

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 2404 & 2172
103RD GENERAL ASSEMBLY

4426H.04C

JOSEPH ENGLER, Chief Clerk

AN ACT

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

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

Section A. Chapters 160 and 162, RSMo, are amended by adding thereto two new sections, to be known as sections 160.421 and 162.092, to read as follows:

160.421. 1. For purposes of this section, "political subdivision" shall include, but not be limited to, municipalities, counties, and school districts.

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

3. A political subdivision shall not impose, enforce, or apply any deed restriction, property-use restriction, or other such restriction that expressly, or by its operation, prohibits property sold, leased, or transferred by the political subdivision from being used by a charter public school for any lawful educational purpose. Any deed restriction, affirmative-use deed restriction, property-use restriction, or other such restriction that affirmatively allows only for one or more specified uses or purposes that do not include any educational use or purpose by a charter public school is prohibited under this section. Any deed restriction, affirmative-use deed restriction, property-use restriction, or other such restriction in effect on the effective date of this section that prohibits or does not permit property previously used for any educational purpose from being used for any future educational purpose by a charter public school is void.

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.

18 **4. Any ordinance, policy, regulation, deed, use restriction, or contract made in**
19 **violation of this section shall be void from its inception.**

162.092. 1. As used in this section, the following terms shall mean:

2 **(1) "Public entity", the state of Missouri, any political subdivision of the state**
3 **including, but not limited to, all boards, commissions, agencies, institutions, authorities,**
4 **and bodies politic and corporate of the state created by or in accordance with state law**
5 **or regulations, or any institution supported in whole or in part by public funds;**

6 **(2) "Unused facility", a school building or facility owned by a school district that**
7 **is not used for academic purposes, extracurricular activities, administrative school**
8 **functions, or sports and for which the school district has no school-board-approved**
9 **written plan for future use. Such school-board-approved plan shall include academic**
10 **purposes, extracurricular activities, administrative functions, or sports for which the**
11 **building or facility will be used by the school within two years of the plan's approval. If**
12 **such school-board-approved plan is not executed within two years of the plan's**
13 **approval, such unused facility shall be available for lease or purchase by a public entity.**

14 **2. If a school district extends an offer to purchase or lease an unused facility to a**
15 **party, other than a public entity, the contract shall include a provision that makes the**
16 **purchase or lease subject to the right of first refusal by a public entity.**

17 **3. If the offer to purchase or lease is accepted, the school district selling or**
18 **leasing the unused facility shall provide a public notice on its website stating:**

19 **(1) The unused facility is available for lease or purchase;**

20 **(2) The square footage of the unused facility;**

21 **(3) The contact information for the school district representative in charge of the**
22 **lease or sale; and**

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

25 **4. If two or more public entities notify the offering school district indicating an**
26 **interest in the unused facility to lease or purchase, the offering school district shall make**
27 **the final selection of the purchaser or lessee.**

28 **5. In right of first refusal negotiations with a public entity, it shall be the option**
29 **of the offering school district whether to sell or lease the property under consideration,**
30 **at fair market value or less, for a term to be agreed upon by the parties. A lease shall**
31 **include ingress to and egress from the facility, and where a part of a facility is leased, the**
32 **right to access and use the common area shared by all tenants and users of the facility.**
33 **If a public entity leases the entire facility, the public entity may incur debt to make**
34 **improvements to the facility, and the school district shall subordinate its interest in the**
35 **lease to such debt.**

36 **6. The public entity shall have six months after the date of making a written**
37 **offer to complete the purchase or lease of the unused facility for a price negotiated with**
38 **the school district.**

39 **7. During the term of a lease, the public entity shall be responsible for direct**
40 **expenses related to the facility or any part of the facility leased, including utilities,**
41 **insurance, maintenance, property taxes, and repairs.**

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

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