private associations, clubs or membership groups, as exempt or excepted in any restrictive legislation.

We would suggest that to preclude lawsuit aimed at remedy for potentially unconstitutional restrictions, legislative language should be perfected to present phrases addressing excepted or exempted entities, e.g., "... be accredited by (named associations such as AOZA, AZA, TAOS, etc.) or meet equivalent and pertinent public safety and animal husbandry operations standards."

We would further suggest there are successful templates to be followed in implementing appropriate and reasonable legislation and regulation regarding fundamental and effective control and safety guidelines for both exotic and native wildlife in managed environments. One such long-standing and outstanding template is the Florida Fish and Wildlife Conservation Commission's Captive Wildlife Regulations. These regulations form the basis for ZAOA's Accreditation Program and are highly recommended as a formulative basis for implementing a long-term and successful legislative effort to implement the intent of Kansas law.

SAFARI ZOOLOGICAL PARK
RR 1 box 158D
Caney, KS 67333
620-879-2885

March 20, 2006

Mr. Chairman and Members of the committee, my name is Tom Harvey and this is my wife, Allie Harvey. We are the owners and operators of Safari Zoological Park in Caney, KS. Our park was established in 1989 for the care of endangered species in four specific areas: Preservation, education, propagation and rehabilitation. We have been recognized over the years with many prestigious awards by non bias media. In 1997 our "Struggle For Survival" educational program won first place out of 200 Universities in the United States and Canada. In 2001 we had one of the rarest animals on our planet born at our facility- a Barbary White Lion. In 2005, Travelocity named us one of the Top 10 destinations in the state of Kansas out of 30,000 entries. We have been featured in Kansas Magazine, Hattaburg's People, Kansas Curiosities, and South East Kansas Living, Triple A guide book, and the Kansas Guide by Marci Penner. We can be found on the Rand McNally Road Map as Well. However, Our greatest endorsement is the People that visit each year, from all over the United States and the World. For 17 years people have told us how much they enjoy our Zoo over larger ones because of the guided walk through tour and the educational benefit from that. Many times you can only get so much information from a sign, having a tour guide with your guests allows them to ask questions and is a major safety factor in making sure people abide by the rules. Another frequent comment from our visitors is that they are amazed at how happy the animals appear, moving around, playing etc. and how beautiful and healthy they are.

We are in favor of Senate Bill 578 WITH the balloon amendments outlined by Jim Fouts found in his statement. It is imperative that the state recognize more than one accreditation understanding that the AZA guidelines are unattainable by the majority of Zoo's found in the United States. ZAOA accreditation is a very high standard for Zoo's to follow, yet attainable at the same time. Our goal for 2006 is to be Accredited by ZAOA.

Due to the weather we will not be able to be in Topeka today.

Mike Cargil

Staff of the Brit Spaugh Zoo, owned and operated by the City of Great Bend, Kansas would like to express some concerns regarding SB 578.

1. We feel that local animal control agencies who's primary responsibility is dealing with domestic animals have very limited ability or resources to deal with dangerous animals as defined in Senate Bill No. 578. Staff believes that this legislation will put communities and individuals at unnecessary risk. Therefore, we feel it would be to the advantage of the citizens of Kansas to appoint a task force of four people (one AZA member, one non-AZA member, one local law enforcement and a certified DVM) with judicial responsibility for enforcement of this proposal along with USDA class C exhibitors licenses. (I'm sure that other Zoo's will be willing to provide help in this situation along with the Brit Spaugh Zoo. A staff member of the Brit Spaugh Zoo would be willing to spearhead this group.)
2. Sec. 8 (e) Staff has concerns not regulating animal care and public safety in regards to circus, carnival, rodeo or fairs. These groups have traditionally forfeited animal care and crowd security for entertainment purposes. Staff feels that the appointed task force should have the opportunity to inspect all traveling animal acts.
3. Sec. 10 (c)(parts 1, 2, and 3) The task force should administrate dangerous animal training, certification, and inspections with fee's collected providing revenue for reimbursement for task force expenditures. Task force should report, assist, and be responsible to the Secretary of Wildlife and Parks regarding exotic animal matters.

Mitchell Papish
2222 Breckenridge Dr.
Lawrence, KS 66047

20 March, 2006

Mr. Don Myers, Chairman
House Committee for Wildlife, Parks and Tourism

Re: Senate Bill 578

Mr. Chairman and Members of the Committee, my name is Mitchell Papish. I would first like to offer my support for the spirit of Bill 578, but I would not support the bill in its current form. After reading through the bill, drawing on my own background knowledge, reading source materials and speaking with various acquaintances, I would like to pose to you the small problems I see with the bill in its current form.

You should know where I am coming from. I am the son of Dr. and Mrs. David Papish and along with my family I have volunteered at and supported Safari Zoological Park in Caney, KS. I can literally say that I have spent half of my life as a volunteer for Safari Zoological Park. I am currently a student at the University of Kansas in my third year of college and will be graduating after this summer with 2 majors. I am a member in good standing with the International Brotherhood of Magicians and the Wizards of Wichita, Ring 47 and work with magicians who use exotic animals in their shows. Since 1996 when I first came to Safari Park, I watched the facility grow from a small 3 man operation to its current incarnation: a 17 acre facility recognized by numerous and various awards and honors that sees over 15,000 people from around the world per season and sponsors projects geared towards preservation, propagation, and education as far away as South America.

First I feel it necessary to point out the impetus for this bill: the tragedy of Haley Hilderbrand. Haley's death was a tragedy and should never have occurred. It should be noted, however, that by the regulations and laws already in place at the time of the tragedy, the actions that led to her death were already illegal. Had this bill been in place before the tragedy, it would not have done more to prevent it—such a misfortune was the result of choice. That being said, safety should be the number one issue of this committee and Bill 578 is set to resolve other issues of safety that need to be addressed.

Now please allow me to point out a few issues I see with Bill 578 that should be resolved before its passing. First, the bill sets Kansas Wildlife and Parks as the entity to develop standards for someone to be a "registered handler" of exotic animals and provides that only "registered handlers" can care for these animals. Such a provision would affect the employees and volunteers of all registered facilities, some of which have more experience with these exotic and endangered animals than do the people at KWP.

Bill 578 makes it mandatory for facilities to have liability insurance. This is an important issue, but the problem is that insurance companies are hesitant to insure what they see as, not excessive, but "unknowable risks," which makes it nearly impossible to obtain insurance for exotic animals. If the bill includes this provision of liability insurance, it should make sure that there is a

company in the state of Kansas that is willing to affordably offer insurance on exotic animals. If there is not, many facilities throughout the state (including municipal zoos which are included in this bill) will be found non-compliant and be shut down. The loss of these facilities would lose the state revenue and taxes as well as income from the thousands of tourists that visit these facilities yearly. Additionally, the state would be burdened with the care of hundreds of exotic animals. The provisions of this bill put forth that the state would then have to find safe homes for these animals, but there would not be enough facilities left open in the state who could take them and according to the Captive Wildlife Safety Act, it would be impossible to transfer them over state lines. The only option left would be to euthanize the animals, an option which would not be terrible PR, but I am pretty sure is against Federal mandate. The Endangered Species Act states that the culling or euthanasia of endangered species is authorized only when "such activities are necessary to maintain a genetically viable, self-sustaining captive population of the affected species."

Furthermore, Bill 578 provides for the exemption of 501 c 3, non-breeding and non-exhibiting (and therefore non-USDA licensed) sanctuaries from section 2 – the requirement to meet USDA AWA standards and the prohibitions on breeding. I now ask, "Does this make any sense?" The goal is to regulate the safety of the public and increasing safety standards, yet at the same time these sanctuaries would not be exempt from USDA standards and regulations, the regulations that the Federal Government sees fit to enforce. Such facilities are not exempt from the rest of the bill, however, and would be subject to inspection by Kansas Wildlife and Parks who would be holding them up to the same standards as other facilities. I foresee a slight conflict of interests here.

Finally, the bill should recognize and hold exempt from sections 2, 3, and 4 facilities recognized by both the American Zoo and Aquarium Association (AZA) and the Zoological Association of America (ZAOA). I know there has been some discussion about whether to just recognize AZA facilities or both. From my understanding and research the safety standards of the AZA and the ZAOA are no different, rather the main difference between the two associations are political. The AZA's membership is based on zoo size, restaurants, gift shops, parking lot size, annual budget, visitor numbers, and maintaining an approved species list among other requirements. Such elite requirements make it undesirable for smaller businesses to strive to be a part of their association. The ZAOA recognizes a wider variety of facilities. Neither association is exempt from USDA inspection and facilities from both organizations have been found lacking in the past. Inclusion in one society over another does not preclude indemnity from deficiency in safety.

The tragedy that occurred last year and resulted in Haley's death would never have occurred at a USDA compliant facility, which is a requirement maintained by both the AZA and ZAOA. This bill should be aimed at backyard operations, not the professional businesses that are already held in strict guidelines by the USDA and the standards of their respective organization.

Please consider these issues and amend Bill 578 before approving it. Remember, safety is the issue today, but use logic to temper your decisions and be sure not to harm already safe, professional, and controlled businesses in the process. Thank you.

Mitchell A. Papish

Matt Baker
March 20, 2006

Honorable Representative Morrison,

It is with a deep concern that I write you to ask that Senate Bill 578 be amended.

I have many concerns over Senate bill 578 that is scheduled to be heard in the Wildlife committee Monday afternoon. I am a USDA licensed facility with over 20 years experience. I am very familiar with USDA regulations and national state law changes and the issues and problems that surround great cats.

I realize the tragic loss of Haley Hilderbrand has put a great amount of emotional pressure upon the legislature of Kansas to somehow do something about this. But legislation should not be based upon emotion. It must be based upon facts and logic.

The facts, as have been pointed out many times, are that two people made very poor decisions and violated existing laws, and one most likely defied parental decisions. And those grieving over this tragic death want all who have these species to be regulated so severely and so expensively that it amounts to punishment of the innocent for the sins of the guilty.

The bill that has been developed and rushed through the Senate and sent to your committee has many areas that need further amending.

The Feline Conservation Federation is concerned for the CONSERVATION of wild cat species. The captive holding and breeding of species is going to become only more important as pressures world-wide reduce the available habitat for large carnivores. In fact, the private sector is the only reserve of Bengal tigers - there are not any Bengal tigers in AZA zoos. They house Siberian and Sumatran and Chinese tigers. The private sector holds the Bengal tigers. The private sector holds the African and Asian sub-species of leopards, while the AZA zoos only house Russian leopards.

The USDA has extensive regulations for the breeding and exhibiting of dangerous animals. And the US Department of Interior controls permitting of endangered species commerce. The newly passed Captive Wildlife Safety Act further restricts the interstate transport of these species and prohibits new cats to enter or leave Kansas for pet purposes.

The legislative reaction to this incident puts many cats lives in danger. The liability insurance industry does not offer coverage for exotic cats kept by private Americans. This is not because the risk is so high, but that they do not know the actual risk and are unwilling to enter into contracts when there are unknowns. The Surety Bond option is also unaffordable. The private owner who does not engage in exhibits does not allow the public access to his animals and does not have the same risks involved as a private zoo or sanctuary. There are many activities that offer a much greater threat to innocent citizens than the regulated keeping of great cats and it is most unfair to put upon those who engage in this activity the incredible expense you are expecting.

Only the safe caging, secure fencing and a no-public contact regulation can insure public safety.

The "problem" is getting smaller every day as the captive population dies off or is rounded up into sanctuaries.

This bill is like using a sledgehammer to hit a thumbtack.

Good cat owners are being boxed-in with no place to go.

They are not a menace to society.

They are animal lovers who care deeply about nature and are trying to do right by their charges.

House Committee on Wildlife, Parks
and Tourism
3/20/06
Attachment 17

Most cats perform a great service to their species and to society. When held by responsible owners they are ambassadors and have many, many fans. I have no doubt that before Lost Creek had their accident those same tigers changed many minds and hearts and brought about an awareness of these great cats not realized before. Great cats are not blood thirsty killers. They should not be branded with such a totally negative stigma..

Areas of this bill that need amending are:

Sanctuaries are exempted from Section 2 - the requirement to meet USDA cage requirements, but are still required to pay registration fees, micro-chip and have insurance. Why are they exempt from caging?

USDA already regulates the handlers of great cats and employees of zoos and sanctuaries must already be qualified to handle these cats - why should they also be registered with the county dog catcher? this was not the issue at all.

Specific caging and perimeter fencing is the most direct and obtainable safety measure to legislate. Especially for non-USDA owners that might not be up to those standards.

The exemption for ZAOA zoos must stay in as Kansas. This alternative organization is composed of an important sector of the zoo industry. The policies of the AZA has become so controversial to so many zoos that they must not be legislated as the ONLY approved organization. Most of the AZA requirements are political and do not even relate to animals care.

If the liability insurance requirement can be removed, I do believe that cats in good homes will stay there, registrations will voluntarily happen and compliance and safety will be achieved. Should this bill remain unobtainable the counties are going to be forced to deal with very dangerous and problematic situations.