

2 SHB 1971 - S COMM AMD
3 By Committee on Education

4 ADOPTED 04/04/01

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 28A.335.090 and 1995 c 358 s 1 are each amended to
8 read as follows:

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

20 (2) Any purchase of real property by a school district shall be
21 preceded by a market value appraisal by a professionally designated
22 real estate appraiser as defined in RCW 74.46.020 or by a general real
23 estate appraiser certified under chapter 18.140 RCW who was selected by
24 the board of directors.

25 Sec. 2. RCW 28A.335.120 and 1995 c 358 s 2 are each amended to
26 read as follows:

27 (1) The board of directors of any school district of this state
28 may:

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

32 (b) Purchase real property for the purpose of locating thereon and
33 affixing thereto any house or houses and appurtenant buildings removed
34 from school sites owned by the district and sell for cash, at public or

1 private sale, and convey by deed all interest of the district in or to
2 such acquired and improved real property.

3 (2) When the board of directors of any school district proposes a
4 sale of school district real property pursuant to this section and the
5 value of the property exceeds seventy thousand dollars, the board shall
6 publish a notice of its intention to sell the property. The notice
7 shall be published at least once each week during two consecutive weeks
8 in a legal newspaper with a general circulation in the area in which
9 the school district is located. The notice shall describe the property
10 to be sold and designate the place where and the day and hour when a
11 hearing will be held. The board shall hold a public hearing upon the
12 proposal to dispose of the school district property at the place and
13 the day and hour fixed in the notice and admit evidence offered for and
14 against the propriety and advisability of the proposed sale.

15 (3) The board of directors of any school district desiring to sell
16 surplus real property shall publish a notice in a newspaper of general
17 circulation in the school district. School districts shall not sell
18 the property for at least forty-five days following the publication of
19 the newspaper notice.

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

23 (5) Any sale of school district real property authorized pursuant
24 to this section shall be preceded by a market value appraisal by a
25 professionally designated real estate appraiser as defined in RCW
26 74.46.020 or a general real estate appraiser certified under chapter
27 18.140 RCW selected by the board of directors and no sale shall take
28 place if the sale price would be less than ninety percent of the
29 appraisal made by the ((professionally designated)) real estate
30 appraiser: PROVIDED, That if the property has been on the market for
31 one year or more the property may be reappraised and sold for not less
32 than seventy-five percent of the reappraised value with the unanimous
33 consent of the board.

34 (6) If in the judgment of the board of directors of any district
35 the sale of real property of the district not needed for school
36 purposes would be facilitated and greater value realized through use of
37 the services of licensed real estate brokers, a contract for such
38 services may be negotiated and concluded: PROVIDED, That the use of a
39 licensed real estate broker will not eliminate the obligation of the

1 board of directors to provide the notice described in this section:
2 PROVIDED FURTHER, That the fee or commissions charged for any broker
3 services shall not exceed seven percent of the resulting sale value for
4 a single parcel: PROVIDED FURTHER, That any professionally designated
5 real estate appraiser as defined in RCW 74.46.020 or a general real
6 estate appraiser certified under chapter 18.140 RCW selected by the
7 board to appraise the market value of a parcel of property to be sold
8 may not be a party to any contract with the school district to sell
9 such parcel of property for a period of three years after the
10 appraisal.

11 (7) If in the judgment of the board of directors of any district
12 the sale of real property of the district not needed for school
13 purposes would be facilitated and greater value realized through sale
14 on contract terms, a real estate sales contract may be executed between
15 the district and buyer: PROVIDED, That the terms and conditions of any
16 such sales contract must comply with rules and regulations of the state
17 board of education, herein authorized, governing school district real
18 property contract sales."

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22 On page 1, line 2 of the title, after "properties;" strike the
23 remainder of the title and insert "and amending RCW 28A.335.090 and
24 28A.335.120."

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