

## MINUTES OF THE HOUSE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on January 25, 2006, in Room 423-S of the Capitol.

All members were present.

### Committee staff present:

Raney Gilliland, Kansas Legislative Research Department  
Gordon Self, Revisor of Statutes Office  
Kay Scarlett, Committee Secretary

### Conferees appearing before the committee:

George Teagarden, Livestock Commissioner, Kansas Animal Health Department  
Janet Forge, Chairperson, Grape and Wine Industry Advisory Council

### Others attending:

See attached list.

Ron Klataske, Executive Director, Audubon of Kansas, requested introduction of two committee bills. His first bill request would repeal all of K.S.A. 80-1201 thru 80-1208; his second bill request would be to revise K.S.A. 80-1201 concerning the management and/or control of prairie dogs and repeal K.S.A. 80-1202 thru 80-1208. He said either of these approaches was acceptable and asked that they be considered side by side in the Committee. (Attachment 1) There being no objection, Chairman Johnson said these bill requests would be introduced as committee bills.

Dirk Hanson, Executive Director, Kansas Board of Veterinary Examiners, requested introduction of three bills making seven changes to the statutes commonly known as the veterinary practice act. The changes would clarify the intent, eliminate some outdated sections, and propose new language for more efficient enforcement of the veterinary practice act. He asked that the three bills be worked together. Seeing no objection, the Chairman said these bill requests would be introduced as three committee bills.

George Teagarden, Livestock Commissioner, Kansas Animal Health Department, reported on the progress of the Kansas Animal Identification System, as part of the NAIS, a State/Federal/Industry cooperative program intended to identify animal premises, individual animals, and ultimately to track movements of animals in commerce. The draft of USDA's strategic plan, currently voluntary, calls for premise registration and animal identification by January 2008, with the tracking system to be in place by January 2009. Kansas currently has 2500 premises registered out of an estimated 66,000. He discussed various enhanced premise registration programs; a transportation tracking pilot project that failed to meet their expectations; and a grant application in conjunction with K-State to study the impact of environmental interferences on equipment function and an economic assessment of RFID technology implementation. (Attachment 2)

Mr. Teagarden requested introduction of a committee bill to strengthen the statutes in regard to feral swine, requesting increased funding for control and eradication. There being no objection, Chairman Johnson said this request would be introduced as a committee bill.

Janet Forge, Chairperson, Grape and Wine Industry Advisory Council, discussed the incredible growth in the grape and wine industry in Kansas the past year. At the beginning of 2005 there were seven wineries operating in the state, six more opened during the year. At present, three more are in the process of opening. A survey conducted by the Department of Commerce found that 100 additional acres of grapes need to be planted in the next five years to meet the grape demand by existing wineries. The 2005 Legislature revised state winery statutes to allow Kansas farm wineries to have up to three outlet locations and raised the production limits from 50,000 to 100,000 gallons of wine per year. The industry's most pressing concerns this year are restrictions on shipping and direct sales to retailers. Ms. Forge and Janna Dunbar from the Department of Commerce Agriculture Products Development Division answered committee questions. (Attachment 3)

The meeting adjourned at 4:30 p.m. The next meeting of the House Agriculture Committee is scheduled for January 30, 2006.



January 25, 2006

To: Kansas House of Representatives, Committee on  
Agriculture

The primary purpose of the request is to restore “property rights” to landowners. Specifically we are requesting that the Committee introduce a bill to (1) repeal all of K.S.A. 80-1201 thru 80-1208, and/or alternatively to (2) revise K.S.A. 80-1201 as requested and repeal 80-1202 thru 80-1208. Either approach will be acceptable, and with that in mind we favor the introduction of two bills that can be considered side by side in the Committee.

An additional benefit of the legislation is that it will allow landowners to implement personal stewardship of their land and wildlife conservation activities on their land, and/or participate in cooperative wildlife conservation programs with state or federal agencies, nonprofit organizations, county and other entities interested in conservation, recreation, nature-based and agri tourism, and other related activities.

Landowners who voluntarily conserve declining, at-risk or threatened species on their land provide a benefit to all residents. They help to prevent these species from becoming further threatened, endangered or listed as candidate species for inclusion on state and federal Endangered Species Lists.

Ron Klataske  
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House Agriculture Committee  
January 25, 2006  
Attachment 1

# HOUSE BILL No.

AN ACT concerning certain wildlife; relating to management and control; amending K.S.A. 80-1201, and repealing 80-1202, 80-1203, 80-1204, 80-1205, 80-1206, 80-1207, and 80-1208.

*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 to, the black-footed ferret, burrowing owl, golden eagle, ferruginous hawk, swift fox and mountain plover), or both; and*
- (7) development of programs, both state sponsored and cooperative, for prairie dog control and/or management to assist owners of land adjacent to land enrolled in a state of federal sanctioned prairie dog conservation program.*

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

*(d) Nothing in this act shall be construed to prevent a landowner from voluntarily eliminating prairie dogs from the landowner's land.*

Sec. 2. K.S.A. 80-1202, 80-1203, 80-1204, 80-1205, 80-1206, 80-1207, and 80-1208 are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

## 80-1201

### Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS

#### Article 12.--PRAIRIE DOGS, MOLES AND GOPHERS

**80-1201. Destruction of prairie dogs, moles and gophers; expense from general fund.** The township board of any township 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 prairie dogs, moles and gophers within the limits of such township, any material so purchased and compensation for such services to be paid out of the general fund of such township.

**History:** L. 1901, ch. 273, § 1; R.S. 1923, 80-1201; L. 1965, ch. 548, § 1; June 30.

## 80-1202

### Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS

#### Article 12.--PRAIRIE DOGS, MOLES AND GOPHERS

**80-1202. Eradication of prairie dogs; duties of township trustees; entry upon land, exceptions; assessment of costs.** In addition to the duties now prescribed by law for township trustees, in counties infested by prairie dogs, they may do and perform the following services: That the township trustees of the several townships in this state infested by prairie dogs may enter upon the lands so infested in their respective townships and make diligent efforts to exterminate all prairie dogs thereon. For the purpose of enabling them to carry into effect the provisions of this act, the trustees are authorized and empowered to employ all such assistance and to purchase the poison or such appliances and material as they may deem necessary to exterminate such dogs. The work of such extermination shall all be done under the supervision and direction of the trustees: *Provided*, That in any county having a population of more than four thousand (4,000) and less than five thousand two hundred (5,200) which contains no city of the second class and not more than two (2) cities of the third class, the trustees shall before entering upon the lands give written notice to any landowner who shall fail or refuse to make use of the materials offered or provided, that unless he or she endeavors to control such prairie dogs according to the methods prescribed by the board of trustees will, within fifteen (15) days after the date specified in the notice enter upon his or her land and use the necessary materials to eradicate the prairie dogs thereon; and the trustees or their agents, may thereafter enter upon the land and proceed to eradicate such prairie dogs.

After eradication of such prairie dogs, the trustees shall immediately notify the landowner or landowners with an itemized statement of the costs thereof, and stating that unless such amount is paid within thirty (30) days from the date of the notice, that the amount shall become a lien upon their real estate. If such costs are not paid within thirty (30) days they shall be assessed against the property of the landowner and the township clerk shall, at the time of certifying other township taxes to the county clerk, certify the costs of such eradication and the county clerk shall extend the same on the tax roll of the township against such property and said costs shall be collected by the county treasurer and paid to the township as other township taxes are collected and paid.



**History:** L. 1909, ch. 181, § 1; L. 1919, ch. 315, § 1; R.S. 1923, 80-1202; L. 1965, ch. 548, § 2; L. 1969, ch. 472, § 1; L. 1972, ch. 384, § 1; March 20.

## **80-1203**

### **Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS**

#### **Article 12.--PRAIRIE DOGS, MOLES AND GOPHERS**

**80-1203. Same; report of expense to county commissioners; tax levy.** The trustees of the several townships infested by prairie dogs shall appear before the board of county commissioners of their respective counties at their annual meeting in August of each year, when they convene to make the annual tax levy, and make a report of the probable expense to exterminate the prairie dogs in their respective townships. And the commissioners of the respective counties, after receiving said reports, shall cause to be levied on real estate assessed for taxation in each township thus infested by prairie dogs the approximate amount estimated by the several trustees as herein provided, or any part thereof: *Provided, however,* That no assessment for this purpose shall be greater than seventy cents on each one hundred dollars valuation as herein provided.

**History:** L. 1909, ch. 181, § 2; April 3; R.S. 1923, 80-1203.

## **80-1204**

### **Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS**

#### **Article 12.--PRAIRIE DOGS, MOLES AND GOPHERS**

**80-1204. Same; compensation of trustees and assistants.** The trustees of each township and their assistants shall receive as compensation for their services for the time actually and necessarily employed. Such compensation shall be paid only out of the fund of the county created by this act for that purpose and shall be in an amount determined by the township board as provided by K.S.A. 80-207, and amendments thereto.

**History:** L. 1909, ch. 181, § 3; L. 1919, ch. 315, § 2; R.S. 1923, 80-1204; L. 1996, ch. 184, § 9; May 2.

## **80-1205**

### **Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS**

#### **Article 12.--PRAIRIE DOGS, MOLES AND GOPHERS**

**80-1205. Same; custody and disbursement of funds.** The township trustees shall be the custodians of the fund created by this act, and disburse the same on vouchers audited by the township boards at their regular quarterly meetings and warrants drawn on the treasurer for the same: *Provided,* That no part of this fund shall be subject to the payment of claims other than those specified in this act.

**History:** L. 1909, ch. 181, § 4; April 3; R.S. 1923, 80-1205.

## **80-1206**

### **Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS**

#### **Article 12.--PRAIRIE DOGS, MOLES AND GOPHERS**

**80-1206. Same; payment of moneys to township treasurers.** The county treasurers of the several counties of this state are hereby authorized and directed to pay over to the several township treasurers of their respective counties all the moneys collected for the purpose designated in this act, in the mode and manner as other township funds are paid over to said township treasurers.

**History:** L. 1909, ch. 181, § 5; April 3; R.S. 1923, 80-1206.

## **80-1207**

### **Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS**

#### **Article 12.--PRAIRIE DOGS, MOLES AND GOPHERS**

**80-1207. Same; surplus funds; use.** Whenever any township of this state shall have rid itself of the prairie dogs and there shall cease to be a necessity of any future procedure under this act (which question shall be determined by the board of county commissioners and the trustee of such township), the surplus fund, if any, in the hands of the township treasurers shall be merged into the general township funds of said townships and to be used for general township purposes.

**History:** L. 1909, ch. 181, § 6; April 3; R.S. 1923, 80-1207.

## **80-1208**

### **Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS**

#### **Article 12.--PRAIRIE DOGS, MOLES AND GOPHERS**

**80-1208. Same; penalty for failure to perform duties.** Any township trustee or board of county commissioners failing to perform any of the duties imposed upon them by this act shall be deemed guilty of a misdemeanor, and upon conviction thereof be subject to a fine of not less than fifty dollars nor exceeding one hundred dollars for each offense thus committed.

**History:** L. 1909, ch. 181, § 7; April 3; R.S. 1923, 80-1208.

**OFFICE OF COUNTY ATTORNEY**  
[REDACTED] COUNTY, KANSAS

[REDACTED]

[REDACTED]

[REDACTED] 2005

[REDACTED]

**COPY FOR YOUR  
INFORMATION**

RE: Prairie Dogs

To Whom it May Concern:

This is to advise that complaints have been received relative to the infestation of prairie dogs on real estate owned by you in [REDACTED] Kansas. Pursuant to K.S.A. 80-1202, a copy of which is enclosed, you are responsible for the extermination of prairie dogs on your land.

Accordingly, unless within the next 30 days, you provide this office with your written plans of extermination of the prairie dogs on you land, the trustees of the townships in which your land is located will be advised to proceed to eradicate the prairie dogs thereon.

Pursuant to law, you will be billed for the costs of eradication; if you fail to pay said bill within 30 days from its receipt by you, the amount thereof shall be added to your taxes and become a lien upon your real estate.

Yours very truly,

OFFICE OF [REDACTED]  
ATTORNEY

BY: [REDACTED]  
County Attorney

AMW/ge  
Enclosure  
cc: [REDACTED] Commissioners



REC'D

SEP 16 2005

CLERK  
NSAS

TO THE BOARD OF COUNTY COMMISSIONERS  
COUNTY, KANSAS:

I (We) the undersigned wish to file a complaint with the Board of County Commissioners regarding Prairie Dog infestation on Section \_\_\_\_\_; Township \_\_\_\_\_; Range \_\_\_\_\_, in County, Kansas.

In accordance to K.S.A. 80-1202, the Logan County Attorney will notify the landowner in which they will have 15 days from the date of the notification to make an effort to control said prairie dogs. or the County Prairie Dog Department will take the necessary steps to eradicate the prairie dogs in which the landowner will then have 30 days from the date of the billing to pay for such services before it is added to the real estate tax roll.

Dated this 16 day of September, 2005.



Wes.N.17E  
Wes.N.16E  
Wes.N.20E  
R.S.N.34W  
Wes.N.21E

Log.N.16W  
Log.N.17W  
Log.N.10  
R.S.S.36E  
R.S.S.7  
Pax.W.2  
Pax.W.3  
Pax.W.9  
R.S.S.21  
R.S.S.25E  
R.S.S.26E  
R.S.S.27E  
R.S.S.28  
R.S.S.33  
R.S.S.34E  
R.S.S.35E  
R.S.S.36E  
R.S.N.25W  
R.S.N.26W  
R.S.N.35W  
R.S.N.36W  
R.S.S.1W  
R.S.S.2W  
R.S.S.6

M.A.S.23  
M.A.S.27  
M.A.S.29W  
M.A.S.30W  
M.A.S.32W  
M.A.S.33W  
M.A.S.34  
Wes.N.10  
Wes.N.11  
Wes.N.14  
Wes.N.15  
Wes.N.17W  
Wes.N.3  
Wes.N.4W  
Wes.N.5W  
Wes.N.7W  
Wes.N.8W  
Wes.N.9W  
M.A.S.28W

STATE OF KANSAS  
**Kansas Animal Health Department**

**George Teagarden, Livestock Commissioner**  
708 S Jackson, Topeka, Kansas 66603-3714  
Phone 785-296-2326 Fax 785-296-1765  
Email [gteagarden@kahd.ks.gov](mailto:gteagarden@kahd.ks.gov)  
web site – [www.kansas.gov/kahd](http://www.kansas.gov/kahd)

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KAHD Report to House Ag Committee  
January 25, 2006

Strategic Plan (draft)

Premises Registration – January 2008  
An ID – January 2008  
Tracking System – January 2009  
Private hands

Premises Registration

Currently 2500 registered in KS  
Registration opportunities  
Direct on web @ <http://nais.aphis.usda.gov/NAIS/index.jsp?state=ks>  
Paper application  
Farm shows, annual meetings, county meetings, extension offices,  
veterinary clinics, livestock organizations

Pilot Programs

Transportation  
Enhanced premises registration  
Program Manager  
County Fairs  
Farm Service Agency offices  
Livestock Markets (4 as demonstration units)  
Grant Application – impact of environmental interferences on equipment and  
function, economic assessment of RFID technology implementation

Feral Swine – KSA 47-1809

Legislation  
Clarify definition  
Strengthen statutes  
Funding for control and eradication

George Teagarden  
Livestock Commissioner

House Agriculture Committee  
January 25, 2006  
Attachment 2



# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

**Report of the Kansas Grape and Wine Industry Advisory Council  
to  
The House Agriculture Committees**

**by Janet Forge  
Chairperson  
Kansas Grape and Wine Industry Advisory Council**

**January 25, 2006**

Mr. Chairman, and members of the committee, my name is Janet Forge. My husband and I own and operate Prairie Ridge Vineyards near St. George. We are strictly growers; we do not own a winery. I also serve as chairperson of the Kansas Grape and Wine Industry Advisory Council whose members were appointed by Secretary of Agriculture Adrian Polansky.

Thank you for the opportunity to update the committee on this young but growing agricultural industry.

The Kansas grape and wine industry has shown incredible growth in the past year. At the beginning of 2005, there were seven wineries operating in the state. By December, six more had opened their doors, almost doubling the number in only one year. At present, three more are in the process of opening.

Statistics for 2004, the latest year available, show that Kansas wineries had almost \$1.2 million in sales, and employed 42 full-time and 67 part-time workers with a payroll of nearly \$1 million. In addition to wine production, Kansas farm wineries are a natural fit for agritourism. They draw visitors from around the world, which makes them an additional revenue source for the state.

In 2005 the farm winery statute was revised to allow Kansas farm wineries to have up to three outlet locations. The previous limit had been two. This increase will expose more of the public to the Kansas grape and wine industry. In addition, legislation raised the production limits from 50,000 to 100,000 gallons of wine per year.

A survey conducted by the Department of Commerce at the request of the council found that 100 more acres of grapes need to be planted in the next five years to meet the grape demand by existing wineries. With this in mind, the council asked the Department of Commerce's

Agricultural Marketing Division to find a way to educate potential growers and winemakers about this industry. The result was a two-day conference with more than 80 attendees and a waiting list of about 25. There definitely is interest in growing grapes and making wine in Kansas!

The Department of Commerce has done an excellent job helping market our grape and wine industry. They helped create a brochure that highlights each winery, and those brochures are placed at key travel centers and hotels around the state. In addition, the departments of commerce and agriculture together organized the first and second annual grape stomp at the Kansas State Fair, which was followed in the evening by a public wine judging. Both events were well attended and greatly raised the visibility of the industry.

Currently, a new website covering the industry is almost finished. The development of the first American Viticulture Area in Kansas, most likely the Flint Hills, is being studied. Also, a grape and wine industry survey was just mailed and the results will help gauge the industry's development.

The industry also is working with the Department of Agriculture to educate inspectors about the special requirements related to processing grapes and wine, and also to help prevent damage to grapes from pesticide applications.

Legislatively, some of the industry's most pressing concerns are restrictions on shipping and direct sales to retailers. Currently, farm wineries are not allowed to ship to customers either within the state or out of state, and that hinders growth. Without direct wine sales from Kansas farm wineries to retailers, customer choices are extremely limited and customers may not have access to their favorite Kansas wines. We will be watching legislative initiatives very carefully this session.

Kansas grape and wine production is an excellent form of sustainable, value-added agriculture. Research must continue, however, to ensure that Kansas produces the best quality grapes and wine it possibly can. Members of the industry and the council will work with Kansas State University to further define research goals and to discuss funding options. Losing extension and research through Kansas State University would be a significant setback for grape and wine production. It would translate into lost jobs and lost tax and agritourism dollars.

On behalf of the Kansas grape and wine industry, I would like to thank the state for its support these last few years. We hope that our relationship will continue to be fruitful.