

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 2404 & 2172

103RD GENERAL ASSEMBLY

4426S.06C

KRISTINA MARTIN, Secretary

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
2 adding thereto two new sections, to be known as sections 160.421
3 and 162.092, to read as follows:

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

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

9 3. A political subdivision shall not impose, enforce,
10 or apply any deed restriction, property-use restriction, or
11 other such restriction that expressly, or by its operation,
12 prohibits property sold, leased, or transferred by the
13 political subdivision from being used by a charter public
14 school for any lawful educational purpose. Any deed
15 restriction, affirmative-use deed restriction, property-use
16 restriction, or other such restriction that affirmatively

17 allows only for one or more specified uses or purposes that
18 do not include any educational use or purpose by a charter
19 public school is prohibited under this section. Any deed
20 restriction, affirmative-use deed restriction, property-use
21 restriction, or other such restriction in effect on the
22 effective date of this section that prohibits or does not
23 permit property previously used for any educational purpose
24 from being used for any future educational purpose by a
25 charter public school is void.

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

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

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

10 (2) "Unused facility", a school building or facility
11 owned by a school district that is not used for academic
12 purposes, extracurricular activities, administrative school
13 functions, or sports and for which the school district has
14 no school-board-approved written plan for future use.

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

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

23 (1) The unused facility is available for lease or
24 purchase;

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

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

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

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

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

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

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

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

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

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