

SESSION OF 2016

**SECOND CONFERENCE COMMITTEE REPORT BRIEF  
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2059**

As Agreed to April 30, 2016

**Brief\***

Senate Sub. for HB 2059 would allow members of the public specific physical contact with dangerous regulated animals; name a bison herd after former Representative Bob Grant; and create the Alternative Crop Research Act.

***Dangerous Regulated Animals***

The bill would allow members of the public specified physical contact with dangerous regulated animals (excluding bears and venomous snakes) as detailed below:

- For dangerous regulated animals weighing 10 pounds or less, members of the public would be permitted to come into “full contact” with the animal. The bill would define “full contact” as a situation in which an exhibitor or handler would maintain control and supervision of the animal while temporarily surrendering physical possession or custody of the animal to another person; and
- For dangerous regulated animals weighing 25 pounds or less, members of the public would be permitted “incidental contact” with the animal. The bill would define “incidental contact” as a situation in which an exhibitor or handler maintains control,

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

possession, and supervision of an animal while permitting the public to come into contact with it.

The bill would define “control” as keeping an animal in a harness and connected to a leash.

A dangerous regulated animal could only be used for contact with the public if the exhibitor:

- Evaluates the animal and ensures it is compatible with the intended uses of the animal;
- Takes reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of members of the public or wildlife; and
- Exhibits the animal in a manner that prevents injuries to members of the public or wildlife.

The bill would require all dangerous regulated animals to be maintained under strict supervision and control in order to prevent injuries to members of the public. Additionally, dangerous regulated animals removed from confinement would not be allowed to run at large or be tethered outside.

Before a member of the public comes into physical contact with a dangerous regulated animal weighing between 10 and 25 pounds, he or she would be required to read and sign a statement that contains the following, “the handling or petting of a dangerous regulated animal is inherently dangerous and may result in scratches, bites, or other injuries.”

Finally, institutions accredited by the Association of Zoos and Aquariums or the Zoological Association of America would be exempted from the reporting and license compliance that is required of local animal control authorities.

### ***Bob Grant Bison Herd***

The bill would name the bison herd at the mined land wildlife area in Crawford County the “Bob Grant Bison Herd,” on January 1, 2017.

### ***Alternative Crop Research Act***

The bill also would create the Alternative Crop Research Act (Act). The Act would allow the Kansas Department of Agriculture (KDA), alone or in coordination with a state educational institution (defined by the bill to be the six Regents’ institutions), to cultivate industrial hemp grown from certified seed and promote the research and development of industrial hemp. Research conducted on industrial hemp under the Act could include:

- Oversight and analysis of growth to conduct research of required soils, growing conditions, and harvest methods;
- Seed research, including seed availability, creation of hybrid types, in-the-ground variety trials, and seed production;
- Economic feasibility analysis;
- Analysis of estimated value-added benefits, including environment benefits;
- Study of world-wide agronomy research on industrial hemp varieties, production, and utilization; and
- Study of feasibility of attracting federal and private funding for research.

The Secretary of Agriculture would be authorized to promulgate rules and regulations to carry out the provisions of the Act.

The bill also would define the following key terms related to the Act:

- “Certified seed” would mean industrial hemp seed that has been certified as having no more tetrahydrocannabinol (THC) concentration than allowed in the federal Controlled Substances Act;
- “Industrial hemp” would mean all parts and varieties of the plant *cannabis sativa*, cultivated or possessed by a state educational institution or KDA, whether growing or not, that contain a THC concentration no more than the amount allowed under the federal Controlled Substances Act;and
- “THC” would mean the natural or synthetic equivalents of the substances contained in the plant or in the resinous extracts of cannabis or any synthetic substances, compounds, salts, or derivatives of the plant or chemical and their isomers with similar chemical structure and pharmacological activity.

Finally, the bill would amend the state Controlled Substances Act to specify the penalties in that law would not apply to actions authorized by the bill. Language in the bill also would specify that nothing in the bill could be construed to authorize a violation of federal law.

### **Conference Committee Action**

The second Conference Committee agreed to:

- Retain the contents of Senate Sub. for HB 2059 as it left the first Conference Committee, which

included language about dangerous regulated animals;

- Add the language of the House version of HB 2547, regarding the Bob Grant Bison Herd, with an effective date of January 1, 2017; and
- Add language from the House Committee of the Whole version of HB 2049, which establishes the Alternative Crop Research Act.

### **Background**

[*Note:* the second Conference Committee agreed to add the provisions of various bills to Senate Sub. for HB 2059, including:

- Senate Sub. for HB 2059, as agreed to by the first Conference Committee, which includes the provisions of SB 97, as amended by the House Committee (the first Conference Committee removed the prior content of Senate Sub. for HB 2059 which dealt with application requirements and fees to appropriate water that otherwise leaves the states and chemigation permits);
- HB 2547, as introduced; and
- New Sections 12 and 13 of HB 2049, as amended by the House Committee of the Whole, which were originally part of HB 2329.]

### ***SB 97 Background***

The bill was introduced by the Senate Committee on Natural Resources.

At the Senate Committee hearing, the Director of Tanganyika Wildlife Park, located in Goddard, Kansas, presented testimony in favor of the bill. The Director stated Tanganyika is one of the largest attractions in Kansas, having more than 104,000 visitors in 2014. Additionally, many of Tanganyika animals are used for live interactive demonstrations on Jack Hanna's various television appearances, along with other appearances on various daily and late night talk shows. The Director of Tanganyika stated the current law restricts accredited Kansas zoos from using small cats for educational interactive experiences. By passing the bill, Tanganyika would be able to offer visitors a supervised, up close, and personal experience with the cats while they are small. Additionally, the Director stated the bill would remove cheetahs and clouded leopards from the dangerous animal list, as they have been unfairly grouped with all the big cats that also are listed on the dangerous animal list.

Columbus Zoo and Aquarium Director Emeritus Jack Hanna and representatives of the Zoological Association of America, the Dallas Zoo, and the Nashville Zoo provided written testimony in favor of the bill.

Opponents to the bill included a private citizen and a representative of the Humane Society of the United States (HSUS). The private citizen related the story of his wife, whose arm was severed by a tiger at a private zoo in Kansas during a visit with a Boy Scout troop. The HSUS representative provided background to the Committee on the reason for current law, which was passed in 2006 after the 2005 death of a Kansas high school student who was posing for her senior pictures with a tiger at a U.S. Department of Agriculture-licensed wildlife facility in Kansas. The opponents stated wild animals retain their basic instincts, even if born in captivity and hand-raised and the accreditation process through the Association of Zoos and Aquariums of the Zoological Association of America, as stated in the bill, needs to be closely vetted.

Former Kansas Senator Dwayne Umbarger and two private citizens (the parents of the Kansas high school student that was killed) also provided written testimony opposing the bill.

The Senate Committee amended the bill to clarify dangerous regulated animals removed from confinement would not be allowed to run at large or be tethered outdoors. In addition, three technical amendments were adopted by the Senate Committee.

The Senate Committee of the Whole amended the bill to restore “cheetahs” to the list of dangerous regulated animals, which is current law, and added the definition of “control.” The Committee decreased the weight of a dangerous regulated animal that members of the public would be permitted to come into “full contact” with from 25 to 10 pounds. The Committee also added language requiring members of the public to read and sign a statement regarding handling or petting dangerous regulated animals and that doing so may result in injury of some kind.

At the hearing on SB 97 before the House Committee on Agriculture and Natural Resources, proponents included two representatives of Tanganyika Wildlife Park and the Executive Director of the Zoological Association of America. In addition, Senator Kerschen appeared before the Committee and provided written testimony in support of the bill. Written testimony in support of the bill was distributed from a representative of the Columbus Zoo, the Nashville Zoo, the Chief of Police of Goddard, and two doctors of veterinary medicine. There were no neutral conferees.

Opponents to the bill included the Atchison County Sheriff, a representative of HSUS, a representative of Spay/Neuter Kansas and four individuals. Written testimony in opposition to the bill was provided by the Director of Rolling Hills Zoo, the Association of Zoos and Aquariums, Animal Outreach of Kansas, Operation Wildlife, the Global Federation of Animal Sanctuaries, the Wildcat Sanctuary,

Tigers in America, Performing Animal Welfare Society, Big Cat Rescue, Sedgwick County Zoo, and the Kansas Animal Control Association.

The House Committee on Agriculture and Natural Resources amended the bill to include all venomous snakes as a part of the definition of “regulated dangerous animal” rather than just non-native venomous snakes (current law); change the weight limit for incidental contact with dangerous regulated animals from 40 pounds to 25 pounds; include the clouded leopard in the definition of “regulated dangerous animal,” and update statutory date changes to reflect sections being amended (technical).

The fiscal note prepared by the Division of the Budget on the bill, as introduced, states the League of Kansas Municipalities is unable to determine what fiscal effect the enactment of the bill would have on Kansas cities.

### ***HB 2547 Background***

At the hearing before the House Committee on Agriculture and Natural Resources on HB 2547, Representative Lusker appeared as a proponent and explained that former Representative Grant had a great interest in the maintenance of the bison herd in Crawford County.

Also appearing as a proponent was a spokesperson from the Kansas Department of Wildlife, Parks and Tourism (KDWPT). The spokesperson indicated the bison herd was one of three maintained in the state by the agency. The bison herd in Crawford County has five animals in it. The spokesperson indicated the KDWPT would phase in the appropriate signage and publications as they are needed.

The House Committee on Agriculture and Natural Resources recommended the bill be placed on the Consent Calendar.



The KDWPT indicates expenditures to make changes to signage and brochures would likely be phased in over time and could be handled using existing resources. Any fiscal effect associated with HB 2547 is not reflected in *The FY 2017 Governor's Budget Report*.

### ***HB 2049 (HB 2329) Background***

[*Note:* the portions of HB 2049 pertaining to the Alternative Crop Research Act were taken from HB 2329. Background information on HB 2329 follows.]

At the hearing in the House Agriculture and Natural Resources Committee, Representatives Johnson and Dove, as well as a representative from the KDA and a private citizen testified in favor of HB 2329. The proponents testified federal law had been changed to allow research on industrial hemp by state departments of agriculture and institutions of higher education, but such research was still illegal under Kansas law. The proponents urged that research was needed to see what the potential benefits might be for the State.

There was no neutral or opponent testimony presented.

According to the fiscal note prepared by the Division of the Budget, HB 2329 would increase KDA's State General Fund expenditures by \$1,988 in FY 2016. These increased expenditures would be for administrative staff time, travel and inspection time, and lab analysis costs associated with the bill. Any fiscal effect associated with the bill was not reflected in *The FY 2016 Governor's Budget Report*.

animals; contact with animals; dangerous regulated animals; Association of Zoos and Aquariums; Representative Bob Grant; Mined Land Wildlife Area; bison; Alternative Crop Research Act; Kansas Department of Agriculture; Regents' institutions; industrial hemp; certified seed; THC; rules and regulations; Controlled Substances Act

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