

**COMMITTEE ON LEGISLATION
MINUTES JUNE 22, 2009**

LEGISLATION MEMBERS IN ATTENDANCE:	Chairman: Burton; Legislators: Nonna, Rogowsky, Abinanti, Bronz, Myers, Jenkins, Harckham, Maisano and Oros
ALSO IN ATTENDANCE:	County Attorney: J. Adin, E. Cipollo Board of Legislators Staff: B. DeSoye, L. Newman, K. O'Connor, J. Lord, C. Hyde Others Present: M. Land,, D. Cassuto, N. Platt, B. Funck, L. Simmons, D. Heineman, J. Stout, G. Hannaford, C. Chip Mathew, J. McKinstry, P. Neglia, A. Neuman, P. Tartaglo

The Committee on Legislation, meeting with a quorum present, was called to order by Chairman Burton at 1:39 p.m.

MINUTES:

Legislator Harckham moved, seconded by Legislator Bronz, to approve the minutes of the meeting of June 15, 2009. Motion approved 5-0.

APPOINTMENTS:

Legislator Bronz recommended, on behalf of the Subcommittee on Appointments, the reappointment of Louis Conte as a member of the Westchester County Airport Domestic Violence Council and Garry Lynch as a member of the Westchester County Public Utility Service Agency.

Legislator Bronz moved, seconded by Legislator Myers to approve the reappointment and appointment. Motion approved 5-0.

DISCUSSION OF PROPOSAL TO BAN EXOTIC AND WILD ANIMAL ACTS:

Chairman Burton asked Mr. Rogowsky to introduce the proposal to the committee. Mr. Rogowsky indicated that several dedicated and persistent constituents had brought the concept to his attention and

after many conversations he thought there was merit in bringing the issue to the committee for discussion. The meetings with the constituents had ranged from banning all wild animal acts completely versus only regulating the mistreatment of the animals. He noted that the Bronx Zoo at least gives Westchester County residents the opportunity to see wild animals without necessarily needing to see them in a purely entertainment environment. Ms. Bronz observed that the issue had been presented before in other committees and noted that there is a safety issue in addition to the issue presented by mistreatment.

Chairman Burton then asked the constituents to introduce themselves. Mr. Robert Funck introduced Louise Simmons, Neil Platt, and described themselves as an ad hoc group of animal rights advocates. He also introduced two members of the Pace University faculty, David Cassuto and Michele Land.

Mr. Funck said their proposal is limited to facilities owned or leased by Westchester County. They are narrowing the scope of the proposal to the list of specific animals considered to be dangerous animals, as set forth Section 2.131 of the USDA Animal Care Resource Guide. This list includes elephants, big cats, bears, non-human primates, wolves and rhinos.

They had originally proposed a license proposal that would have focused on treatment but given the limited number of animals on the list, they thought it would be more prudent to propose an outright ban which they felt would be more easily understood and enforced.

They felt that the impact on County operations would be negligible even with respect to the Hannaford Circus where the lost revenue from the license fee for picture taking with elephants would be relatively minor. The proposal would have no impact on dog, cat or snake shows or on snake pictures. They would specifically request an exception for the Wolf Conservation Center, which is a preeminent facility for the capture, breeding and release of wolves. They did not want to shut down any presentations that the Wolf Conservation Center might make on County owned facilities.

He then introduced Louise Simmons, who described the alleged abuse and mistreatment of animals used in wild animal acts and detailed a number of alleged incidents of animals that have stampeded or escaped the control of their trainers. She also noted that even in India, where elephants are used as work animals, they have been withdrawn from an annual parade on safety and animal rights grounds. She mentioned the chimpanzee incident that had recently occurred in Connecticut and read

a letter from a police officer from Palm Bay Florida who described a tragic incident that occurred in connection with a circus in that town. In particular, she expressed concern about the mistreatment of animals by trainers and the lack of control that can occur despite adequate training. Mr. Funck expressed concern about photo opportunities with elephants. Mr. Platt added that wild animals are unpredictable and create a dangerous threat to public safety because of the cruel treatment associated with their training and care. He also described several other alleged incidents that have occurred in various nearby locations including Fishkill, Redding and Poughkeepsie. Mr. Funck again made clear that despite the inclusion of wolves on the list, they did not want to include the Wolf Conservation Center. The faculty from Pace University also confirmed their view that circus animals are abused in their daily life, as well as in their training, and felt that circuses can provide entertainment without animals.

The committee then heard from Commissioner Joe Stout and other members of the Parks Department. Mr. Stout also introduced Gertrude Hannaford of the Hannaford Circus, who he invited to the meeting in case there were questions about animal care. Mr. Stout indicated that he was not sure that the only revenue that would be lost if the circus did not include wild animals would be based on the licensing fee. He thought that some patrons would be less interested in the circus if elephants and other wild animals were excluded.

As to public safety, he noted that there had been no incidents in the County Center the past 30 years in connection with the circus although accidents can always happen as they do in county parks all the time for a variety of other reasons. The health department certifies that the animals have had their vaccines and other requirements. The circus also has to provide the County with insurance.

Mr. Nonna noted that the federal Animal Welfare Act already regulates the treatment of circus animals and perhaps the focus should be on enforcement or improvement of this law rather than enactment of more laws.

Mr. Harckham made a statement to make clear that Atka (a Conservation Society wolf) has made presentations that have been very valuable and asked what would happen if other groups also felt their work was worthy of exclusion. Mr. Funck agreed with Mr. Harckham's characterization of the work performed by the Wolf Conservation Society including presentations that include wolves restrained on a leash. The committee discussed the possibility of including an exemption for educational purposes for groups that apply for such an exemption.

Ms. Trude Hannaford of the Hannaford Circus expressed surprise about the accidents that were mentioned to the committee. She has a long experience with animals, including horses, tigers and elephants. She has never heard of the various incidents that were discussed and they did not have any accidents at Hannaford in all the years she has been with them. The incident at Poughkeepsie was merely an elephant stepping over a ring curb and no one was injured and there was no lawsuit.

She further explained that their elephants and tigers were well treated, personally by her, including driving them from place to place. None of their elephants have stampeded and there have been no accidents although she appreciates that danger can never be totally eliminated. She has always had a good experience at the County Center. She has made sure that the animals have received all their certificates and licenses and Hannaford has enjoyed a fine reputation which she is painstakingly trying to preserve. With respect to the trainer that was mentioned, the USDA has cleared him. Ms. Hannaford says she does not allow people who do not treat animals humanely to work at her show. She has not received complaints about the particular trainer. She believes that conditions have improved since she came to the US years ago. She urged the members not to make a hasty decision.

The committee discussed what level of regulation exists with respect to trainers. It was stated that training is regulated by the USDA under the Animal Welfare Act but that they are very undermanned and it is hard for them to check whether animals are being treated humanely. The Animal Care Resource Guide is the guideline published by the USDA for animals- Robert Funck believes that there is an exemption for circuses.

Member Jenkins asked Mr. Stout to provide a copy of the contract with Hannaford to the committee.

Member Myers inquired about the proportion of wild animal acts in the Hannaford Circus and whether Ms. Hannaford would be willing to do a show without them. Ms Hannaford said that they could consider it but that they would get complaints from patrons expecting to see such acts and Mr. Stout confirmed this point. She felt that Cirque de Soleil type shows appeal more to adults than to children. The advocates for the ban voiced the opposite opinion. It was discussed whether the absence of the animal acts could be measured in terms of the effect on revenue but because of the many variables, it was concluded that this would not be practical.

Member Rogowsky expressed an interest in whether the various federal regulations contained provisions with respect to treatment and training.

He wondered if the County had the ability to monitor the treatment of the animals and whether the County could focus just on the public safety issue. Ms Hannaford responded that her training of tigers was based on rewards (i.e. meat) for performance rather than punishment and that her animals were also well cared for. She maintains insurance with a large company which covers the Parks Department. Mr. Stout said the amount is determined by the Dept of Risk Management. The committee inquired as to the amount of the premiums paid by the Hannaford Circus and whether the level of premiums has been maintained over the years.

Mr. Nonna commented that a law would affect just one circus appearing in Westchester County for three days. He wondered whether it might not be more effective to deal with the issue through licensing and contracting rather than passing a law.

Member Bronz commented that the federal legislation under the AWA should be the focus of the attention. If the circus is not permitted on county property, then it may well appear on private property. Mr. Maisano also felt that the appropriate level of regulation should be federal rather than county and stated that he would not support the proposal. Mr. Abinanti, after obtaining assurance that the proposal would not apply to the Greenburgh Nature Center, also stated that he would like to see the county adopt something only if federal and state regulation failed first.

Chairman Burton then asked for a sense of the committee as to whether they wanted to pursue this proposal again this year given all the other items for consideration on the committee's agenda. The committee members indicated that they would prefer deferring further consideration of the matter until next year although some members expressed an interest in possibly doing something to regulate the issue through contractual arrangements.

Legislator Nonna made a motion to adjourn the Legislation Committee, seconded by Legislator Harckham. Motion approved 10-0. The Legislation Committee adjourned at 3:25 pm.

AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST