

1 *[As Amended by Senate Committee of the Whole]*

2  
3 *As Amended by Senate Committee*

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5 *[As Amended by House Committee of the Whole]*

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7 *As Amended by House Committee*

8 *Session of 2003*

9  
10 **HOUSE BILL No. 2027**

11 By Committee on Agriculture

12  
13 1-16

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15  
16 AN ACT concerning ~~prairie dogs~~ *[animals]*; relating to control ~~thereof~~  
17 *[of prairie dogs]*; duties and authorities of county commissioners;  
18 assessment of costs; **prohibited acts**; amending K.S.A. 80-304, 80-  
19 1201 and 80-1202 and repealing the existing sections; also repealing  
20 K.S.A. 80-1203, 80-1204, 80-1205, 80-1206, 80-1207 and 80-1208.

21  
22 *Be it enacted by the Legislature of the State of Kansas:*

23 Section 1. K.S.A. 80-304 is hereby amended to read as follows: 80-  
24 304. (a) The township trustee, at the regular meeting of the board of  
25 county commissioners next succeeding the annual settlement of the town-  
26 ship treasurer and road overseers, shall make a complete report of the  
27 affairs of the township for the preceding year, stating in detail the items  
28 of account audited and allowed, the nature of each account, and the name  
29 of each person to whom such an account was allowed. Such report shall  
30 specify the amount of compensation and amount of reimbursement of  
31 expenses paid to members of the township board pursuant to K.S.A. 80-  
32 207, and amendments thereto. Such report shall be verified by affidavit  
33 and shall be examined by the board of county commissioners. If found  
34 correct and in conformity to law, the board shall approve the report and  
35 accounts and the same shall be filed in the office of the county clerk of  
36 such county. Copies of the report shall be made available upon request.  
37 If such report and accounts are found not correct, or not in conformity  
38 to law, the board shall cite such township auditing board to appear before  
39 it and correct any errors appearing therein. Such township auditing board  
40 and their bondsmen shall be liable to their township for the amount of  
41 any and all accounts or demands by them allowed or paid in excess of  
42 that authorized by law for any purpose. It shall be the duty of the county  
43 attorney of such county to prosecute any and all suits in the name of such

1 township for the recovery of the same, in any court of competent  
2 jurisdiction.

3 (b) Payments made prior to August 2, 1996, to township officers for  
4 duties and services performed pursuant to K.S.A. 68-525, 68-530, 68-531,  
5 68-542, 80-207, 80-302, 80-304, 80-410, ~~80-1204~~, 80-1407, 80-1501, 80-  
6 1544 and 80-2002, and amendments thereto, or while actually and nec-  
7 essarily conducting township business are hereby validated.

8 Sec. 2. K.S.A. 80-1201 is hereby amended to read as follows: 80-  
9 1201. ~~The township board of any township in this state~~ *county commission*  
10 *of any county in the state*, at any regular or special meeting, is hereby  
11 authorized to purchase material and to employ one or more suitable per-  
12 sons to ~~destroy~~ manage and control prairie dogs, moles and gophers  
13 within the limits of such ~~township~~ *county*, any material so purchased and  
14 compensation for such services to be paid out of the general fund of such  
15 ~~township~~ *county*. *Nothing in this act shall be construed to prevent a land-*  
16 *owner from voluntarily* ~~managing and~~ controlling prairie dogs on the  
17 *landowner's land nor independently* ~~conserving, managing and~~ control-  
18 *ling prairie dogs, pursuant to the limitations described in K.S.A. 80-1202,*  
19 *and amendments thereto.*

20 Sec. 3. K.S.A. 80-1202 is hereby amended to read as follows: 80-  
21 1202. ~~In addition to the duties now prescribed by law for township~~  
22 ~~trustees, in counties infested by prairie dogs, they may do and perform the~~  
23 ~~following services: That the township trustees of the several townships in~~  
24 ~~this state infested by prairie dogs may enter upon the lands so infested~~  
25 ~~in their respective townships and make diligent efforts to exterminate all~~  
26 ~~prairie dogs thereon.~~ *(a) Prairie dogs are a species of management concern*  
27 *requiring* ~~both control and~~ protection. Species of management concern or  
28 its habitat, or both, are of value ecologically and aesthetically and at the  
29 same time may be damaging for property owners. Species of management  
30 concern may warrant protection at times, and control at others, depend-  
31 ing on the rate of reproduction, climate, disease, population viability and  
32 others ~~other~~ factors.

33 (b) Upon detection and identification of an uncontrolled or ~~unman-~~  
34 ~~aged~~ population of prairie dogs that has been determined by the county  
35 commission to pose a threat of destructive, injurious or detrimental effect  
36 upon the surrounding lands, either by virtue of a direct effect, or as a  
37 carrier of disease or parasites, such county commission shall provide writ-  
38 ten notice of the determination of the threat created by the unmanaged  
39 prairie dog population and the specific location to the landowner or land-  
40 owners. Such written notice shall indicate that ~~management and~~ control  
41 measures have been deemed necessary to abate the detrimental or poten-  
42 tially injurious effect and that the landowner is obligated to either:

43 (1) Submit and commence a ~~management and~~ control plan approved

1 *by the county ~~in consultation with the secretary of wildlife and parks~~*  
2 *within 30 days of the written notice, with the purpose of such plan being*  
3 *prevention of spread of the identified prairie dog population to adjoining*  
4 *lands not owned by the landowner. The county may refuse to approve,*  
5 *renew, suspend, revoke or deny the implementation of the landowner's*  
6 *~~management and~~ control plan if the plan does not meet such purpose; or*  
7 *(2) permit the county to undertake prairie dog ~~management and~~ con-*  
8 *trol measures on the landowner's property and reimburse the county for*  
9 *costs accrued for such measures.*

10 (c) For the purpose of enabling them to carry into effect the provi-  
11 sions of this act, the ~~trustees are authorized and county commission is~~  
12 ~~empowered to employ all such assistance and to purchase the poison or~~  
13 ~~such appliances and material as they may deem necessary to exterminate~~  
14 ~~such dogs. The work of such extermination shall all be done under the~~  
15 ~~supervision and direction of the trustees. *Provided, That in any county*~~  
16 ~~having a population of more than four thousand (4,000) and less than five~~  
17 ~~thousand two hundred (5,200) which contains no city of the second class~~  
18 ~~and not more than two (2) cities of the third class, the trustees shall with~~  
19 ~~implementation authority of prairie dog ~~management and~~ control meas-~~  
20 ~~ures deemed appropriate and necessary. Following the 30-day notice pe-~~  
21 ~~riod, and before entering upon the lands pursuant to subsection (b)(2),~~  
22 ~~the county shall give written notice to any landowner who shall fail or~~  
23 ~~refuse to make use of the materials offered or provided, fails or refuses~~  
24 ~~to submit, commence or implement a ~~management and~~ control plan pur-~~  
25 ~~suant to subsection (b)(1), that unless he or she endeavors to control such~~  
26 ~~prairie dogs according to the methods prescribed by the board of trustees~~  
27 ~~will, within fifteen (15) 15 days after the date specified in the notice the~~  
28 ~~county will enter upon his or her such landowner's land and use the~~  
29 ~~necessary materials to eradicate the prairie dogs thereon, and the trustees~~  
30 ~~or their agents, may thereafter enter upon the land and proceed to erad-~~  
31 ~~icate such prairie dogs to undertake prairie dog control measures.~~

32 (d) After ~~eradication of such prairie dogs, the trustees employment~~  
33 ~~of control measures pursuant to subsection (c), the county shall immedi-~~  
34 ~~ately notify the landowner or landowners with an itemized statement of~~  
35 ~~the costs thereof, and stating that unless such amount is paid within thirty~~  
36 ~~(30) 30 days from the date of the notice, that the amount shall become a~~  
37 ~~lien upon their real estate. If such costs are not paid within thirty (30) 30~~  
38 ~~days they shall be assessed against the property of the landowner and the~~  
39 ~~township county clerk shall, at the time of certifying other township taxes~~  
40 ~~to the county clerk, certify the costs of such ~~eradication control and man-~~~~  
41 ~~agement and the county clerk shall extend the same on the tax roll of the~~  
42 ~~township against such property and said the costs shall be collected by~~  
43 ~~the county treasurer and paid to the township county as other township~~

1 county taxes are collected and paid.

2 (e) A landowner implementing an approved ~~management and~~ control  
3 plan pursuant to subsection (b)(1) shall not be subject to the provisions  
4 of subsection (c) or (d). However, if a landowner who submits a ~~manage-~~  
5 ~~ment and~~ control plan to the county is found to have failed or refused to  
6 implement such plan, the county may undertake the measures described  
7 in subsections (c) and (d). In addition, if a destructive, injurious or det-  
8 rimental prairie dog population is found to have become established on  
9 surrounding lands due to a landowner's failure or refusal to implement  
10 an approved ~~management and~~ control plan, that landowner may be sub-  
11 ject to the provisions of subsections (c) and (d) for necessary cost of prairie  
12 dog control measures undertaken on those surrounding lands.

13 (f) Notwithstanding any provision of law to the contrary, the  
14 secretary of wildlife and parks shall not adopt rules and regulations  
15 to carry out the provisions of this section and K.S.A. 80-1201, and  
16 amendments thereto.

17 **New Sec. 4. ~~Trapping and transplanting~~ [Transplanting] prai-**  
18 **rie dogs to any location ~~outside of the Kansas traditional home~~**  
19 **~~range of the prairie dog~~ is prohibited except when done in con-**  
20 **junction with a scientific, educational or exhibition permit issued**  
21 **pursuant to K.S.A. 32-952, and amendments thereto. As used in**  
22 **this section, “Kansas traditional home range” means that area of**  
23 **Kansas extending from the Kansas-Colorado border eastward and**  
24 **ending with the easternmost boundary of Washington, Clay, Dick-**  
25 **inson, Marion, Harvey, Sedgwick and Sumner counties and includ-**  
26 **ing all counties in between.**

27 [New Sec. 5. Nothing contained in the provisions of this act  
28 nor in any other provision of Kansas law shall prohibit the har-  
29 vesting of prairie dogs for commercial purposes ~~for sale outside of~~  
30 ~~the state of Kansas.~~]

31 [New Sec. 6. No state agency shall have the authority to peti-  
32 tion to have any animal placed on the federal list of endangered  
33 species.]

34 Sec. ~~4. 5. [6.]~~ [7.] K.S.A. 80-304, 80-1201, 80-1202, 80-1203, 80-  
35 1204, 80-1205, 80-1206, 80-1207 and 80-1208 are hereby repealed.

36 Sec. ~~5. 6. [7.]~~ [8.] This act shall take effect and be in force from and  
37 after its publication in the statute book.

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