

2022

SENATE BILL No. 405

AN Act concerning the disposition of certain state real property; authorizing the state historical society to convey certain real property located in Johnson county to the Shawnee Tribe; imposing certain conditions; prescribing costs of conveyance.

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

Section 1. (a) Subject to the provisions of this section, the state historical society, for and on behalf of the state of Kansas, is hereby authorized to convey to the Shawnee Tribe all of the rights, title and interest in the following described real estate, and any improvements thereon, located in Johnson county, Kansas, containing 0.52 acres more or less:

Beginning at point 754.2 feet east and 336 feet south of the center of section 11, township 12, range 24, thence west 150 feet, thence south 140 feet, thence east 150 feet, thence north 140 feet to point of beginning. The same being the burial ground in S.E. Corner of the Methodist Church reserve as recorded on page 140 Book 94 of Deeds.

(b) Conveyance of such rights, title and interest in such real estate, and any improvements thereon, shall be executed in the name of the state historical society by the executive director of the state historical society by quitclaim deed without the necessity of appraisal, bid or publication and shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto. No exchange and conveyance of real estate, and any improvements thereon, as authorized by this section shall be made by the executive director until the deeds and conveyances have been reviewed and approved by the attorney general.

(c) The Shawnee Tribe agrees to pay all costs related to the conveyance and shall grant the state a historic preservation easement that will reflect current federal preservation laws regarding properties listed in the national register of historic places. The Shawnee Tribe further agrees that such land described in subsection (a) and any land adjacent to or near the cemetery shall not be used as a casino or other gaming facility.

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Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.

SESSION OF 2022

SUPPLEMENTAL NOTE ON SENATE BILL NO. 405

As Amended by House Committee on Federal
and State Affairs

Brief*

SB 405, as amended, would authorize and direct the Executive Director of the Kansas State Historical Society (KSHS), on behalf of the KSHS, to convey by quitclaim deed, a 0.52-acre parcel of land in Johnson County to the Shawnee Tribe. The legal description of the parcel is provided in the bill.

The bill would provide the conveyance would not require appraisal, bid, or publication, and the conveyance would not be subject to appraisal requirements in continuing law. The Attorney General would be required to review and approve the deeds and conveyances.

The bill would state the Shawnee Tribe agrees to pay all costs related to the conveyance and would grant the State a historic preservation easement that would reflect current federal preservation laws regarding properties listed in the National Register of Historic Places.

The bill also would prohibit the development of a casino or other gaming facility on the land.

Background

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Olson.

*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>

Senate Committee on Federal and State Affairs

In the Senate Committee hearing on February 8, 2022, Representatives Neighbor and Victors and a representative of the Shawnee Tribe testified as **proponents**, stating the land is a historic cemetery for the Shawnee Tribe, and the bill would preserve property that is important to the history of Shawnee Tribe. Senator Thompson and a representative of the City of Shawnee provided written-only proponent testimony. No other testimony was provided.

House Committee on Federal and State Affairs

In the House Committee hearing on March 14, 2022, Representatives Byers, Neighbor, and Victors and a representative of the Shawnee Tribe provided **proponent** testimony, discussing the importance of the cemetery to the Shawnee Tribe and their intentions to preserve the site. A representative of the City of Shawnee provided written-only proponent testimony.

A representative of the Office of the Attorney General provided written-only neutral testimony, indicating concern that the land transfer to the Shawnee Tribe could open the door for casinos to be developed on or nearby the site.

No other testimony was provided.

The House Committee amended the bill to prohibit a casino or other gaming facility from being developed on the land.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, KSHS estimates enactment of the bill would have no fiscal effect.

Kansas State Historical Society; Shawnee Tribe; Johnson County

