

SENATE BILL No. 257

By Committee on Natural Resources

2-2

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

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

15 Section 1. K.S.A. 80-1201 is hereby amended to read as follows: 80-
16 1201. (a) The township board of any township in this state *or the county*
17 *commission of any county in this state*, at any regular or special meeting,
18 is hereby authorized to purchase material and to employ one or more
19 suitable persons to destroy, *control or manage* prairie dogs, ~~moles and~~
20 ~~gophers~~ within the limits of such township, *or county*. Any material so
21 purchased and compensation for such services to be paid out of the gen-
22 eral fund of such township *or county*.

23 (b) *The township board of any township in this state or the county*
24 *commission of any county in this state may require a landowner to develop*
25 *and submit a management plan for prairie dogs on a landowner's land if:*
26 *(1) It is determined by the township board or county commission that*
27 *prairie dogs are expanding colonies onto adjacent lands not owned by the*
28 *landowner or dispersing from a colony in numbers sufficient to cause*
29 *significant damage to neighboring lands; and (2) complaints are filed by*
30 *the affected landowners. The township board or county commission will*
31 *consider the severity of the damages and seek a remedy to prevent or*
32 *reduce future damages to an insignificant level. Development and sub-*
33 *mission of a management plan by the landowner who wishes to retain*
34 *colonies of prairie dogs that are determined by the township board or*
35 *county commission to be causing damages to neighboring land will be*
36 *required within 90 days of any complaint and determination that signif-*
37 *icant damages are occurring. Consideration of the management plan by*
38 *the township board or county commission will include submission to the*
39 *Kansas department of wildlife and parks, the Kansas department of ag-*
40 *riculture and K-State research and extension and allowance for a 60-day*
41 *comment period by the agencies and public.*

42 *If the management plan is determined to be sufficient or revised to*
43 *become sufficient, the landowner will have 90 days to implement the plan.*

1 *If the management plan is determined to be insufficient, an alternative*
2 *plan may be developed by the township board or county commission in*
3 *consultation with the Kansas department of wildlife and parks, the Kansas*
4 *department of agriculture and K-State research and extension. If the al-*
5 *ternative plan is then approved by the township board or county com-*
6 *mission and either the Kansas department of wildlife and parks or Kansas*
7 *department of agriculture, the landowner will have 90 days to implement*
8 *the alternative plan or implement control measures determined to be*
9 *sufficient.*

10 *If the landowner fails within 90 days to implement an approved plan*
11 *and significant damages from prairie dogs expanding or dispersing from*
12 *the property continue to occur on neighboring land, employees or con-*
13 *tractors of the township board or county commission may enter the prop-*
14 *erty to implement reasonable measures of the management plan or im-*
15 *plement reasonable prairie dog control measures designed to reduce*
16 *significant damages caused to neighboring landowners.*

17 *After implementation of management practices or completion of control*
18 *measures, the trustees or commissioners shall immediately notify the land-*
19 *owner or landowners with an itemized statement of the costs thereof, and*
20 *stating that unless such amount is paid within 30 days from the date of*
21 *the notice, that the amount shall become a lien upon their real estate. If*
22 *such costs are not paid within 30 days they shall be assessed against the*
23 *property of the landowner and the township clerk or county clerk shall,*
24 *at the time of certifying other township or county taxes, certify the costs*
25 *of such measures and the county clerk shall extend the same on the tax*
26 *roll of the township or county against such property and such costs shall*
27 *be collected by the county treasurer and paid to the township or county*
28 *as other taxes are collected and paid.*

29 *(c) The Kansas department of wildlife and parks, the Kansas depart-*
30 *ment of agriculture and K-State research and extension are authorized to*
31 *assist counties, township boards and landowners with management, con-*
32 *trol and conservation of black-tailed prairie dog colonies. Assistance may*
33 *include, but is not limited to:*

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

36 *(2) technical assistance with preparation and implementation of man-*
37 *agement plans;*

38 *(3) research;*

39 *(4) cost-share assistance and distribution of equipment and materials*
40 *used for purposes of control, management and conservation of prairie dog*
41 *colonies or populations, or to curtail dispersal, or to reduce damage*
42 *caused by prairie dogs;*

43 *(5) incentive payments for cooperative wildlife habitat enhancement*

1 *and species conservation programs associated with prairie dog colonies*
2 *and related range and livestock management practices, range restoration*
3 *and grassland conservation programs;*
4 *(6) development of conservation programs, both state sponsored and*
5 *cooperative, for landowners who are receptive to the management of*
6 *black-tailed prairie dog colonies to prevent the species from becoming*
7 *threatened or endangered or listed as a candidate species for either the*
8 *federal or state designation of either status, or to provide habitat for other*
9 *species dependent upon or associated with prairie dog colonies (including,*
10 *but not limited to, the black-footed ferret, burrowing owl, golden eagle,*
11 *ferruginous hawk, swift fox and mountain plover), or both; and*
12 *(7) development of programs, both state sponsored and cooperative,*
13 *for prairie dog control, management and conservation to assist owners of*
14 *land adjacent to land enrolled in a state or federal sanctioned prairie dog*
15 *conservation program.*
16 *(d) Landowners may employ voluntary “candidate conservation*
17 *agreements with assurances” or “safe harbors agreements” for a federally*
18 *designated candidate or federally listed species as part of the landowner’s*
19 *prairie dog management plans and may participate in related incentive*
20 *programs offered by federal or state agencies.*
21 *(e) Nothing in this act shall be construed to prevent a landowner from*
22 *voluntarily eliminating prairie dogs from the landowner’s land.*
23 *Sec. 2. K.S.A. 80-1201, 80-1202, 80-1203, 80-1204, 80-1205, 80-*
24 *1206, 80-1207 and 80-1208. are hereby repealed.*
25 *Sec. 3. This act shall take effect and be in force from and after its*
26 *publication in the statute book.*