

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairperson Larry Powell at 8:30 am on Wednesday, February 04, 2015, 159-S of the Capitol.

All members were present

Committee staff present:

Heather O'Hara, Legislative Research Department
Toni Beck, Kansas Legislative Committee Assistant
Tamera Lawrence, Office of Revisor of Statutes

Conferees appearing before the Committee:

Earl Lewis, KS Water Office
Tom Barnes, City Attorney, Alma
Jim Fouts, Tanganyika Wildlife Park
Clay Thomas, Private Citizen
Midge Grinstead, Private Citizen
David Barfield, KS Water Resources

Others in attendance:

[See Attached List](#)

Possible bill introductions

*Sean Miller introduced a bill referring to Southwest KS Ground Water District #3, Arkansas ground water gages.

Hearing on: SB64 — Public water supply storage; interest rate change.

Chairman Powell opened the hearing on the bill.

Earl Lewis presented testimony in support of the bill. The Multipurpose Small Lakes (MPSL) program was established to provide water supply storage and water related recreational facilities in Kansas. The KS Water Office has authority relative to the inclusion of public water supply storage in these lakes and may recover the state's cost incurred in providing the storage, as outlined in K.S.A. 82a-1604, 1605 and 1606. ([Attachment 1](#))

Tom Barnes presented testimony in support of the bill for the city of Alma. ([Attachment 2](#))

Michael Koss submitted written testimony in support of the bill. K.S.A. 82-a-1604, establishes the interest rate that municipalities pay to buy the Kansas Water Office's storage space in lakes that are part of the state's MPSL program. ([Attachment 3](#))

Discussion:

The city of Alma has other water sources to be considered in drought conditions. The revenue interest rate for projects are determined from the investments in the 1990's. The date of the lake construction

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and purchase is the accrued interest rate to be based on.

There were no opponents.

Chairman Powell closed the hearing on **SB64**.

Hearing on: SB97 — Allowing contact with certain regulated animals.

Chairman Powell opened the hearing on the bill.

Tamera Lawrence presented an overview.

Jim Fouts testified in favor of the Tanganyika Wildlife Park stating Tanganyika is the most interactive zoo in Kansas when considering the animal ambassador programs and interactive stations. The bill would enable the park to generate more activity should the bill be passed. ([Attachment 4](#))

Dr. Peter Brewer submitted written testimony in favor of the bill. The bill would restore limited, safe, supervised, public interaction through safety guidelines by the Zoological Association of America. ([Attachment 5](#))

Jack Hanna submitted written testimony in favor of the bill. The hands off policy demonstrated by the current Kansas law prevents credible and professional zoological facilities from providing connection to stimulate awareness and promote species conservation. ([Attachment 6](#))

Dr. Lynn Kramer submitted written testimony in favor of the bill. She stated the animals are handled by a select group of trained staff personnel, for a safe opportunity to view the cats. ([Attachment 7](#))

Rick Schwartz submitted written testimony in favor of the bill. He submitted that hand raised cat cubs are socialized to the point the extinction rate has decreased in Clouded Leopards. The socialized animals have a significantly lower mortality rate. ([Attachment 8](#))

Proponent testimony was completed. Chairman Powell called for Opponent testimony.

Clay Thomas presented testimony in opposition to the bill. His wife was tragically injured with a severed arm due to a mishap with a Siberian tiger on a Boy Scout outing in a private Kansas zoo. ([Attachment 9](#))

Midge Grinstead presented testimony in opposition to the bill. She states wild animals retain their basic instincts, even if they are captive born and hand raised. ([Attachment 10](#))

Dwayne Umbarger submitted written testimony in opposition to the bill, in response to the death of constituent Haley Hilderbrand. ([Attachment 11](#))

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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Michael and Ronda Good submitted written testimony in opposition to the bill, in response to the death of their daughter, Haley Hilderbrand, from an adult Siberian tiger attack. ([Attachment 12](#))

Discussion:

Tanganyika Wildlife Park has 104,000 visitors per year; 60% are from Kansas. The prohibitive law in effect is more restrictive than other states. Visitors are perceived as missing out on a lifetime experience. Insurance does cover liability for the zoos. Page 2, lines 33-35, state 'all dangerous regulated animals shall be maintained under strict supervision and control.' Siberian tigers would not be involved in this bill. There were concerns a 40 pound limit would not provide safety. The bill allows only for accredited zoo handlers to present the animals to the public. Comments were made in regards to wild animals innate behavior can not be controlled. The Global Federation of Animal Zoos preside over the regulations for handlers.

Chairman Powell closed the hearing on the bill.

Discussion & action on: SB36 — Allowing carryover and a change application for place of use for multi-year flex accounts.

Tamera Lawrence presented an overview on the bill.

David Barfield presented a report on [Multi-year Flex Accounts](#) by the Division of Water Resources. The accounts allow water right holders to obtain a term permit that replaces their water right for five years. ([Attachment 13](#))

*Senator Kerschen moved, Senator Arpke seconded, **SB36** be recommended favorably for passage. Motion adopted.*

Discussion & action on: SB52 — Authorizing chief engineer to allow augmentation to secure water.

Chairman Powell turned the Committee's attention to [SB52-Authorizing Chief Engineer to allow augmentation to secure water](#).

Tamera Lawrence presented an overview on the bill.

Discussion:

The Chief Engineer would consider usage on a volunteer augmentation basis and needs flexibility to administer the authority. Current authority to regulate water is not in place at this time. This bill would alleviate the impairment if augmentation is available to satisfy senior water rights. This could be allowed by adding, 'voluntarily available.' Quivera has the senior water rights, and does not accept the voluntary process.

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The allotted time for the Committee was over. Chairman Powell closed the hearing on **SB52** and called for a continuation on discussion and action, February 5.

The meeting was adjourned at 9:30 am.