

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1677

Chapter 358, Laws of 1995

54th Legislature
1995 Regular Session

SCHOOL DISTRICTS--APPRAISAL REQUIRED BEFORE PURCHASE
OF REAL PROPERTY

EFFECTIVE DATE: 7/23/95

Passed by the House March 8, 1995
Yeas 97 Nays 1

CLYDE BALLARD

**Speaker of the
House of Representatives**

Passed by the Senate April 14, 1995
Yeas 40 Nays 6

JOEL PRITCHARD

President of the Senate

Approved May 16, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1677** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

FILED

May 16, 1995 - 11:08 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1677

Passed Legislature - 1995 Regular Session

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Education (originally sponsored by Representatives Koster, Campbell, Radcliff, Sheldon, Brumsickle, Stevens, McMahan, Smith, Clements, McMorris, Sherstad and Robertson)

Read first time 02/28/95.

1 AN ACT Relating to requiring school districts to obtain an
2 appraisal before purchasing real property; and amending RCW 28A.335.090
3 and 28A.335.120.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 28A.335.090 and 1990 c 33 s 358 are each amended to
6 read as follows:

7 (1) The board of directors of each school district shall have
8 exclusive control of all school property, real or personal, belonging
9 to the district; said board shall have power, subject to RCW
10 28A.335.120, in the name of the district, to convey by deed all the
11 interest of their district in or to any real property of the district
12 which is no longer required for school purposes. Except as otherwise
13 specially provided by law, and RCW 28A.335.120, the board of directors
14 of each school district may purchase, lease, receive and hold real and
15 personal property in the name of the district, and rent, lease or sell
16 the same, and all conveyances of real estate made to the district shall
17 vest title in the district.

18 (2) Any purchase of real property by a school district shall be
19 preceded by a market value appraisal by a professionally designated

1 real estate appraiser as defined in RCW 74.46.020 who was selected by
2 the board of directors.

3 **Sec. 2.** RCW 28A.335.120 and 1991 c 116 s 13 are each amended to
4 read as follows:

5 (1) The board of directors of any school district of this state
6 may:

7 (a) Sell for cash, at public or private sale, and convey by deed
8 all interest of the district in or to any of the real property of the
9 district which is no longer required for school purposes; and

10 (b) Purchase real property for the purpose of locating thereon and
11 affixing thereto any house or houses and appurtenant buildings removed
12 from school sites owned by the district and sell for cash, at public or
13 private sale, and convey by deed all interest of the district in or to
14 such acquired and improved real property.

15 (2) When the board of directors of any school district proposes a
16 sale of school district real property pursuant to this section and the
17 value of the property exceeds seventy thousand dollars, the board shall
18 publish a notice of its intention to sell the property. The notice
19 shall be published at least once each week during two consecutive weeks
20 in a legal newspaper with a general circulation in the area in which
21 the school district is located. The notice shall describe the property
22 to be sold and designate the place where and the day and hour when a
23 hearing will be held. The board shall hold a public hearing upon the
24 proposal to dispose of the school district property at the place and
25 the day and hour fixed in the notice and admit evidence offered for and
26 against the propriety and advisability of the proposed sale.

27 (3) The board of directors of any school district desiring to sell
28 surplus real property shall publish a notice in a newspaper of general
29 circulation in the school district. School districts shall not sell
30 the property for at least forty-five days following the publication of
31 the newspaper notice.

32 (4) Private schools shall have the same rights as any other person
33 or entity to submit bids for the purchase of surplus real property and
34 to have such bids considered along with all other bids.

35 (5) Any sale of school district real property authorized pursuant
36 to this section shall be preceded by a market value appraisal by
37 ~~((three licensed real estate brokers or))~~ a professionally designated
38 real estate appraiser~~((s))~~ as defined in RCW 74.46.020 selected by the

1 board of directors and no sale shall take place if the sale price would
2 be less than ninety percent of the (~~average of the three~~)
3 appraisal(~~s~~) made by the (~~brokers or~~) professionally designated
4 real estate appraiser(~~s~~): PROVIDED, That if the property has been on
5 the market for one year or more the property may be reappraised and
6 sold for not less than seventy-five percent of the (~~average~~)
7 reappraised value with the unanimous consent of the board.

8 (6) If in the judgment of the board of directors of any district
9 the sale of real property of the district not needed for school
10 purposes would be facilitated and greater value realized through use of
11 the services of licensed real estate brokers, a contract for such
12 services may be negotiated and concluded: PROVIDED, That the use of a
13 licensed real estate broker will not eliminate the obligation of the
14 board of directors to provide the notice described in this section:
15 PROVIDED FURTHER, That the fee or commissions charged for any broker
16 services shall not exceed seven percent of the resulting sale value for
17 a single parcel: PROVIDED FURTHER, That any (~~licensed real estate~~
18 ~~broker or~~) professionally designated real estate appraiser(~~s~~) as
19 defined in RCW 74.46.020 selected by the board to appraise the market
20 value of a parcel of property to be sold may not be a party to any
21 contract with the school district to sell such parcel of property for
22 a period of three years after the appraisal.

23 (7) If in the judgment of the board of directors of any district
24 the sale of real property of the district not needed for school
25 purposes would be facilitated and greater value realized through sale
26 on contract terms, a real estate sales contract may be executed between
27 the district and buyer: PROVIDED, That the terms and conditions of any
28 such sales contract must comply with rules and regulations of the state
29 board of education, herein authorized, governing school district real
30 property contract sales.

Passed the House March 8, 1995.

Passed the Senate April 14, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.