

Session of 2024

HOUSE BILL No. 2489

By Representatives K. Williams and Fairchild

1-8

1 AN ACT concerning education; relating to school districts; limiting the
2 legislative option to purchase school district buildings to buildings that
3 were formerly used as attendance centers; amending K.S.A. 2023 Supp.
4 72-1439 and repealing the existing section.

authorizing school districts to sell an attendance center through
public auction prior to the legislative option to purchase; prohibiting
school districts from refusing to convey property solely because the
prospective owner or lessee may or intends to use the property for
nonpublic school purposes;

sections

and 72-3216

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

7 Section 1. K.S.A. 2023 Supp. 72-1439 is hereby amended to read as
8 follows: 72-1439. (a) Within 30 days after the board of education of a
9 school district adopts a resolution to dispose of a school district building
10 pursuant to K.S.A. 72-3216, and amendments thereto, such board of
11 education shall submit written notice of its intention to dispose of such
12 building to the legislature. Such notice shall be filed with the chief clerk of
13 the house of representatives and the secretary of the senate and shall
14 contain the following:

Insert Attachment A

pursuant to K.S.A. 72-3216, and amendments thereto,

in accordance with this section or within 15 days after a building
fails to sell at an auction conducted pursuant to section 1, and
amendments thereto

15 (1) A description of the school district's use of such building
16 immediately prior to the decision to dispose of such building;

17 (2) the reason for such building's disuse and the decision to dispose of
18 such building;

19 (3) the legal description of the real property to be disposed of; and

20 (4) a copy of the resolution adopted by the board of education.

21 (b) (1) If the notice required under subsection (a) is received by the
22 legislature during a regular legislative session, then the legislature shall
23 have 45 days to adopt a concurrent resolution in accordance with
24 subsection (c) stating the legislature's intention for the state to acquire such
25 building.

26 (2) If the notice required under subsection (a) is received when the
27 legislature is not in regular session, then the legislature shall have 45 days
28 from the commencement of the next regular session to adopt a concurrent
29 resolution in accordance with subsection (c) stating the legislature's
30 intention for the state to acquire such building.

31 ~~(3) If the legislature does not adopt a concurrent resolution in~~
32 ~~accordance with subsection (c) within the 45-day period, then the school~~
33 ~~district may proceed with the disposition of such school district building in~~
34 ~~accordance with state law.~~

35 (c) The legislature may adopt a concurrent resolution stating the
36 legislature's intention that the state acquire the school district building.

Strike all in lines 31-34

1 Such concurrent resolution shall include:

- 2 (1) The name of the school district that owns such building;
- 3 (2) the information contained in the written notice as described in
- 4 subsection (a)(1) through (3); and
- 5 (3) the state agency that intends to acquire such building and the
- 6 intended use of such building upon acquisition.

7 (d) Upon adoption of a concurrent resolution in accordance with
 8 subsection (c), the state agency named in such resolution shall have 180
 9 days to complete the acquisition of such school district building and take
 10 title to the real property. Upon request of the state agency acquiring the
 11 school district building, the legislative coordinating council may extend
 12 the 180-day period for a period of not more than 60 days. The board of
 13 education of the school district shall not sell, gift, lease or otherwise
 14 convey such building or any of the real property described in the written
 15 notice or take any action or refrain from taking any action that would
 16 diminish the value of such property during the 180-day period or any
 17 extension thereof. ~~If the state agency does not take title to the property~~
 18 ~~within the 180-day period or any extension thereof, then the school district~~
 19 ~~may proceed with disposition of such school district building in~~
 20 ~~accordance with state law and any written agreements entered into~~
 21 ~~between such state agency and the school district.~~

22 (e) For purposes of this section, the term:
 23 (1) "Building" means any building that was used in any prior school
 24 year as an attendance center for students enrolled in kindergarten or any
 25 of the grades one through 12.

26 (2) "State agency" means any state agency, department, authority,
 27 institution, division, bureau or other state governmental entity.

28 Sec. 2. K.S.A. 2023 Supp. 72-1439 is hereby repealed.

29 Sec. 3. This act shall take effect and be in force from and after its
 30 publication in the statute book.

Strike in lines 17-21

If the legislature does not adopt a concurrent resolution in accordance with subsection (c) within the 45-day period or if the state agency does not take title to the property within the 180-day period or any extension thereof pursuant to subsection (d), the board may dispose of the property in such manner and upon such terms and conditions as the board deems to be in the best interest of the school district. Conveyances of school buildings and other school properties pursuant to this section shall be executed by the president of the board and attested by the clerk.

and 72-3216 are

Insert Attachment B

And by renumbering sections accordingly

Attachment B

Sec. 3. K.S.A. 72-3216 is hereby amended to read as follows: 72-3216. (a) (1) Subject to paragraph (2), every unified school district shall maintain, offer and teach kindergarten and grades one through 12 and shall offer and teach at least 30 units of instruction for students enrolled in grades nine through 12 in each high school operated by the board of education. The units of instruction, to qualify for the purpose of this section, shall have the prior approval of the state board of education.

(2) Any unified school district which has discontinued kindergarten, any grade or unit of instruction under authority of K.S.A. 72-13,101, and amendments thereto, and has entered into an agreement with another unified school district for the provision of kindergarten or any such grade or unit of instruction has complied with the kindergarten, grade and unit of instruction requirements of this section.

(b) The board of education shall adopt all necessary rules and regulations for the government and conduct of its schools, consistent with the laws of the state.

(c) The board of education may divide the district into subdistricts for purposes of attendance by pupils.

(d) (1) The board of education shall have the title to and the care and keeping of all school buildings and other school property belonging to the district. The board may open any or all school buildings for community purposes and may adopt rules and regulations governing use of school buildings for those purposes. School buildings and other school properties no longer needed by the school district may be disposed of pursuant to a resolution adopted by the board upon the affirmative recorded vote of not less than a majority of the members of the board at a regular meeting. Subject to the provisions of K.S.A. 2023 Supp. 72-1439, and amendments thereto, Such resolution shall specify whether the property to be disposed of includes a building as defined in K.S.A. 72-1439, and amendments thereto. If the property to be disposed of:

(A) Includes a building as defined in K.S.A. 2023 Supp. 72-1439, and amendments thereto, the resolution adopted by the board shall specify whether the board intends to dispose of the building and property by auction pursuant to section 1, or in accordance with the provisions of K.S.A. 2023 Supp. 72-1439, and amendments thereto; and

(B) does not include a building as defined in K.S.A. 2023 72-1439, and amendments thereto, the board may dispose of the property in such manner and upon such terms and conditions as the board deems to be in the best interest of the school district. Conveyances of school buildings and other school properties shall be executed by the president of the board and attested by the clerk.

(2) When disposing of any school district property pursuant to this section or K.S.A. 2023 Supp. 72-1439 or section 1, and amendments thereto, a board of education of a school district shall not refuse to sell, lease or convey any interest in a building or property to a prospective owner or lessee solely because the prospective owner or lessee may use or intends to use the building or property as a nonpublic school building.

(e) The board shall have the power to acquire personal and real property by purchase, gift or the exercise of the power of eminent domain in accordance with K.S.A. 72-1144, and amendments thereto.

New Section 1. (a) If a school district board of education adopts a resolution pursuant to K.S.A. 72-3216, and amendments thereto, that specifies the board intends to dispose of a building as defined in K.S.A. 2023 Supp. 72-1439, and amendments thereto, pursuant to auction as provided in this section, the board shall sell and convey such building and property pursuant to public auction conducted pursuant to this subsection.

(b) Prior to offering any such building and property for sale at public auction the building and property shall be appraised by not less than one disinterested appraiser to determine and report the market-value appraisal of such property. The school district board of education may waive the requirement for appraisal if the board determines that it is in the best interests of the school district to waive such requirement. The costs of any such appraisal may be paid from the proceeds of the sale.

(c) The school district board of education shall publish notice of such auction:

(1) Once each week for two consecutive weeks in a newspaper of general circulation in the school district; and

(2) on the school district's website homepage for not less than 30 calendar days prior to such auction.

(d) Any such public auction conducted pursuant to this section shall be conducted with a reserve not to exceed the appraised value of the property or, if more than one appraisal was conducted, the average appraised value of the building and property. A school district board of education may waive the requirement that the auction be conducted with reserve if the board determines that it is in the best interests of the school district to waive such requirement.

(e) Conveyances of buildings and property pursuant to this subsection shall be executed by the president of the board and attested by the clerk. The deed for a conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the board.

(f) If the building and property is not sold at such public auction, not less than 15 calendar days following such auction, the school district board of education shall submit written notice to the legislature pursuant to K.S.A. 72-1439, and amendments thereto, of its intention to dispose of such building and property in another manner.