

CHAPTER 19
HOUSE BILL No. 2628

AN ACT concerning townships; amending K.S.A. 80-101 and 80-109 and repealing the existing sections.

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

Section 1. K.S.A. 80-101 is hereby amended to read as follows: 80-101. Each organized township in this state shall be a body politic and corporate, and in its proper name sue and be sued, and may appoint all necessary agents and attorneys in that behalf, *purchase and hold real and personal property for the use of the township, sell, convey and dispose of real and personal property owned by the township*, and may make all contracts that may be necessary and convenient for the exercise of its corporate powers.

Sec. 2. K.S.A. 80-109 is hereby amended to read as follows: 80-109.
(a) No real property belonging to any township shall be sold or disposed of without a unanimous vote of the township board and public notice of such sale or disposition containing the time, place and conditions thereof having been given at least once each week for three consecutive weeks prior thereto in a newspaper of general circulation in the township. Such sale shall be made to the highest bidder except that the board shall have the right to reject any or all bids. If, within 45 days after the first publication of such notice a petition signed by not less than 2% of the qualified electors of the township is filed with the county election officer, such real property shall not be sold or disposed of unless the proposition of sale or disposition of such property is submitted to a vote of the electors of the township at a question submitted election called therefor. The election shall be called, noticed and held in the manner provided by K.S.A. 10-120, and amendments thereto. If a majority of the votes cast at any such election authorizes any sale or disposition, such sale or disposition shall be made upon the notice hereinbefore prescribed by publication, to the highest bidder, except that the township board shall have the right to reject any or all bids.

(b) *No personal property with a value of \$1,000 or more belonging to any township shall be sold or disposed of without approval of the township board. Public notice of the sale or disposition of the personal property containing the time, place and conditions of the sale shall be published at least once in a newspaper of general circulation in the township. The sale shall be by competitive bid and shall be awarded to the highest and best bidder. The board may reject any or all bids and may resubmit the personal property for new competitive bid procedures.*

(c) *In lieu of procedures for the sale of personal property established in subsection (b), a township board may adopt a resolution establishing an alternate methodology for disposal of personal property. Such alternate methodology for the disposal of personal property shall contain procedures for:*

- (1) *Public notice of the sale or disposition;*
- (2) *a description of the property to be sold;*
- (3) *the method of sale, including, but not limited to, fixed price, negotiated bid, sealed bid, public auction or auctions or any other method of sale that allows public participation.*

~~(d)~~ (d) The provisions of this section shall not apply to or restrict the conveyance of real property by any township to the state of Kansas, the title to which was previously conveyed to such township by the state of Kansas.

Sec. 3. K.S.A. 80-101 and 80-109 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 26, 2008.
