

SESSION OF 2008

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2628

As Amended by House Committee on
Elections and Governmental Organization

Brief*

HB 2628 would provide for the disposal of township personal property valued at \$1,000 or more. The bill would:

- Establish a procedure whereby the sale or other disposal of such property is prohibited without township board approval. Public notice would be required once in a newspaper of general circulation in the township, containing specific information. The sale must be by competitive bid and must be awarded to the highest and best bidder, but the board may reject any or all bids and resubmit for a new competitive bid procedure.
- Require a township board to establish an alternative method for disposal of personal property in lieu of the above procedure. The alternative method must contain procedures for the public notice of the sale or disposition, a description of the property to be sold, and the method of sale. The method of sale would include, but not be limited to, a number of types of sales including fixed price, negotiated bid, sealed bid, public auction or any other method allowing public participation.

Background

Representative David Crum and representatives of two townships testified in favor of the original bill, citing instances when a township's disposal of personal property may have

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

been problematic. Upon conclusion of the hearing, the bill was placed in subcommittee. The House Committee approved the subcommittee report, thereby amending the bill.

The House Committee amended the bill to:

- Increase the minimum personal property value which must be met before the bill's provisions apply.
- Eliminate the following requirements relating to the specified statutory procedure:
 - A unanimous vote before the property could be sold or otherwise disposed of.
 - The appearance of three separate newspaper notices.
- Change the following relating to the specified statutory procedure:
 - Expand the requirement that the sale be made to the "highest bidder" to include "highest and best bidder."
 - Allow the township board to resubmit the personal property for new competitive bid procedures.
- Authorize an alternative method for personal property disposal in lieu of the specified statutory procedure.

According to the fiscal note, passage of the original bill would have no fiscal effect on state revenues or expenditures. Any additional costs for townships would be related to the public notice requirements, which presumably would be offset by revenue from the property sale.