

SENATE BILL NO. 1273

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

5019S.02I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapters 160 and 162, RSMo, by adding thereto two new sections relating to school property.

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

Section A. Chapters 160 and 162, RSMo, are amended by
2 adding thereto two new sections, to be known as sections 160.422
3 and 162.092, to read as follows:

160.422. 1. A political subdivision shall not adopt,
2 enforce, impose, or administer an ordinance, local policy,
3 or local resolution that prohibits property sold, leased, or
4 transferred by the political subdivision from being used for
5 any lawful educational purpose by a charter school.

6 2. A political subdivision shall not impose, enforce,
7 or apply any deed restriction, property use restriction, or
8 other such restriction that expressly, or by its operation,
9 prohibits property sold, leased, or transferred by the
10 political subdivision from being used for any lawful
11 educational purpose by a charter school. Any deed
12 restriction, affirmative use deed restriction, property use
13 restriction, or other such restriction that affirmatively
14 allows for only one or more specified uses or purposes that
15 do not include any educational use or purpose is prohibited
16 under this section. Any deed restriction, affirmative use
17 deed restriction, property use restriction, or other such

18 restriction in effect on the effective date of this section
19 that prohibits or does not permit property previously used
20 for any educational purpose from being used for any future
21 educational purpose is void.

22 3. Any ordinance, policy, regulation, deed, use
23 restriction, or contract made in violation of this section
24 shall be void from its inception.

25 4. For purposes of this section, "political
26 subdivision" shall include, but shall not be limited to,
27 municipalities, counties, and school districts.

162.092. 1. If a school district extends an offer to
2 purchase or lease an unused facility to a party other than a
3 public entity, the contract shall include a provision that
4 makes the purchase or lease subject to the right of first
5 refusal by a public entity.

6 2. If the offer to purchase or lease is accepted, the
7 school district selling or leasing the unused facility shall
8 provide a public notice on its website stating:

9 (1) The unused facility is available for lease or
10 purchase;

11 (2) The square footage of the unused facility;

12 (3) The contact information for the school district
13 representative in charge of the lease or sale; and

14 (4) The expiration date of the right of first refusal,
15 which shall be sixty days after the date of notification.

16 3. If the offering school district has not received an
17 offer to purchase or lease an unused facility from a party
18 other than a public entity, a public entity may initiate,
19 and the school board of the offering school district shall,
20 within sixty days of receiving such offer, engage in,
21 substantive good faith negotiations for the purchase or
22 lease of the unused facility. The negotiation period shall

23 continue for thirty days, or less if an agreement is
24 reached. The school district and public entity shall engage
25 an independent mediator who shall gather independent
26 appraisals of the value of the property when the public
27 entity made an offer to purchase. The appraised value shall
28 determine a fair market price for the offering public
29 entity. In situations when the public entity made an offer
30 to lease the property, the appraisals gathered by the
31 mediator shall determine a fair market lease price for the
32 offering public entity.

33 4. If two or more public entities notify the offering
34 school district indicating an interest in the unused
35 facility to lease or purchase, the offering school district
36 shall make the final selection of the purchaser or lessee.

37 5. In right of first refusal negotiations with a
38 public entity, it shall be the option of the offering school
39 district whether to sell or lease the property under
40 consideration, at fair market value or less, for a term to
41 be agreed upon by the parties. A lease shall include
42 ingress to and egress from the facility, and where a part of
43 a facility is leased, the right to access and use of the
44 common area shared by all tenants and users of the
45 facility. If a public entity leases the entire facility,
46 the public entity may incur debt to make improvements to the
47 facility, and the school district shall subordinate its
48 interest in the lease to such debt.

49 6. The public entity shall have six months after the
50 date of making a written offer to complete the purchase or
51 lease of the unused facility for a price negotiated with the
52 school district.

53 7. During the term of a lease, the public entity shall
54 be responsible for direct expenses related to the facility

55 or any part of the facility leased, including utilities,
56 insurance, maintenance, property taxes, and repairs.

57 8. If a public entity plans to sell an unused facility
58 that it has purchased, it shall first offer the facility to
59 the school district from which it was purchased. Such offer
60 shall be governed by the procedures set forth in this
61 section.

62 9. As used in this section, the following terms mean:

63 (1) "Public entity", the state of Missouri; any
64 political subdivision of the state, including all boards,
65 commissions, agencies, institutions, authorities, and bodies
66 politic and corporate of the state created by or in
67 accordance with state law or regulations; or any institution
68 supported in whole or in part by public funds;

69 (2) "School board-approved written plan", a written
70 plan that is approved by the school board for future use of
71 an unused school building or facility owned by the school
72 district and that specifies purposes for which such building
73 or facility shall be used by the school within two years of
74 the plan's approval, such as academic purposes,
75 extracurricular activities, administrative school functions,
76 or sports;

77 (3) "Unused facility", a school building or facility
78 that is owned by a school district and is not used for
79 academic purposes, extracurricular activities,
80 administrative school functions, or sports, and for which
81 either of the following is true:

82 (a) The school district does not have a school board-
83 approved written plan for future use of the building or
84 facility; or

85 (b) The school district has a school board-approved
86 written plan for future use of the building or facility, but

87 such plan has not been executed within two years of the
88 plan's approval.

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