

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on February 21st, 2008 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Jason Thompson, Revisor of Statutes
Matt Todd, Revisor of Statutes
Adrienne Halpin, Committee Assistant

Conferees appearing before the committee:

Phillip Journey, Kansas State Senate
Mike Hayden, Kansas Department of Wildlife and Parks

Others attending:

See attached list.

Chair McGinn opened the meeting with discussion on **SB 475**, Kansas Hunters Feeding the Hungry. The Kansas Department of Wildlife and Parks (KDWP) requested that the bill be amended to take effect upon publication in the Kansas Register. Chair McGinn made a motion to amend the bill, seconded by Senator Taddiken. The motion carried.

Senator Francisco moved that the bill be passed out favorably as amended; Senator Taddiken seconded the motion. The motion carried.

The Committee discussed **SB 474**, controlled shooting areas and field trials, during which time Mike Hayden, Secretary, KDWP, responded to questions.

Senator Francisco requested that language be amended including lines 25 and 27 of page 1. Chair McGinn asked the revisors to make the appropriate changes so that the Committee could continue discussing the bill the following day.

Chair McGinn then commenced the discussion of **SB 538**, farm and ranch land protection program and conservation easements, stating that a provision—section 10—had been added to page 4. Discussion followed during which time Mike Beam, Kansas Livestock Association, answered questions.

Senator Taddiken made a motion for the bill to be passed out favorably, seconded by Senator Lee. The motion carried with assenting votes from all members except Senators Bruce, Huelskamp, and Pyle.

Chair McGinn then opened the hearing on **SB 606**, invasive species management and aquaculture advisory council.

Raney Gilliland, Legislative Research, commenced the hearing by introducing the main points of the bill which include long-term plans for KDWP to address problems of invasive species management in concurrence with a new aquaculture advisory council and the Department of Agriculture. Additionally, the Secretary of KDWP would be given the authority to designate certain non-native species as invasive.

Senator Phillip Journey testified in support of **SB 606** (Attachment 1) specifically citing the zebra mussel as a threat to the natural resources of Kansas. Senator Journey stated that other states—specifically those around the Great Lakes—have adopted comprehensive programs to educate the public toward preventing the spread of zebra mussels. This species, he stated, presents a significant threat which will only increase with time. The current bill would counter this threat by supporting awareness programs and by establishing an effective means of cleaning boats which have been used in contaminated waters. Senator Journey stood for questions.

Next, Mike Hayden, Secretary, (KDWP) spoke in favor of the bill (Attachment 2). Secretary Hayden stated that the problem of zebra mussel infestation has gone largely ignored until this point and needs to be

CONTINUATION SHEET

MINUTES OF THE Senate Natural Resources Committee at 8:30 a.m. on February 21st, 2008 in Room 423-S of the Capitol.

examined. He stated that the current legislation would need more work, but that a solution to the problem needs to be introduced. In financing such a solution, KDWP already receives a small amount of funding from a federal grant. In the future, however, KDWP would need to hire additional employees to maintain an effective program. Secretary Hayden closed by reiterating the need for a deliberate, well-planned and well-funded program. Secretary Hayden stood for questions.

Written only testimony was provided by:

Dale Goter, City of Wichita (Attachment 3).

Chair McGinn announced the continuation of the hearing the following day.

Senator Pyle made a motion to approve the minutes from February 7th, seconded by Senator Ostmeyer. The motion carried.

The meeting adjourned at 9:30.

SENATE NATURAL RESOURCES COMMITTEE

2008 Session

Guest Roster—Please Sign and Pass On

Thursday, February 21, 2008
(Date)

Tom DeRossett	Ks Hunters Feeding the Hungry
Tom Tunnell	KGFA - KARA
Mike Beam	Ks. Livestock Assn.
Steve Adams	KDWP
JASON GOECKLER	KDWP
Mike Hayden	KDWP
Steve Swaffar	Ks Farm Bureau
SCOTT CARLSON	SCC
JEAN MILLER	CAPITOL STRATEGIES
Clark Pearson	KARA
Diane Simpson	KGFA - KARA
JAN PRUITT	KFSA
Richard Martin	KRFG Kern
Drew McIntire	KARA
Jeff Keating	FT RILEY
Amy Thornton	KDWP
CV Cotsozadis	KDA

Please use black ink only!!

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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

VICECHAIR: SPECIAL CLAIMS AGAINST THE STATE
(JOINT), VICECHAIR
MEMBER: HEALTH CARE STRATEGIES
JUDICIARY
PUBLIC HEALTH AND WELFARE
TRANSPORTATION
CORRECTIONS AND JUVENILE JUSTICE
OVERSIGHT (JOINT)

**Testimony Before the Kansas Senate Natural Resources Committee
in Support of Senate Bill 606
February 21st, 2008**

First, I would like to thank the Chairman and the Committee for allowing me to have a hearing on Senate Bill 606, The Invasive Species Management Act.

Senate Bill 606 has its genesis from the very first year I came to Topeka as a Senator. Cheney Lake had initially been determined to have a zebra mussel colony established in that body of water. I researched this invasive species characteristics and noted the tremendous negative economic impact these invasive species have had in other states. In my first year of service, I served on this Committee and asked Wildlife and Parks staff to act. They have participated in federal grant programs to compile the research and survey at Kansas lakes. Over the last five years I have continued to research the biological characteristics, the statutes of the Great Lakes states, and the effectiveness of their application in those states in stemming the infestation of their waters by these invasive species. While I will defer to the experts regarding the effects of these invasive species, let me just say that they disrupt the natural eco-system and the circle of life established in our state. They have the potential to cause significant increases in spending by municipal governments in their attempts to preserve access to water supplies in the state. These non-native species will negatively impact the way Kansans enjoy outdoor sports.

The history of zebra mussels in the North American continent begins when they were first discovered in August of 1988 in Lake St. Clair near Detroit, Michigan. It is believed they were released into the Great Lakes region when ballast tanks were emptied by a Eurasian ship sometime in the 1980's. While Senate Bill 606 is intended to encompass many potential threats by invasive species, both animal and plant, the zebra mussel is the poster child for this act. They are the most serious nonindigenous bio-invasive pest introduced in the North American fresh water systems. It tolerates a wide range of conditions, is extremely adaptable, and will alter the eco-systems of any body of water it inhabits. They foul both industrial and municipal facilities. Their impact is recognized by many biologists, engineers, and ecologists in North America. Severe fouling is observed in as little as three years after introduction into a body of water. Two zebra mussels can propagate over three quarters of a million other zebra mussels per year. Water treatment facilities have experienced fouling, loss of intake heads, obstruction of

*Senate Natural Resources
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Attachment 1*

valves, corrosion of cast iron and steel pipes. The smell of decaying mussels is unique to put it mildly. Recreational facilities and boaters in Kansas will experience fouling on the hulls of their boats and internally in the engines. Navigation buoys can be rendered useless by the accumulation of ballast from mussels, encrusting docks by these colonizing mollusks.

The threat invasive species pose to existing habitats cannot be understated. They eliminate or cause severe declines in indigenous species, change water quality, and destroy natural eco-systems affecting sport fishing and hunting. Recreational use of our water resources will be severely restricted affecting activities such as swimming, boating, and water skiing.

Senate Bill 606 is a comprehensive modification of Kansas statutes patterned after the current laws of the state of Minnesota. Minnesota is the sole Great Lakes state that has been able to stem the spread of these invasive species among their various bodies of water. Section Three of the bill establishes a number of duties and goals for the Department of Wildlife and Parks that mandate a comprehensive evaluation and coordinated efforts to stem the spread of these invasive species.

Goals are set out in Section Three along with mandatory reporting by the Department of Wildlife and Parks Secretary to the Legislature. The Secretary of Wildlife and Parks is authorized to contract for services or to organize volunteers.

Section Four gives the Secretary the authority to determine when a body of water is infested and when to declare it is not infested.

Section Five sets out duties for boaters in the State of Kansas.

Section Six regards the appropriate disposition, harvesting, and transference of bait.

Section Seven mandates commercial licensees to segregate the tools of their trade between infested and noninfested waters. It also mandates the creation of a list so that persons who enjoy the outdoors, both personally and as a commercial venture, are aware of the rules and the conditions of various bodies of water.

Section Nine prohibits possession, importation, purchase, sale with limited exceptions of invasive species. Gives statutory authorization as granted to Wildlife and Parks officers to seize and dispose of specimens of nonnative species.

Section Ten prohibits the introduction of a nonnative species into the State.

Section Eleven requires notification by the Secretary of Wildlife and Parks be available for public review of rather a requested species is an invasive species.

Section Twelve allows for the creation of rules and regulations to promote the goals of this act.

Section Thirteen requires individuals who have allowed or caused the introduction of a prohibited nonnative species in the State to notify Wildlife and Parks and to pay the costs of recapture and eradication. It also provides a defense to criminal action should civil penalties be imposed.

Section Fourteen provides for a licensing system for exceptions to the normal prohibitions.

Section Fifteen prohibits individuals from transferring watercraft from one body of water to another without specific measures being taken that would prevent distribution of these species between bodies of water. It empowers Wildlife and Parks and their law enforcement officers to clean equipment and even, if necessary, to impound watercraft. It requires removal of watercraft from noninfected waters when there is a potential of infestation by that watercraft.

Section Sixteen empowers the Secretary to issue permits for exceptions to these rules, and provides for an appeals process for denial of a permit.

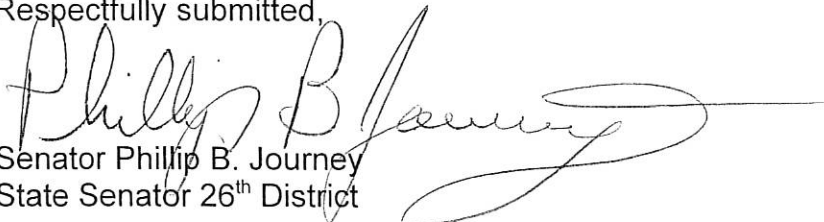
Section Seventeen continues with rule and regulation authority.

Section Eighteen empowers Wildlife officers and other law enforcement officers with enforcement of the act, authorizes issuance of civil citations, and establishes moderate criminal penalties. Senate Bill 606 prohibits the obstruction or failure or refusal to follow a lawful order by Wildlife and Parks officers, provides for volunteer training, and also establishes a warning period where only civil costs may be imposed for a six-month period. It establishes those amounts on Page 10 of the legislation with fines ranging in amounts up to \$2000, and for suspension of a watercraft license for up to a year. It also provides for appeal of any civil penalties assessment with limited exceptions for animals defined as livestock. Senate Bill 606 provides for the distribution of funds received by the State of Kansas as a result of the assessment of these civil penalties dividing these funds between three subgroups of funding. One third for public service, public awareness efforts; one third for water source activities and water cleanup; and one third for eradication including cleaning stations for watercraft which hopefully will be built as time goes on.

Section Twenty-One creates the aquaculture council and provides for the compensation of council members and also describes their duties in Section Twenty Two.

I hope that the Committee finds that the comprehensive nature of this legislation along with the significant threat posed to our economy and to our recreational opportunities in the State of Kansas will support this legislation and its introduction to the floor of the Senate for debate.

Respectfully submitted,


Senator Phillip B. Journey
State Senator 26th District

**Testimony on SB 606 regarding the Invasive Species Management Act
To
The Senate Committee on Natural Resources**

**By J. Michael Hayden
Secretary
Kansas Department of Wildlife and Parks**

21 February 2008

Thank you for the opportunity to provide testimony before the Committee today in support of the concepts outlined in Senate Bill 606. Invasive species is unfortunately a problem that is growing nationwide as well as in Kansas. As we become an evermore mobile society, more and more plants and animals are being transported from their native areas to other parts of the world. Sometimes this is by accident as in the case of zebra mussels, and sometimes this is intentional as with some plants once thought to be useful as an ornamental or as forage. Unfortunately, sometimes these transplanted plants and animals become a problem in these new areas.

We find ourselves in a situation where not only do we have established problems with invasive species such as zebra mussels and salt cedar, but, in addition new threats arise on a regular basis. This is a growing problem that will continue. And we believe it is time for the State to consider the implications of invasive species on the state's economy and our native populations of plants and animals.

Senate Bill 606 is a step forward in this policy discussion. Again, we support the concepts outlined in the bill to educate the public, prevent new introductions, identify the extent of existing problem species and attempts to eradicate existing populations when possible. However we would point out there are some technical issues that need to be clarified or modified in the bill to make it implementable. Also, and most importantly, the current version of the bill does not provide a reliable or adequate funding source. Without adequate funding, it will not be possible to implement this legislation.

The current version of the bill identifies fines and grants as the funding source. We do not anticipate that fines will ever be a significant source of income for these efforts. And if we are successful with both existing and future efforts in educating the public about the problem, fines will become even less frequent. Our current modest efforts to prevent and control invasive species are primarily funded by a federal grant. The problem is there are very limited federal funds available for invasive species

problems. And as more and more states develop approved invasive species programs the amount of money available for each state declines as the fund is divided into smaller and smaller pieces. At this point, federal funds are simply not a viable source to fund this effort.

Thank you for the opportunity to provide comments on this important bill. Following is a list of specific suggestions for changes to improve the ability to implement this legislation. But again, an adequate funding source is imperative and at this time it has not been identified. At this time, an interim committee to study the issue, assemble the necessary scientific information and management options may be the best course of action.

Following is a list of specific suggested changes to the bill.

P1, L28 Clarify meaning of 'waters of the state'. Clarify this does not simply mean water owned by the state.

P2, L1 Suggest addition of "to Kansas" at the end of the sentence

P2, L12-14 Suggest this be revised to prevent transport across dams and other obstructions. Situations exist now where more than one invasive species exist in the same "connected" waters. Allowing the transport of water across dams and other obstructions may move a second species that otherwise could not have passed the barrier.

P3, L1 7 days is not enough time if a water should be closed due to infestation. It is likely that if possible, any treatment or removal of invasive species could not be completed if an emergency situation occurred that required closure of an access point. Suggest a minimum of 4 months.

P3, L2 Open water season. In most years waters in Kansas are open all year. Suggest references to open water season be deleted.

P4, L16-20 Livewells and Bilges are a significant potential problem with transport of invasive species. Suggest the following change. A person leaving infested waters designated by the secretary shall drain all bait containers, *livewells and bilges*, other boating-related equipment holding water excluding marine sanitary systems, *livewells and bilges* by removing the drain plug before transporting the watercraft and associated equipment on any public roads or highways of this state.

P 7, L18 Transport for personal or commercial use is a significant potential problem. Suggest deletion of this line.

P 7, L26 Suggest deletion of references to wild rice. This is not an issue in Kansas.

P7, L27-29 and 41-43 Suggest deletion of lines 27 through 29 and lines 41 through 43.

P8, L2 and 3 Suggest the following addition. (1) The removal of aquatic macrophytes or prohibited nonnative species from a trailer, ~~or~~ watercraft *or equipment* before it is placed into waters of the state;

P10, L18 and L22 Watercraft License. Currently there is no watercraft license in Kansas. Should this refer to registration instead.

P10, L32 through 34. Suggest deletion of (a).

P11, Section 21 We request an opportunity to discuss this issue with the Department of Agriculture and present a joint recommendation to the committee for an advisory group that better addresses the intent of this legislation.



Dale Goter
Government Relations Manager

TESTIMONY

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Kansas Senate Natural Resources Committee Feb. 21, 2008 Support for Senate Bill 606

The City of Wichita receives approximately 70% of its water supply from Cheney Reservoir. In 2006, zebra mussels were discovered in the reservoir. These aquatic pests are an invasive species that are capable of plugging intakes, pipelines, and other facilities.

The City is proceeding with a project that will determine the best method to control the growth of zebra mussels on those facilities, and will construct them as soon as possible. It is estimated that construction of the controls systems could cost \$500,000, and that annual operating costs could be as high as \$275,000 per year.

While it is apparently too late to keep zebra mussels out of Cheney Reservoir, the City supports efforts to keep zebra mussels out of other reservoirs that provide water supplies to other municipal and industrial users, and efforts that could protect reservoirs from future invasive species.

The City of Wichita is supportive of SB606 and encourages its adoption.

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February 21, 2008
Attachment 3*