

**HOUSE**

**AMENDMENT NO. \_\_\_\_\_**

**Offered by**

**of**

1 AMEND House Committee Substitute for Senate Committee Substitute  
2 for Senate Bill No. 672, Page 22, Section 135.980, Line 13, by  
3 inserting after all of said line the following:

4 "177.011. 1. The title of all schoolhouse sites and other  
5 school property is vested in the district in which the property  
6 is located, or if the directors of both school districts involved  
7 agree, a school district may own property outside of the  
8 boundaries of the district and operate upon such property for  
9 school purposes; provided that, such property may only be used  
10 for school purposes for students residing in the school district  
11 owning such property or students who are enrolled in such school  
12 district as part of a court-ordered desegregation plan. All  
13 property leased or rented for school purposes shall be wholly  
14 under the control of the school board during such time. With the  
15 exception of lease agreements entered into under the provisions  
16 of section 177.088, no board shall lease or rent any building for  
17 school purposes while the district schoolhouse is unoccupied, and  
18 no schoolhouse or school site shall be abandoned or sold until  
19 another site and house are provided for the school district.

20 2. Notwithstanding the provisions of section 178.770, the  
21 provisions of this section shall not apply to community college  
22 districts. Nothing in this subsection shall be construed to  
23 impair the duty and authority of the coordinating board for  
24 higher education to approve academic programs under section  
25 173.005.

26 177.088. 1. As used in this section, the following terms  
27 shall mean:

28 (1) "Board", the board of education, board of trustees,

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1 board of regents, or board of governors of an educational  
2 institution;

3 (2) "Educational institution", any school district,  
4 including all community college districts, and any state college  
5 or university organized under chapter 174.

6 2. The board of any educational institution may enter into  
7 agreements as authorized in this section [with a not-for-profit  
8 corporation formed under the general not-for-profit corporation  
9 law of Missouri, chapter 355,] in order to provide for the  
10 acquisition, construction, improvement, extension, repair,  
11 remodeling, renovation and financing of sites, buildings,  
12 facilities, furnishings and equipment for the use of the  
13 educational institution for educational purposes.

14 3. The board may on such terms as it shall approve:

15 (1) Lease [from the corporation] sites, buildings,  
16 facilities, furnishings and equipment [which the corporation has]  
17 acquired or constructed; or

18 (2) Notwithstanding the provisions of this chapter or any  
19 other provision of law to the contrary, sell or lease at fair  
20 market value, which may be determined by appraisal, [to the  
21 corporation] any existing sites [owned by the educational  
22 institution], together with any existing buildings and facilities  
23 thereon, in order [for the corporation] to acquire, construct,  
24 improve, extend, repair, remodel, renovate, furnish and equip  
25 buildings and facilities thereon, and [then] lease back or  
26 purchase such sites, buildings and facilities [from the  
27 corporation]; provided that upon selling or leasing the sites,  
28 buildings or facilities, [the corporation agrees to enter into a  
29 lease for] any lease back to the educational institution is not  
30 more than one year [but] in length, and with not more than  
31 twenty-five successive options by the educational institution to  
32 renew the lease under the same conditions; and provided further  
33 that [the corporation agrees] there is an agreement to convey or  
34 sell the sites, buildings or facilities, including any  
35 improvements, extensions, renovations, furnishings or equipment,  
36 back to the educational institution with clear title at the end

1 of the period of successive one-year options or at any time  
2 bonds, notes or other obligations issued [by the corporation] to  
3 pay for the improvements, extensions, renovations, furnishings or  
4 equipment have been paid and discharged.

5 4. Any consideration, promissory note or deed of trust  
6 which an educational institution receives for selling or leasing  
7 property [to a not-for-profit corporation] pursuant to this  
8 section shall be placed in a separate fund or in escrow, and  
9 neither the principal or any interest thereon shall be commingled  
10 with any other funds of the educational institutions. At such  
11 time as the title or deed for property acquired, constructed,  
12 improved, extended, repaired, remodeled or renovated under this  
13 section is conveyed to the educational institution, the  
14 consideration shall be returned [to the corporation].

15 5. The board may make rental payments [to the corporation]  
16 under such leases out of its general funds or out of any other  
17 available funds, provided that in no event shall the educational  
18 institution become indebted in an amount exceeding in any year  
19 the income and revenue of the educational institution for such  
20 year plus any unencumbered balances from previous years.

21 6. Any bonds, notes and other obligations issued [by a  
22 corporation] to pay for the acquisition, construction,  
23 improvements, extensions, repairs, remodeling or renovations of  
24 sites, buildings and facilities, pursuant to this section, may be  
25 secured by a mortgage, pledge or deed of trust of the sites,  
26 buildings and facilities and a pledge of the revenues received  
27 from the rental thereof to the educational institution. Such  
28 bonds, notes and other obligations issued [by a corporation]  
29 shall not be a debt of the educational institution and the  
30 educational institution shall not be liable thereon, and in no  
31 event shall such bonds, notes or other obligations be payable out  
32 of any funds or properties other than those acquired for the  
33 purposes of this section, and such bonds, notes and obligations  
34 shall not constitute an indebtedness of the educational  
35 institution within the meaning of any constitutional or statutory  
36 debt limitation or restriction.

37 7. The interest on such bonds, notes and other obligations

1 [of the corporation] and the income therefrom shall be exempt  
2 from taxation by the state and its political subdivisions, except  
3 for death and gift taxes on transfers. Sites, buildings,  
4 facilities, furnishings and equipment owned [by a corporation] in  
5 connection with any project pursuant to this section shall be  
6 exempt from taxation.

7 8. The board may make all other contracts or agreements  
8 [with the corporation] necessary or convenient in connection with  
9 any project pursuant to this section. [The corporation shall  
10 comply with sections 290.210 to 290.340.]

11 9. Notice that the board is considering a project pursuant  
12 to this section shall be given by publication in a newspaper  
13 published within the county in which all or a part of the  
14 educational institution is located which has general circulation  
15 within the area of the educational institution, once a week for  
16 two consecutive weeks, the last publication to be at least seven  
17 days prior to the date of the meeting of the board at which such  
18 project will be considered and acted upon.

19 10. [Provisions of other law to the contrary  
20 notwithstanding, the board may refinance any lease purchase  
21 agreement that satisfies at least one of the conditions specified  
22 in subsection 6 of section 165.011 for the purpose of payment on  
23 any lease with the corporation under this section for sites,  
24 buildings, facilities, furnishings or equipment which the  
25 corporation has acquired or constructed, but such refinance shall  
26 not extend the date of maturity of any obligation, and the  
27 refinancing obligation shall not exceed the amount necessary to  
28 pay or provide for the payment of the principal of the  
29 outstanding obligations to be refinanced, together with the  
30 interest accrued thereon to the date of maturity or redemption of  
31 such obligations and any premium which may be due under the terms  
32 of such obligations and any amounts necessary for the payments of  
33 costs and expenses related to issuing such refunding obligations  
34 and to fund a capital projects reserve fund for the obligations.

35 11.] Provisions of other law to the contrary  
36 notwithstanding, payments made from any source by a school  
37 district, after the latter of July 1, 1994, or July 12, 1994,

1 that result in the transfer of the title of real property to the  
2 school district, other than those payments made from the capital  
3 projects fund, shall be deducted as an adjustment to the funds  
4 payable to the district pursuant to section 163.031 beginning in  
5 the year following the transfer of title to the district, as  
6 determined by the department of elementary and secondary  
7 education. No district with modular buildings leased in fiscal  
8 year 2004, with the lease payments made from the incidental fund  
9 and that initiates the transfer of title to the district after  
10 fiscal year 2007, shall have any adjustment to the funds payable  
11 to the district under section 163.031 as a result of the transfer  
12 of title.

13 [12.] 11. Notwithstanding provisions of this section to the  
14 contrary, the board of education of any school district may enter  
15 into agreements with the county in which the school district is  
16 located, or with a city, town, or village wholly or partially  
17 located within the boundaries of the school district, in order to  
18 provide for the acquisition, construction, improvement,  
19 extension, repair, remodeling, renovation, and financing of  
20 sites, buildings, facilities, furnishings, and equipment for the  
21 use of the school district for educational purposes. Such an  
22 agreement may provide for the present or future acquisition of an  
23 ownership interest in such facilities by the school district, by  
24 lease, lease-purchase agreement, option to purchase agreement, or  
25 similar provisions, and may provide for a joint venture between  
26 the school district and other entity or entities that are parties  
27 to such an agreement providing for the sharing of the costs of  
28 acquisition, construction, repair, maintenance, and operation of  
29 such facilities. The school district may wholly own such  
30 facilities, or may acquire a partial ownership interest along  
31 with the county, city, town, or village with which the agreement  
32 was executed."; and  
33

34 Further amend said bill by amending the title, enacting  
35 clause, and intersectional references accordingly.  
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