

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:35 A.M. on March 14, 2006, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Revisor of Statutes Office  
Alan Conroy, Director, Kansas Legislative Research Department  
J. G. Scott, Kansas Legislative Research Department  
Reagan Cussimanio, Kansas Legislative Research Department  
Audrey Dunkel, Kansas Legislative Research Department  
Julian Efrid, Kansas Legislative Research Department  
Matt Spurgin, Kansas Legislative Research Department  
Judy Bromich, Chief of Staff  
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Jerry D. Carson, CPA, Labette County Commissioner  
Senator Greta Goodwin  
M. Michael Hayden, Secretary, Kansas Department of Wildlife and Parks  
Michael Good  
Ronda Good  
Nicole Carson  
Kerri Smith  
Mark Koch, Senior Pastor, Parsons Church of the Nazarene  
Bill Hilderbrand  
Leanne Frihart  
Alison Frihart  
J. Clay Thomas  
David J. Hansen  
Susan K. Metzger  
Randall Allen, Executive Director, Kansas Association of Counties  
Samuel Metzger  
Matt Baker, on behalf of Feline Conservation Federation  
Jim Fouts, Director of Tanganyika Wildlife Park  
Josephine Martell, representing the International Fund for Animal Welfare (written)  
Tom and Allie Harvey, Owners, Safari Zoological Park, Caney, Kansas (written)

Others attending:

See attached list.

Chairman Umbarger opened the public hearing on:

**SB 578--Prohibiting possession of regulated animals except in limited circumstances; requiring registration; regulated animals include lions, tigers and bears**

The Chairman recognized Jill Wolters, Office of the Revisor of Statutes, who briefed the Committee on the bill. The Revisor distributed copies of a proposed amendment to **SB 578 (Attachment 1)**.

Chairman Umbarger welcomed the following conferees on the bill:

**Proponents:**

Jerry D. Carson, CPA, Labette County Commissioner, testified in support of **SB 578 (Attachment 2)**. Mr. Carson mentioned that currently the bill does not include the following information and urged the Committee to include these in the final bill:

## CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:35 A.M. on March 14, 2006, in Room 123-S of the Capitol.

- Other wild animals such as non-human primates.
- Prohibit an individual from selling parts of these animals.
- Require Kansas Department of Wildlife and Parks be required to develop regulations that more clearly define the terms of a designated approved handler.
- Remove the ability of an individual to breed these animals for any purpose or to obtain replacement animals via any means.
- Amend language into the bill requiring acquisition of liability insurance to require that a city or county be listed as having an insurable interest and require notification to the appropriate city or county clerk if the insurance is cancelled.
- Amend language in the bill regarding posting a sign regarding that language be changed to state that “ a dangerous regulated animal is on these premises”.

In closing, Mr. Carson noted that **SB 578** is an excellent start toward the proper regulation of ownership, care and handling of some exotic animals and urged the Committee to adopt **SB 578** and give serious consideration to the changes he suggested.

Senator Greta Goodwin spoke in support of **SB 578** (Attachment 3). Senator Goodwin explained that she believed that it was long overdue to regulate the ownership and possession of certain animals within the state and time to provide criminal penalties for those individuals who put the safety of the public at risk by owning certain animals. She provided an example of a resident in her area that moved from Florida to Kansas with his menagerie of animals including lions, tigers, bears, etc. Senator noted that several neighbors and landowners in the area went before the Cowley County Commission to express their concerns. When the individual was questioned by the Cowley County Commission as to why he moved to Kansas, his response was that he left Florida and moved his animals to Kansas because Kansas does not have laws which prohibit his kind of operation, and Cowley County does not have zoning. Senator Goodwin noted that Florida has recently passed stricter regulations and has now enforced them. The Senator requested an amendment to the bill to include all poisonous animals including rear-fang snakes.

J. Michael Hayden, Secretary, Kansas Department of Wildlife and Parks, testified in support of **SB 578** (Attachment 4). Secretary Hayden emphasized that the Department supports the provisions contained in **SB 578**. He also noted that possession of these animals is a nationwide concern and explained that 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. Secretary Hayden mentioned that 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. In closing, Secretary Hayden explained that 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 the Committee's support of the bill.

Michael Good spoke in support of **SB 578** (Attachment 5). Mr. Good had experienced a personal tragedy with his step-daughter, Haley Hilderbrand, related to contact with an animal defined as dangerous and resulted in her death. Mr. Good emphasized that he felt the accident was completely avoidable and parents should not have to worry about something like that happening to their child. He noted that education of the public of the danger of exotic animals is needed as well as strict and enforceable state and federal laws.

Ronda Good testified in support of **SB 578** (Attachment 6). Mrs. Good had experienced a personal tragedy with her daughter, Haley Hilderbrand, related to contact with an animal defined as dangerous and resulted in her death. She explained that Haley was to have had her picture taken with baby tigers that day and it was her understanding that the babies were too “rambunctious” to take pictures, so the handler decided to use a full-grown tiger instead. Mrs. Good noted that the tiger used had been around people all his life and there had never been a problem, but she emphasized the fact that the animal was still a tiger and it did what tigers do.

## CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:35 A.M. on March 14, 2006, in Room 123-S of the Capitol.

Nicole Carson testified in support of **SB 578** (Attachment 7). Ms. Carson explained that her friend and neighbor, Haley Hilderbrand, had been killed by a tiger. In closing, she mentioned that Haley's death had not only opened her eyes, but also had an impact on the lives of their community and nation and asked to prevent this from happening to anyone else in the future.

Kerri Smith testified in support of **SB 578** (Attachment 8). Ms. Smith explained that her friend and classmate, Haley Hilderbrand, had been killed by a tiger. She noted that she felt if regulations were made more strict, maybe Haley would not be gone.

Mark Koch, Senior Pastor, Parsons Church of the Nazarene, testified in support of **SB 578** (Attachment 9). Pastor Koch explained that trust says to a person, "I believe you know what you are doing." He noted that an individual encountering an exotic animal is not so much trusting the animal as they are the handler or authority over that animal. In closing, Pastor Koch addressed safeguards must not be neglected that are within our power to enact and as those that have been given a trust, it lets lives be protected and do the best to prevent another tragedy.

Bill Hilderbrand testified in support of **SB 578** (Attachment 10). Mr. Hilderbrand had experienced a personal tragedy with his granddaughter, Haley Hilderbrand, related to contact with an animal defined as dangerous and resulted in her death. Mr. Hilderbrand noted in his testimony that The Human Society of the United States released a statement on August 26, 2005, outlining the need for Kansas to make changes in legislation to protect its citizens from the threat of these animals. He asked the Committee to ban ownerships of all exotic animals from private owners and that 13 other states have already done it.

Leanne Frihart testified in support of **SB 578** (Attachment 11). Ms. Frihart had experienced a personal tragedy with her sister, Haley Hilderbrand, related to contact with an animal defined as dangerous and resulted in her death, and questioned why it had to happen in the first place. She noted that laws could have prevented what happened with more strict standards, continuous inspections and harsher consequences for violators.

Alison Frihart testified in support of **SB 578** (Attachment 12). Ms. Frihart had experienced a personal tragedy with her sister, Haley Hilderbrand, related to contact with an animal defined as dangerous and resulted in her death. She explained that if any good could come from the tragedy, she had to believe that there is an opportunity to make sure that this kind of "freak accident" will not happen again in the state of Kansas. In her testimony, Ms. Frihart mentioned that regulations such as **SB 578** will make residents of Kansas safer when they encounter these animals.

J. Clay Thomas testified in support of **SB 578** (Attachment 13). Mr. Thomas had experienced a personal tragedy with his wife, Debbie, related to contact with an animal defined as dangerous. He explained that his wife had gone through many medical treatments and was diagnosed with cancer on the same side of her body where the attack occurred. She died in January of this year. Mr. Thomas addressed the insurance requirement in the bill and noted that it is the absolute minimum of \$250,000 that should be done, but asked for consideration of raising it to a higher amount. He noted that the cost attributed to his wife's arm alone exceeded \$275,000.

David J. Hansen testified in support of **SB 578** (Attachment 14). Mr. Hansen explained that he is a member of the Planning Commission in Udall, Kansas, and they approved an exotic animal ordinance similar to **SB 578** and sent it to the governing body for approval. It passed unanimously and was adopted by the City of Udall. He urged passage of the bill.

Susan K. Metzger testified in support of **SB 578** (Attachment 15). Ms. Metzger addressed proper caging of transported animals, microchip identification and immediate notification to law enforcement of an escape. She explained that her family has endured many problems with exotic animals in the past three years.

Randall Allen, Executive Director, Kansas Association of Counties (KAC), testified in support of **SB 578** (Attachment 16). Mr. Allen explained that KAC feels that **SB 578** seems to be sound public policy. He urged the Committee to amend the bill to address the concerns that have been raised, and report the bill favorably.

## CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:35 A.M. on March 14, 2006, in Room 123-S of the Capitol.

Samuel Metzger testified in support of **SB 578** (Attachment 17). Mr. Metzger explained that he was an eyewitness to the speed and agility of an exotic animal on the loose in Shawnee County. He questioned what would have happened if more than one exotic animal ran away at the same time.

### **Neutral:**

Matt Baker, on behalf of Feline Conservation Federation, testified as a neutral conferee in regard to **SB 578** (Attachment 18). Mr. Baker detailed the Captive Wildlife Safety Act in his testimony and noted that the United States Department of Agriculture fully regulates the commercial breeding, brokering and exhibiting of exotic felines. He expressed concern about the legislation and the liability insurance that is largely unavailable.

Jim Fouts, Director of Tanganyika Wildlife Park, testified as a neutral conferees in regard to **SB 578** (Attachment 19). Mr. Fouts explained that as it relates to the bill, they have had contact with thousands of visitors without an incident which has been accomplished by limiting public exposure and direct contact to young animals weighing over 40 pounds or adult animals. He encouraged an amendment in Section 6, items (d) and (e) be changed to allow such activity as it is a valuable teaching tool to allow both on, and offside supervised interaction with the animals. Also, Mr. Fouts suggested to be fair and equitable, language should include the Zoological Association of America (ZAOA) where there is any language exempting AZA from regulation.

Written testimony on **SB 578** was submitted by:

Josephine Martell, representing the International Fund for Animal Welfare (Attachment 20)

Tom and Allie Harvey, Owners, Safari Zoological Park, Caney, Kansas (Attachment 21)

There being no further conferees to appear before the Committee, Chairman Umbarger closed the public hearing on **SB 578**. The Chairman asked the Committee to take a serious look at **SB 578** and the bill would be considered at a future meeting.

The meeting adjourned at 12:30 p.m. The next meeting was scheduled for March 15, 2006.

## SENATE WAYS AND MEANS GUEST LIST

Date March 14, 2006

NAME	REPRESENTING
Bob Totten	KCA
Eric Safford	AGIC of KS
Mark Stafford	Healing Arts
Muriah Baker	KSBFLA
Randan Allen	Ks. Assn. of Counties
Laura Hildebrand	Haley's Law
Heath Hildebrand	" "
Randy Hildebrand	" " "
Matt Baker	FCF <small>Feline Conservation Federation</small>
Bill Hildebrand	Haley's Law
D. KEITH MEYERS	DEPT. OF ADMINISTRATION - SEM
Erny Hibbs	" " "
Caren Peterson	AGC of Kansas
Alison Frihart	Haley's Law
Leanne Frihart	" "
Chip Wheelen	Asn of Osteopathic Med.
Jodie Torres	SILCK
Philip A. Horley	Pat Horley & Co.
Debra Duncan	Kansas Natural Health Syst
Estelle Montgomery	Hein Law Firm
<del>Eric King</del>	<del>KCOR</del>
Marilyn Jacobson	DOA
Kitty Demars	Dept of Commerce

**SENATE WAYS AND MEANS  
GUEST LIST**

Date 3/14/06

NAME	REPRESENTING
Winnie Carson	Haley's Law
KEEL SMITH	Haley's Law
Mark Koch	Haley's Law
Mukoi Wood	Haley's Law
Ronda Wood	Haley's Law
Mary Willard	Haley's Law & the City of Udell
David Hansen	Haley's Law & the City of Udell, KS
Jerry Couser	Lib-170 Point, Ki - Citizens of Ks.
Mike Hyden	KDWP
Kevin Jones	KDWP
Chris Tymeson	KDWP
LeAnn Schmitt	KDWP
Dick Koerth	KDWP
Jill Eller	Debbie Thomas
Clay Thomas	Debbie Thomas
Jordan Eller	Debbie Thomas
Sarah Thomas	Debbie Thomas
Jessica Eller	Debbie Thomas
Josh Thomas	Debbie Thomas
Jim Fouts	Tanganyika Wildlife Park
William Sneed	Palsinelli Law Firm

# SENATE BILL No. 578

By Committee on Ways and Means

2-24

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

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. As used in this act:

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

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

20 (1) Operates a place of refuge where abused, neglected, unwanted,  
21 impounded, abandoned, orphaned or displaced regulated animals are  
22 provided care for such animal's lifetime;

23 (2) does not conduct any commercial activity with respect to any reg-  
24 ulated animal possessed by the organization;

25 (3) does not sell, trade, auction, lease or loan regulated animals, or  
26 parts thereof, which the organization possesses;

27 (4) does not breed any regulated animal of which the organization  
28 possesses, except as an integral part of the species survival plan of the  
29 American zoo and aquarium association;

30 (5) does not conduct any activity that is not inherent to the regulated  
31 animal's nature;

32 (6) does not use the regulated animal for any type of entertainment  
33 purposes; and

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

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

41 (d) "Regulated animal" means:

42 (1) Lions, tigers, leopards, jaguars, cheetahs and mountain lions, or  
43 any hybrid thereof; and

a live or slaughtered parts of

Senate Ways and Means  
03-14-06  
Attachment 1

8-1

(2) bears or any hybrid thereof.

(c) "Local animal control authority" means an agency of the county or city that is responsible for animal control operations in such governmental entity's jurisdiction.

and includes the animal control officer, as defined by K.S.A. 47-1701, and amendments thereto, of such county or city. If the county or city does not have an animal control officer, for cities of the first class, the chief law enforcement officer shall have the local animal control authority duties and responsibilities pursuant to this act and for all other cities and counties, the county sheriff shall have the local animal control authority duties and responsibilities pursuant to this act

(f) "Designated approved handler" means a person who has the requisite training, experience and ability to care for, have custody or control over a regulated animal.

Registered

Sec. 2. (a) Except as provided in this section, it is unlawful for a person to possess a regulated animal.

is registered or would be required to be registered pursuant to section 10, and amendments thereto

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

, slaughter, sell, purchase or otherwise acquire

(c) Except as provided in subsection (d), a person shall not take possession of a regulated animal or allow regulated animals in such person's possession to breed.

(d) A person who possesses a valid United States department of agriculture license and is in compliance with the United States department of agriculture animal welfare act, regulations and standards on July 1, 2006, may breed, purchase or otherwise acquire new regulated animals after July 1, 2006, in order to:

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and, within 10 years preceding July 1, 2006, has not been convicted of a felony under the laws of Kansas or a crime under a law if another jurisdiction which is substantially the same as a felony,

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

(2) sell regulated animals to other United States department of agriculture licensed and compliant facilities within Kansas for replacement purposes as provided in paragraph (1); and

(e) It is unlawful for a person to

(3) sell regulated animals outside Kansas.

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

(b) The notification shall include the person's name, address, telephone number and a complete inventory of each regulated animal that the person possesses. The inventory shall include the following information: Number and species of each regulated animal; the microchip identification number and manufacturer of such microchip for each regulated animal, if available; the exact location where each regulated animal is kept; the age, sex, color, weight, scars and any distinguishing marks of each regulated animal; and the name of any person who is a designated approved handler.

registered

(c) When a person who possesses a regulated animal has a microchip



implanted in such animal for identification, the name of the microchip manufacturer and the microchip identification number shall be provided to the local animal control authority. If a regulated animal is sedated for any reason and such animal does not have a microchip implanted, a microchip shall be implanted in such animal. Within 30 days after the microchip is implanted, the name of the microchip manufacturer and the microchip identification number shall be provided to the local animal control authority. Within 30 days of acquisition, a person acquiring ownership of an offspring with a microchip implanted shall comply with microchip information reporting requirements of this subsection.

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

Sec. 4 (a) The local animal control authority may charge the following annual fees:

- (1) Premises inspection fee not more than \$100.
  - (2) Regulated animal registration fee, per animal, not more than \$50.
- The maximum amount charged for such animal registration per person is \$500.
- (3) Additional premise inspection fee, if the person acquires and possesses another type of regulated animal, not more than \$100.

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

(c) Any person who possesses a regulated animal shall maintain liability insurance coverage in an amount of not less than \$250,000 for each occurrence for liability damages for destruction of or damage to property and death or bodily injury to a person caused by the regulated animal. The person possessing the animal shall provide a copy of the policy for liability insurance to the local animal control authority.

or secure a bond

or proof of the bond

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

(b) A person who possesses a regulated animal shall maintain health and ownership records on each regulated animal and shall maintain the records for the life of the animal. If possession of the regulated animal is transferred to another person, a copy of the health and ownership records shall accompany the animal.

(c) A person who possesses a regulated animal shall maintain an ongoing program of veterinary care which includes a veterinary visit to the premises at least annually.

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

(e) A person with a United States department of agriculture license

Any insurer shall notify the local animal control authority, in writing, of any expiration, reduction or cancellation of liability insurance, furnished as required by this subsection, not later than 10 days before the expiration, reduction or cancellation takes effect. Any surety company who secures the performance of the bond shall notify the local animal control authority, in writing, of any expiration, reduction or cancellation of the bond, furnished as required by this subsection, not later than 10 days before the expiration, reduction or cancellation takes effect.

(d) Any fees charged and collected shall be retained by the local animal control authority to be used to implement the provisions of this act.

for regulated animals shall forward a copy of such person's United States department of agriculture inspection report to the local animal control authority within 30 days of receipt of the inspection report.

(f) A person who possesses a regulated animal shall prominently display a sign on the structure where the animal is housed indicating that a regulated animal is on the premises.

(g) A person who possesses a regulated animal shall immediately notify local law enforcement officials of any escape of a regulated animal. The person who possesses the regulated animal is liable for any costs incurred by any person, city, county or state agency resulting from the escape of a regulated animal unless the escape is due to a criminal act by another person or a natural event.

(h) A person who possesses a regulated animal shall maintain a written recovery plan in the event of the escape of a regulated animal. The person shall maintain live traps or other equipment necessary to assist in the recovery of the regulated animal.

(i) If requested by the local animal control authority, a person may not move a regulated animal from such animal's location unless the person notifies the local animal control authority prior to moving the animal. The notification shall include the date and the location where the animal is moved. This subsection shall not apply to a regulated animal transported to a licensed veterinarian.

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

Sec. 6. (a) All regulated animals shall be confined within a cage of sufficient strength and design for the purposes of maintaining and housing or transporting the animal.

The requirements for the sufficient strength of the cage shall be established by rules and regulations adopted by the secretary of wildlife and parks.

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

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

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

registered

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

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

(b) The local animal control authority, upon issuance of a notice of inspection, shall be granted access at reasonable times to premises where

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the local animal control authority has reason to believe a violation of this act is occurring or has occurred.

3 (c) If a person who possesses a regulated animal is not in compliance  
 4 with the requirements of this act, the local animal control authority shall  
 5 take possession of the animal for custody and care, following the proce-  
 6 dures in this subsection.

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

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

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

25 (2) a statement that a person from whom a regulated animal was  
 26 seized may post security to prevent disposition of the animal and may  
 27 request a hearing concerning the seizure and that failure to do so within  
 28 five business days of the date of the notice will result in disposition of the  
 29 animal;

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

34 (4) a form that can be used by a person from whom a regulated animal  
 35 was seized for requesting a hearing under this subsection.

36 (f) If a person from whom the regulated animal was seized makes a  
 37 request within five business days of the seizure, a hearing must be held  
 38 within five business days of the request to determine the validity of the  
 39 seizure and disposition of the animal. The judge or hearing officer may  
 40 authorize the return of the animal to the person from whom the animal  
 41 was seized if the judge or hearing officer finds:

42 (1) That the person can and will provide the care required by law for  
 43 the regulated animal; and

(2) the regulated animal is physically fit.

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

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

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

(j) If circumstances exist threatening the life of a person or the life of any animal, any law enforcement agency or the local animal control authority shall seize a regulated animal without an opportunity for hearing or court order, or destroy the animal.

(k) Upon proper determination by a licensed veterinarian, any regulated animal taken into custody under this section may be immediately euthanized when the regulated animal is suffering and is beyond cure through reasonable care and treatment.

(l) The agency or authority taking custody of the regulated animal may recover all costs incurred under this section.

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

(a) Institutions accredited by the American zoo and aquarium association shall be exempt from sections 2 and 3, and amendments thereto.

(b) A wildlife sanctuary registered with the local animal control authority shall be exempt from section 2, and amendments thereto.

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

(d) A licensed or accredited research or medical institution shall be exempt from sections 2 and 3, and amendments thereto.

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

Sec. 9. Nothing in this act shall preclude a person who holds a valid United States department of agriculture license from selling or transfer-

ring the entire business and the regulated animals covered by such license to another person who holds a valid United States department of agriculture license.

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

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11 Sec. 11. A county or city may adopt resolutions or ordinances governing regulated animals that are more restrictive than this act. Such resolution or ordinance may include additional animals to the definition of regulated animal, additional caging standards, and stricter care and treatment provisions. If a county or city already has a resolution or ordinance in existence that is substantially the same or more restrictive, such county or city shall be in compliance with this act.

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

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

(a)

(b) It shall be a violation of this act for a person who does not own the regulated animal, to care for, have custody or control of such regulated animal unless such person is a registered designated handler. Any such person applying for a designated handler registration shall file an application on a form prescribed by the local animal control authority. Application for such registration shall be accompanied by an application fee not exceeding \$25. If the local animal control authority finds the applicant to be qualified to be a registered designated handler after meeting the training, experience and ability requirements determined by the secretary of wildlife and parks, the local animal control authority shall issue a designated handler registration which shall expire at the end of the calendar year.

(c) The secretary of wildlife and parks shall adopt rules and regulations establishing training, experience and ability requirements for registered designated handlers.

**SENATE WAYS AND MEANS COMMITTEE**

**Re: SB 578**

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

**March 14, 2006**

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

**Several of those that will testify later this morning will tell you of the tragic incident that took the life of 17 year old Haley Hilderbrand. 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.**

**Exotic animals are defined in the bill as Lions, tigers, leopards, jaguars, cheetahs and mountain lions, or any hybrid thereof; and bears or hybrids thereof. It does not include other wild animals such as nonhuman primates. I urge the committee to include these in the final bill.**

**The proposed legislation well defines a "Wildlife sanctuary" and prevents such a facility from conducting any commercial activity with respect to any animal possessed by such an organization. It prevents such an organization from dealing in such animals or PARTS thereof. It prevents such organizations from breeding such animals, except under the species survival plan of the American Zoo and aquarium association. It 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.**

*Senate Ways and Means  
03-14-06  
Attachment 2*

**SENATE WAYS AND MEANS COMMITTEE**

**Re: SB 578**

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

**March 14, 2006**

**Page 2**

**The bill does not appear to prohibit an individual from selling Parts of these animals. I urge the committee to clarify this issue as there are individuals who raise animals, such as bears, for slaughter and the sale of parts of the animal's body.**

**The bill defines "Local animal control authority" as an agency of the county or city that is responsible for animal control operations in such governmental unit's jurisdiction. I urge the committee to make it mandatory for each city and county to establish such a position and if it fails to do so then the local law enforcement agency would be the "Local animal control authority". I urge that Wildlife and Parks be required to establish training programs to assist these agencies in understanding the legislation and the various regulations.**

**A designated approved handler is defined as 'a person who has the requisite training, experience and ability to care for, have custody or control over a regulated animal". I urge the committee to require that Wildlife and Parks be required to develop regulations that more clearly defines these terms.**

**The legislation allows a person who possesses such animals on the effective date of the law to breed, purchase, or otherwise acquire new regulated animals, in order to maintain their operating inventory of regulated animals; to sell regulated animals to other United States department of agriculture license compliant facilities within Kansas; and to sell regulated animals outside Kansas. I urge the committee to remove these abilities to breed, purchase or sell such animals.**

**SENATE WAYS AND MEANS COMMITTEE**

**Re: SB 578**

**By: Jerry D. Carson, CPA, LaBette County Commissioner**

**March 14, 2006**

**Page 3**

**If a person is allowed to breed such animals to allow them to maintain their operating inventory or sell to others to maintain their operating inventory, then it simply perpetuates the existence of ownership by individuals. I strongly urge the committee to remove the ability of an individual to breed these animals for any purpose or to obtain replacement animals via any means.**

**The proposed legislation requires the acquisition of liability insurance in the amount of \$250,000 for each occurrence. I strongly urge the committee to amend the language to require that a city or county be listed as having an insurable interest and require notification to the appropriate city or county clerk if the insurance is cancelled.**

**The bill requires the posting of a sign where the animal is housed stating that “a regulated animal is on the premises”. Many people will not know what a regulated animal is. I urge that the language be changed to state that “a dangerous regulated animal is on these premises”.**

**Present federal law allows wild animals to be held in captivity in many forms of ownership. Often the owners do not have adequate training to handle these animals, do not provide adequate facilities for their housing, and do not provide appropriate care in the form of veterinary services or the feeding of such animals.**

**Often these animals are treated in a very cruel manner. Their claws are removed and their teeth are removed or filed down. They are housed in inadequate facilities, for example too small of an area or an area that gets too hot or too cold for their comfort.**



**SENATE WAYS AND MEANS COMMITTEE**

**Re: SB 578**

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

**March 14, 2006**

**Page 4**

**These animals often carry diseases that are deadly to humans.**

**Generally they 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 changes I have suggested.**

GRETA H. GOODWIN  
 SENATOR, 32ND DISTRICT  
 COWLEY, SUMNER AND  
 PORTION SEDGWICK COUNTIES

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TOPEKA

SENATE CHAMBER

TESTIMONY BEFORE  
 SENATE WAYS AND MEANS COMMITTEE  
 SENATOR DWAYNE UMBARGER, CHAIRMAN  
 SENATE BILL NO. 578

March 14, 2006

Mr. Chairman and members of the Senate Ways and Means 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

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

Senate Ways and Means  
 03-14-06  
 Attachment 3

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.

I would appreciate an amendment be made to the bill.

On page 2, line 2, add

(3) all poisonous animals including rear-fang snakes.

# KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SB 578 relating to Limitations and Possession of Certain Animals  
To  
Senate Ways and Means**

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

**March 14, 2006**

Senate Bill 578 would create new statutes related to the possession and ownership of certain animals, namely lions, leopards, jaguars, cheetahs, mountain lions, bears or any hybrids of the listed species. **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.

**To: Chairman Umbarger and Members of the Ways and Means Committee**

**From: Michael Good**

**Date: March 14, 2006**

**Senate Bill # 578**

August 18, 2005 was the first day of school for freshmen at Labette County High School. Sophomores, juniors, and seniors were not due to attend until the next day. I was finishing up some computer upgrades at the high school when I received a call from the board office that our local police wanted me to meet them in the parking lot at the high school. I was not concerned at that time because occasionally we have a computer theft or something captured on one of our surveillance cameras that requires my involvement. The news of what happened that morning was so unexpected that I still today can't conceive the possibility of it occurring. I saw the police officer walking in the parking lot with our security officer and when he saw me he turned and entered one of our buildings. I followed them in and it looked as if he was looking for something because he was going from one room to another without saying anything to me. Since our security officer was present, I asked the police officer if I was needed because I was very busy preparing for the start of the school year. He said it did involve me and entered a small classroom. I followed him into the room and he shut both of the doors. This was the first time that I felt some worry about what was occurring. He put his hand on my shoulder and asked me if I had a daughter named Haley Hilderbrand. Many thoughts went through my head of what had happened involving Haley but none were anywhere near as tragic as what I was about to hear. I responded that yes, Haley was my daughter. He then informed me that she 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. The police officer told me again that it did

Senate Ways and Means  
03-14-06  
Attachment 5

occur and offered any assistance that I might need. 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. 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 almost 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 tiger 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, 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.

Kansas Senate Bill # 578 is a step toward protecting both the public and the exotic animals by enacting legislation and regulations on various aspects of ownership. 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.

Please eliminate private ownership, including exhibitors. No exceptions. No replacing current stock. No breeding. Put the dangerous exotic animals where they belong, in certified and safe sanctuaries and in zoos that have an absolute ban on public contact. I urge you to enact legislation as soon as possible. Thank you for the opportunity to share my concerns about this issue.



**To: Chairman Umbarger and Members of the Ways and Means Committee**

**From: Ronda Good**

**Date: March 14, 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 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 beautiful. 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 almost 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 used had been around people all his life

Senate Ways and Means  
03-14-06  
Attachment 6

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.

Haley's death could have been prevented. No one should have to go through what our family has gone through. Laws and regulations should have been in place and strictly enforced to prevent an accident like this from happening. 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 should be a wake up call for Kansas. We need strict regulations that will be enforced. 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.

**To: Chairman Umbarger and Members of the Ways and Means Committee**

**From: Nicole Carson**

**Date: March 14, 2006**

**Senate Bill # 578**

Anticipating my senior year of high school was a day I had waited for all of my life. With fun and exciting days waiting ahead of me I could not help but think of the memories that would be made. As I was gathering supplies for my classes on August 18, 2005, my phone rang. With a strong hesitation, I answered it, only to hear news that would change my life forever. This was definitely not a memory I wanted to create; my best friend and neighbor, Haley Hilderbrand, was killed by a Siberian tiger. I looked up at my mom, still in denial, and begged her to tell me it wasn't true. Did I really have to begin the first day of my senior year at my best friend's funeral? As I entered the halls of Labette County High School on the Tuesday after Haley was buried, the reality hit. I was lost. The smile that once influenced the faces of all who were surrounding it, would no longer be able to shine. My best friend was gone.

Haley's love was deep for anyone or anything she came in contact with, even the tigers. She was passionate about animals, and loved to be around them. Knowing that others had their senior pictures taken with cubs and grown Siberian tigers, Haley decided to be no different and planned to have her pictures taken with the cubs, only to later find out that her pictures would not turn out quite the same. Since Haley was not fortunate enough to be speaking with you today, I will be doing so in her behalf. Haley was the first person to lose her life to this wild animal, and her death should serve as motivation to you to make her the last one as well. Haley always wanted to make a difference in the world, but now it is up to you to make her dream come true.

Senate Ways and Means  
03-14-06  
Attachment 7

Haley left an impression on the lives of all she came in contact with, and hopefully her life has done the same for you. I speak for Haley today in support of Senate bill # 578 to ensure the protection of the lives of others when around exotic animals. Haley's death has not only opened my eyes, but has also had an impact on the lives of everyone in my community as well as across the nation; now it is up to you to prevent this tragic death from happening to anyone else. Thank you for letting me speak today on Haley's behalf in support of Senate Bill #578 concerning regulations of exotic animals.

To: Chairman Umbarger and Members of the Ways and Means Committee

From: Keri Smith

Date: March 14, 2006

Senate Bill # 578

On August 19<sup>th</sup> we were supposed to start our senior year. This is something that we had all anxiously awaited. I have always been told that senior year is the best time in your life. However, my best friend and classmate who loved life more than anything else didn't make it to her best time. On August 18<sup>th</sup>, my life was changed forever after learning that my best friend and classmate, Haley Hilderbrand, was killed by a seven year old Siberian Tiger. This is the year I am supposed to have the most fun with Haley and neither one of us got that opportunity. You can not imagine the effect that this had on me and everyone around me. Haley made an impact on the life of everyone she came in contact with. She had a personality that brought a smile to the face of anyone she saw. Thinking about the memories I made with Haley still makes me smile.

If regulations were made stricter, maybe Haley would not be gone, and maybe she would have been able to enjoy her senior year like she had enjoyed the preceding years of her life. Tigers and big cats make dangerous pets and should not be allowed around the public at any time. They are very explosive and efficient predators with the capability of killing in a split second. They are going to do what comes naturally even in captivity and after years of training. They are still wild animals.

Senate Ways and Means  
03-14-06  
Attachment 8

I am here today speaking in behalf of Haley Hilderbrand asking that you support and pass Senate bill # 578. Please do not allow what happened to Haley happen again to someone else's best friend or someone else's baby.

To: Chairman Umbarger and Members of the Ways and Means Committee

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

Date: March 12, 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.

Senate Ways and Means  
03-14-06  
Attachment 9

Esteemed Senators, .....

I come to you today regarding Senate Bill No. 578, to ask for legislation concerning ownership and possession of certain animals, requiring registration, and providing criminal penalties. As you may recall in August 2005, a beautiful young girl named Haley Hilderbrand was taken from this earth because of an attack of a tiger owned here in Kansas. That girl was my granddaughter. Until this incident happened, I admit I knew very little about the ownership and restrictions that owners of big cats and bears (those animals included in this piece of legislation) are required to follow. I now know and am concerned because very little has been done to protect citizens of the State of Kansas from these fierce predators.

The General public across the United States heard about our Haley and what had happened. Headlines included statements of how she was killed while having her senior pictures taken. For an entire month after this tragedy happened, news crews interviewed her parents, grandparents, and other family and friends. After that month, however, the issue of ownership, needed restrictions, and possible legislation to protect the animals involved and the general public became almost non-existent. Had this occurred to the members of President Bush's, Governor Sebilus, or anyone else famous' family, action would have taken place immediately. Thirteen states have already enacted legislation to ban private ownership of these animals and I ask the same. Legislation in Kansas has been promised over the last two years, which would

Bill Hilderbrand

Senate Ways and Means  
03-14-06  
Attachment 10



have saved my grandchild, however, nothing has been accomplished. The excuse I have been given is that the “problem was being researched.”

Well, I did the research. An estimated 5,000 tigers are privately owned in the United States, more than the number remaining in the wild in India. In 2003, the Captive Wild Animal Protection Coalition released a statement notifying the public and government agencies of the dangerousness of ownerships of these animals. That statement included information that from January to October 2003, there had been at least 22 big cat incidents resulting in 2 human fatalities, 11 human injuries, and 9 animal escapes across the US. Interestingly, by the end of that year the incidents increased to 33 big cat incidents resulting in 3 human fatalities, 14 human injuries, and hundreds of animal escapes from enclosures or confiscations, many more unreported. In that statement they stated, “The Captive Wild Animal Protection Coalition (CWAPC), which represents 20 leading animal protection organizations, zoos, and sanctuaries, believes keeping wild animals as pets is dangerous for people and inhumane for animals.... Even the most highly trained tiger can revert to her wild instincts in a second.”

In February 2004, the Captive Wild Animal Protection Coalition, released yet another statement expressing concern and the need for legislation due to continued increases in human fatalities and injuries at the hands of big cats.

To go further, The Humane Society of the United States, released a statement on August 26, 2005 outlining the need for Kansas to make changes in legislation to protect its citizens from the threat of these animals. They also indicated that since 2004 alone, there have been more than 20 people who have been injured by big cats in the US.

These injuries and deaths have included: a 10 year –old Minnesota boy who is permanently paralyzed after being mauled by a lion at an auto shop, an adult woman caring for the four tigers that attacked her, a 10 year-old North Carolina boy who was killed by his families 400 lb tiger, a 1999 incident involving a 5 year –old Kansas boy bitten by a tiger cub that required 20 stitches, and other incidents, most close to me was a 17 year-old Kansas senior named Haley who died, a result of a tiger attack.

Please know too that in August 2005, a 10 – 12 week old pup named, Magnum was found severely burned by chemicals and wrapped with wire in a dumpster in Wichita, Ks. Citizens were outraged by this atrocity and legislation in form of Senate Bill 408 would make it a felony to kill or seriously injure any animal, with convictions resulting in up to a 1 year prison sentence and a minimum fine of \$1500, and offenders would have to go through psychological counseling and anger-management classes. If this state can provide for the protection of puppies, it should be able to provide for the protection of its citizens. Isn't that what government is all about?

I ask this committee to ban ownerships of all exotic animals from private owners. This will help protect our citizens in the State of Kansas. The fact that 13 other states have already done this proves that my family and I are not the only ones who believe that these animals belong in the wild or in a zoo that is adequately protecting the public from these animals.

To: Chairman, Senator Umbarger and Members of the Ways and Means  
Committee

From: Leanne Frihart

Date: March 14, 2006

Senate Bill #578

I am here today because unlike me, my sister and best friend can not be here. A fatal and catastrophic event took place that has changed the way I perceive life. You see, Haley and I had planned on getting senior pictures taken together with the baby tigers. However, I was unable to attend. Amazingly God was looking out for me and I am asking you to do the same for others.

After questioning why this had to happen to dear Haley, I then questioned why this had to happen in the first place. No family or friend should have to lose someone in such a traumatic yet preventable way. That is why I strongly urge to pass Bill 578.

I was a debater in high school and would argue whether certain policies should be adopted or not. I was taken aback to discover that there are truly no policies in place to control the private ownership of wild animals. But more stunning was the lack of concern for such vital and life saving laws.

I live in a small community of about 10,000 people, I was astounded to learn that is the same number of privately own tigers nationwide. These wild animals are wild, like the name says. They are not predictable or liable. We must all take responsibility for them. Senators, please take your share of the responsibility.

Senate Ways and Means  
03-14-06  
Attachment 11

Laws could have prevented what happened. Stricter standards for operating, more and continuous inspections, and hastier and harsher consequences for violators could have saved my best friend and sister.

The fatal accident was highly publicized, which means the media and the public want to know who is to blame. Yet, figuring out who is at fault or to blame does not bring Haley back. Instead we must all learn from this and make sure it never happens again.

I hate to think about how I could be with Haley right now. Here or in heaven. It does no good to think about what could've been. Like the full and wonderful life she could have lived. Instead, I want no more than to make sure no one else has to experience a tragic loss.

I am asking you to adopt this bill so that I will one day have the peace of mind that this will never happen to anyone else. I never want to see or hear of an accident and know exactly how it feels. Please stop an avoidable accident and adopt this bill.

**To: Chairman Umbarger and Members of the Ways and Means Committee**

**From: Alison Frihart**

**Date: March 14, 2006**

**Senate Bill # 578**

I stand before you today, two days before my twentieth birthday. I can hardly believe that in two days, I will no longer technically be a teenager. I am fast on my way to adulthood, to experience many things that I have awaited since I was a small child. I'm already a sophomore in college, and soon I'll be in law school. Before I know it, I'll be married, have a career, and maybe even a couple of kids. You're probably all wondering, "Why is this girl talking about herself? What does this have to do with anything?" I agree, none of this should really matter to you, least of all the fact that I'm about to have another birthday, but I strongly believe that it should matter to you that because Bill 578 was not a regulated and enforced law seven months ago, my sister Haley will never have another birthday.

I remember her last one. I remember how excited she was to turn seventeen, to be approaching her senior year of high school, and all the things it held in store for her. As you are all aware, Haley never got to experience even the first day of her senior year. She was killed by a tiger while having her senior pictures taken. I have watched many people react when I tell them what happened to Haley, and I have heard most of them call it a "freak accident." Thinking of this tragedy as an accident leads a person to think that it could have been prevented, and this leads us to ask, "What if? What if laws such as this one had existed and been enforced? Would Haley still be alive today?" I believe that she would be, but then none of us would be here trying to persuade you to vote in

Senate Ways and Means  
03-14-06  
Attachment 12

favor of this bill. If any good has come from this tragedy, I have to believe that the best thing is that we all have an opportunity to make sure that this kind of “freak accident” will not happen again in the state of Kansas.

According to People for the Ethical Treatment of Animals (PETA), there have been 196 big cat incidents within the United States since 1990. The majority of these resulted in some kind of injury to those involved, and 16 of them resulted in a human death. About 6% of these incidents occurred in the state of Kansas. This number does not seem very significant, but think about the fact that some of the people involved in these incidents were attacked almost to the point of death, and Haley, in the most recent of these recorded incidents, was killed by a tiger. It is unfortunate that it took Haley’s death to make us realize just how dangerous these animals really are. Often, even those handling the animals, those we trust to keep us safe, are in just as much danger themselves because of the unpredictable, wild nature of these animals, and because strict guidelines for their handling and care do not exist. Regulations such as Bill 578 will make residents of this state safer when they encounter these animals.

Senators, I urge you to think about your lives. Think about all the things you have been able to experience and accomplish, and then take away from that everything after you turned seventeen. No person should be deprived of such a long, full life by an accident that could have been prevented, least of all someone who was so vibrant and charismatic, who had the whole world ahead of her, and who made the lives of many others better, even if only by smiling. I urge you to vote in favor of Bill 578, to prevent another accident like this from happening. Please do not allow any other lives to be cut short when you can make sure no more are.

Presented March 14, 2006

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. You will see in one of the attached photos the group picture. 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.

Senate Ways and Means  
03-14-06  
Attachment 13



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 7<sup>th</sup>.

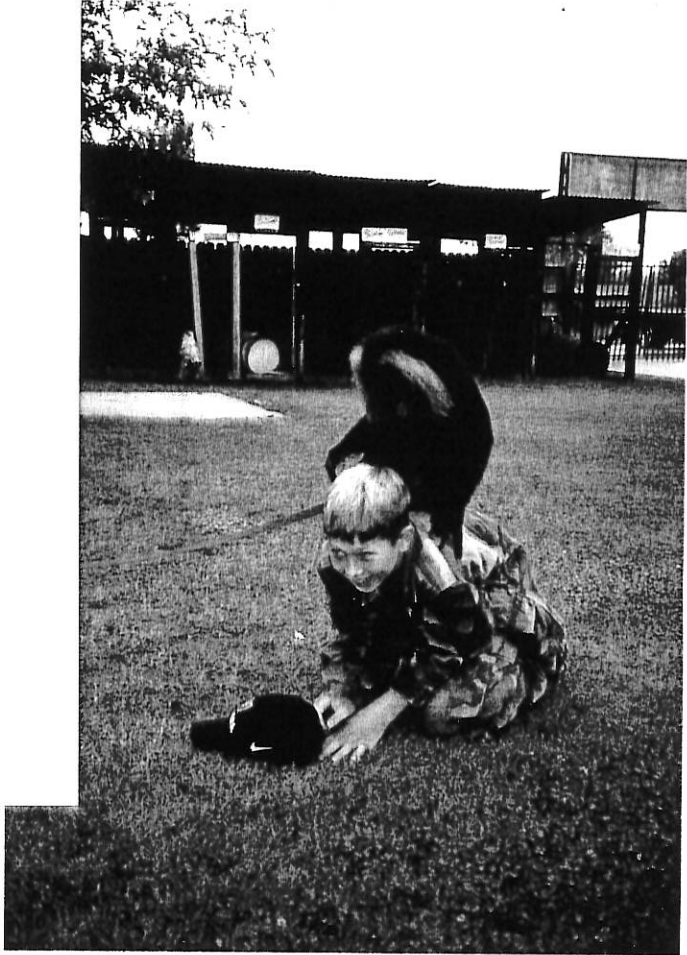
I cannot prove that either death was directly caused by the events of that summer day but I believe it in my heart to be true and no one will ever convince me any different.

Lions, Tiger 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. 5<sup>th</sup>  
Sterling, KS 67579  
620-278-2550 home  
620-204-0281 cell  
[cthomas@sterling.edu](mailto:cthomas@sterling.edu)



Senate Bill 578

Thank you Mr. Chairman:

First I want to thank you for the opportunity to address Senate Bill 578.

I am in 100% support of this Bill and know many other Kansas citizens who also support this Bill which has been too long in adopting. I would also like to say I am not just supporting this Bill by myself, I am on the Planning Commission in Udall, Kansas. We approved an exotic animal ordinance similar to Senate Bill 578 and sent it to the governing body for approval. It passed unanimously and was adopted by the City of Udall.

Myself and others have done extensive research on other Bills in other states and this Bill certainly addresses the wishes of Kansans who want safeguard controls for the safety of our loved ones including protection for the animals. If this Bill had been in effect 2 years ago a family that I know personally would still have their granddaughter, Haley Hilderbrand, who was killed by an exotic tiger in Southeast Kansas. The grandparents of Haley are Bill and Mary Hiderbrand from Udall, Kansas. Unless a tragedy occurs to a family member of yours or mine, we as people, become complacent and say "it's just another tragedy." How many more tragedies must occur before regulations are in place. Those of us that have children and grandchildren would not hesitate to vote in favor of this Bill if a tragedy like the Hilderbrands experienced would have happened to one of us.

For the safety of all citizens of the State of Kansas, and the animals, I beg you to pass this bill once and for all.

Thanking you in advance for your sincere consideration.



David J. Hansen  
Udall, Kansas

Senate Ways and Means  
03-14-06  
Attachments 14

**Testimony before the Kansas Senate Ways and Means Committee  
Senate Bill No. 578**

A proponent for passage of the bill.

March 14, 2006

I am Susan K. Metzger and I represent my family, which includes my husband, six children and 15 grandchildren. We live in rural Osage County, Kansas at 8425 SW 109<sup>th</sup>. Our family has endured many problems with exotic animals the past three years.

We have been one of the neighbors to owners of exotic animals since 1999 when one Siberian tiger was moved from Shawnee County to Osage County. Since 1999 many other exotic animals were obtained and housed by these owners within a four year time period. Osage County was unaware of our neighbor owning a large number of exotic animals.

**SB 578 includes a provision for animal owners to notify the local animal control authority of any possession of a regulated animal.**

On a Saturday, May 10, 2003, my son reported to me that he was driving to his home on 109<sup>th</sup> St. when an animal suddenly jumped up from the ditch as if to attack his car. He swerved to avoid hitting the animal when he noticed that 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 trees along the road at 101<sup>st</sup> and Hoch Rd. He immediately called 911 to report the incident and drove to the property owner's home to warn them that a tiger was on their property. At this time 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. The owner was transporting the tiger to an exhibit at a Topeka pet store and did not realize that the animal was missing until he arrived in Topeka.

**SB 578 would solve these kinds of problems because it requires proper caging of transported animals, microchip identification and immediate notification to law enforcement of an escape. The bill also does not permit a regulated 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.

**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 of a Siberian tiger cage located at our neighbor's wildlife 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 animals will escape.

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

We respectfully request that you pass Senate Bill 578 for the peace and safety of all Kansas families. Thank you for your attention.

Senate Ways and Means  
03-14-06  
Attachment 15



TESTIMONY <sup>578</sup>  
concerning Senate Bill No. ~~587~~<sup>578</sup>

re. **Ownership and Possession of Certain Animals**  
Senate Ways and Means Committee  
Submitted by Randall Allen, Executive Director  
Kansas Association of Counties  
March 14, 2006

Chairman Umbarger and members of the committee, thank you for the opportunity to present testimony *in support of SB ~~587~~<sup>578</sup>* 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~~<sup>578</sup> provides a way to regulate such wild animals – lions, tigers, and bears - by a local animal control authority. Upon first reading the bill, we were concerned about the mandate on a county or city of having to establish a local animal control authority when one does not currently exist. We understand that a balloon amendment is being prepared that will place the responsibilities of a local animal control authority in a sheriff's office or police department, when no local animal control authority exists. The Sheriff's Office or Police Department would likely be the responding agency to an emergency call involving a wild animal anyway, and so this clarifying amendment seems logical to us.

Further, SB ~~587~~<sup>578</sup> 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~~<sup>578</sup> 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 amend the bill to address the concerns that have been raised, and then 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.

300 SW 8th Avenue  
3rd Floor  
Topeka, KS 66603-3912  
785•272•2585  
Fax 785•272•3585

Senate Ways and Means  
03-14-06  
Attachment 16

Samuel C. Metzger  
8415 SW 109<sup>th</sup> St.  
Auburn, Kansas 66402

Testimony before the Kansas Senate Ways and Means Committee for Senate Bill No. 578  
A proponent for passage of the bill.  
March 14, 2006

I am Samuel C. Metzger

On a Saturday, May 10, 2003, I was an eyewitness to the speed and agility of an exotic animal on the loose in Shawnee County. I called the 911 dispatcher and reported the Tiger at large. I finally convinced the property owner there was a real Tiger on his land. The property owner was in denial that an exotic animal could be running free that close to his house. I told him to take any small children and babies inside.

This one animal was found after so many people were looking for it on a weekend. What would happen if that day were a regular weekday or school day?

What would have happened if more than one exotic animal ran away at the same time?

How do we divide our time looking for multiple animals at once?

This Senate Bill 578 should be passed for the safety of its fellow Kansans.

We owe it to the safety of Kansas's farmers everywhere to vote yes, and pass this Bill.

Thank you for your cooperation.

Senate Ways and Means  
03-14-06  
Attachment 17

3/14/06  
Matt Baker  
Atchison, KS

### Regarding Senate Bill 458

I am here today to represent the Feline Conservation Federation, an international non-profit organization, founded in 1957, which preserves, protects and propagates exotic cat species.

FCF members propagate many of the same species as AZA zoos such as Siberian tiger, Amur leopard, Kruger lion, jaguar, and cougar but we also propagate different species; black maned lion, Bengal tiger, white Bengal tiger and Asian and African leopard.

We know that behind the scenes the Animal Rights movement is using the tragic death of Kansas's teenager Haley Hilderbrand to pressure you to 'cut off the head, to cure the headache'. I wish to give you reasons to avoid such drastic measures.

In 2003 Congress passed the Captive Wildlife Safety Act. The CWSA is an amendment to the Lacey Act that outlaws the interstate transport of large cat species by anyone not USDA licensed or otherwise exempted. Kansas will see the benefits of this federal legislation in the years to come, as big cat species will no longer enter or leave this state for pet purposes.

The United States Department of Agriculture fully regulates the commercial breeding, brokering and exhibiting of exotic felines. The Animal Welfare Act sets standards for veterinary care, caging and sanitation and public exposure.

APHIS formulated their policy on Exhibiting of Dangerous Animals that requires 2-years hands-on experience to obtain a Class C exhibitor license. The policy also places strict limitations on public exhibition of large cat species over 4 months of age. The tragedy that has brought you here today was in direct violation of existing regulations and there is no need to punish those who follow the law because this one person did not.

The husbandry of large cats species does carry some potential for danger and it is very important that those engaged in this practice have the knowledge and facilities to mitigate this risk. This legislation being proposed has a requirement for liability insurance that is largely unavailable. By inserting this requirement into this bill, you have caused many good facilities that have otherwise safe and healthy cats to be unable to comply and it will force some owners to loose their cats and some owners to hide their cats. This is not in the best interests of the conservation of the species or the public safety.

The greatness of America is that it allows us the freedom to be different and exercise our unique talents.

While Americans are risking their lives in Iraq to defend us from terrorism, we must not let our own brand of homegrown animal rights fanatics succeed in using hysteria and terrorism to destroy our liberties, one step at a time, one state at a time, one species at a time.

Senate Ways and Means  
03-14-06  
Attachment 18

## FELINE CONSERVATION FEDERATION EXTENDS CONDOLENCES OVER TIGER PHOTO SHOOT THAT ENDED IN FATAL ACCIDENT

FCF President Robert Turner issued a statement, "Our condolences extend to Haley Hilderbrand's family, and also to Lost Creek Sanctuary."

(PRWEB) August 23, 2005 -- The Feline Conservation Federation expresses profound sorrow and regret for the tragic incident that resulted in the death of Kansas high school senior Haley Hilderbrand. FCF President Robert Turner issued a statement, "Our condolences extend to Haley Hilderbrand's family, as well as the Lost Creek Sanctuary."

The USDA - United States Department of Agriculture - regulates all public exhibitions of animals and requires exhibitors to provide barriers between large carnivores and the public. Turner explained, "It is imperative that all keepers of large felines adhere to these rules, because as this most recent tragedy points out, even well-trained animals have the potential to act unexpectedly."

Turner noted that most exotic feline owners are responsible, caring and loving people who spend a great deal of time with their animals ensuring that they are well cared for and protected from harm. "The mistakes and misjudgments of a few, in no way represent the actions of the majority of exotic feline keepers".

The FCF will continue to work with all exotic cat owners to increase keeper safety through continuing education classes. FCF conducts Basic Wild Cat Husbandry Courses across the country. The next scheduled class takes place on October 29th in Springfield, Oregon. "We encourage and welcome all exotic cat owners, exhibitors and the general public alike to these courses to meet with the community and keep up to date with current husbandry techniques and safety methods. Education of the keeper is the key to safety", says FCF certified course instructor Carol Bohning.

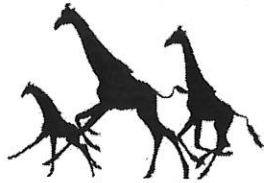
FCF Director Lynn Culver who has raised exotic cats for over 20 years, warns against the recent trend of legislative over-reaction, "Passing ban laws that remove freedoms and prohibit all activities in response to those who didn't follow existing regulations, is not in the best interests of species conservation".

Culver points out that the world's wildlife is under increasing threat from poaching and habitat loss due to human encroachment. "Today, more than ever, USDA licensed and inspected facilities are vitally important. Captive wildlife is needed for educational ambassadors and species survival."

FCF is an internationally recognized organization devoted to responsible captive husbandry. Members are professional exhibitors, breeders, collectors, educators, researchers and pet owners. All FCF members pledge to follow all applicable local, state and federal regulations. They take appropriate precautions ensuring the health and safety of the public. Simultaneously, they take care not to jeopardize and thereby threaten the animal, which is vitally important, along with providing care and facilities for the physical and psychological needs of the feline.

###





Tanganyika Wildlife Park  
1037 S 183<sup>rd</sup> St W  
Goddard, KS 67052

10 March 2006

Mr. Dwayne Umbarger, Chairman  
Senate Ways and Means Committee

Re: Senate Bill No. 578

Mr. Chairman and Members of the Committee, my name is Jim Fouts, Director of Tanganyika Wildlife Park. I would like to share with you some observations about SB578 and the practical impact it will have on not only facilities such as Tanganyika Wildlife Park, but also other municipal and private facilities in Kansas. Public safety is without question our primary goal, however, public safety and general animal welfare can be easily accomplished by following a few basic guidelines.

While I am sure the intent of this bill is structured to eliminate those persons who would keep these animals as pets, its shotgun approach punishes all legitimate enterprises both public and private for the infractions of a few individuals.

As drafted, this bill puts undue hardship on my institution, Tanganyika Wildlife Park, as well as a number of other enterprises including some municipal zoos who are not AZA members.

As an introduction, let me give you a short overview of Tanganyika Wildlife Park. The Park is located in Goddard, Sedgwick County, Kansas. Our organization has both a for profit entity and a not for profit 501c3 foundation. We have been at our present location since 1984 and have been active in the Zoo industry since 1972, either working in Zoos, operating USDA import/quarantine facilities in Los Angeles, holding/breeding facilities in Goddard, and export facilities in East Africa. We have supplied the international Zoo industry with birds and animals and provided 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 enclosed) 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 expansion of the Park which will be fully open this fall providing Kansas with another unique attraction for visitors to our state. A master plan is enclosed for your review.

Senate Ways and Means  
03-14-06  
Attachment 19

As it directly relates to bill 578, we have had contact with thousands of visitors without an incident. This has been accomplished by limiting public exposure and direct contact to young animals weighing forty pounds or less, and by strictly supervising contact. No contact is allowed with animals over forty pounds or adult animals. People are very tactile, and by adopting a no contact policy we rob visitors of a very special experience. These animals are ambassadors for their species and through this contact we not only educate our visitors to the plight of endangered species, but encourage people to become more involved in their preservation. You can watch an animal on the discovery channel forever, but none of it will compare to one up close and personal encounter with the animal itself.

Consequently, I would encourage a revision of Sec. 6, item's (d) and (e) to be changed to allow such activity as it is a valuable teaching tool to allow both on, and off site supervised interaction with the animals. Rather than a ban, a weight restriction of forty pounds will safeguard the public without hindering our mission to educate our visitors and promote species preservation.

Tanganyika Wildlife Park is not, and probably will never be, a member of AZA. Rather, we have chosen to become accredited by the Zoological Association of America (ZAOA), a recently formed national organization as Tanganyika's mission statement is more clearly in tune with ZAOA's philosophy regarding animal management. ZAOA promotes high standards and ethics through their accreditation program and encourages responsible conservation of genetics through public and private cooperative breeding programs. ZAOA has very objective standards, and accreditation by ZAOA shows that the facility has met those standards.

ZAOA Standards include:

Perimeter fencing, minimum caging requirements and construction, public barriers, nutrition and sanitation requirements, and rules regarding animal contact. (Excerpts of ZAOA standards are enclosed)

Examples of Accredited members of ZAOA include both public and private facilities:

Omaha Zoo, NE

Fort Worth Zoo, TX

Lowry Park Zoo, Tampa, FL

Fossil Rim Wildlife Park, Glen Rose, TX

Cactotin Preserve, MD

Montgomery Zoo, AL

Gulf Breeze Zoo, FL

San Diego Zoo, CA

African Wildlife Safari, OH

Peace River Center, FL

Southwick's Zoo, MA

Virginia Safari Park, VA

Metro Richmond Zoo, VA

Orange County Zoo, CA

El Rancho Exotica, KS

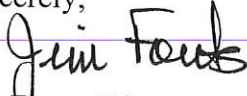
Tanganyika Wildlife Park, KS

Accepting ZAOA accreditation is a solution to our problem, so I would suggest that to be fair and equitable, SB 578 should also include ZAOA in any language exempting AZA from regulation.

In fact, a member of either organization should be exempted from all regulation as we are required to comply with the proposed requirements through our USDA licensing and accreditation process.

I would like to thank you for this opportunity to testify today and would like to offer my assistance to the Committee to improve the draft into a more equitable and workable form.

Sincerely,

A handwritten signature in black ink that reads "Jim Fouts". The signature is written in a cursive style with a large, prominent "J" and "F".

Jim Fouts, Director  
Tanganyika Wildlife Park

# 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 14, 2006 to urge the Senate Ways and Means 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.

The Kansas Department of Wildlife and Parks (KDWP) commission has had ample opportunity to safeguard the safety of the Kansas public yet they have taken no action. Indeed, the regulation they have been considering has been under review since October, 2004. Even more distressing is that there have been three hearings since Haley's death- and one was just days after. We are very disappointed that this critical issue has not been addressed and are concerned about the weak regulation the commission is now considering. Therefore, IFAW urges the members of the Senate Ways and Means Committee to ensure that either a stringent regulation is put in place or that appropriate legislation is considered.

IFAW understands that it has been the intention of the KDWP commission, 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

Senate Ways and Means  
03-14-06  
Attachment 20

# IFAW



## International Fund for Animal Welfare

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.

To solve this, IFAW respectfully suggests that the Senate Ways and Means Committee consider the American Zoo and Aquarium Association (AZA) accreditation system. 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 existing pet owners should be grandfathered in and allowed to keep their existing pets for the animal's lifetimes. IFAW does not believe, however, that pet owners should be allowed to replace existing animals once they die or acquire any additional animals. These owners should be required to come into compliance with a stringent regulatory system and there must be a strict no contact policy put in place to ensure that members of the public or untrained individuals do not come into contact with these grandfathered animals.

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

# IFAW International Fund for Animal Welfare

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.

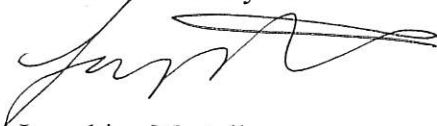
IFAW has hands-on experience with this issue and has been involved in two major rescue and relocation efforts of big cats from sub standard facilities. In November 2003, IFAW conducted a joint operation to help local authorities rescue 24 Bengal tigers kept in appalling conditions in a woman's New Jersey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



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**Testimony in Opposition of Senate Bill 578  
Presented to the Senate Ways and Means Committee  
by Tom and Allie Harvey, Owners  
Safari Zoological Park, Caney, Kan.**

**March 14, 2006**

Mr. Chairman, members of the committee, thank you for the opportunity to present to you this written testimony.

Today, we wish to express our opposition to the proposed bill regarding even more restrictions on ownership of exotic or endangered animals in the state of Kansas. For the last 15 months Kansas Wildlife and Parks has belabored the fact of more restrictions on this matter and is expecting sometime in June to have a final draft of the new proposed regulations.

First, we would like to give you a little background about us. Safari 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 by many prestigious awards and recognized by many media. In 1997, we were awarded first place for our educational program, "Struggle for Survival" out of 200 Universities in the United States and Canada. In 2001 we had one of the rarest animals on the planet born here, 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, Hataburg's People, Kansas Curiosities and Southeast Kansas Living. We can be found on the Rand McNally Road Map. We are not a fly-by-night facility. We support outside conservation efforts in South America and educational programs for schools who visit the park each spring with thousands of students coming from Kansas and Oklahoma.

The tragedy that occurred in Mound Valley is nothing to be ignored. However, if the facility had been observing current USDA regulations, the accident would not have happened. Passing more laws will only affect those who already adhere to the law and will further burden those who are already following them. If someone is going to break the law, passing another one will probably not deter them.

A long list of guideline requirements by the USDA prohibits contact to the public with cats that are 6 months of age or older.

Specifically regarding Senate Bill 578, the liability insurance requirement is virtually unattainable. Furthermore, the idea that local animal control officers are qualified to handle exotic and endangered animals is a very deep, deep concern. The idea that a local dog catcher is somehow trained and prepared to handle the possibility of dealing with these types of animals is nothing but a joke. Where would these animals be contained? What type of training do these officers have in the care and responsibility of handling these animals once they would take them into their possession? What will the state do if an animal control officer obtains a 500 pound tiger and it escapes or attacks them while it is in their custody....shoot it??? Is that a solution? Is the state prepared to have that type of responsibility?

In the past, there have been many governing bodies that had irresponsible owners and people who did not know how to care for exotic animals. Some were in it to make money and sold animals to anyone who had the money. At present this is not necessarily so because disreputable dealers have found that it was not as profitable of a venture as they had hoped for. Current laws have all but taken care of this situation, leaving only those who are truly passionate about these creatures and who want the best for them.

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Senate Ways and Means  
03-14-06  
Attachment 21

In view of those institutions accredited by the American Zoo and Aquarium Associations being exempt from section 2 and 3 is a blatant disregard to our constitutional rights for "Free Enterprise." The AZA is nothing more than a "private club" established by those to create a monopoly for those who are only wealthy enough to belong to their elite club. Statistics show that of all the zoos in the U.S., less than 10% are accredited by them. Yet, are they exempt from animals escaping? NO. Caretakers being hurt or killed? NO. Successful breeding of endangered species? NO. Animals being stressed by being moved from one facility to another? NO. Why is AZA the only accreditation that the state is willing to recognize? The USDA has fined AZA accredited zoos for many non-compliance items just like they have for small or private zoos. We are all afforded the same licensing for the same animals by the same Federal Agency. But private facilities are being singled out as misfits or zoos who don't know what they are doing.

We take our position seriously and passionately and will stand opposed to Senate Bill 578. Thank you for your consideration in this matter.

Tom and Allie Harvey  
Safari Zoological Park, Caney Kan.