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MEMORANDUM

To: Members of the Legislative Coordinating Council
From: Office of Revisor of Statutes
Date: July 30, 2024
Subject: Consideration of a notice of intention to dispose of a school building by U.S.D. 259

Summary

K.S.A. 2023 Supp. 72-1439, as amended by section 8 of chapter 111 of the 2024 Session Laws of Kansas, establishes a procedure for the Legislative Coordinating Council (LCC), when the legislature is not in session, to review the disposal of a school building by a board of education of a school district and determine if the LCC should deny the legislative option for the state to acquire the building.

K.S.A. 72-1439

Pursuant to K.S.A. 2023 Supp. 72-1439, as amended by section 8 of chapter 111 of the 2024 Session Laws of Kansas, within 30 days after the board of education of a school district (USD) adopts a resolution to dispose of a building (defined as a school attendance center), the USD shall submit written notice of its intention to dispose of such building to the legislature. Such notice shall be filed with the Chief Clerk of the House of Representatives and the Secretary of the Senate and shall contain certain information.

If the notice is received by the legislature during a regular legislative session, then the legislature shall have 45 days to adopt a concurrent resolution stating the legislature's intention for the state to acquire such building.

If the notice is received when the legislature is not in regular session, then within 45 days of such receipt of notice, the LCC may deny the legislative option for the state to acquire the school district building. If the LCC denies the legislative option for the state to acquire the school district building, the other provisions of law shall not apply, and the USD may proceed with disposing of such building in accordance with state law. If the LCC does not deny the legislative option for the state to acquire the school district building within such 45-day period or fails to take any action, then the legislature shall have 45 days from the commencement of the next regular session to adopt a concurrent resolution stating the legislature's intention for the state to acquire such building.

The legislature may adopt a concurrent resolution, including specific information, stating the legislature's intention that the state acquire the building.

Upon adoption of a concurrent resolution, the state agency named in such resolution shall have 180 days to complete the acquisition of such building and take title to the real property. Upon request of the state agency acquiring the building, the LCC may extend the 180-day period for a period of not more

than 60 days. The USD shall not sell, gift, lease or otherwise convey such building or take any action or refrain from taking any action that would diminish the value of such property during the 180-day period or any extension thereof.

If the legislature does not adopt a concurrent resolution 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, the USD may dispose of the building in such manner and upon such terms and conditions in the USD's best interest.

U.S.D. 259 – Park Elementary School

The Chief Clerk and Secretary received notice, and a copy of the resolution, from U.S.D. 259, Wichita Public Schools, via email on July 2, 2024, of the intent to dispose of Park Elementary School, 1025 N. Main Street. The LCC has 45 days from July 2, 2024, to deny the legislative option for the state to acquire the building.