

FIRST REGULAR SESSION

# HOUSE BILL NO. 39

## 93RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE JACKSON.

Pre-filed December 1, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0096L.011

---

### AN ACT

To repeal sections 177.011, 177.031, 177.051, 177.061, 177.071, 177.073, 177.091, 177.101, 177.111, 177.131, and 177.151, RSMo, and to enact in lieu thereof four new sections relating to school facilities.

---

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

Section A. Sections 177.011, 177.031, 177.051, 177.061, 177.071, 177.073, 177.091,  
2 177.101, 177.111, 177.131, and 177.151, RSMo, are repealed and four new sections enacted in  
3 lieu thereof, to be known as sections 177.011, 177.031, 177.091, and 177.101, to read as follows:

177.011. The title of all schoolhouse sites and other school property is vested in the  
2 district in which the property is located, or if the directors of both school districts involved agree,  
3 a school district may own property outside of the boundaries of the district and operate upon such  
4 property for school purposes; provided that, such property may only be used for school purposes  
5 for students residing in the school district owning such property or students who are enrolled in  
6 such school district as part of a court-ordered desegregation plan. All property leased or rented  
7 for school purposes shall be wholly under the control of the school board during such time. [No  
8 board shall lease or rent any building for school purposes while the district schoolhouse is  
9 unoccupied, and no schoolhouse or school site shall be abandoned or sold until another site and  
10 house are provided for the school district.]

177.031. 1. The school board has the care and keeping of all property belonging to the  
2 district and shall provide the necessary [globes, maps, charts, apparatus, supplementary books,  
3 and other material] **equipment and materials** for the use of the school. The board shall keep  
4 the schoolhouses and other buildings in good repair, the grounds belonging thereto in good

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.

5 condition[, and shall provide fuel, heating apparatus, and other material and appliances necessary  
6 for the proper heating, lighting, ventilation and sanitation of the schoolhouses; shall have the  
7 floors swept and fires made at the expense of the district,] and cause an accurate account of the  
8 expense thereof to be kept and a report and settlement to be made at the next annual meeting or  
9 as required by law.

10 2. The school board having charge of the schoolhouses, buildings and grounds  
11 appurtenant thereto may allow the [free] use of [the houses, buildings and grounds for the free  
12 discussion of public questions or subjects of general public interest, for the meeting of  
13 organizations of citizens, and for any other civic, social and educational purpose that] **these**  
14 **facilities for school, community, and civic events, so long as these activities** will not interfere  
15 with the prime purpose to which the houses, buildings and grounds are devoted. If an application  
16 is granted and the use of the houses, buildings, or grounds is permitted for the purposes  
17 aforesaid, [the school board may provide, free of charge, heat, light and janitor service therein  
18 when necessary, and may make any other provisions, free of charge, needed for the convenient  
19 and comfortable use of the houses, buildings and grounds for such purposes, or] the school  
20 boards may require the expenses to be paid by the organizations or persons who are allowed the  
21 use of the houses, buildings and grounds. All persons upon whose application or at whose  
22 request the use of any schoolhouse, building, or part thereof, or any grounds appurtenant thereto,  
23 is permitted as herein provided shall be jointly and severally liable for any injury or damage  
24 thereto which directly results from the use, ordinary wear and tear excepted.

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

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

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

12 [4.] **3.** If there is any school property, the ownership of which is vested in the district,  
13 that is no longer required for the use of the district, the board, by an affirmative vote of a  
14 majority of the whole board, may authorize and direct the sale or lease of the property, except  
15 that, property outside the boundaries of the school district may not be leased. Real property may  
16 be sold or leased by listing the property with one or more real estate brokers licensed by the state

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

40 [5.] **4.** The school board of [a seven-director] **any** district may also list real property for  
41 sale on which a building has been constructed by an approved vocational education class with  
42 a real estate broker licensed by the state of Missouri and pay a commission thereon.

43 [6.] **5.** Other provisions of this section to the contrary notwithstanding, bids for the  
44 purchase of any building constructed by students as part of an approved vocational education  
45 class may be accepted prior to completion of such construction.

177.101. 1. In [seven-director] districts as specified in this section, the school board may  
2 establish and maintain public parks and playgrounds, **stadiums or similar athletic facilities,**  
3 **school libraries, art galleries and museums, and other related facilities** for the use of the  
4 public school district, and may appropriate the sums they deem proper for the support thereof.

5 2. The school board may lease or purchase grounds additional to the schoolhouse site,  
6 either adjacent thereto or elsewhere in the school district, for [libraries, public parks and

7 playgrounds and pay for the grounds so leased or purchased out of the funds of the school district  
8 available for the purpose] **these purposes.**

9           3. The board of education shall have full custody and control of the parks and  
10 playgrounds including the policing and the preservation of order thereon and may permit the use  
11 of the grounds that it deems best in the interest of the district. The board shall adopt and enforce,  
12 subject to the laws of the state and the ordinances of the city, suitable rules and regulations for  
13 the control of the grounds and the conduct of persons using them.

14           **4. The board of education may accept contributions and gifts of money or property**  
15 **for the acquisition, construction, operation, and maintenance of the stadium and sites and**  
16 **appurtenances thereto.**

2           [177.051. If there is within any school district any school property that  
3 is not required for the use of the school district and the property could be used for  
4 purposes of offering education beyond grade twelve by a public institution of  
5 higher education, the school board may lease or convey the property to the public  
6 institution, and the proceeds derived from a conveyance shall be placed to the  
7 credit of the incidental fund of the district.]

2           [177.061. 1. Any of the sixteenth-sections of land, or lands selected in  
3 lieu thereof, granted to the state of Missouri by acts of Congress for the support  
4 of schools in congressional townships may be sold and conveyed by the school  
5 district for whose benefit the land is held in the manner provided by law for the  
6 sale of property owned by the school district and no longer required for school  
7 purposes. The deed of conveyance shall be executed by the president of the  
8 school board of the district, signed by him and attested by the clerk or secretary  
9 of the board. If the district has a seal the seal shall be affixed to the deed.

10           2. Any conveyance of the land made by a school board in accordance  
11 with this section shall divest the state of Missouri of all title to the land, and vest  
12 title in the grantees, their heirs and assigns, forever.

13           3. The proceeds derived from the sale of the sixteenth-section school  
14 lands shall be placed to the credit of the incidental fund of the district.

15           4. This section does not affect conveyances of sixteenth-section school  
16 lands made under prior laws.]

2           [177.071. All sales of land in sections numbered sixteen, or lands  
3 selected in lieu thereof, by any sheriff, in the attempt to carry out the provisions  
4 of any statute relating to the sale of the lands as school lands for the townships  
5 in which they lie, which sales took place more than ten years before October 13,  
6 1963, shall, upon the expiration of two years from October 13, 1963, become and  
7 be deemed valid and effectual for all intents and purposes, and the title thereto  
8 sought to be conveyed is hereby confirmed in the respective purchasers and those  
claiming under them at the expiration of the two years, whether there was any

9 petition from the householders of the townships for the sales or not, and  
10 notwithstanding any other errors, defects, omissions or imperfections in the  
11 petition, order of sale, notice, sale, or other proceeding therein; save only as to  
12 such lands now involved or which during the period of two years may become  
13 involved in any suit because thereof, as to which lands this section shall not take  
14 effect until the final determination of the suit.]  
15

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

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

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

11 (3) Authorize and direct the sale and transfer or lease of any real or  
12 personal property belonging to the district which is not required for operation of  
13 the school program. Real property may be sold or leased by listing the property  
14 with one or more real estate brokers licensed by the state of Missouri and paying  
15 a commission upon such sale or lease. Real property not sold or leased through  
16 a real estate broker and all personal property shall be sold or leased to the highest  
17 bidder, except that any real or personal school property may be sold or leased to  
18 a community group or a city, state agency, municipal corporation, or any other  
19 governmental subdivision of the state located wholly or partially within the  
20 boundaries of the district, for public uses and purposes, at such sum as may be  
21 agreed upon between the school district and the community group or the city,  
22 state agency, municipal corporation, or other governmental subdivision of the  
23 state. If property is to be leased by bid, written proposals for lease terms shall be  
24 submitted by potential lessees. The lease proposal offering the most  
25 economically advantageous terms shall be considered the highest lease bid. A  
26 purchase proposal may include contingencies; the proposal offering the most  
27 economically advantageous terms shall be the highest bid. All bids for purchase  
28 or lease of real property shall be submitted formally as closed bids. Bids shall be  
29 opened at a meeting, which shall be an open meeting. The board may reject all  
30 bids, or negotiate an acceptable sale or lease with the highest bidder, if all bids  
31 are unsatisfactory. The records of the bid-opening meeting shall be an open  
32 record. If real property is not sold or leased through a real estate broker, notice  
33 that the board is holding real property for sale or offering it for lease, including  
34 a planned sale or lease to a community group or a city, state agency, municipal  
35 corporation, or other governmental subdivision of the state, shall be given by  
36 publication in a newspaper within the county in which all or a part of the district

37 is located which has general circulation within the district, once a week for two  
38 consecutive weeks, the last publication to be at least seven days and not more  
39 than fourteen days prior to the date of the bid opening. The term of a lease may  
40 be for any period which the board finds is advantageous and meets the needs of  
41 the district. The lease or deed of conveyance shall be executed by the president  
42 and attested by the secretary of the board. If the district has a seal, it shall be  
43 affixed to the deed or lease. The proceeds derived from sale of real property shall  
44 be placed to the credit of the incidental fund of the district. The proceeds from  
45 sale of nonrealty and from leases shall be placed to the credit of the incidental  
46 fund.

47 2. The board may receive, in behalf of the school district, any grants,  
48 gifts, or devises made for the benefit of the district or its schools, or any public  
49 library, art gallery or museum under the control of the board.]  
50

[177.111. 1. Any seven-director school district, acting through its board  
2 of directors, may acquire, construct, erect, equip and furnish, operate, control and  
3 regulate a stadium or similar structure for the holding of school athletic games,  
4 contests and other recreational activities and exhibitions, and for purposes and  
5 uses incidental thereto. Portions of the structure may be constructed and  
6 equipped for gymnasium or training rooms and dressing rooms. From time to  
7 time the district may make additions to or enlarge the structure.

8 2. The school district may use real property now or hereafter belonging  
9 to it as a site for the stadium, or may acquire by purchase, lease, gift or otherwise  
10 the real and personal property that in the judgment of the board of directors is  
11 necessary, advisable and suitable for the purpose, together with adequate space  
12 for off-street parking of vehicles. It may accept contributions and gifts of money  
13 or property for the acquisition, construction, operation and maintenance of the  
14 stadium and sites and appurtenances thereto.

15 3. If the district uses for such purpose property acquired by funds derived  
16 from proceeds of taxation, it shall make payment from the proceeds of the bonds  
17 issued pursuant to sections 164.231 to 164.301, RSMo, or from funds available  
18 therefor from sources other than taxation, into its treasury to the credit of the  
19 appropriate fund a sum equal to the cost to the school district of the property or  
20 its then appraised value, whichever is greater. The appraised value shall be  
21 determined by a proceeding in the circuit court of the county where the land is  
22 situated in the nature of a condemnation proceeding, so that the school district  
23 will in effect have condemned the land for the benefit of the project and it will  
24 have ceased to represent investment of proceeds of taxation. The circuit court is  
25 vested with jurisdiction of the proceeding in which the school district shall be  
26 plaintiff and the attorney general shall be made a party defendant as representing  
27 the public interest in the property and funds of the school district derived from  
28 taxation.]  
29

2 [177.131. The school board in each urban district, as soon as sufficient  
3 funds have been provided, shall establish an adequate number of elementary and  
4 high schools, select and procure sites, and erect and furnish suitable school  
5 buildings therefor.]

2 [177.151. The board may erect, construct and maintain, and use for all  
3 purposes connected with or incident to the work of the public schools or library  
4 or art gallery or museum, and let out to others for compensation, an auditorium  
5 or public hall suitable for public gatherings. The auditorium may be erected or  
6 constructed either in connection with the building devoted to the public library,  
7 art gallery or museum, or separate therefrom. The proceeds of rents over  
expenses shall be used for the purchase of books for the public library.]