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**SUBSTITUTE SENATE BILL 5946**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Education (originally sponsored by Senator McAuliffe)

READ FIRST TIME 02/28/01.

1 AN ACT Relating to allowing state certified appraisers to appraise  
2 school district properties; and amending RCW 28A.335.090 and  
3 28A.335.120.

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

5 **Sec. 1.** RCW 28A.335.090 and 1995 c 358 s 1 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 or by a general real  
2 estate appraiser certified under chapter 18.140 RCW who was selected by  
3 the board of directors.

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

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

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

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

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

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

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

36 (5) Any sale of school district real property authorized pursuant  
37 to this section shall be preceded by a market value appraisal by a  
38 professionally designated real estate appraiser as defined in RCW

1 74.46.020 or by a general real estate appraiser certified under chapter  
2 18.140 RCW selected by the board of directors and no sale shall take  
3 place if the sale price would be less than ninety percent of the  
4 appraisal made by the professionally designated real estate appraiser:  
5 PROVIDED, That if the property has been on the market for one year or  
6 more the property may be reappraised and sold for not less than  
7 seventy-five percent of the reappraised value with the unanimous  
8 consent of the board.

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

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