

Approved

4-5-89

Date

MINUTES OF THE House COMMITTEE ON Local Government

The meeting was called to order by Representative Robert D. "Bob" Miller at
Chairperson

2:05 a/m/p.m. on March 28, 1989 in room 521-S of the Capitol.

All members were present except:

Representatives Brown, Lane, and Williams, excused
Representative Lynch, absent

Committee staff present:

Mike Heim, Legislative Research Dept.
Theresa Kiernan, Revisor of Statutes' Office
Connie Smith, Committee Secretary

Conferees appearing before the committee: None

A motion was made by Representative Sawyer to pass SB 54 as amended; seconded by Representative Bowden.

A substitute motion was made by Representative Patrick to table SB 54; seconded by Representative Baker. The motion failed.

Chairman Miller went back to the original motion for discussion. Discussion followed.

Representative Holmes called for the question. Chairman Miller asked for a vote. The motion carried. Representative Patrick requested a division. The motion carried. (11-4)

Representative Baker made a motion to amend SB 65 as the balloon copy shows but make changes to \$50,000 threshold to apply to all property and require 2 publications. (Attach. I) The motion was seconded by Representative Johnson. Discussion followed. The motion carried.

A motion was made by Representative Baker to pass SB 65 favorably as amended; seconded by Representative Graeber. The motion carried.

A motion was made by Representative Reinhardt to approve the minutes of March 20 and 21; seconded by Representative Mollenkamp. The motion carried.

Meeting adjourned at 2:28 p.m.

SENATE BILL No. 65

By Committee on Local Government

1-23

Handwritten notes: 3-28-89 Attach I

16 AN ACT concerning counties; relating to the sale of property; amend-
17 ing K.S.A. 19-211 and repealing the existing section.
18
19 *Be it enacted by the Legislature of the State of Kansas:*
20 Section 1. K.S.A. 19-211 is hereby amended to read as follows:
21 19-211. (a) In any county other than Shawnee, Sedgwick and
22 Johnson counties, except for any property belonging to a county
23 law enforcement department, no property belonging to such
24 county, the value of which is more than \$25,000 but is not
25 more than \$100,000, shall be sold or disposed of by any board
26 of county commissioners without a unanimous vote of such
27 commissioners and public notice of such sale or disposition
28 containing the time, place and conditions thereof having been
29 given at least once each week for three consecutive weeks prior
30 thereto in the official newspaper of the county. Such sale shall
31 be made to the highest bidder except that the board of county
32 commissioners shall have the right to reject any or all bids. No
33 property, the value of which exceeds \$100,000, shall be sold
34 or disposed of by any board of county commissioners, unless
35 the proposition of sale or disposal of such property shall first
36 be submitted to a vote of the electors of the county at a question
37 submitted election called therefor, which election shall be
38 called, noticed and held in the manner provided by K.S.A. 10-
39 120, and amendments thereto, or at a general election. If a
40 majority of the votes cast at any such election authorizes any
41 sale, such sale shall be made upon the notice hereinbefore
42 prescribed by publication, to the highest bidder, except that
43 the board of county commissioners shall have the right to reject
44 any or all bids. When property of the county having a value

45 of not more than \$100,000 is sold, the board of county com-
 46 missioners shall cause to be published as a part of the statement
 47 required by K.S.A. 10-228, and amendments thereto, a detailed
 48 account of such sale which shall describe the property sold, to
 49 whom sold, and the sale price. (b) (a) Except for any property
 50 belonging to a county law enforcement department and as otherwise
 51 provided in subsection (c) (b), no real property, the value of which
 52 is more than \$150,000, belonging to Shawnee, Sedgwick or John-
 53 son any county shall be sold or disposed of by any board of county
 54 commissioners without a unanimous vote of such commissioners and
 55 public notice of such sale or disposition containing the time, place
 56 and conditions thereof having been given at least once each week
 57 for three consecutive weeks prior thereto in the official newspaper
 58 of the county. Such sale shall be made to the highest bidder except
 59 that the board of county commissioners shall have the right to reject
 60 any or all bids. If, within 45 days after the first publication of such
 61 notice a petition signed by not less than 2% of the qualified electors
 62 of the county is filed with the county election officer, such real
 63 property shall not be sold or disposed of unless the proposition of
 64 sale or disposal of such property shall first be submitted to a vote
 65 of the electors of the county at a question submitted election called
 66 therefor. The election shall be called, noticed and held in the manner
 67 provided by K.S.A. 10-120, and amendments thereto, or at a general
 68 election. If a majority of the votes cast at any such election authorizes
 69 any sale, such sale shall be made upon the notice hereinbefore
 70 prescribed by publication, to the highest bidder, except that the
 71 board of county commissioners shall have the right to reject any or
 72 all bids.

this section
 \$5,0000

73 ~~(c) (b) If the board of county commissioners of Shawnee, Sedg-~~
 74 ~~wick or Johnson any county has authorized, by unanimous vote,~~
 75 ~~the sale or other disposition of real property and provided the notice~~
 76 ~~and opportunity to bid, as required by subsection (b) (a), and no~~
 77 ~~valid petition for election was filed or an election was held which~~
 78 ~~authorized the sale, but the sale was not completed for any reason,~~
 79 ~~the board of county commissioners, at any time thereafter, may offer~~
 80 ~~the property for sale and sell or dispose of the property upon such~~
 81 ~~terms and conditions as the board, by unanimous vote, deems~~

82 ~~advisable.~~

83 ~~(d) (e) Except for any property belonging to a county law en-~~
84 ~~forcement department, real property, the value of which does not~~
85 ~~exceed \$150,000, belonging to Shawnee, Sedgwick or Johnson any~~
86 ~~county may be sold or otherwise disposed of by the board of county~~
87 ~~commissioners in the following manner:~~

88 ~~(1) Upon a finding by the board that the property is no longer~~
89 ~~required, or cannot prudently be used for public purposes of the~~
90 ~~county, the board, by a unanimous vote, may dispose of any real~~
91 ~~property, the value of which does not exceed \$5,000, by public or~~
92 ~~private sale, by negotiation, or by quit-claim deed, as determined~~
93 ~~by the board. Such sale or other disposition shall not be subject~~
94 ~~to any publication requirement. Notice of the board's intent to~~
95 ~~sell such property shall be published at least ~~once~~ in the official~~
96 ~~county newspaper. Such notice shall include the time, place and~~
97 ~~conditions of such sale.~~

(b)

three times

98 ~~(2) The board, by unanimous vote, may dispose of any real prop-~~
99 ~~erty, the value of which is less than \$150,000 but more than \$5,000,~~
100 ~~by public bid sale conducted in the manner provided in subsection~~
101 ~~(b) (a), except that such sale shall not be subject to protest by the~~
102 ~~electors. If the board determines, after publication of notice and~~
103 ~~opportunity to bid, that no bids were received or that the bids were~~
104 ~~not sufficient nor acceptable, the board, at anytime thereafter with-~~
105 ~~out further publication or notice, may offer the property for sale,~~
106 ~~negotiate the sale upon such terms and conditions as the board deems~~
107 ~~advisable, and dispose of the property upon such terms. Notice of~~
108 ~~the board's intent to sell such property shall be published at least~~
109 ~~once in the official county newspaper. Such notice shall include the~~
110 ~~time, place and conditions of such sale.~~

(c)

111 ~~(3) The board, by unanimous vote, may dispose of any real prop-~~
112 ~~erty interest belonging to the county, including any interest derived~~
113 ~~through dedication, plat, condemnation, reversion, abandonment,~~
114 ~~reservation or tax foreclosure, which the board determines, after~~
115 ~~notice and public hearing, to be surplus property not required for~~
116 ~~public use, and to be unmarketable property. Such property interest~~
117 ~~may be disposed of by the county by the adoption of a resolution~~
118 ~~providing that the interest of the county shall be vacated and trans-~~

19 *ferring by quitclaim, without benefit of warranties of title, whatever*
 120 *right, title or interest the county has or may have in the property.*
 121 *The resolution shall provide for the reservation to the county and*
 122 *the owners of any lesser property rights for public utilities, the*
 123 *rights-of-way and easements for public service facilities which are*
 124 *in existence and in use across the property. Upon adoption of the*
 125 *resolution, the property interests vacated and conveyed shall revert*
 126 *to and vest in the owners of the real estate immediately abutting*
 127 *thereon, in proportion to the frontage of such land, except in cases*
 128 *where such land may have been acquired for public use in a different*
 129 *proportion, in which event it shall revert and vest in the owner of*
 130 *the adjoining real estate in the same proportion that it was acquired.*

131 *Following the adoption of the resolution, the county clerk shall*
 132 *record the conveyance upon the transfer records of the county and*
 133 *shall cause a notice of the transfer to be published in the official*
 134 *county newspaper and to be sent by certified mail to each owner*
 135 *of the adjoining real estate to whom the property is being trans-*
 136 *ferred, at the address where the owner's tax statement is sent. A*
 137 *copy of the transfer and the notice shall be recorded with the register*
 138 *of deeds of the county, and no fee shall be charged by the county*
 139 *clerk or the register of deeds recording the transfer.*

three times

140 ~~(*)~~ *In the event of any sale of real property pursuant to the*
 141 *authority under this subsection, the board, in its discretion, may*
 142 *enter into and execute contracts for sale or lease-purchase agreements*
 143 *for a term of not more than five years.*

(c)
section

144 ~~(e)~~ ~~(e)~~ *(d)* *The provisions of this section shall not apply to or*
 145 *restrict the conveyance of real property by any county to the state*
 146 *of Kansas, the title to which was previously conveyed to such county*
 147 *by the state of Kansas.*

148 ~~(d)~~ ~~(f)~~ *(e)* *The provisions of this section shall not apply to or*
 149 *restrict the conveyance of real property by any county to a nonprofit*
 150 *corporation organized under the laws of Kansas if such real property*
 151 *is acquired and conveyed by the county for the purpose of devel-*
 152 *opment of an industrial or business park on such real property com-*
 153 *prised of businesses engaged in: (1) Manufacturing articles of*
 154 *commerce; (2) conducting research and development; or (3) storing*
 155 *or processing goods or commodities. If the real property is to be*

1-5

156 conveyed for an amount which is less than the amount the county
 157 paid to acquire such property, the board of county commissioners
 158 shall publish a notice of its intent to convey such property. The
 159 notice shall include a description of the property, the cost of ac-
 160 quiring the property and the amount for which such property is to
 161 be conveyed. Such notice shall be published once each week for
 162 three consecutive weeks in the official county newspaper. If, within
 163 45 days after the first publication of such notice a petition signed
 164 by not less than 2% of the qualified electors of the county is filed
 165 with the county election officer, such property shall not be conveyed
 166 unless the proposition of sale or disposal of such property is sub-
 167 mitted to and approved by a majority of the qualified voters of the
 168 county at an election called therefor. The election shall be called,
 169 noticed and held in the manner provided by K.S.A. 10-120, and
 170 amendments thereto, or at a general election.

171 *(f) The provisions of this section shall not apply to or restrict*
 172 *the conveyance of real property by any county to a port authority*
 173 *if such real property is acquired and conveyed by the county for*
 174 *the purpose of development of an industrial, commercial or business*
 175 *park on such real property. The board of county commissioners shall*
 176 *publish a notice of its intent to convey such property. The notice*
 177 *shall include a description of the property, the cost of acquiring the*
 178 *property and the amount for which the property is to be conveyed.*
 179 *Such notice also shall include the time and date of the public hearing*
 180 *at which the board proposes to consider the conveyance of such*
 181 *property. Such notice shall be published at least once in the official*
 182 *county newspaper. Following the public hearing, the board of county*
 183 *commissioners may convey such property.*

184 Sec. 2. K.S.A. 19-211 is hereby repealed.

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

(g) Whenever it is required by this section that the board of county commissioners approve a sale of property by unanimous vote and a county has a five-member board, such board may approve a sale of property by a 4/5 majority.