



House of Representatives

General Assembly

File No. 84

February Session, 2006

Substitute House Bill No. 5441

House of Representatives, March 22, 2006

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE INSPECTION OF ELEPHANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2006*) (a) For purposes of this
2 section, "traveling exhibition" means a display, including, but not
3 limited to, an exhibit, act, circus, public show, trade show,
4 photographic opportunity, carnival, parade, petting zoo or zoo, that
5 has no permanent legal residence or sites in this state or remains
6 continuously at one location within this state for a period of less than
7 sixty days.

8 (b) There is established an elephant inspection account, which shall
9 be a separate, nonlapsing account within the General Fund and which
10 shall be financed by fees pursuant to subsection (c) of this section.

11 (c) Not later than thirty days prior to entering the state, a person
12 bringing an elephant into the state as part of a traveling exhibition
13 shall notify the Commissioner of Agriculture by filing an itinerary for
14 the traveling exhibition, accompanied by a fee of seventy-five dollars.

15 Such person shall provide a copy of such itinerary to each municipality
 16 that will host the traveling exhibition. Such person shall notify the
 17 commissioner if there are necessary updates to such itinerary. Any
 18 person who fails to file or update an itinerary shall be fined not more
 19 than one thousand dollars.

20 (d) A state animal control officer or a veterinarian employed by the
 21 state, at the direction of the Commissioner of Agriculture, may, at a
 22 reasonable time, enter an area where an elephant is kept with a
 23 traveling exhibition and inspect for compliance with this section. A
 24 person employed by the traveling exhibition who is responsible for the
 25 care of the elephant shall assist the person performing the inspection
 26 pursuant to this section as needed.

27 (e) Nothing in this section shall preclude an action pursuant to
 28 section 53-247 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	New section

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Department of Agriculture	GF - Cost/Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill creates a separate non lapsing account in the General Fund called the elephant inspection account. The account is for the \$75 fee established in the bill that must be paid by anyone bringing an elephant into the state as part of a traveling exhibition. Assuming ten such exhibits or circuses held in Connecticut the annual revenue derived from the fee would be \$750. It is anticipated that the elephant inspections authorized in the bill will take approximately one-half day for each inspection, diverting Department of Agriculture (DOAG) resources from current duties. Since these exhibits could take place on weekends, additional minimal costs could be incurred for overtime. In addition, since the DOAG staff is not trained in elephant handling methods and requirements, it is anticipated that one time training would be required for the eight officers at a cost of \$1,500 each or \$12,000. The associated paperwork due to the filing of itineraries is anticipated to be minimal.

There is a potential minimal revenue gain associated with the fine for failure to update an itinerary.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5441*****AN ACT CONCERNING THE INSPECTION OF ELEPHANTS.*****SUMMARY:**

This bill requires traveling exhibitions that plan to bring elephants into the state to (1) notify the agriculture commissioner at least 30 days before entering the state and (2) pay a \$75 filing fee. The person filing the notice must provide an itinerary listing each municipality the exhibit will visit, and update the itinerary as necessary. Anyone who fails to file the itinerary or provide updates is subject to a \$1,000 fine.

The bill allows a state animal control officer (ACO) or state veterinarian to enter the area where an elephant is kept and inspect for compliance, at the commissioner's direction and at a reasonable time (see COMMENT). An employee of the exhibition who takes care of the elephant must assist with the inspection.

The bill establishes a separate, nonlapsing elephant inspection account in the General Fund. The \$75 filing fee required under the bill funds the account.

The bill specifies that it does not exclude action under the state's animal cruelty law.

EFFECTIVE DATE: October 1, 2006

Traveling Exhibition

The bill defines "traveling exhibition" as a display that (1) has no permanent legal residence or sites in the state or (2) remains continuously at one location within this state for less than 60 days. "Display" includes an exhibit, act, circus, public show, trade show, photographic opportunity, carnival, parade, petting zoo, or zoo.

COMMENT

Inspection

It is not clear for what a state ACO or veterinarian would be inspecting. Thus, the bill appears to require the ACO or veterinarian to inspect the area to ensure the itinerary had been filed as required under the bill. U.S. Department of Agriculture regulations prevent abuse and mistreatment of the elephants, but they are also not referenced in the bill (9 CFR 2.1 et seq.).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/08/2006)