

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE.

The meeting was called to order by Chairman Senator Robert Tyson at 8:08 a.m. on March 21, 2003 in Room 234-N of the Capitol.

Members present: Senator Downey, Senator Lee, Senator Tyson, Senator Taddiken, Senator Umbarger, Senator Corbin, Senator Huelskamp, Senator Adkins, Senator Schmidt

Committee staff present: Raney Gilliland, Legislative Research
Lisa Montgomery, Revisor of Statutes
Shannon Stone, Secretary

Conferees appearing before the committee:

Representative Dan Johnson, 110 th District	Secretary Hayden, Dept. of Wildlife and Parks
Steve Swaffar, Kansas Farm Bureau	Fred Flax, Kansas Legislative Policy Group
Bob Bolen, Wallace County, Prairie Dog Supervisor	Mike Beam, Kansas Live Stock Association
Randy Allen, Kansas Association of Counties	Ron Klatasky, Audobon Society of Kansas
Representative John Faber, 120 th District	JoAnn Hablutzel, Sierra Club
Senator Stan Clark, 40 th District	

Others attending: See attached guest list

Hearing on House Bill 2027

Representative Dan Johnson gave testimony in support of **HB 2027**. He saw the bill as a preventative measure to keeping the black-tailed prairie dog off the U.S. Fish & Wildlife Service's threatened and endangered species list. He encouraged the Committee to "bring the statute up to date" to keep Kansas lands from becoming designated "critical habitat" areas for the prairie dog. ([Attachment 1](#))

Secretary Mike Hayden provided background information explaining why the Department of Wildlife and Parks saw a need for the bill. The black-tailed prairie dog currently has a listing status of "warranted but precluded". The Department initiated a working group, made up of conservation organizations, agricultural interest groups and landowners. The group's suggestions were incorporated into the bill. ([Attachment 2](#))

Steve Swaffar stated that Kansas Farm Bureau supported the bill and supported the development of conservation management plans that were the result of voluntary and cooperative efforts by landowners, agricultural producers, conservationists and state and federal agencies. ([Attachment 3](#))

Fred Flax of the Kansas Legislative Policy Group gave testimony supporting the shifting of responsibility from Township Boards to the Board of County Commissions as outlined in the bill. They supported the bill. ([Attachment 4](#))

CONTINUATION SHEET

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE at 8:08 a.m. on March 21, 2003 in Room 423-S of the Capitol.

Wallace County Noxious Weed and Prairie Dog Supervisor, Bob Bolen stated that he had only documented the use of ultimate county authority to force a landowner to control prairie dogs three times in twenty-two years. Mr. Bolen and the Wallace County Commission supported the passage of **HB 2027**. ([Attachment 5](#))

Mike Beam said the Kansas Livestock Association identified key provisions of the bill which they supported. Among them, the declaration of the prairie dog as a species of management concern, noting that it is of value to some but a nuisance to others. ([Attachment 6](#))

Kansas Association of Counties (KAC) representative, Randy Allen said the bill “ensured a wider, more consistent approach to the control of prairie dogs. KAC supported the bill. ([Attachment 7](#))

Representative John Faber gave testimony in opposition to **HB 2027**. Ambiguity regarding the phrase “manage and control”, the changing of the status of the prairie dog from a pest to a species of management control, and the absence of State identified “focus areas” on State controlled grounds were reasons he could not support the bill. ([Attachment 8](#))

Ron Klataske of Audobon of Kansas said the bill “erodes property rights in a way that eclipses the progressive elements of the bill...” He believed the bill would make prairie dogs the obligation of landowners beyond the boundaries of their own property. He opposed **HB 2027**. ([Attachment 9](#)) Mr. Klataske also submitted written testimony from several biologists and some of the members from the working group convened by the Department of Wildlife and Parks who also opposed passage of the bill. ([Attachment 10](#)) A second sheet identified members of the working group. ([Attachment 11](#))

JoAnn Hablutzel of the Sierra Club stated that the prairie dog had “suffered a bad reputation as a nuisance...and a pest”. While the Club applauded the progressive efforts of the bill, they saw a need for a “clearly defined oversight heirarchy”. They urged the Committee to use caution in reviewing the bill. ([Attachment 12](#))

Written testimony was submitted by Senator Stan Clark for the following who have prairie dogs on or around their land, and who were unanimously opposed to **HB 2027**:

Elton and Ella Mae Keller, Robert Grace, Paula Perry Keller, Tom Keller, Kay Shay, Danielle Crouch, Ranae Pilkington, Dan Keller, Gordon and Betty Orth, and Gerald Feikert. ([Attachment 13](#))

Senator Stan Clark gave testimony opposing **HB 2027**. He saw the bill as part of an effort to turn private property over to government control. He also informed the Committee that the Endangered Species Act of 1973, which was ratified by Congress, would not supersede any existing [state] law; thus there was no need for Kansas to change its law in an effort to appease any federal environmental agency. ([Attachment 14](#))

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Comments and discussion over the property rights as well as questions regarding the definitions of “management”, “control”, and “protection” followed testimony. Senator Huelskamp requested that Wildlife and Parks provide a list of wildlife currently on the “endangered species list”.

The meeting was adjourned at 9:30.