

**Testimony of Rep. Sheryl Albers**  
**AB 342–‘Big’ Cats Registry**  
**Assembly Committee on Natural Resources**  
**September 26, 2007**

Mr. Chair and Members, thank you for hearing AB 342 today.

When law enforcement, an ambulance driver, a fire fighter or even a hunter comes upon small domesticated cats, they don't typically cringe. However, what if any of these folks came face to face with a large, hungry, ferocious, cat?

On September 4 of this year, an Ohio resident, heard noises outside her home. When she initially opened the front door she saw no one, but then upon looking down she saw what she thought to be a crocodile off her stoop. She later learned that her neighbor kept ten crocodiles -- as pets -- in the basement. Apparently only one of the wild and dangerous animals escaped. CNN did not report whether this animal's owner was adequately injured given the hazardous nature of what was kept on premises. Had this particular owner's name been on a registry, along with the types of animals he keeps as pets, perhaps the company which insured the property would have given the owner premium estimates that would provided the owner food for thought – as his pocketbook would have been impacted. Had law enforcement responded to the unusual pounding on the door absent adequate notice of the hazard, they would have been unprepared; ill equipped, and may have been injured or killed when responding.

Should a professional in uniform be expected to respond to a 911 call of cardiac arrest, or domestic abuse, when there is a large, perhaps hungry cat or a boa constrictor, or other wild animal free on the property? Property owners have rights but as we all know, with rights come responsibilities – and in the world of those who keep and possess large, typically dangerous animals, others know realize after the attack by the cat owned by *Siegfried and Roy*, that even the most well trained cat is unpredictable in that it may turn on its owner/keeper despite proper care.

There are many facilities in this state which exhibit large live non-native animals, including big cats. Such facilities which open their doors to the public for viewing come under regulation by the United States Department of Agriculture (USDA). However, persons who keep animals on their property, but who do not open their door to the public are not deemed “exhibitors” and therefore these folks are not subject to USDA regulation. Earlier this year, I learned that the USDA receives many calls per month from individuals who have one or more large animal which may be captive but which do not come under the captive wild animal regulations previously enacted and pursued by DuWayne Johnsrud, former Assemblyman from the 96th Assembly District. Keeping one or more cats in one's backyard or in their residence, is not currently regulated, inspected or licensed by USDA – if the facility is not open to the public.

Few municipalities have regulation in place to address such circumstances, and such was the case when a large cat refuge came into existence in the Town of Excelsior, Sauk County. Sauk County officials, in particular, Sauk County's public health officials,

approached my office upon having their after-the-fact ordinance challenged in court. The ordinance challenged was intended to regulate an outdoor refuge, which was not necessarily subject to USDA inspection/regulation, became unlike the local zoo, it was not open to the public. I have included for your review a number of news clippings on this matter, to make the point, that local government needs information to determine whether an ordinance is even appropriate. Here, the township and the county had no knowledge of the refuge until well after it was operating.

The substitute amendment to AB 342 circulated for your review today comes after meeting with the refuge operator, the local Sauk County public health officials, a USDA representative, and upon hearing from many local residents who are concerned for their children, their families, and their livestock.

Ultimately, this particular facility may be obligated to register with the USDA – if it comes to be open to the public as a non-profit operation. However, until or unless that occurs, there are no state statutes requiring registration; nor are there local or state fence standards that must be met, for there are no applicable laws (local or state).

By USDA's own admittance, fencing is left up to the full discretion of its inspectors – with inspection being subject determination. To address this concern, the preliminary substitute amendment before you, authorizes the Department of Commerce to promulgate rules establishing minimum standards for construction and inspection of fences.

Given federal preemption, the state cannot look to state law to compel the USDA to turn over USDA's inspection report to local or to a state agency. While inspection-reports could be obtained under federal open records laws, to expect a local or state agency to do that is not feasible. The state can, however, obligate individuals to report, and under the draft, the DNR would determine what animals must be reported; individuals who have a dangerous animal would be obligated to register; county clerks would receive information - and disseminate it - so that ultimately, law enforcement, emergency government directors, and other emergency response teams like fire fighters and emergency medical services providers would have information to determine whether the sheriff's department needs to join them in responding to a call. Once in place, the registry will reveal whether additional statewide regulation is appropriate, or whether local regulations via ordinance are needed.

Assembly Bill 342 is a work in progress. The original draft has been modified to focus on public health and safety and to avoid duplicative, overlapping regulations. Since the USDA has authority now, if more oversight is needed as to public facilities, individuals wanting to pursue that direction will need to contact their federal legislators.

This substitute amendment offered targets individuals and, or organizations who own big cats who are not subject to USDA regulation, and the bill allows DNR to broaden its list beyond big cats to other animals. Under the sub, if you own a big cat you must register the big cat with the DNR and registration will be made readily available to local units of government and their professional workforce as well as their "volunteers."

It is imperative that people understand the risk they take when they purchase a cute, cuddly tiger cub, which a cub when an adult may be more than you can handle. Too often adult animals, specifically adult-cats, may be wrongfully released in to Wisconsin's outdoors. From around the nation, many large cats have already been accepted by the "Wisconsin Big Cat Rescue" in Sauk County, which in recent months has relocated to the Village of Rock Springs – thus avoiding county regulation.

When responding to a fire, an accident, a flood, or other emergency, I believe responders deserve to know whether other dangers lie beyond the front door. I offer the sub as a first step to developing a registry that will divulge whether more must be done to protect those who do the job of protecting us.

Thank you for hearing AB 342 today. I am open to your suggestions and changes, and will attempt to answer any questions you may have.