

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2149

By Committee on Agriculture and Natural Resources Budget

2-4

1 AN ACT concerning the department of wildlife and parks; relating to  
2 land acquisition; amending K.S.A. 2010 Supp. 32-833 and repealing  
3 the existing section.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2010 Supp. 32-833 is hereby amended to read as  
7 follows: 32-833. (a) (1) Notwithstanding the provisions of subsection  
8 (f) of K.S.A. 32-807, and amendments thereto, or any other provisions  
9 of law to the contrary, the secretary of wildlife and parks shall not  
10 purchase any land unless:

11 (A) The secretary of wildlife and parks has certified that the land  
12 proposed to be purchased is in compliance with the provisions of article  
13 13 of chapter 2 of the Kansas Statutes Annotated, and amendments  
14 thereto, concerning control and management of noxious weeds after  
15 consultation with the county weed supervisor and has developed a  
16 written plan for controlling and managing noxious weeds on the land to  
17 be purchased;

18 (B) the secretary of wildlife and parks shall agree to make  
19 payment of moneys in lieu of taxes comparable to the ad valorem tax  
20 payments of surrounding lands for any land purchased which is exempt  
21 from the payment of ad valorem taxes under the laws of the state of  
22 Kansas; and

23 (C) the secretary of wildlife and parks has developed a  
24 management plan for the property proposed to be purchased.

25 (2) In addition to the requirements prescribed by this section and  
26 otherwise by law, any proposed purchase of a tract or tracts of land  
27 which are greater than ~~640~~ 160 acres in the aggregate shall be subject to  
28 approval by act of the legislature, either as a provision in an  
29 appropriation act pertaining to the specific property to be purchased or  
30 by any other act of the legislature that approves the acquisition of the  
31 specific property proposed to be purchased, **or by approval by the**  
32 **state finance council acting on this matter which is hereby**  
33 **characterized as a matter of legislative delegation and subject to**

1 **the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and**  
2 **amendments thereto.**

3 ~~(3) The provisions of this subsection shall not apply to any~~  
4 ~~purchase of land owned by a private individual by the secretary if such~~  
5 ~~purchase price is an amount which is less than such land's appraised~~  
6 ~~valuation.~~

7 (b) (1) Notwithstanding the provisions of subsection (f) of K.S.A.  
8 32-807, and amendments thereto, or any other provisions of law to the  
9 contrary, the secretary of wildlife and parks shall adopt guidelines and  
10 procedures prescribing public notice requirements that the secretary  
11 shall comply with before the selling of any land which shall include,  
12 but not be limited to, the following:

13 (A) A written notice shall be posted in a conspicuous location on  
14 such land stating the time and date of the sale, or the date after which  
15 the land will be offered for sale, and a name and telephone number of a  
16 person who may be contacted concerning the sale of such land;

17 (B) the secretary shall cause to be published in a newspaper of  
18 general circulation in the county the land is located once a week for  
19 three consecutive weeks, the secretary's intent to sell the land which  
20 shall include a legal description of the land to be sold, the time and date  
21 of the sale or the date after which the land will be offered for sale, the  
22 general terms and conditions of such sale, and a name and telephone  
23 number of a person who may be contacted concerning the sale of such  
24 land; and

25 (C) the secretary shall publish in the Kansas register public notice  
26 of the secretary's intent to sell the land which shall include a legal  
27 description of the land to be sold, the time and date of the sale or the  
28 date after which the land will be offered for sale, the place of the sale,  
29 the general terms and conditions of such sale, and a name and  
30 telephone number of a person who may be contacted concerning the  
31 sale of such land.

32 (2) The secretary shall have the land appraised by three  
33 disinterested persons. In no case shall such land be sold for less than  
34 the average of its appraised value as determined by such disinterested  
35 persons.

36 (3) The secretary shall list such land with a real estate agent who is  
37 licensed by the Kansas real estate commission as a salesperson under  
38 the real estate brokers' and salespersons' license act, and who shall  
39 publicly advertise that such land is for sale.

1       (4) Prior to closing the transaction on a contract for the sale of  
2 such land, the secretary shall cause a survey to be conducted by a  
3 licensed land surveyor. Such survey shall establish the precise legal  
4 description of such land and shall be a condition precedent to the final  
5 closing on such sale.

6       (c) Any disposition of land by the secretary shall be in the best  
7 interest of the state.

8       Sec. 2. K.S.A. 2010 Supp. 32-833 is hereby repealed.

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

11