

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on February 21, 2000, in Room 423-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Charles Lee, Extension Wildlife Specialist, Department of Animal Sciences and Industry, KSU  
Clint Riley, Kansas Department of Wildlife and Parks  
Ron Klataske, Executive Director, Audubon of Kansas  
Mark Robbins, KU Natural History Museum and Kansas Ornithology Society  
Alan Pollom, Vice President and Kansas Director of The Nature Conservancy  
Alison Pearse, wildlife rehabilitator, Overland Park  
Carey Maynard-Moody, Interim Chair, Wakarusa Group, Kansas Chapter of the Sierra Club  
Charles Benjamin, Kansas Natural Resource Council  
Michael McFadden, Past President, Kansas Chapter of The Wildlife Society  
Stanley Roth, retired Lawrence High School biology teacher (no written testimony)  
Billy Stern, Midwest State Organizer, GREEN - Grass Roots Environmental Effectiveness Network  
(written only)

Others attending:        See attached list

Minutes of the February 7, 9, 14, and 16 meetings were distributed. Chairman Johnson asked members to notify the committee secretary of any corrections or additions prior to 5:00 p.m., February 22, or they will be considered approved as presented.

Chairman Johnson distributed copies of a NASDA alert concerning federal legislation to remove the ban on interstate shipment of state-inspected meat. The United States Senate Agriculture Committee was to meet February 17, 2000, to decide whether or not to take action on interstate meat shipment legislation (S. 1988). (Attachment 1)

**Hearing and possible action on HB 2866 - Eradication of prairie dogs, repealer.**

Chairman Johnson opened the hearing on **HB 2866** and asked Raney Gilliland to explain the bill. Mr. Gilliland outlined the various statutes that would be repealed by passage of this bill. He explained that passage of this bill would leave it to the discretion of the landowner whether or not to control prairie dog colonies on his own land. (Attachment 2)

Charles Lee, Extension Wildlife Specialist, Department of Animal Sciences and Industry, Kansas State University, provided background information concerning prairie dog management efforts in Kansas. He explained that K-State teaches landowners to prevent and control damage caused by wildlife; it is an educational program and not usually a direct or operational program. He said it is important for land managers to recognize the positive and negative effects of prairie dogs on rangeland and on other species before developing a comprehensive management program. (Attachment 3)

Clint Riley, Kansas Department of Wildlife and Parks, testified in support of **HB 2866**. He explained that last year the United States Fish and Wildlife Service received a petition to list the black-tailed prairie dog on the federally threatened and endangered species list. Since that time, he said the department has joined with other state fish and wildlife agencies to oppose this listing and develop a conservation plan for the prairie dog.

He said that current USFWS status of the prairie dog is “warranted but precluded.” He explained that this status does not afford protection, but does require states to undertake plans to keep the species from future listing action. The status of the species will be evaluated on an annual basis. The department is presently planning three public workshops in western Kansas to develop a conservation plan for Kansas. This plan will be submitted to the USFWS for review. He said that if states develop effective plans to improve the future status of this species and its habitat, the prairie dog may be removed from consideration for any listing. He said that **HB 2866** provides the USFWS with a positive example of the state’s willingness to work with private property owners to address species concerns. ([Attachment 4](#))

Ron Klataske, Executive Director, Audubon of Kansas, appeared in support of **HB 2866**. He said that USFWS classification of the black-tailed prairie dog as “warranted but precluded” under the Federal Endangered Species Act, rather than “threatened” gives the state more time to respond in favorable ways, such as repeal of these statutes. He reported that eleven great plains and western states and several federal agencies have been working for the past year to develop a conservation strategy to keep this species from becoming “threatened.” He said removing statutes that mandate that landowners must eradicate prairie dogs is one of the most important and progressive ways the state can provide leadership to prevent this from happening. He said that counties would continue to have authority to conduct prairie dog control programs under their Home Rule authority. ([Attachment 5](#))

Mark Robbins, KU Natural History Museum and Kansas Ornithological Society, supported passage of **HB 2866**. He explained that prairie dogs are integral to the well-being of a number of grassland bird species in the western half of Kansas, including the Burrowing Owl, Ferruginous Hawk, Mountain Plover, and Golden Eagle. In addition to rare species, he said a number of common birds, such as the Horned Lark and the Western Meadowlark, use prairie dog towns for foraging and nesting. ([Attachment 6](#))

Alan Pollom, Vice President and Kansas Director of The Nature Conservancy, appeared in support of **HB 2866**. He explained that The Nature Conservancy is a non-profit conservation organization that operates the world’s largest system of privately owned natural area preserves. He said that management flexibility on their preserves will cease to exist if the black-tailed prairie dog becomes listed under the Endangered Species Act. He said that for a prairie dog recovery plan in Kansas to be successful, it is necessary that these statutes enacted nearly 100 years ago be repealed. ([Attachment 7](#))

Alison Pearse, a wildlife rehabilitator from Overland Park, testified in support of **HB 2866** to allow landowners to voluntarily manage their land for prairie dogs and other wildlife. She said that current methods of controlling prairie dogs, poisoning and fumigating, not only affects the prairie dog population but other birds and animals as well. ([Attachment 8](#))

Carey Maynard-Moody, Interim Chair, Wakarusa Group, Kansas Chapter of the Sierra Club, appeared in support of **HB 2866**. Noting that the prairie dog habitat is now only two percent of what it was prior to the 1840's, she said the Sierra Club is concerned that Kansas is not fulfilling its responsibilities to encourage the survival of the native species. She said that the prairie dog is linked to over 170 other wildlife species dependent upon or found near prairie dog colonies, that prairie dog extinction would threaten an entire ecosystem in Kansas. ([Attachment 9](#))

Charles Benjamin, representing the Kansas Natural Resource Council, testified in support of **HB 2866**. He called the committee’s attention to a Wichita Eagle article dated February 4, 2000, stating that Kansas and seven other states have until August to come up with plans for protecting prairie dogs. He explained that the Endangered Species Act gives the federal government broad powers to protect species it considers endangered or threatened. He noted that most federal environmental laws exempt agriculture, the one exception is the Endangered Species Act. By taking proactive action to protect prairie dogs, he said the state might avoid the imposition of more onerous federal regulations. ([Attachment 10](#))

Michael McFadden, Past President, Kansas Chapter of The Wildlife Society, appeared in support of **HB 2866** to promote the management of prairie dogs on a scientific conservation basis rather than by widespread eradication. The black-tailed prairie dog is a native wildlife species and The Wildlife Society believes they should be managed as such by state wildlife management agencies. The Society does not believe federal

intervention under the Endangered Species Act is in the best interests of the black-tailed prairie dog. They believe private landowners are more likely to respond favorably to a state-sponsored management planning process than to federal ESA listing. (Attachment 11)

Stanley Roth, retired Lawrence High School biology teacher, testified in support of **HB 2866** to repeal the outdated statutes concerning eradication of prairie dogs.

Billy Stern, Midwest State Organizer, GREEN - Grassroots Environmental Effectiveness Network, a national group focused on the preservation of wildlife and wild lands, submitted written testimony in support of **HB 2866**. (Attachment 12)

Chairman Johnson closed the hearing on **HB 2866**.

Representative Freeborn moved to recommend **HB 2866** favorably for passage. The motion was seconded by Representative Showalter.

Representative Faber offered a substitute motion to report **HB 2866** adversely for passage. Seconded by Representative Mollenkamp, the motion carried.

**Discussion and possible action on HB 2485 - Kansas Pet Animal Act, animal shelter or pound, forms documenting adequate veterinary medical care.**

Representative Feuerborn moved to recommend passage of **HB 2485** with the amendments proposed by the Kansas Animal Health Department:

1. On page 1, line 42, after adoption, strike the words “or any person”;
2. On page 4, line 18, strike “possession or”; and
3. Amend section (b) of K.S.A. 47-1712 to include section 2.40 (veterinary care), section 2.75 (breeder records) and section 2.76 (distributor records).

The motion was seconded by Representative Tedder. The motion failed.

Chairman Johnson reported that the Governor has requested that the committee not take any action on **HB 2748** until the report from the Governor’s Task Force on Water is completed.

Chairman Johnson said that as **HB 2973** is identical to **SB 564** which was passed by the Senate Agriculture Committee, the committee would delay any action on this issue until the senate bill is received.

The meeting adjourned at 4:50 p.m. The next meeting is scheduled for March 1, 2000.