

HB

225



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

REPRESENTATIVE VIC KOHRING

465-2186

*Jeannette James -
asks if you wouldn't
mind waiving this*

MEMORANDUM

bill

To: Representative Jeannette James
Chair, House State Affairs Committee

From: Representative Vic Kohring *Vic*

Date: March 7, 1995

Re: Request for Hearing
House Bill 225, Permits for African Elephants



I respectfully request a hearing on House Bill 225 in the House State Affairs Committee. This bill authorizes the commissioner of fish and game to issue permits to possess, import, or export African elephants. I believe the bill proposes a reasonable system for allowing elephants to stay in Alaska for commercial exhibition purposes based on certain health, safety, and liability criteria.

Attached please find a copy of the bill, a sponsor statement on the bill, House Resolution 9 resolution which passed unanimously last session, and other letters of support.

Thank you for your consideration.

Representative Vic Kohring
Sponsor Statement

HOUSE BILL 225

"An Act authorizing the commissioner of fish and game to issue permits to possess, import, or export African elephants."

HB 225 creates a commercial exhibitor permit system for possession, import, and export of African elephants.

The problem: Currently, Alaska law does not contain provisions for allowing commercial exhibition of elephants on a long-term basis. It allows traveling circus elephants to stay temporarily under an educational permit and allows zoo elephants to stay under an annually renewed educational permit. Even though educational permits have been used for elephants whose main purpose is exhibition, they are not actually appropriate for this purpose.

The current law denies legitimate business opportunities to Alaskans. Legislation is needed to allow the Department of Fish and Game a mechanism to issue permits for such animals for their intended use instead of just issuing temporary educational permits as a stop-gap measure. House Resolution 9, passed in 1994, requested the commissioner of Fish and Game to grant an extension under a temporary educational permit for a particular elephant. While this allowed the elephant to stay in Alaska for a period, it was not a permanent solution. In addition, the Board of Game has directed DF&G to develop a temporary commercial permit system, but this still does not meet the needs of Alaskan residents on a permanent basis.

The solution: This bill allows DF&G to issue permits for African elephants to persons based on reasonable conditions set by the commissioner and who meet certain criteria, including: 1)the animal is intended to be exhibited commercially; 2)adequate facilities exist to maintain the animal under positive control and humane conditions; and 3)personal injury and property damage insurance are maintained in an amount established by the commissioner of fish and game.

The Department of Fish and Game assisted in developing this bill's language and is not opposed to the bill.

Additionally, the Department of Environmental Conservation enforces the health aspects of importing animals under a DEC "Import Permit." DEC must ensure that any elephant entering the state meets all the criteria of the Federal Animal Welfare Act and meets all health requirements for international travel. The Commissioner of Fish and Game, under this bill, would have discretion to assess additional health requirements. For more information, call Kristie Leaf at 465-2186.

STATE OF ALASKA
HOUSE OF REPRESENTATIVES

1994

Source
HR 9 am

House
Resolve No.
8



Protecting the lifestyle of pachyderms.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

WHEREAS elephants are a form of the labor force, provide entertainment, and are used for promotional events; and

WHEREAS there is no known documentation that the African elephant transmits dangerous diseases to mankind; and

WHEREAS the children and other citizens of Alaska should not be deprived of an opportunity to an education as part of the animal world; and

WHEREAS the state should promote good business relations and enhance educational opportunities for visitors and residents to experience; and

WHEREAS a particular African elephant (Moxie) has been officially certified and approved by the United States Department of Agriculture; and

WHEREAS Alaska is the only state in the union that includes elephants on the exotic animal prohibition list;

BE IT RESOLVED that the House of Representatives respectfully requests the Governor to ask the commissioner of fish and game to grant a second extension under an

educational permit; and be it


FURTHER RESOLVED that Moxie, a once orphaned elephant and star of television and screen, should be permanently exempted from the exotic animal prohibition list; and be it

FURTHER RESOLVED that any African elephant that enters the state for purposes of exhibition, entertainment, or education should be excluded from the prohibited list.

AUTHENTICATION

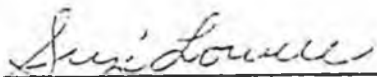
The following officers of the Legislature certify that the attached enrolled resolution, HR 9 am, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

Passed by the House April 18, 1994



Ramona L. Barnes, Speaker of the House

ATTEST:



Suzi Lowell, Chief Clerk of the House

Representative Vic Kohring
State Capitol
Room 428
Juneau, Alaska
Zip 99801

2-27-95.

Nancy R. Binder
T.O.B. 671744
Chugiak, Alaska
Zip 99527

Rec'd. 95.
3-2-95
V.K.

Dear Vic Kohring -

Remember my call to you in the Valley, before Christmas - concerning Moxie?

I wondered, if you had a chance to read my article in "The Frontiersman" on the opinion page of their January edition of the 20th 1995.

I read James Clements article recently and his thanks to you for your help.

I made a call last week, in fact several you were not available, but Kristy Leaf - was on this project - I received a follow up call this A.M. from Kristy. It's wonderful what you are doing for Moxie and the Clements family. We need them in Alaska, in the Valley, in particular. Houston is my home in the warmer months, but as I do not have electricity (because of high pole costs)

I am here, until such a time as power is made available. Please continue, we need a bill passed that will allow Moxie to stay permanently. Moxie is a special elephant. He is perfect for Educational, Exhibits and recreational purposes. He is great letting children ride on his back.

The bonding with Clements is wonderful.

As you know, Clements has a dream to have an Arctic Circus using local talent. This would be great for local talent persons, and wonderful for the Alaskan economy. Allow a permanent business permit - We need these wonderful people, here Alaska and Moxie is a special asset also.

Let me know, if there is anything further I may do to help - I will be eagerly awaiting this special Legislation to pass the House.
Sincerely Nancy R. Binder

P.S.
Write
Lyda
Green
3/22/95
date



TELEPHONE (907) 894-4702

FAX (907) 696-8870

Chugiak-Eagle River Chamber of Commerce

P.O. BOX 770363
EAGLE RIVER, ALASKA 99677

11401 OLD GLENN HIGHWAY, SUITE 110A
EAGLE RIVER, ALASKA 99677

"Place of Many Places"

March 3, 1995

TO: Senator Rick Halford
Senator Randy Phillips
Representative Vic Kohring
Representative Pete Kott
Representative Ed Willis

RE: Moxie The Elephant

Attached is a letter dated June 9, 1994 to former Commissioner of Fish & Game, Carl Rosier, which states that the Chamber supports legislative efforts which would allow Moxie to remain here as a year-round resident.

It is now our understanding that the only way that Moxie can remain in the State is to change the existing laws. We wish to reiterate our support for this effort and ask your assistance in this matter.

Sincerely,

Dennis Johnson
President



TELEPHONE (907) 694-4702

FAX (907) 696-8870

Chugiak-Eagle River Chamber of Commerce

P.O. BOX 770363
EAGLE RIVER, ALASKA 99577

11401 OLD GLENN HIGHWAY, SUITE 110A
EAGLE RIVER, ALASKA 99577

"Place of Many Places"

June 9, 1994

Commissioner Carl Rosier
Department of Fish & Game
PO Box 25526
Juneau, AK 99802

Dear Commissioner Rosier,

In July, the Chugiak-Eagle River Chamber of Commerce held the 9th annual Bear Paw Festival. Moxie the elephant was a participant at the Festival and was a wonderful attraction and great educational opportunity for the general public.

We applaud the temporary permit issued by your Department which allows Moxie to remain in the state and his owner to vend for rides. We also support a change in the law which would allow this to become a permanent condition with the provisions that:

1. restrictions could occur if a real health hazard exists to Alaska wildlife
2. permits are issued only to individuals or entities that can demonstrate the capability of properly caring for the animal

We appreciate your consideration on this matter.

Sincerely,

Al Romaszewski
President

- cc: Senator Rick Halford
 Senator Randy Phillips
 Representative Pat Carney
 Representative Pete Kott
 Representative Ed Willis

Making a case for keeping Moxie

When I was 10 years old the Barnum & Bailey Circus came to my hometown of Wichita, Kan. Vernon Duffy, a trainer and handler for the circus, made it possible for me to ride the elephant, Ruthie.

She was so special to me and gentle as she lifted me up with her trunk. I fell in love with her instantly. I was ready to run away with the circus, so I could ride my Ruthie every day.

Looking back to that day 50 years ago, I can only guess how much Moxie means to the James Clement family.

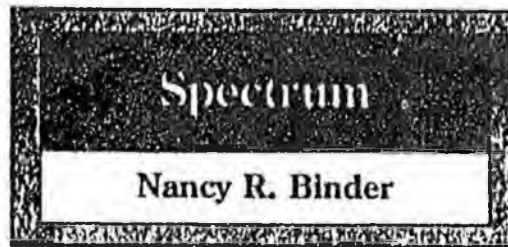
Since Moxie was orphaned and taken in by the Clements, he has been given much care and love. He is an important part of their family unit.

On the Fourth of July holiday last summer I looked up Moxie especially to watch him with the children. He was at the fireworks stand in Houston. What memories it all brought back.

I spoke briefly with Mr. Clement and asked him how could I help keep Moxie in the state. He said: Get in touch with your legislators. Write letters. We need a bill passed that will allow us to keep him.

I felt ashamed that our legislators had not passed the bill already. How can those in power be so cold to put this fine family through such torment for their magnificent stand for Moxie?

I wonder what happened to those in power who cared for the rights of the people. The recent refusal of the Board of Game to put



Moxie on the clean list is unbelievable. We have other animals on the clean list — for example, the chimpanzee which is a close relative to man and more capable of carrying diseases.

It has already been established that Moxie is not genetically related to any wildlife here to be a threat anyway. He could not exchange infections with farm animals either.

So what is the real excuse? There is no excuse whatsoever to delay any longer the placement of Moxie on the clean list. There is always room for another animal on the clean list if there is profit or power for someone.

Other animals are let into the state for purposes of profit like llamas and alpacas. Alaska is the only state that does not allow elephants on its clean list (with the exception of those elephants in the zoo).

I asked Mr. Clement how he ever trained an African elephant since I had heard they were very difficult train. He said: Very carefully. Because they are high-strung I must take it easier. The way to Moxie is through his stomach.

Mr. Clement has worked with 80 elephants in 14 years. A very important part of his life has been involved with elephants. He first came to Alaska with Moxie in 1988 on a tour.

James Clement has a dream. He came here with a dream that is being shot down. Instead of working on his dream he is writing letters.

His dream is to have an arctic circus where local talent could participate. His plans include operations in small towns as well as the large ones.

I have contacted some of our Mat-Su Borough legislators and borough politicians. Some have indicated they will work on Moxie's behalf. Rep. Vic Kohring told me he feels inclined to introduce a bill that would allow exotic pets and animals, of which category Moxie is considered. He would pattern it on a resolution passed last year in the Legislature.

I say put it to a public vote. Put it on the ballot. Let us hear from the people themselves. Those who live near Moxie. Those whose children have ridden Moxie.

There are many of us who enjoy, and would like to continue to enjoy, the appearances of Moxie throughout our state. He has become a symbol of the greatness that can be found in this last frontier. This is where some people come to do great things.

Nancy R. Binder resides in Chugiak in the winter and calls Houston her home in the summer months.