

SENATE BILL No. 287

By Committee on Federal and State Affairs

2-25

9 AN ACT concerning wildlife; relating to prairie dog management, con-
10 trol and conservation; also repealing K.S.A. 80-1201, 80-1202, 80-1203,
11 80-1204, 80-1205, 80-1206, 80-1207 and 80-1208.
12

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

14 Section 1. The secretary of wildlife and parks shall establish general
15 prairie dog control, management and conservation measures and be pre-
16 pared to respond to requests to tailor those general measures to specific
17 situations. Measures for control and management of prairie dog popula-
18 tions shall be consistent with the protection of private property rights and
19 significant ecological values.

20 Sec. 2. (a) The county commission of any county in this state, at any
21 regular or special meeting, is hereby authorized to purchase material and
22 to employ one or more suitable persons to assist landowners with man-
23 agement and control of prairie dog populations within the limits of such
24 county.

25 (1) The county commission may make a determination that prairie
26 dog population control or management measures are required on a land-
27 owner's land if:

28 (A) A complaint is filed by one or more landowners who own adjacent
29 land or tenants managing adjacent land; and

30 (B) evidence is found that prairie dogs are expanding colonies onto
31 adjacent land not owned by the landowner or dispersing from a colony
32 in numbers sufficient to cause significant damage to adjacent land not
33 owned by the landowner.

34 (2) The county commission shall notify the landowner if they make a
35 determination under subsection (a)(1)(B). The landowner shall have 30
36 days to notify the county commission that the landowner will submit a
37 proposed management plan to control or diminish dispersal of prairie
38 dogs from the land to acceptable levels. The landowner shall submit a
39 proposed management plan to the county commission within 90 days after
40 notice by the county commission.

41 (3) If the landowner submits a proposed management plan, the
42 county commission shall file a copy of the proposed plan with the sec-
43 retary of wildlife and parks. The secretary shall have 60 days to review

- 1 the proposed plan and recommend changes to the county commission.
- 2 (4) If the landowner submits a proposed management plan, the
3 county commission shall finalize the landowner's plan by incorporating
4 the recommendations made by the secretary of wildlife and parks follow-
5 ing the secretary's review required under paragraph (3). The landowner
6 shall have 30 days to accept the approved management plan. If the plan
7 is accepted, the landowner shall have one year, including the 30-day ac-
8 ceptance period, to implement the plan.
- 9 (b) Employees or contractors of the county commission may enter a
10 landowner's property to implement boundary prairie dog control and
11 management measures, limited to a distance not to exceed 100 yards from
12 the property line adjacent to land owned by a landowner or tenant who
13 filed a complaint, as established by the secretary of wildlife and parks, to
14 reduce significant levels of damages caused to adjacent land if:
- 15 (1) As described in subsection (a)(2), the landowner does not notify
16 the county commission that the landowner will submit a proposed man-
17 agement plan;
- 18 (2) as described in subsection (a)(2), the landowner does not submit
19 a proposed management plan;
- 20 (3) as described in subsection (a)(4), the landowner does not accept
21 the management plan approved by the county commission; or
- 22 (4) as described in subsection (a)(4), the landowner does not imple-
23 ment the management plan approved by the county commission within
24 the one-year time limitation.
- 25 (c) If entry onto the landowner's land is permitted by subsection (b),
26 the county commission shall give the landowner 30-days notice before
27 entering the property and entry to implement the control measures must
28 occur within one year after such notice is given.
- 29 (d) After implementing control or management measures pursuant
30 to subsection (b), the county commission shall immediately notify the
31 landowner with an itemized statement of the costs thereof. The notice
32 shall state that unless such costs are paid within 30 days from the date of
33 the notice, the total amount of such costs shall become a lien upon the
34 landowner's property. If such costs are not paid within 30 days, the total
35 amount of such costs shall be assessed against the property of the land-
36 owner and the county clerk shall, at the time of certifying other county
37 taxes, certify the total amount of such costs and the county clerk shall
38 extend the same on the tax roll of the county against such property. The
39 certified amount shall be collected by the county treasurer and paid to
40 the county as other taxes are collected and paid.
- 41 (e) Nothing in this section shall be construed to require landowners
42 to eradicate prairie dogs from a landowner's land.
- 43 (f) Nothing in this section shall be construed to prevent a landowner

1 from voluntarily eliminating prairie dogs from the landowner's land.

2 (g) Nothing in this section shall be construed to require a county to
3 control prairie dogs on a specific property or eradicate prairie dogs from
4 a county.

5 Sec. 3. K.S.A. 80-1201, 80-1202, 80-1203, 80-1204, 80-1205, 80-
6 1206, 80-1207 and 80-1208 are hereby repealed.

7 Sec. 4. This act shall take effect and be in force from and after its
8 publication in the statute book.