

SESSION OF 2005

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR HOUSE BILL NO. 2226**

As Amended by House Committee of the Whole

Brief*

Substitute for HB 2226, as amended, would require the Secretary of Wildlife and Parks to comply with the following procedures when acquiring any property, regardless of whether acquired by purchase, donation, or gift. The Secretary would be required to:

- ! Certify a plan for controlling and managing noxious weeds on the property to be acquired.
- ! Make payments in lieu of taxes for the property to be acquired.
- ! Develop a management plan for the new property, including five-year cost estimates for annual operating expenses, capital improvement expenditures, and staff requirements.

In addition to the first three requirements, Substitute for HB 2226 would require acquisitions of land areas of greater than 480 acres to be approved by the Legislature, either as a specific item in an appropriations bill pertaining to the individual property to be acquired or as an item in other legislation that identifies the individual property to be acquired. In addition, provisions for a protest petition and election would be added to the requirements for tracts greater than 480 acres. For land of 480 acres or less, legislative approval for the acquisitions would be implicit in the Legislature's appropriation for acquisition and maintenance of public lands, including wetlands, that occurs annually for capital improvements funding.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

HB 2226, as introduced, was supported by a representative of the Kansas Farm Bureau. A representative of the County Weed Directors Association appeared in support of the new noxious weed provision in the bill. Opponents included the Secretary of Wildlife and Parks and a small manufacturing chief executive officer who also serves on the Department of Wildlife and Parks Commission.

No fiscal note was available for HB 2226, as introduced, which would have prescribed new procedures to be followed when the Secretary of Wildlife and Parks acquires any land. The following procedures for the Secretary of Wildlife and Parks would be set in statute: conduct an economic impact study on the land proposed to be acquired; consult with the county weed supervisor and certify the land proposed to be acquired is in compliance with statutory requirements for control and management of noxious weeds; conform to statutory requirements when acquiring land through eminent domain; provide notice of proposed land acquisitions to the board of county commissioners and comply with statutory provisions created in this act regarding local procedures after notice is given; receive legislative approval for any land acquisition; and enter into a contract for payment of moneys in lieu of taxes if the land proposed for acquisition is exempt from payment of ad valorem taxes after acquisition.

The House Committee of the Whole amendment adds a protest petition and election provision for acquisitions greater than 480 acres. No fiscal note was available.