

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 751**  
93RD GENERAL ASSEMBLY

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Reported from the Committee on Economic Development, Tourism and Local Government, February 16, 2006, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3715S.02C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal section 177.091, RSMo, and to enact in lieu thereof one new section relating to public school property.

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

Section A. Section 177.091, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 177.091, to read as follows:

177.091. 1. The school board in each seven-director district, as soon as  
2 sufficient funds are provided, shall establish an adequate number of elementary  
3 schools, and if the demands of the district require more than one elementary  
4 school building, the board shall divide the district into elementary school wards  
5 and fix the boundaries thereof. The board shall select and procure a site in each  
6 ward and erect and furnish a suitable school building thereon.

7 2. The board may also establish high schools and may select and procure  
8 sites and erect and furnish buildings therefor.

9 3. The board may acquire additional grounds when needed for school  
10 purposes. If the directors of both school districts involved agree, such grounds  
11 may be located outside of the boundaries of the district and operated for school  
12 purposes.

13 4. If there is any school property, the ownership of which is vested in the  
14 district, that is no longer required for the use of the district, the board, by an  
15 affirmative vote of a majority of the whole board, may authorize and direct the  
16 sale or lease of the property, except that, property outside the boundaries of the  
17 school district may not be leased. Real property may be sold or leased by listing  
18 the property with one or more real estate brokers licensed by the state of

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 Missouri and paying a commission upon such sale or lease. Real property not  
20 sold or leased through a real estate broker and all personal property, unless sold  
21 or leased to a public institution of higher education, shall be sold or leased to the  
22 highest bidder. If real property is not sold or leased through a real estate broker,  
23 notice that the board is holding the property for sale or offering it for lease shall  
24 be given by publication in a newspaper within the county in which all or a part  
25 of the district is located which has general circulation within the district, once a  
26 week for two consecutive weeks, the last publication to be at least seven days  
27 prior to the sale or lease of the property; except that, any real or personal school  
28 property may be sold or leased to a city, state agency, municipal corporation, or  
29 other governmental subdivision of the state located within the boundaries of the  
30 district, for public uses and purposes, by the giving of public notice as herein  
31 provided and at such sum as may be agreed upon between the school district and  
32 the city, state agency, municipal corporation, or other governmental subdivision  
33 of the state. The lease or deed of conveyance shall be executed by the president  
34 and attested by the secretary of the board. If the district has a seal, it shall be  
35 affixed to the deed or lease. The proceeds derived from the sale of real property  
36 or nonrealty by districts identified as financially stressed pursuant to section  
37 161.520, RSMo, shall, until July 1, 1998, be placed to the credit of the incidental  
38 fund or the capital projects fund of the district, with notice of any such sale to be  
39 included in the budget and education plan submitted to the department of  
40 elementary and secondary education, and, on and after July 1, 1998, any such  
41 proceeds shall be placed to the credit of the capital projects fund. The proceeds  
42 from the sale of real property or nonrealty and from leases, by any other district,  
43 shall be placed to the credit of the capital projects fund.

44 **5. Notwithstanding the provisions of subsection 4 of this section**  
45 **to the contrary, after twenty-five years from the date of purchase, any**  
46 **city of the fourth classification with more than four hundred but fewer**  
47 **than five hundred inhabitants and located in any county of the fourth**  
48 **classification with more than thirty-two thousand nine hundred but**  
49 **fewer than thirty-three thousand inhabitants located within the**  
50 **boundaries of a school district that has purchased any real or personal**  
51 **school property from the school district for public uses and purposes,**  
52 **as provided in subsection 4 of this section, may sell the property or use**  
53 **the property for whatever purpose such city deems necessary.**

54 **6. The school board of a seven-director district may also list real property**

55 for sale on which a building has been constructed by an approved vocational  
56 education class with a real estate broker licensed by the state of Missouri and pay  
57 a commission thereon.

58 [6.] 7. Other provisions of this section to the contrary notwithstanding,  
59 bids for the purchase of any building constructed by students as part of an  
60 approved vocational education class may be accepted prior to completion of such  
61 construction.

✓  
Unofficial

Bill

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