

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 Cussimano, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Julian Efird, 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:

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- 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.

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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.

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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.