

SECOND REGULAR SESSION

# HOUSE BILL NO. 1326

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES AULL (Sponsor), McGHEE,  
BURNETT AND JOHNSON (90) (Co-sponsors).

Read 1st time January 11, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

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### AN ACT

To repeal section 177.091, RSMo, and to enact in lieu thereof one new section relating to the establishment of elementary and secondary schools.

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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Section A. Section 177.091, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 177.091, to read as follows: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 sufficient funds are provided, shall establish an adequate number of elementary schools, and if the demands of the district require more than one elementary school building, the board shall divide the district into elementary school wards and fix the boundaries thereof. The board shall select and procure a site in each ward and erect and furnish a suitable school building thereon.

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

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

4. If there is any school property, the ownership of which is vested in the district, that is no longer required for the use of the district, the board, by an affirmative vote of a majority of the whole board, may authorize and direct the sale or lease of the property, except that, property outside the boundaries of the school district may not be leased. Real property may be sold or

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.

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

37       **5. After twenty-five years from the date of purchase, any city, state agency,**  
38 **municipal corporation, or other governmental subdivision of the state located within the**  
39 **boundaries of a district that has purchased any real or personal school property from a**  
40 **school district for public uses and purposes, as provided in subsection 4 of this section, may**  
41 **sell or use the property for whatever purpose such entity deems necessary.**

42       **6.** The school board of a seven-director district may also list real property for sale on  
43 which a building has been constructed by an approved vocational education class with a real  
44 estate broker licensed by the state of Missouri and pay a commission thereon.

45       **[6.] 7.** Other provisions of this section to the contrary notwithstanding, bids for the  
46 purchase of any building constructed by students as part of an approved vocational education  
47 class may be accepted prior to completion of such construction.

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