

MINUTES OF THE HOUSE WILDLIFE, PARKS AND TOURISM COMMITTEE

The meeting was called to order by Chairman Don Myers at 1:30 P.M. on March 22, 2006 in Room 241-N of the Capitol.

All members were present except:

Representative Gary Hayzlett- excused
Representative Mitch Holmes- excused
Representative Patricia Kilpatrick- excused
Representative Lynne Oharah- excused
Representative L. Candy Ruff- excused
Representative Clark Shultz- excused

Committee staff present:

Hank Avila, Kansas Legislative Research
Dennis Hodgins, Kansas Legislative Research
Lisa Montgomery, Revisor of Statutes Office
Betty Caruthers, Committee Secretary

Conferees appearing before the committee:

Secretary Michael Hayden, KS Dept. Of Wildlife & Parks
Mike Good
Bill Sneed

Others attending:

See attached list.

Chairman Myers recognized Representative Grange who presented a report of the Sub-Committee which met to discuss **SB 578 - Prohibiting possession of regulated animals except in limited circumstances; requiring registration; regulated animals include lions, tigers and bears.** The following members were involved in the Sub-Committee; Representative Grange, Representative Hayzlett, Representative Flaharty, and Representative Mah. The Sub-Committee voted to pass out favorably the amendment to the Committee. (Attachment 1)

Representative Grange summarized the amendment and reviewed Conferees who were in favor of the amendment. Those reported to be in favor included Jerry Carson, Labette County Commissioner, Michael Coker with the Topeka Zoo, Secretary Hayden and Kevin Jones with the Department of Wildlife & Parks. Mike Good is also in favor of the amendment but in addition he would like to limit any contact with the public by these animals. Representative Grange also reported that the Kansas Department of Wildlife & Parks was ready to work on rules and regulations which will be needed with the bill. Questions related to the USDA/insurance compliance satisfied the Department of Wildlife & Parks. There were questions regarding what would happen to animals in facilities which do not get certified and therefore cannot remain open. It was noted that there is a process in place to allow for the removal of the animals. Representative Grange reported concerns from Bill Sneed from a neutral stance who is representing the Goddard facility. Concerns were regarding training for handlers in facilities as well as no physical contact other than for the trained handlers and veterinarian people. Discussion was had regarding the possibility of adding an amendment which would set a weight limit for animals which could be handled.

Chairman Myers recognized Secretary Hayden who spoke in favor of moving the bill forward as amended by the Sub-Committee. The question remains as to physical contact and under what conditions that might be allowed.

Chairman Myers recognized Mike Good who thanked the Committee for their work yet expressed caution about the handling of animals at certain weight limits and concern for messages this might send to children regarding safety.

Chairman Myers recognized Bill Sneed who stated he supports the amendments by the Sub-Committee.

Representative Grange moved to accept the Sub-Committee report and the balloon amendments as presented.

CONTINUATION SHEET

MINUTES OF THE House Wildlife, Parks and Tourism Committee at 3:30 P.M. on March 22, 2006 in Room 241-N of the Capitol.

Seconded by Representative Morrison.

Motion carried.

Representative Mah moved for an amendment stating that a dangerous animal weighing more than 15 pounds would have no contact with the public and an animal weighing 15 pounds or less, incidental contact only with a person possessing the animal, the designated handler or a veterinarian. This would include no non-native venomous snake contact. Seconded by Representative Grange.

Motion carried.

Representative Treaster moved to pass SB 578 out of Committee favorably as amended. Representative Grange seconded.

Motion carried.

Chairman Myers requested that Representative Grange carry the bill.

Chairman Myers adjourned the meeting at 1:55.

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2006

SENATE BILL No. 578

By Committee on Ways and Means

2-24

12 AN ACT concerning animals; imposing limitations on ownership and
13 possession of certain animals; requiring registration; providing criminal
14 penalties.

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. As used in this act:

18 (a) "Person" means any individual, firm, partnership, corporation, as-
19 sociation or other business entity.

, municipality

20 (b) "Wildlife sanctuary" means a not-for-profit organization exempt
21 from federal income taxation pursuant to section 501 (c)(3) of the internal
22 revenue code of 1986, as in effect on July 1, 2006, that:

23 (1) Operates a place of refuge where abused, neglected, unwanted,
24 impounded, abandoned, orphaned or displaced **dangerous** regulated an-
25 imals are provided care for such animal's lifetime;

26 (2) does not conduct any commercial activity with respect to any **dan-**
27 **gerous** regulated animal possessed by the organization;

28 (3) does not sell, trade, auction, lease or loan **dangerous** regulated
29 animals, or parts thereof, which the organization possesses;

30 (4) does not breed any **dangerous** regulated animal of which the
31 organization possesses, except as an integral part of the species survival
32 plan of the American zoo and aquarium association;

33 (5) does not conduct any activity that is not inherent to the **danger-**
34 **ous** regulated animal's nature;

35 (6) does not use the **dangerous** regulated animal for any type of
36 entertainment purposes; and

37 (7) operates a refuge in compliance with regulations promulgated by
38 the United States department of agriculture for **dangerous** regulated
39 animals under the animal welfare act, public law 89-544, as amended and
40 in effect on July 1, 2006, and the regulations and standards adopted under
41 such act in effect on July 1, 2006, relating to facilities and operations,
42 animal health and husbandry.

, except non-native venomous snakes,

All dangerous regulated animals shall be caged in compliance with
the provisions set forth in section 6 of this act.

43 (c) "Possess" means to own, care for, have custody of or control.

1-2

1 (d) "~~Regulated~~ **Dangerous regulated** animal" means *a live or*
2 *slaughtered parts of:*

3 (1) Lions, tigers, leopards, jaguars, cheetahs and mountain lions, or
4 any hybrid thereof; ~~and~~

5 (2) bears or any hybrid thereof; *and*

6 (3) *all non-native, venomous snakes.*

7 (e) "Local animal control authority" means an agency of the county
8 or city that is responsible for animal control operations in such govern-
9 mental entity's jurisdiction *and includes the animal control officer, as*
10 *defined by K.S.A. 47-1701, and amendments thereto, of such county*
11 *or city. If the county or city does not have an animal control officer,*
12 *for cities of the first class, the chief law enforcement officer shall*
13 *have the local animal control authority duties and responsibilities*
14 *pursuant to this act and for all other cities and counties, the county*
15 *sheriff shall have the local animal control authority duties and re-*
16 *sponsibilities pursuant to this act.*

17 (f) "~~Designated approved~~ **Registered designated** handler" means a
18 person who ~~has the requisite training, experience and ability to care for,~~
19 ~~have custody or control over a regulated animal~~ *is registered or would*
20 *be required to be registered pursuant to section 10, and amend-*
21 *ments thereto.*

22 Sec. 2. (a) Except as provided in this section, it is unlawful for a
23 person to possess a, *slaughter, sell, purchase or otherwise acquire a*
24 *dangerous* regulated animal.

25 (b) On and after October 1, 2006, a person who possesses a *danger-*
26 *ous* regulated animal shall be in compliance with regulations promulgated
27 by the United States department of agriculture for *dangerous* regulated
28 animals under the animal welfare act, public law 89-544, as amended and
29 in effect on July 1, 2006, and the regulations and standards adopted under
30 such act in effect on July 1, 2006, relating to ~~facilities and~~ operations,
31 animal health and husbandry; and to provide adequate veterinary care for
32 *dangerous* regulated animals.

, except non-native venomous snakes,

All dangerous regulated animals shall be caged in compliance with the provisions set forth in section 6 of this act.

33 (c) Except as provided in subsection (d), a person shall not take pos-
34 session of a *dangerous* regulated animal or allow *dangerous* regulated
35 animals in such person's possession to breed.

36 (d) A person who possesses a valid United States department of ag-
37 riculture license ~~and~~, is in compliance with the United States department
38 of agriculture animal welfare act, regulations and standards on July 1,
39 2006, *and, within 10 years preceding July 1, 2006, has not been*
40 *convicted of a felony under the laws of Kansas or a crime under a*
41 *law of another jurisdiction which is substantially the same as a*
42 *felony*, may breed, purchase or otherwise acquire new *dangerous* reg-
43 ulated animals after July 1, 2006, in order to:

1 (1) Maintain the operating inventory of *dangerous* regulated animals
2 possessed on July 1, 2006;

3 (2) sell *dangerous* regulated animals to other United States depart-
4 ment of agriculture licensed and compliant facilities within Kansas for
5 replacement purposes as provided in paragraph (1); and

6 (3) sell *dangerous* regulated animals outside Kansas.

7 Sec. 3. (a) On and after September 1, 2006, a person who possesses
8 a *dangerous* regulated animal shall notify, in writing, and register the
9 *dangerous* regulated animal with the local animal control authority.

10 (b) The notification shall include the person's name, address, tele-
11 phone number and a complete inventory of each *dangerous* regulated
12 animal that the person possesses. The inventory shall include the follow-
13 ing information: Number and species of each regulated animal; the mi-
14 crochip identification number and manufacturer of such microchip for
15 each *dangerous* regulated animal, if available; the exact location where
16 each *dangerous* regulated animal is kept; the age, sex, color, weight, scars
17 and any distinguishing marks of each *dangerous* regulated animal; and
18 the name of any person who is a *registered* designated ~~approved~~ handler.

19 (c) When a person who possesses a *dangerous* regulated animal has
20 a microchip implanted in such animal for identification, the name of the
21 microchip manufacturer and the microchip identification number shall
22 be provided to the local animal control authority. If a *dangerous* regu-
23 lated animal is sedated for any reason and such animal does not have a
24 microchip implanted, a microchip shall be implanted in such animal.
25 Within 30 days after the microchip is implanted, the name of the micro-
26 chip manufacturer and the microchip identification number shall be pro-
27 vided to the local animal control authority. Within 30 days of acquisition,
28 a person acquiring ownership of an offspring with a microchip implanted
29 shall comply with microchip information reporting requirements of this
30 subsection.

31 (d) A local animal control authority may inspect the premises where
32 *dangerous* regulated animals are physically located.

33 Sec. 4 (a) The local animal control authority may charge the follow-
34 ing annual fees:

35 (1) Premises inspection fee not more than \$100.

36 (2) ~~Regulated~~ *Dangerous regulated* animal registration fee, per an-
37 imal, not more than \$50. The maximum amount charged for such animal
38 registration per person is \$500.

39 (3) Additional premise inspection fee, if the person acquires and pos-
40 sesses another type of *dangerous* regulated animal, not more than \$100.

41 (b) A certificate of registration shall be issued by the local animal
42 control authority to the person for each *dangerous* regulated animal and
43 inspection upon payment of the fee.

1 (c) Any person who possesses a regulated animal shall maintain lia-
2 bility insurance coverage in an amount of not less than \$250,000 for each
3 occurrence for liability damages for destruction of or damage to property
4 and death or bodily injury to a person caused by the regulated animal.
5 The person possessing the animal shall provide a copy of the policy for
6 liability insurance to the local animal control authority. **Any fees charged
7 and collected shall be retained by the local animal control authority
8 to be used to implement the provisions of this act.**

9 [(d) Any person who possesses a dangerous regulated animal
10 shall maintain liability insurance coverage or secure a bond in an
11 amount of not less than \$250,000 for each occurrence for liability
12 damages for destruction of or damage to property and death or
13 bodily injury to a person caused by the dangerous regulated animal.
14 The person possessing the animal shall provide a copy of the policy
15 for liability insurance or proof of the bond to the local animal con-
16 trol authority. Any insurer shall notify the local animal control au-
17 thority, in writing, of any expiration, reduction or cancellation of
18 liability insurance, furnished as required by this subsection, not
19 later than 10 days before the expiration, reduction or cancellation
20 takes effect. Any surety company who secures the performance of
21 the bond shall notify the local animal control authority, in writing,
22 of any expiration, reduction or cancellation of the bond, furnished
23 as required by this subsection, not later than 10 days before the
24 expiration, reduction or cancellation takes effect.]

25 Sec. 5. (a) A person who possesses a **dangerous** regulated animal
26 shall meet the requirements set forth in this section.

27 (b) A person who possesses a **dangerous** regulated animal shall main-
28 tain health and ownership records on each **dangerous** regulated animal
29 and shall maintain the records for the life of the animal. If possession of
30 the **dangerous** regulated animal is transferred to another person, a copy
31 of the health and ownership records shall accompany the animal.

32 (c) A person who possesses a **dangerous** regulated animal shall main-
33 tain an ongoing program of veterinary care which includes a veterinary
34 visit to the premises at least annually.

35 (d) A person who possesses a **dangerous** regulated animal shall notify
36 the local animal control authority in writing within 10 days of a change
37 in address or location where the **dangerous** regulated animal is kept.

38 (e) A person with a United States department of agriculture license
39 for **dangerous** regulated animals shall forward a copy of such person's
40 United States department of agriculture inspection report to the local
41 animal control authority within 30 days of receipt of the inspection report.

42 (f) A person who possesses a **dangerous** regulated animal shall prom-
43 inently display a sign on the structure where the animal is housed indi-

1 cating that a **dangerous** regulated animal is on the premises.

2 (g) A person who possesses a **dangerous** regulated animal shall im-
3 mediately notify local law enforcement officials of any escape of a **dan-
4 gerous** regulated animal. The person who possesses the **dangerous** reg-
5 ulated animal is liable for any costs incurred by any person, city, county
6 or state agency resulting from the escape of a **dangerous** regulated animal
7 unless the escape is due to a criminal act by another person or a natural
8 event.

9 (h) A person who possesses a **dangerous** regulated animal shall main-
10 tain a written recovery plan in the event of the escape of a **dangerous**
11 regulated animal. The person shall maintain live traps or other equipment
12 necessary to assist in the recovery of the **dangerous** regulated animal.

13 (i) If requested by the local animal control authority, a person may
14 not move a **dangerous** regulated animal from such animal's location un-
15 less the person notifies the local animal control authority prior to moving
16 the animal. The notification shall include the date and the location where
17 the animal is moved. This subsection shall not apply to a **dangerous**
18 regulated animal transported to a licensed veterinarian.

19 (j) If a person who possesses a **dangerous** regulated animal can no
20 longer care for the animal, the person shall take the appropriate steps to
21 find long-term placement for the **dangerous** regulated animal.

22 Sec. 6. (a) All **dangerous** regulated animals shall be confined within
23 a cage of sufficient strength and design for the purposes of maintaining
24 and housing or transporting the animal. ~~The requirements for the suf-
25 ficient strength of the cage shall be established by rules and regu-
26 lations adopted by the secretary of wildlife and parks. When such
27 cage is permanently affixed to the premises, surrounding such cage
28 shall be a fence or guard at least five feet from any part of such
29 cage to prohibit physical contact with any person other than such
30 persons listed in subsection (d).~~

caging

Any cage or confinement structure shall be constructed in such a manner that prohibits physical contact with any person other than such persons listed in subsection (d)

31 (b) No **dangerous** regulated animal shall be allowed to be tethered,
32 leashed or chained outdoors, or allowed to run at large.

33 (c) A **dangerous** regulated animal shall not be mistreated, neglected,
34 abandoned or deprived of necessary food, water and sustenance.

35 (d) A **dangerous** regulated animal shall not be allowed to come into
36 physical contact with any person other than the person possessing the
37 animal, the **registered** designated approved handler or a veterinarian
38 administering medical examination, treatment or care.

39 (e) A **dangerous** regulated animal shall not be brought to any public
40 property or commercial or retail establishment, except to bring the animal
41 to a licensed veterinarian or veterinarian clinic.

42 Sec. 7. (a) Any **dangerous** regulated animal may be seized by the
43 local animal control authority as provided in this section.

1 (b) The local animal control authority, upon issuance of a notice of
2 inspection, shall be granted access at reasonable times to premises where
3 the local animal control authority has reason to believe a violation of this
4 act is occurring or has occurred.

5 (c) If a person who possesses a *dangerous* regulated animal is not in
6 compliance with the requirements of this act, the local animal control
7 authority shall take possession of the animal for custody and care, follow-
8 ing the procedures in this subsection.

9 (d) Upon request of a person possessing a *dangerous* regulated an-
10 imal, the local animal control authority may allow the animal to remain
11 in the physical custody of the owner for 30 days, during which time the
12 owner shall take all necessary actions to come in compliance with this act.
13 During the 30-day period, the local animal control authority may inspect,
14 at any reasonable time, the premises where the animal is kept.

15 (e) If a person who possesses a *dangerous* regulated animal is not in
16 compliance with this act following the 30-day period described in sub-
17 section (d), the local animal control authority shall seize the animal and
18 place it in a holding facility that is appropriate for the species for up to
19 10 days. The authority taking custody of an animal under this subsection
20 shall provide a notice of the seizure by delivering or mailing it to the
21 person possessing such *dangerous* regulated animal, by posting a copy
22 of the notice at the premise where the animal is taken into custody, or
23 by delivering it to a person residing on the premise. The notice shall
24 include:

25 (1) A description of the animal seized; the authority for and purpose
26 of the seizure; the time, place and circumstances under which the animal
27 was seized; and a contact person and telephone number;

28 (2) a statement that a person from whom a *dangerous* regulated
29 animal was seized may post security to prevent disposition of the animal
30 and may request a hearing concerning the seizure and that failure to do
31 so within five business days of the date of the notice will result in dis-
32 position of the animal;

33 (3) a statement that actual costs of the care, keeping and disposal of
34 the *dangerous* regulated animal are the responsibility of the person from
35 whom the animal was seized, except to the extent that a court or hearing
36 officer finds that the seizure was not substantially justified by law; and

37 (4) a form that can be used by a person from whom a *dangerous*
38 regulated animal was seized for requesting a hearing under this
39 subsection.

40 (f) If a person from whom the *dangerous* regulated animal was
41 seized makes a request within five business days of the seizure, a hearing
42 must be held within five business days of the request to determine the
43 validity of the seizure and disposition of the animal. The judge or hearing

1 officer may authorize the return of the animal to the person from whom
2 the animal was seized if the judge or hearing officer finds:

3 (1) That the person can and will provide the care required by law for
4 the **dangerous** regulated animal; and

5 (2) the **dangerous** regulated animal is physically fit.

6 (g) If a judge or hearing officer orders a permanent disposition of the
7 **dangerous** regulated animal, the local animal control authority may take
8 steps to find long-term placement for the animal with a wildlife sanctuary,
9 or an appropriate United States department of agriculture licensed facil-
10 ity.

11 (h) A person from whom a **dangerous** regulated animal is seized is
12 liable for all actual costs of care, keeping and disposal of the animal, except
13 to the extent that a court or hearing officer finds that the seizure was not
14 substantially justified by law. The costs shall be paid in full or a mutually
15 satisfactory arrangement for payment shall be made between the local
16 animal control authority and the person claiming an interest in the animal
17 before return of the animal to the person.

18 (i) A person from whom a **dangerous** regulated animal has been
19 seized under this subsection may prevent disposition of the animal by
20 posting security in the amount sufficient to provide for the actual costs
21 of care and keeping of the animal. The security shall be posted within
22 five business days of the seizure, inclusive of the day of the seizure.

23 (j) If circumstances exist threatening the life of a person or the life
24 of any animal, any law enforcement agency or the local animal control
25 authority shall seize a **dangerous** regulated animal without an opportu-
26 nity for hearing or court order, or destroy the animal.

27 (k) Upon proper determination by a licensed veterinarian, any **dan-**
28 **gerous** regulated animal taken into custody under this section may be
29 immediately euthanized when the **dangerous** regulated animal is suffer-
30 ing and is beyond cure through reasonable care and treatment.

31 (l) The agency or authority taking custody of the **dangerous** regu-
32 lated animal may recover all costs incurred under this section.

33 Sec. 8. Exemptions to the provisions set forth in this act are as
34 follows:

35 (a) Institutions accredited by the American zoo and aquarium asso-
36 ciation [*or the Zoological Association of America*] shall be exempt
37 from sections 2 and 3, and amendments thereto.

38 (b) A wildlife sanctuary registered with the local animal control au-
39 thority shall be exempt from section 2, and amendments thereto.

40 (c) The Kansas department of wildlife and parks, or a person issued
41 a permit by the secretary pursuant to K.S.A. 32-952, and amendments
42 thereto, shall be exempt from this act.

43 (d) A licensed or accredited research or medical institution shall be

1 exempt from sections 2 and 3, and amendments thereto.

2 (e) A United States department of agriculture licensed exhibitor of
3 **dangerous** regulated animals while transporting or as part of a circus,
4 carnival, rodeo or fair shall be exempt from this act.

5 Sec. 9. Nothing in this act shall preclude a person who holds a valid
6 United States department of agriculture license from selling or transfer-
7 ring the entire business and the **dangerous** regulated animals covered by
8 such license to another person who holds a valid United States depart-
9 ment of agriculture license.

10 Sec. 10. (a) Annually, on or before April 1, a local animal control
11 authority shall report to the secretary of the Kansas department of wildlife
12 and parks on **dangerous** regulated animals registered with the local an-
13 imal control authority during the preceding calendar year. The report
14 shall include all registration information submitted to the local animal
15 control authority under subsection (b) of section 3, and amendments
16 thereto, and information on enforcement actions taken under this act.

17 (b) *It shall be a violation of this act for a person who does not*
18 *own the dangerous regulated animal, to care for, have custody or*
19 *control of such animal unless such person is a registered designated*
20 *handler. Any such person applying for a designated handler regis-*
21 *tration shall file an application on a form prescribed by the local*
22 *animal control authority. Application for such registration shall be*
23 *accompanied by an application fee not exceeding \$25. If the local*
24 *animal control authority finds the applicant to be qualified to be a*
25 *registered designated handler after meeting the training, experience*
26 *and ability requirements determined by the secretary of wildlife*
27 *and parks, the local animal control authority shall issue a desig-*
28 *nated handler registration which shall expire at the end of the cal-*
29 *endar year.*

The secretary of wildlife and parks shall provide educational training programs for the local animal control authority concerning the provisions of this act and the handling of dangerous regulated animals.

30 (c) *The secretary of wildlife and parks shall adopt rules and*
31 *regulations:*

32 (1) *Establishing training, experience and ability requirements*
33 *for registered designated handlers;*

and

34 (2) *creating and conducting educational training programs for*
35 *the local animal control authority concerning the handling of dan-*
36 *gerous regulated animals; and*

37 (3) *to implement the provisions of this act.*

38 Sec. 11. A county or city may adopt resolutions or ordinances gov-
39 erning **dangerous** regulated animals that are more restrictive than this
40 act. Such resolution or ordinance may include, **but not be limited to**,
41 additional animals to the definition of **a dangerous** regulated animal,
42 additional caging standards, and stricter care and treatment provisions. If
43 a county or city already has a resolution or ordinance in existence that is

1 substantially the same or more restrictive, such county or city shall be in
2 compliance with this act.

3 Sec. 12. Any person who knowingly violates this act is guilty of a class
4 A nonperson misdemeanor.

5 Sec. 13. This act shall take effect and be in force from and after its
6 publication in the statute book.

6-1