

FIRST REGULAR SESSION

HOUSE BILL NO. 1036

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (89) (Sponsor), TILLEY, EL-AMIN, BRANDOM, CUNNINGHAM, ICET, FUNDERBURK, GATSCHENBERGER, LEARA, SMITH (150), SMITH (14), McDONALD, PARSON, DAY, JONES (117), EMERY, BURLISON, KEENEY, FAITH, LARGENT, McNARY, ALLEN, ZERR, SCHARNHORST, STEVENSON, PARKINSON, DIXON, JONES (63), NIEVES, DIECKHAUS, FISHER (125), STREAM, SCHAAF, BIVINS, KINGERY, RUESTMAN, TRACY, KOENIG, SILVEY, LAIR, DIEHL, HOSKINS (80), WILSON (130), DOUGHERTY, NANCE, GUERNSEY, FRANZ, SCHOELLER, WELLS, COX, SATER, SCHIEFFER, WILSON (119), RUZICKA AND YATES (Co-sponsors).

1455L.03I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 177.073, RSMo, and to enact in lieu thereof two new sections relating to school property transactions, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 177.073, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 177.073 and 177.205, to read as follows:

177.073. 1. The board of directors or school board in urban school districts, metropolitan school districts, and school districts located totally or partially within a first class charter county adjoining a city not within a county, by an affirmative vote of not less than two-thirds of all the members, may:

(1) Select, direct and authorize the purchase of sites for and authorize the construction of libraries, schools, school offices, art galleries and museums; and the necessary janitors' houses, repair buildings, supply houses and parking facilities to be used in the operation and maintenance of the schools;

(2) Authorize and direct the purchase of additional ground needed for school purposes;

(3) Authorize and direct the sale and transfer or lease of any real or personal property belonging to the district which is not required for operation of the school program. Real property may be sold or leased by listing the property with one or more real estate brokers licensed by the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 state of Missouri and paying a commission upon such sale or lease. Real property not sold or
14 leased through a real estate broker and all personal property shall be sold or leased to the highest
15 bidder, except that any real or personal school property may be sold or leased to a community
16 group or a city, state agency, municipal corporation, or any other governmental subdivision of
17 the state located wholly or partially within the boundaries of the district, for public uses and
18 purposes, at such sum as may be agreed upon between the school district and the community
19 group or the city, state agency, municipal corporation, or other governmental subdivision of the
20 state, **and in a metropolitan school district, to further promote the needs of the district,**
21 **priority shall be given to any charter school, as defined in section 160.400, RSMo, wanting**
22 **to purchase or lease any real or personal property belonging to the district.** If property is
23 to be leased by bid, written proposals for lease terms shall be submitted by potential lessees. The
24 lease proposal offering the most economically advantageous terms shall be considered the
25 highest lease bid. A purchase proposal may include contingencies; the proposal offering the
26 most economically advantageous terms shall be the highest bid. All bids for purchase or lease
27 of real property shall be submitted formally as closed bids. Bids shall be opened at a meeting,
28 which shall be an open meeting. The board may reject all bids, or negotiate an acceptable sale
29 or lease with the highest bidder, if all bids are unsatisfactory. The records of the bid-opening
30 meeting shall be an open record. If real property is not sold or leased through a real estate
31 broker, notice that the board is holding real property for sale or offering it for lease, including
32 a planned sale or lease to a community group or a city, state agency, municipal corporation, or
33 other governmental subdivision of the state, shall be given by publication in a newspaper within
34 the county in which all or a part of the district is located which has general circulation within the
35 district, once a week for two consecutive weeks, the last publication to be at least seven days and
36 not more than fourteen days prior to the date of the bid opening. The term of a lease may be for
37 any period which the board finds is advantageous and meets the needs of the district. The lease
38 or deed of conveyance shall be executed by the president and attested by the secretary of the
39 board. If the district has a seal, it shall be affixed to the deed or lease. The proceeds derived
40 from sale of real property shall be placed to the credit of the incidental fund of the district. The
41 proceeds from sale of nonrealty and from leases shall be placed to the credit of the incidental
42 fund.

43 2. The board may receive, in behalf of the school district, any grants, gifts, or devises
44 made for the benefit of the district or its schools, or any public library, art gallery or museum
45 under the control of the board.

**177.205. 1. When authorizing or directing the sale and transfer or lease of any real
2 or personal property, as allowed in section 177.073, the board of directors or school board
3 in a metropolitan school district, shall give priority to any charter school, as defined in**

4 **section 160.400, RSMo. Any board member, officer, or employee of the board attempting**
5 **to prohibit or limit the sale or lease of any real or personal property to any charter school**
6 **shall be personally liable for a civil penalty of not less than five thousand dollars and not**
7 **more than ten thousand dollars for each separate act for violation of this section, plus three**
8 **times the amount of damages any charter school sustained because of the act of such**
9 **person.**

10 **2. Any board member, officer, or employee of the board found to be guilty of**
11 **wasting public moneys or causing property values in the district to decline under this**
12 **section shall also be personally liable for civil penalties in the amount of three times the**
13 **amount of public moneys wasted and three times the decrease in property values.**

14 **3. Notwithstanding any law to the contrary any board member, officer, or employee**
15 **of the board found guilty under this section shall not be eligible to use the state legal**
16 **expense fund, or any legal expense fund of his or her political subdivision, and shall be**
17 **personally liable for his or her actions.**

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