

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on January 29, 2003, in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
 Amy VanHouse, Legislative Research Department
 Gordon Self, Revisor of Statutes Office
 Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Rae Anne Davis, Kansas Department of Commerce and Housing
Cindy McAsey, State Director, Experience Works
Marge Carra, Caney, Kansas, Experience Works participant
William Gill, Field Supervisor, U.S. Fish and Wildlife Service, Manhattan
Ron Klataske, Executive Director, Audubon of Kansas
Mike Beam, Senior Vice President, Kansas Livestock Association
Steve Swaffar, Director, Natural Resources, Kansas Farm Bureau
Mike Hayden, Secretary, Department of Wildlife & Parks
Stephen Aberle, farmer, Sabetha
Judy Moler, General Counsel/Legislative Services Director, Kansas Association of Counties
John Pinegar, Kansas Legislative Policy Group
Senator Stan Clark
Perry & Paula Keller, St. Francis (written only)

Others attending: See attached list

Chairman Johnson called for introduction of committee bill requests.

Rae Anne Davis, Kansas Department of Commerce and Housing, requested introduction of a resolution urging the President and Congress of the United States to consider the removal of trade, financial, and travel restrictions to Cuba. (Attachment 1) Representative Larkin moved to introduce this resolution as a House Concurrent Resolution. Seconded by Representative Thimesch, the motion carried.

Representative Larkin requested introduction of two committee bills. The first would reimpose the anti-vertical integration clause and the second would amend the protest provision of confined swine feeding facilities. Seconded by Representative Feuerborn, the motion carried.

Hearing and action on HCR 5004 - Concurrent Resolution urging the U.S. Department of Labor to award Senior Community Service Employment grants to Experience Works.

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Chairman Johnson opened the hearing on **HCR 5004**. Raney Gilliland explained that this resolution is to lend support to Experience Works in their competitive grant application to the U.S. Department of Labor to continue to operate the Senior Community Service Employment Program in Kansas.

Cindy McAsey, State Director, Experience Works, appeared in support of **HCR 5004** explaining that Experience Works has been providing community services and training opportunities for economically disadvantaged persons 55 years of age and older in Kansas for over 30 years. (Attachment 2)

Marge Carra, Caney, Kansas, Experience Works participant, discussed her involvement with Experience Works. She had received assistance with education and employment after the extended illness and death of her husband.

Chairman Johnson closed the hearing on **HCR 5004** and opened the floor for discussion. Representative Faber moved to recommend HCR 5004 be adopted. Seconded by Representative Ostmeyer, the motion carried.

Hearing on HB 2027 - Control of prairie dogs, moles and gophers.

Chairman Johnson opened the hearing on **HB 2027**. Raney Gilliland explained that this bill addresses the control of prairie dogs, transferring management and control from townships to county commissions. The bill takes note that prairie dogs are a species of management concern requiring both control and protection. If a Board of County Commissioners determines that prairie dogs pose a threat to surrounding lands, they may give notice to the landowner to submit a management and control plan, approved by the county, or the county may undertake control actions and bill the landowner for the costs.

William Gill, Field Supervisor, U.S. Fish and Wildlife Service, Manhattan, provided background information on the Fish and Wildlife Service determination in February 2000 that the black-tailed prairie dog warranted listing as a threatened species under the Endangered Species Act. The prairie dog has been precluded from listing due to higher priority listing activities. He said the Service is working with states, including Kansas, to form partnerships to work with private landowners and land managers to encourage protection of habitat and the establishment of regulatory measures that will reduce or eliminate the threats to the species. (Attachment 3)

Ron Klataske, Executive Director, Audubon of Kansas, expressed qualified support for **HB 2027**. He shares the objective of preventing the listing of the black-tailed prairie dog as a federal threatened species. He opposes the section of the bill making a landowner financially liable if a destructive, injurious or detrimental prairie dog population is found to have become established on surrounding lands due to a landowner's failure or refusal to implement an approved management and control plan. He also proposed changing the word "protection" to "conservation" in the bill. (Attachment 4)

Mike Beam, Senior Vice President, Kansas Livestock Association, testified in support of **HB 2027**. He reported that this bill is the result of a two-year effort among KLA, Kansas Farm Bureau, representatives from Wallace County, and Kansas Department of Wildlife and Parks to identify amendments to state statutes to authorize local governments to conduct prairie dog control programs while allowing a landowner, in certain

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situations, to maintain a population of prairie dogs if so desired. ([Attachment 5](#))

Steve Swaffar, Director, Natural Resources, Kansas Farm Bureau, and member of the Kansas Prairie Dog Working Group, testified in support of **HB 2027**. As an alternative to placing species on threatened or endangered lists, KFB supports developing conservation management plans that will increase or maintain the population and make listing unnecessary. ([Attachment 6](#))

Mike Hayden, Secretary, Department of Wildlife & Parks, appeared in support of **HB 2027** with the ultimate goal of preventing the black-tailed prairie dog from reaching threatened or endangered status under federal law. The Department has worked with other states to develop a regional conservation plan for the prairie dog within its historic range, held workshops in western Kansas to discuss development of a conservation plan for Kansas, and created a working group to develop the *Kansas Black-Tailed Prairie Dog Conservation & Management Plan*. **HB 2027** incorporates several of the ideas of this working group. He emphasized that nothing in the bill would preclude a landowner from voluntarily managing and controlling prairie dogs on his own land. ([Attachment 7](#))

Stephen Aberle, a farmer from Sabetha, testified in support of **HB 2027** to keep the prairie dog off the threatened species list. He expressed concern about the influence of environmental groups on wildlife, land and natural resources conservation. ([Attachment 8](#))

Judy Moler, General Counsel/Legislative Services Director, Kansas Association of Counties, appeared in support of **HB 2027**. In particular, the KAC supports the portion of the bill giving the county commission the authorization to manage and control prairie dogs when the landowner fails to do so. ([Attachment 9](#))

John Pinegar, on behalf of Fred Flax, President, Kansas Legislative Policy Group, testified in support of **HB 2027**. KLPG particularly supports shifting the responsibility for prairie dog control from Township Boards to the Boards of County Commissioners. They feel this will insure that a countywide perspective is given to the implementation of a management and control plan. ([Attachment 10](#))

Senator Stan Clark appeared in opposition to **HB 2027**. He believes this bill is part of a concerted effort at both the national and state level to manage and control private property. He provided a copy of the *Kansas Black-Tailed Prairie Dog Conservation & Management Plan*, as well as several articles on prairie dogs and other conservation issues. ([Attachment 11](#))

Perry & Paula Keller, St. Francis, submitted written testimony in opposition to **HB 2027**. They feel strongly that implementation of this bill will take away landowners' rights. Several articles in regard to prairie dogs were included with their testimony. ([Attachment 12](#))

It was noted that **HB 2027** would have a negligible fiscal effect.

The hearing on **HB 2027** was closed.

The meeting adjourned at 5:50 p.m. The next meeting is scheduled for February 3, 2003.

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