

SESSION OF 2017

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2407**

As Amended by Senate Committee of the Whole

**Brief\***

HB 2407, as amended, would prohibit transfers of real estate to the State of Kansas or any agency, *via* a probate proceeding or otherwise without consideration, unless written consent is provided by the Secretary of Administration and the Attorney General. The Attorney General would be authorized to bring a civil action to declare any violation of the bill. The bill would exclude state educational institutions, community colleges, and the Department of Transportation from the definition of "agency."

The bill also would permit the Kansas Department of Wildlife, Parks and Tourism to purchase a specific parcel of land in Sherman County, encompassing approximately 1,078 acres. This land purchase is subject to the provisions of KSA 2016 Supp. 32-833, which requires that the purchased land comply with regulations regarding control and management of noxious weeds and the Secretary of Wildlife, Parks and Tourism develop a management plan for the property. The bill also would prohibit the creation of a conservation easement on the purchased tract of land without prior authorization by the Legislature.

The bill would exempt this purchase from KSA 2016 Supp. 75-3739, which includes specific requirements for competitive bidding procedures.

The bill would be in effect upon publication in the *Kansas Register*.

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\*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**

The bill includes provisions of SB 240.

### ***HB 2407—An Act Concerning Real Estate***

In the House Committee on General Government Budget hearing, Representative Concannon testified as a proponent of the bill, describing a situation where a former mill in Clyde, Kansas, was deeded to the State *via* probate. The property will require a substantial expenditure to demolish as the City of Clyde considers it to be a public safety hazard. Representative Concannon stated the bill was intended to prevent such a situation from recurring. The Chief Deputy Attorney General also testified in support of the bill.

No opponent or neutral testimony was provided.

The House Committee amended the bill to remove community colleges from the definition of “agency.”

The Senate Committee on Ways and Means amended the bill to correct a technical error, to add the Department of Transportation to those excluded from the definition of “agency” for this purpose, and to add the provisions of SB 240, as introduced, to the bill.

According to the fiscal note prepared by the Division of the Budget on the HB 2407, as introduced, the Department of Administration states there would be no fiscal effect from the enactment of the bill. Any fiscal effect associated with the bill is not reflected in *The FY 2018 Governor’s Budget Report*.

### ***SB 240—Authorizing a Land Purchase in Sherman County***

The bill was introduced by the Senate Committee on Ways and Means. In the Senate Committee hearing,

proponent testimony was provided by the Secretary of Wildlife, Parks and Tourism. Proponent testimony was also provided by two private citizens. Written-only proponent testimony was provided by the City Manager of the City of Goodland, a representative of the Sherman County Commission, and two private citizens.

No neutral or opponent testimony was provided.

The Senate Committee amended the bill to prohibit the creation of a conservation easement on the purchased tract of land without prior authorization by the Legislature.

The Senate Committee added the contents of SB 240 as introduced to HB 2407. The Senate Committee of the Whole amended HB 2407 to require an appraisal of the property in Sherman County prior to the purchase, as required by KSA 2016 Supp. 75-3043a. SB 240 would have exempted the purchase from this requirement.

According to the fiscal note prepared by the Division of the Budget on SB 240, as introduced, enactment of the bill would have a fiscal effect but it cannot be estimated. If an agreement to purchase the property is met, the property would be purchased with a federal grant using 75.0 percent federal dollars and a 25.0 percent state match from the agency's Wildlife Fee Fund. Any fiscal effect associated with the bill is not reflected in *The FY 2018 Governor's Budget Report*.