

## HOUSE BILL No. 2470

By Committee on Environment

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AN ACT concerning certain wildlife; relating to management and control; amending K.S.A. 80-1201, 80-1202, 80-1203 and 80-1207 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 80-1201 is hereby amended to read as follows: 80-1201. (a) The township board of any township in this state *or the county commission of any county in this state*, at any regular or special meeting, is hereby authorized to purchase material and to employ one or more suitable persons to ~~destroy~~ *manage and/or control* prairie dogs, ~~moles and gophers~~ within the limits of such township, *or county*. Any material so purchased and compensation for such services ~~to~~ *shall* be paid out of the general fund of such township *or county*.

(b) *The Kansas department of wildlife and parks, the Kansas department of agriculture and K-state research and extension are authorized to assist counties, township boards and landowners with management and/or control of black-tailed prairie dog colonies. Assistance may include but is not limited to:*

(1) *Development and distribution of educational information and management plan templates;*

(2) *technical assistance with preparation and implementation of management plans;*

(3) *research;*

(4) *cost-share assistance and distribution of equipment and materials used for purposes of management and/or control of prairie dog colonies or populations, or to curtail dispersal;*

(5) *incentive payments for cooperative wildlife habitat enhancement and species conservation programs associated with prairie dog colonies, and related range and livestock management practices, range restoration and grassland conservation programs;*

(6) *development of conservation programs, both state sponsored and cooperative, for landowners who are receptive to management of black-tailed prairie dog colonies to prevent the species from becoming threatened or endangered or to provide habitat for other species dependent upon or associated with prairie dog colonies (including, but not limited*

1 to, the black-footed ferret, burrowing owl, golden eagle, ferruginous hawk,  
2 swift fox and mountain plover), or both; and

3 (7) development of programs, both state sponsored and cooperative,  
4 for prairie dog control and/or management to assist owners of land ad-  
5 jacent to land enrolled in a state or federal sanctioned prairie dog con-  
6 servation program.

7 (c) Landowners may employ voluntary "candidate conservation  
8 agreements with assurances" or "safe harbors agreements" for a federally  
9 designated candidate or federally listed species as part of the landowners'  
10 prairie dog management plans and may participate in related incentive  
11 programs offered by federal agencies.

12 (d) Nothing in this act shall be construed to prevent a landowner  
13 from:

14 (1) Voluntarily eliminating prairie dogs from the landowner's land;  
15 or

16 (2) except as provided in K.S.A. 80-1202, and amendments thereto,  
17 independently conserving, managing or controlling the prairie dogs on  
18 the landowner's land.

19 Sec. 2. K.S.A. 80-1202 is hereby amended to read as follows: 80-  
20 1202. ~~In addition to the duties now prescribed by law for township trust-~~  
21 ~~ees, in counties infested by prairie dogs, they may do and perform the~~  
22 ~~following services: That the township trustees of the several townships in~~  
23 ~~this state infested by prairie dogs may enter upon the lands so infested~~  
24 ~~in their respective townships and make diligent efforts to exterminate all~~  
25 ~~prairie dogs thereon. For the purpose of enabling them to carry into effect~~  
26 ~~the provisions of this act, the trustees are authorized and empowered to~~  
27 ~~employ all such assistance and to purchase the poison or such appliances~~  
28 ~~and material as they may deem necessary to exterminate such dogs. The~~  
29 ~~work of such extermination shall all be done under the supervision and~~  
30 ~~direction of the trustees: Provided, That in any county having a population~~  
31 ~~of more than four thousand (4,000) and less than five thousand two hun-~~  
32 ~~dred (5,200) which contains no city of the second class and not more than~~  
33 ~~two (2) cities of the third class, the trustees shall before entering upon~~  
34 ~~the lands give written notice to any landowner who shall fail or refuse to~~  
35 ~~make use of the materials offered or provided, that unless he or she~~  
36 ~~endeavors to control such prairie dogs according to the methods pre-~~  
37 ~~scribed by the board of trustees will, within fifteen (15) days after the~~  
38 ~~date specified in the notice enter upon his or her land and use the nec-~~  
39 ~~essary materials to eradicate the prairie dogs thereon; and the trustees or~~  
40 ~~their agents, may thereafter enter upon the land and proceed to eradicate~~  
41 ~~such prairie dogs.~~

42 (a) Upon receiving a written complaint from a landowner who is di-  
43 rectly affected by an unmanaged or uncontrolled population of prairie

1 *dogs, the township board or county commission shall determine whether*  
2 *the population of prairie dogs poses a serious threat of destructive, inju-*  
3 *rious or detrimental effect upon the complaining landowner's property.*  
4 *The township board or county commission shall provide written notice of*  
5 *the determination to the landowner or landowners of such property. The*  
6 *notice shall indicate the determination and the specific location of the*  
7 *prairie dog population and whether the board or commission has deter-*  
8 *mined that corrective management and/or control measures are necessary*  
9 *to abate the potentially destructive, injurious or detrimental effect. If con-*  
10 *trol measures are deemed necessary, the landowner may contest the de-*  
11 *termination by the board or commission in the same manner as provided*  
12 *by K.S.A. 19-223, and amendments thereto, for appeals of decisions by*  
13 *the board of county commissioners. If the landowner does not contest such*  
14 *determination, the landowner, within 90 days of the written notice, shall*  
15 *either:*

16 *(1) Commence a management and/or control plan developed in con-*  
17 *junction with the Kansas department of wildlife and parks, which plan*  
18 *shall include: (A) Measures designed to curtail spread of the identified*  
19 *prairie dog population to adjoining lands not owned by the landowner if*  
20 *the owners of those adjacent lands do not want expansion of the colony*  
21 *onto their respective land; and (B) elements addressing other objectives*  
22 *of the landowner, such as conservation of the species and other associated*  
23 *wildlife; or*

24 *(2) permit the township or county to undertake mutually agreed upon*  
25 *prairie dog management and/or control measures on the landowner's land*  
26 *and reimburse the township or county for costs incurred for such meas-*  
27 *ures, if requested by the township or county.*

28 *(b) For the purpose of enabling the township or county to implement*  
29 *the provisions of this act, the township or county may employ all such*  
30 *assistance and to purchase such appliances and materials as the township*  
31 *board or county commission deems necessary to implement prairie dog*  
32 *management and/or control measures. Upon expiration of the 90-day no-*  
33 *tice period provided by subsection (a), the township board or county*  
34 *commission shall give at least 30 days' written notice to any landowner*  
35 *who has failed to either contest the board's or commission's determination*  
36 *or comply with (a)(1) or (a)(2) before the township or county may enter*  
37 *upon the landowner's land without permission to undertake prairie dog*  
38 *management and/or control measures designed to curtail the dispersal of*  
39 *prairie dogs to acceptable levels needed to reduce serious destructive,*  
40 *injurious or detrimental effects on surrounding lands. The employment of*  
41 *management and/or control measures under this subsection shall not au-*  
42 *thorize action to eradicate or eliminate an entire prairie dog colony or*  
43 *population unless based on a finding to support such action.*

1 (c) After ~~eradication of such prairie dogs, the trustees~~ *employment of*  
2 *management and/or control measures pursuant to subsection (b), the*  
3 *township or county shall immediately notify the landowner or landowners*  
4 *with an itemized statement of a statement itemizing the costs thereof; and*  
5 *stating that unless such amount is paid within thirty (30) 30 days from*  
6 *the date of the notice, that the amount shall become a lien upon their*  
7 ~~real estate~~ *the real estate of such landowner or landowners. If such costs*  
8 *are not paid within thirty (30) days they 30 days, the costs shall be assessed*  
9 *against the property of the landowner and or landowners. In the case of*  
10 *a township, the township clerk shall, at the time of certifying other town-*  
11 *ship taxes to the county clerk, shall certify the costs of such eradication*  
12 ~~and measures~~. The county clerk shall extend the ~~same costs~~ on the tax  
13 roll of the township or county, as the case may be, against such property  
14 and ~~said such~~ costs shall be collected by the county treasurer and paid to  
15 the township or county as other township or county taxes are collected  
16 and paid.

17 (d) A township or county shall not undertake prairie dog management  
18 or control measures pursuant to subsection (b) on the land of any land-  
19 owner who, pursuant to subsection (a)(1), is implementing a management  
20 or control plan approved by the department of wildlife and parks. But if  
21 the landowner who submits a management or control plan to the township  
22 or county is found to have failed or refused to implement such plan, the  
23 township or county may undertake the measures described in subsection  
24 (b) and recover the costs thereof as provided by subsection (c).

25 Sec. 3. K.S.A. 80-1203 is hereby amended to read as follows: 80-  
26 1203. The trustees of ~~the several townships infested by prairie dogs~~ any  
27 township having an unmanaged or uncontrolled prairie dog population  
28 shall appear before the board of county commissioners of ~~their respective~~  
29 ~~counties at their~~ the county at the commission's annual meeting in August  
30 of each year, when they convene the commission convenes to make the  
31 annual tax levy, ~~and~~. The township trustees shall make a report of the  
32 probable expense to ~~exterminate~~ manage and/or control the prairie dogs  
33 in their respective townships. ~~And the commissioners of the respective~~  
34 ~~counties township~~. The county commission, after receiving ~~said reports~~  
35 such report, shall cause to be levied on real estate assessed for taxation  
36 in each such township ~~thus infested by prairie dogs~~ the approximate  
37 amount estimated by the ~~several~~ trustees as ~~herein provided~~, or any part  
38 thereof: *Provided, however,* That. No assessment for this purpose shall  
39 be greater than ~~seventy cents \$ .70~~ on each ~~one hundred dollars \$100~~  
40 valuation as ~~herein provided~~.

41 Sec. 4. K.S.A. 80-1207 is hereby amended to read as follows: 80-  
42 1207. Whenever any township of this state shall have rid itself of the  
43 prairie dogs and there shall cease to be a *has a managed and controlled*

1 *prairie dog population and there is no* necessity of any future procedure  
2 under this act (which question shall be determined by the board of county  
3 commissioners and the ~~trustee~~ *trustees* of such township), the surplus  
4 fund, if any, in the hands of the township treasurers shall be merged into  
5 the general township funds of ~~said townships~~ and *the township*, to be  
6 used for general township purposes.

7 Sec. 5. K.S.A. 80-1201, 80-1202, 80-1203 and 80-1207 are hereby  
8 repealed.

9 Sec. 6. This act shall take effect and be in force from and after its  
10 publication in the statute book.

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