

**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  
-  
Requiring appraisal and sale at fair  
market value

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

requiring the state to conduct an appraisal prior to the sale of  
any building to the state; establishing that the state shall pay  
the fair market value for such property unless the school  
district chooses to gift such building to the state;

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.

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(1)

; and  
 (2) Such property shall be appraised pursuant to K.S.A. 75-3043a, and  
 amendments thereto, and the school district shall offer to sell such  
 property to the state agency named in the resolution at the appraised value  
 of the property or, if more than one appraisal was conducted, the average  
 appraised value of the property. Upon a state agency's payment of the  
 appraised value of the property, the school district shall convey such  
 property to such state agency. Conveyances of buildings and property  
 pursuant to this subsection shall be executed by the president of the school  
 district board of education and attested by the clerk. The provisions of this  
 paragraph shall not apply if the school district chooses to gift such  
 building and property to the state agency named in the resolution.