

CHAPTER 306

[House Bill No. 427]

SCHOOLS—SURPLUS MATERIALS AND PROPERTY—DISPOSAL

AN ACT Relating to education; amending section 1, chapter 303, Laws of 1977 ex. sess. and RCW 28A.02.110; amending section 2, chapter 115, Laws of 1980 and RCW 28A.58.033; amending section 28A.58.040, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 115, Laws of 1980 and RCW 28A.58.040; and amending section 28A.58.045, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 16, Laws of 1979 ex. sess. and RCW 28A.58.045.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 303, Laws of 1977 ex. sess. and RCW 28A.02.110 are each amended to read as follows:

Notwithstanding any other provision of law, school districts, educational service districts, or any other state or local governmental agency concerned with education, when declaring texts and other books, equipment, ((instructional)) materials or relocatable facilities as surplus, shall, prior to other disposal thereof, serve notice in writing to the office of the state superintendent of public instruction and to any public school district or private school in Washington state annually requesting such a notice, that the same is available for sale, rent, or lease to public school districts or private schools, at depreciated cost or fair market value, whichever is greater: PROVIDED, That students wishing to purchase texts pursuant to RCW 28A.58.103(2) shall have priority as to such texts. Such districts or agencies shall not otherwise sell, rent or lease such surplus property to any person, firm, organization, or nongovernmental agency for at least forty-five days following the date notification is mailed to the state superintendent of public instruction.

Sec. 2. Section 2, chapter 115, Laws of 1980 and RCW 28A.58.033 are each amended to read as follows:

(1) Every school district board of directors is authorized to permit the rental, lease, or occasional use of all or any portion of any surplus real property owned or lawfully held by the district to any person, corporation, or government entity for profit or nonprofit, commercial or noncommercial purposes: PROVIDED, That the leasing or renting or use of such property is for a lawful purpose, is in the best interest of the district, and does not interfere with conduct of the district's educational program and related activities: PROVIDED FURTHER, That the lease or rental agreement entered into shall include provisions which permit the recapture of the leased or rented surplus property of the district should such property be needed for school purposes in the future.

(2) Authorization to rent, lease or permit the occasional use of surplus school property under this section, RCW 28A.58.034 and 28A.58.040, each as now or hereafter amended, is conditioned on the establishment by each

school district board of directors of a policy governing the use of surplus school property.

(3) The board of directors of any school district desiring to rent or lease any surplus real property owned by the school district shall send written notice to the office of the state superintendent of public instruction. School districts shall not rent or lease the property for at least forty-five days following the date notification is mailed to the state superintendent of public instruction.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the rental or lease of surplus real property and to have such bids considered along with all other bids: PROVIDED, That the school board may establish reasonable conditions for the use of such real property to assure the safe and proper operation of the property in a manner consistent with board policies.

Sec. 3. Section 28A.58.040, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 115, Laws of 1980 and RCW 28A.58.040 are each amended to read as follows:

The board of directors of each school district shall have exclusive control of all school property, real or personal, belonging to the district; said board shall have power, subject to RCW 28A.58.045, as now or hereafter amended, in the name of the district, to convey by deed all the interest of their district in or to any real property of the district which is no longer required for school purposes. Except as otherwise specially provided by law, and RCW 28A.58.045, as now or hereafter amended, the board of directors of each school district may purchase, lease, receive and hold real and personal property in the name of the district, and rent, lease or sell the same, and all conveyances of real estate made to the district shall vest title in the district.

Sec. 4. Section 28A.58.045, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 16, Laws of 1979 ex. sess. and RCW 28A.58.045 are each amended to read as follows:

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

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

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

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least

once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) The board of directors of any school district desiring to sell surplus real property shall send written notice of that intent to the office of the state superintendent of public instruction. School districts shall not sell the property for at least forty-five days following the date notification is mailed to the state superintendent of public instruction.

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

(5) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by three licensed real estate brokers selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of (~~such appraised market value~~) the average of the three appraisals made by the brokers: PROVIDED, That if the property has been on the market for (~~three~~) one year(~~s~~) or more the property may be reappraised and sold for not less than seventy-five percent of the (~~appraised~~) average reappraised value with the unanimous consent of the board.

(~~(4)~~) (6) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the use of a licensed real estate broker will not eliminate the obligation of the board of directors to provide the notice described in this section: PROVIDED FURTHER, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any licensed real estate broker selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

(~~(5)~~) (7) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer: PROVIDED, That the terms and conditions of any such sales contract must comply with rules and regulations of the state board of education, herein authorized, governing school district real property contract sales.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 23, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 307

[Substitute House Bill No. 425]

SCHOOL TRANSPORTATION—PRIVATE SCHOOL STUDENTS

AN ACT Relating to school transportation; creating a new section; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW a new section to read as follows:

Every school district board of directors may authorize children attending a private school approved in accordance with RCW 28A.02.201 to ride a school bus or other student transportation vehicle to and from school so long as the following conditions are met:

(1) The board of directors shall not be required to alter those bus routes or stops established for transporting public school students;

(2) Private school students shall be allowed to ride on a seat-available basis only; and

(3) The board of directors shall charge an amount sufficient to reimburse the district for the actual per seat cost of providing such transportation.

NEW SECTION. Sec. 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 23, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 19, 1981.

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