

SENATE BILL NO. 164

BY SENATOR PEACOCK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 17:87.6(A) and R.S. 41:891 and 892(A) and (F), and to enact R.S. 41:892(G), relative to school lands; to provide for the sale of certain school lands by school boards; to provide for the sale by a licensed real estate broker; to provide for the appraisalment of school lands; to provide procedures, terms, conditions, and requirements of the sale; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:87.6(A) is hereby amended and reenacted to read as follows:

§87.6. School property; alienation by school boards

A. Any city, parish, or other local public school board may sell, lease or otherwise dispose of, at public or private sale, for cash or on terms of credit, any school site, building, facility, or personal property which is not used and, in the judgment of the school board, is not needed in the operation of any school or schools within its jurisdiction. Any such sale, lease, or disposal of such school property shall be on such terms and conditions and for such consideration as the school board shall prescribe. **Any sale shall be in accordance with the provisions of R.S. 41:891 and 892.**

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Section 2. R.S. 41:891 and 892(A) and (F) are hereby amended and reenacted and R.S. 41:892(G) is hereby enacted to read as follows:

§891. Sale of unused school lands

Whenever the school board of any parish or city determines that any school lands or other immovable property under its control are no longer needed for school purposes and that the best interest of the public school system would be served by the sale of such lands, the school board shall have authority to dispose of such lands

1 at public auction ~~or~~, under sealed bids, **by licensed real estate broker** in accordance
 2 with the procedure set forth in this ~~subpart~~ **Subpart**; provided that this ~~subpart~~
 3 **Subpart** shall not apply to the sale of sixteenth section lands, school indemnity
 4 lands, or any other school lands for the sale of which the law already has provided
 5 a procedure in Chapter 6 of Title 41 of the Louisiana Revised Statutes or elsewhere
 6 in the law.

7 §892. Procedure; deed of sale

8 A. Whenever a sale of property described in R.S. 41:891 is ordered by the
 9 school board, the sale shall be made by the president of the school board in person,
 10 ~~or~~ through an auctioneer designated by the school board, **or through a licensed real**
 11 **estate broker. The school board may obtain appraisals from up to three**
 12 **Louisiana state-certified appraisers to ascertain the current value of the**
 13 **property. The appraisals shall be obtained within six months prior to the**
 14 **conducting of the sale.**

15 * * *

16 F.(1) **In lieu of public auction or sealed bids, and when it is in the best**
 17 **interest of the school board, the school board may contract under policies**
 18 **adopted by the school board for the services of a licensed real estate broker to**
 19 **conduct the sale of the property. Such policies shall include the qualifications**
 20 **for a licensed real estate broker and appraiser.**

21 (2) **The term of the contract shall not exceed six months. A minimum**
 22 **sale price and a time period within which the sale is to occur shall be specified**
 23 **by the school board as conditions of the contract. Payment shall not exceed five**
 24 **percent of the sale price and shall be contingent upon completion of the sale in**
 25 **accordance with the terms and conditions of the contract. The school board**
 26 **shall have the right to cancel the contract at any time for any reason prior to the**
 27 **sale and conduct the sale as otherwise provided by law.**

28 (3) **No member or immediate family, as defined in R.S. 42:1102, of the**
 29 **school board or legislature shall perform the services of appraiser or real estate**
 30 **broker authorized by this Section.**

1 G. The deed of the president of the school board shall be full and complete
2 evidence of the sale, shall convey a good and valid title to the property sold, and
3 shall have the force and effect of a notarial act.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____