

SESSION OF 2016

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2059**

As Agreed to April 28, 2016

Brief*

Senate Sub. for HB 2059 would allow members of the public specified physical contact with dangerous regulated animals (excluding bears and venomous snakes) as detailed below:

- For dangerous regulated animals weighing 10 pounds or less, members of the public would be permitted to come into “full contact” with the animal. The bill would define “full contact” as a situation in which an exhibitor or handler would maintain control and supervision of the animal while temporarily surrendering physical possession or custody of the animal to another person; and
- For dangerous regulated animals weighing 25 pounds or less, members of the public would be permitted “incidental contact” with the animal. The bill would define “incidental contact” as a situation in which an exhibitor or handler maintains control, possession, and supervision of an animal while permitting the public to come into contact with it.

The bill would define “control” as keeping an animal in a harness and connected to a leash.

A dangerous regulated animal could be used for contact with the public only if the exhibitor:

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- Evaluates the animal and ensures it is compatible with the intended uses of the animal;
- Takes reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of members of the public or wildlife; and
- Exhibits the animal in a manner that prevents injuries to members of the public or wildlife.

The bill would require all dangerous regulated animals to be maintained under strict supervision and control in order to prevent injuries to members of the public. Additionally, dangerous regulated animals removed from confinement would not be allowed to run at large or be tethered outside.

Before a member of the public comes into physical contact with a dangerous regulated animal weighing between 10 and 25 pounds, he or she would be required to read and sign a statement that contains the following: “the handling or petting of a dangerous regulated animal is inherently dangerous and may result in scratches, bites, or other injuries.”

Finally, institutions accredited by the Association of Zoos and Aquariums or the Zoological Association of America would be exempted from reporting and license compliance that is required of local animal control authorities.

Conference Committee Action

The Conference Committee agreed to remove the contents of the Senate Substitute version of the bill and agreed to insert the contents of SB 97, as amended by the House Committee.

Background

[*Note:* the Conference Committee removed the contents of Senate Sub. for HB 2059, which dealt with application requirements and fees to appropriate water that otherwise leaves the states and chemigation permits, and inserted the provisions of SB 97, as amended by the House Committee. Background information on SB 97 follows.]

SB 97 Background

SB 97 was introduced by the Senate Committee on Natural Resources.

At the Senate Committee hearing in 2015, the Director of Tanganyika Wildlife Park, located in Goddard, Kansas, presented testimony in favor of the bill. The Director stated Tanganyika is one of the largest attractions in Kansas, having more than 104,000 visitors in 2014. Additionally, many Tanganyika animals are used for live interactive demonstrations on Jack Hanna's various television appearances, along with other appearances on various daily and late-night talk shows. The Director of Tanganyika stated the current law restricts accredited Kansas zoos from using small cats for educational interactive experiences. By passing the bill, Tanganyika would be able to offer visitors a supervised, up close, and personal experience with the cats while they are small. Additionally, the Director stated the bill would remove cheetahs and clouded leopards from the dangerous animal list, as they have been unfairly grouped with all the big cats that also are listed on the dangerous animal list.

Columbus Zoo and Aquarium Director Emeritus Jack Hanna and representatives of the Zoological Association of America, the Dallas Zoo, and the Nashville Zoo provided written testimony in favor of the bill.

Opponents to the bill included a private citizen and a representative of the Humane Society of the United States (HSUS). The private citizen related the story of his wife, whose arm was severed by a tiger at a private zoo in Kansas during a visit with a Boy Scout troop. The HSUS representative provided background to the Committee on the reason for current law, which was passed in 2006 after the 2005 death of a Kansas high school student who was posing for her senior pictures with a tiger at a U.S. Department of Agriculture-licensed wildlife facility in Kansas. The opponents stated wild animals retain their basic instincts, even if born in captivity and hand-raised, and the accreditation process through the Association of Zoos and Aquariums of the Zoological Association of America, as stated in the bill, needs to be closely vetted.

Former Kansas Senator Dwayne Umberger and two private citizens (the parents of the Kansas high school student who was killed) also provided written testimony opposing the bill.

The Senate Committee amended the bill to clarify dangerous regulated animals removed from confinement would not be allowed to run at large or be tethered outdoors. In addition, three technical amendments were adopted by the Senate Committee.

The Senate Committee of the Whole amended the bill to restore "cheetahs" to the list of dangerous regulated animals, which is current law, and added the definition of "control." The Committee decreased the weight of a dangerous regulated animal that members of the public would be permitted to come into "full contact" with from 25 to 10 pounds. The Committee also added language requiring members of the public to read and sign a statement regarding handling or petting dangerous regulated animals and that doing so may result in injury of some kind.

At the hearing on the bill before the House Committee on Agriculture and Natural Resources, proponents included

two representatives of Tanganyika Wildlife Park and the Executive Director of the Zoological Association of America. In addition, Senator Kerschen appeared before the Committee and provided written testimony in support of the bill. Written testimony in support of the bill was distributed, from a representative of the Columbus Zoo, the Nashville Zoo, the Chief of Police of Goddard, and two doctors of veterinary medicine. There were no neutral conferees.

Opponents to the bill included the Atchison County Sheriff, a representative of the Humane Society of the United States, a representative of Spay/Neuter Kansas and four individuals. Written testimony in opposition to the bill was provided by the Director of Rolling Hills Zoo, the Association of Zoos and Aquariums, Animal Outreach of Kansas, Operation Wildlife, the Global Federation of Animal Sanctuaries, the Wildcat Sanctuary, Tigers in America, Performing Animal Welfare Society, Big Cat Rescue, Sedgwick County Zoo, and the Kansas Animal Control Association.

The House Committee on Agriculture and Natural Resources amended the bill to include all venomous snakes as a part of the definition of “regulated dangerous animal” rather than just non-native venomous snakes (current law); change the weight limit for incidental contact with dangerous regulated animals from 40 pounds to 25 pounds; include the clouded leopard in the definition of “regulated dangerous animal,” and update statutory date changes to reflect sections being amended (technical).

The fiscal note prepared by the Division of the Budget on the bill, as introduced, states the League of Kansas Municipalities is unable to determine what fiscal effect the enactment of the bill would have on Kansas cities.

animals;contact with animals; dangerous regulated animals; Association of Zoos and Aquariums

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