

HOUSE BILL No. 2489

By Representatives K. Williams and Fairchild

1-8

Proposed Amendments to
House Bill No. 2489
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Office of Revisor of Statutes
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Excluding certain school districts

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.
5

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:

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.

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.

(f) The provisions of this section shall not apply to any school district building in which the school district did not receive any payment of capital improvement state aid pursuant to K.S.A. 72-5462, and amendments thereto, for the purchase, acquisition, construction, repair, remodel, equipping, furnishing or improving of or making additions to such school district building.