

SESSION OF 2006

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 553**

As Agreed to March 28, 2006

Brief*

SB 553 would authorize the Kansas State Historical Society to convey a parcel of land in Wabaunsee County, Kansas, to the Audubon of Kansas. The Audubon of Kansas would be responsible for any costs related to the transaction. The bill also would provide that the land be conveyed without consideration. The parcel of land to be conveyed constitutes approximately 30 acres. The bill would include language that the property would revert back to the State Historical Society after 20 years if the Audubon of Kansas ever ceases to exist, or fails to make the property available for public use. Audubon of Kansas would not be able to transfer the land.

The bill also would direct the Department of Social and Rehabilitation Services to convey property located in Miami County to the City of Osawatomie. The bill would provide that the conveyance would be without consideration, and also provide restrictive language that if the land is not used for economic development purposes, that it would revert back to the State of Kansas after 20 years.

The bill would correct the legal description for the transfer of land from the Juvenile Justice Authority to the Helping Hands Humane Society, as authorized by K.S.A. 2005 Supp. 76-2135.

The bill also would authorize the Board of Regents to sell a tract of land and a building on behalf of Kansas State University. The Board of Regents also would be authorized to exchange the property with the Kansas State University Foundation for property of equal or greater value. The tract of land outlined in the bill is approximately four acres.

The bill would further require the Secretary of Wildlife and Parks to comply with the following procedures when purchasing any property except if a purchase if for less than the appraised value. The Secretary

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org>

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.

In addition to the first three requirements, the bill would require purchases of land areas of greater than 640 acres to be approved by the Legislature, either as a specific item in an appropriations bill pertaining to the individual property to be purchased or as an item in other legislation that identifies the individual property to be purchased.

The Secretary of Wildlife and Parks also would be required to adopt the guidelines for sale of land to include:

- Posting notice at the location of the land of the intended sale;
- Publishing in the newspaper the notice for the sale once per week for three weeks;
- Publishing notice of the sale in the *Kansas Register*;
- Having the land approved by three persons and sell the land for no less than the average appraised value;
- Listing the sale with a licensed real estate agent; and
- Conducting a survey of the land to establish a precise legal description prior to final closing on the sale.

The Secretary of Wildlife and Parks could only dispose of land if disposition of the land is in the best interest of the state.

The bill would institute a requirement that any land transfers authorized in this bill, as well as future land transfers by state agencies, would require a survey before closing on the transfer to establish a precise legal description of the land.

The bill also would amend K.S.A. 32-844, to require annual reports by the Secretary of Wildlife and Parks to the Legislature to include information on the disposition of real estate.

Conference Committee Action

The Conference Committee agreed to modify some of the requirements the bill would have placed on the Secretary of Wildlife and Parks for the acquisition and disposition of property. The Conference Committee also agreed to require surveys of all land before it is disposed of by a state agency.

Background

A representative of the State Historical Society indicated that the land in Wabunsee Country had been willed to the agency in 1953 to be held as a public park, and noted that the property had never functioned as a state historic site. The property is commonly known as Mount Mitchell, in memory of Captain William Mitchell. A portion of the property is leased to a local rancher, and the conveyance of the property would result in a loss of income of about \$400 per year.

Proponents of the bill included the State Historical Society and the Audubon of Kansas, local residents and representatives of Wabaunsee County. According to those testifying, the property has historic significance to the heritage of the community dating back to the settlement of the area and the underground railroad. The House Committee amended the bill to include restrictive language to keep the property available for public use.

The House Committee amended the bill to include the language of HB 2954, which provided for the transfer of land at Osawatomie State Hospital to the City of Osawatomie. The language was amended to adjust the legal descriptions of the land to be transferred in Miami County. The fiscal note on the HB 2594, as introduced, noted the market value of the land at \$338,000, and that the current agricultural lease on the property generates \$22,585.

The House Committee also amended the bill to include the language of SB 574. The 2005 Legislature and the Governor approved HB 2347 that included a transfer provision for the 4.9 acres to be conveyed from the Juvenile Justice Authority to the Helping Hands Humane Society, but the bill included an inaccurate legal

description of the land. The error was discovered after the 2005 Session ended.

The House Committee further amended the bill to include the language of SB 579, which would authorize the Board of Regents to sell a tract of land and a building on behalf of Kansas State University. The land is located in an industrial park and the tract consists of approximately four acres.

The House Committee of the Whole amended the bill to include the requirements upon the Secretary of Wildlife and Parks for the acquisition or disposal of real estate.

The Conference Committee removed some of the language restricting the acquisition and disposition of land by the Secretary of Wildlife and Parks, including provisions to subject the acquisition of property to a protest petition. The Conference Committee adopted language to the bill that would require surveys to accurately obtain the legal description of land before any state agency would close on the sale of that land.