

HOUSE BILL No. 2817

By Committee on Appropriations

2-3

9 AN ACT concerning the department of wildlife and parks; prescribing
10 certain procedures for acquisition of land by such department; also
11 concerning reporting procedures; amending K.S.A. 32-844 and re-
12 pealing the existing section.
13

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

15 Section 1. (a) Notwithstanding the provisions of subsection (f) of
16 K.S.A. 32-807, and amendments thereto, or any other provisions of law
17 to the contrary, the secretary of wildlife and parks shall not acquire any
18 land unless:

19 (1) The secretary of wildlife and parks has certified that the land
20 proposed to be acquired is in compliance with the provisions of article
21 13 of chapter 2 of the Kansas Statutes Annotated, and amendments
22 thereto, concerning control and management of noxious weeds after con-
23 sultation with the county weed supervisor and has developed a written
24 plan for controlling and managing noxious weeds on the land to be
25 acquired;

26 (2) the secretary of wildlife and parks shall agree to make payment
27 of moneys in lieu of taxes comparable to the ad valorem tax payments of
28 surrounding lands for any land acquired which is exempt from the pay-
29 ment of ad valorem taxes under the laws of the state of Kansas; and

30 (3) the secretary of wildlife and parks has developed a management
31 plan for the property proposed to be acquired, including five-year cost
32 estimates for annual operating expenditures, capital improvement ex-
33 penditures and staffing requirements.

34 (b) In addition to the requirements prescribed by this section and
35 otherwise by law, any proposed acquisition of a tract or tracts of land
36 which are greater than 480 acres in the aggregate shall be subject to
37 approval by act of the legislature, either as a provision in an appropriation
38 act pertaining to the specific property to be acquired or by any other act
39 of the legislature that approves the acquisition of the specific property
40 proposed to be acquired.

41 (c) In addition to the requirements prescribed by this section and
42 otherwise by law, the proposed acquisition of a tract or tracts of land
43 which are greater than 480 acres in the aggregate may be subject to a

1 protest petition. The governing body of a city or county where the ma-
2 jority of the land is located shall be required to submit the question of
3 whether the secretary of wildlife and parks may acquire such land over
4 480 acres upon submission of a petition signed by electors of such city or
5 county equal in number to not less than 5% of the electors of such city
6 or county who voted at the last general election prior to the submittance
7 of the petition. If a majority of the electors voting thereon at such election
8 fail to approve the proposition then the secretary of wildlife and parks
9 shall not acquire such land. The sufficiency of the number of signers of
10 any petition filed under this section shall be determined by the county
11 election officer.

12 (d) Notwithstanding the provisions of subsection (f) of K.S.A. 32-807,
13 and amendments thereto, or any other provisions of law to the contrary,
14 the secretary of wildlife and parks shall not dispose of any land unless:

15 (1) The secretary first offers to donate or sell such land to the board
16 of county commissioners of the county within which the land is located.
17 Such offer shall be in writing and provide the board of county commis-
18 sioners 30 days from receipt thereof to advise the secretary, in writing, if
19 the board wants to accept the donation or enter into negotiations to pur-
20 chase the land;

21 (2) if the board of county commissioners refuses to accept the do-
22 nation, refuses to enter into negotiations to purchase the land, or refuses
23 to advise the secretary of the board's intent within 30 days as described
24 above, the secretary must make the land available for sale to the general
25 public at a public auction. Such sale shall not be a private sale, must be
26 open to public bids and the sale conditions must provide, at a minimum:

27 (i) Notice of the secretary's intent to sell the land must be published
28 in a newspaper of general circulation in the county wherein the land is
29 located once a week for three consecutive weeks; and

30 (ii) such notice shall invite members of the public to bid at a public
31 auction; and

32 (iii) the secretary shall establish by administrative regulation addi-
33 tional sale procedures calculated to promote notice to and participation
34 by, members of the general public.

35 Sec. 2. K.S.A. 32-844 is hereby amended to read as follows: 32-844.

36 (a) The secretary of wildlife and parks shall submit a report to the legis-
37 lature at the beginning of each regular session detailing all real estate
38 transactions which are proposed or agreements which have been entered
39 into between the department of wildlife and parks and any other party,
40 other than another state agency, which relate to any acquisition of any
41 real estate, or interest in real estate, by the department of wildlife and
42 parks or any such contracting party.

43 (b) (1) With regard to executed agreements, the report required by

1 this section shall include for each such acquisition to be reported: (A)
2 The legal description of the real estate or interest acquired; (B) the pur-
3 chase price; (C) if appropriation of state moneys is required for the ac-
4 quisition, the appraised value of the real estate or interest acquired; ~~and~~
5 (D) if the real estate or interest therein will remain subject to ad valorem
6 property taxation; *and (E) the disposition of such real estate.*

7 (2) With regard to proposed real estate transactions, the report re-
8 quired by this section shall include for each such proposed transaction to
9 be reported: (A) The legal description of the real estate or interest ac-
10 quired; (B) if appropriation of state moneys is required for the proposed
11 transaction, the appraised value of the real estate or interest proposed to
12 be acquired; and (C) if the real estate or interest therein will remain
13 subject to ad valorem property taxation.

14 (c) The reporting requirements of this section shall not apply to real
15 estate or interest therein acquired under the wildtrust program until such
16 time as the deeds are filed for record.

17 (d) Agreements which have been entered into and are required to be
18 reported pursuant to this section shall be published in the Kansas register
19 within 30 days of the execution of any such agreement.

20 Sec. 3. K.S.A. 32-844 is hereby repealed.

21 Sec. 4. This act shall take effect and be in force from and after its
22 publication in the statute book.