

[As Amended by House Committee of the Whole]

Session of 2011

SENATE BILL No. 123

By Committee on Natural Resources

2-7

1 AN ACT concerning the department of wildlife and parks; ~~relating to~~  
2 ~~public use of cabins on state land~~ [amending K.S.A. 2010 Supp. 32-  
3 **833 and repealing the existing section].**  
4

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

6 [ **New**] Section 1. (a) The secretary of the department of wildlife and  
7 parks is authorized, with the approval of the Kansas wildlife and parks  
8 commission, to establish fees for the public use of cabins owned or  
9 operated by the department. At a public meeting, the secretary, with  
10 consideration by the commission, shall set an amount for each fee that  
11 encourages use of such cabins and that enables the department to maintain  
12 and operate such cabins.

13 (b) Such fees as described in subsection (a) shall not exceed:

- 14 (1) A maximum of \$250 per night;  
15 (2) a maximum of \$1,500 per week; and  
16 (3) a maximum of \$5,000 per month.

17 (c) Fees for the use of cabins owned and operated by the department  
18 of wildlife and parks shall be exempt from the provisions of K.S.A. 77-415  
19 through 77-437, and amendments thereto.

20 [Sec. 2. K.S.A. 2010 Supp. 32-833 is hereby amended to read as  
21 follows: 32-833. (a) (1) Notwithstanding the provisions of subsection  
22 (f) of K.S.A. 32-807, and amendments thereto, or any other provisions  
23 of law to the contrary, the secretary of wildlife and parks shall not  
24 purchase any land unless:

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

32 (B) the secretary of wildlife and parks shall agree to make  
33 payment of moneys in lieu of taxes comparable to the ad valorem tax  
34 payments of surrounding lands for any land purchased which is  
35 exempt from the payment of ad valorem taxes under the laws of the  
36 state of Kansas; and

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

3 (2) In addition to the requirements prescribed by this section and  
4 otherwise by law, any proposed purchase of a tract or tracts of land  
5 which are greater than ~~640~~ 160 acres in the aggregate shall be subject  
6 to approval by act of the legislature, either as a provision in an  
7 appropriation act pertaining to the specific property to be purchased  
8 or by any other act of the legislature that approves the acquisition of  
9 the specific property proposed to be purchased, *or by approval by the*  
10 *state finance council acting on this matter which is hereby characterized*  
11 *as a matter of legislative delegation and subject to the guidelines*  
12 *prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto.*

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

16 (b) (1) Notwithstanding the provisions of subsection (f) of K.S.A.  
17 32-807, and amendments thereto, or any other provisions of law to the  
18 contrary, the secretary of wildlife and parks shall adopt guidelines and  
19 procedures prescribing public notice requirements that the secretary  
20 shall comply with before the selling of any land which shall include,  
21 but not be limited to, the following:

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

26 (B) the secretary shall cause to be published in a newspaper of  
27 general circulation in the county the land is located once a week for  
28 three consecutive weeks, the secretary's intent to sell the land which  
29 shall include a legal description of the land to be sold, the time and  
30 date of the sale or the date after which the land will be offered for sale,  
31 the general terms and conditions of such sale, and a name and  
32 telephone number of a person who may be contacted concerning the  
33 sale of such land; and

34 (C) the secretary shall publish in the Kansas register public  
35 notice of the secretary's intent to sell the land which shall include a  
36 legal description of the land to be sold, the time and date of the sale or  
37 the date after which the land will be offered for sale, the place of the  
38 sale, the general terms and conditions of such sale, and a name and  
39 telephone number of a person who may be contacted concerning the  
40 sale of such land.

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

1 persons.

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

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

11 (c) Any disposition of land by the secretary shall be in the best  
12 interest of the state.]

13 [Sec. 3. K.S.A. 2010 Supp. 32-833 is hereby repealed.]

14 Sec. ~~2~~ [4.] This act shall take effect and be in force from and after its  
15 publication in the statute book.

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