



Jennifer Stump

Final Analysis
Legislative Service Commission

S.B. 269

123rd General Assembly
(As Passed by the General Assembly)

Sens. Nein, Gardner, Mumper, Shoemaker, Drake, Spada, White, Carnes, Latta, Watts, Armbruster, Wachtmann

Reps. Peterson, Barrett, Brading, Hartnett, Smith, R. Miller, Tiberi, Ogg, Hood, Willamowski, Buehrer, Amstutz, Olman, Widener, Krebs, J. Beatty, Stevens, Terwilleger, Mead, Cates

Effective date: *

ACT SUMMARY

- Permits school district boards of education to acquire real property by exchanging real property currently owned by the district without first having to hold a public auction to dispose of the currently owned property.

CONTENT AND OPERATION

Background: public auction usually required to dispose of district property

(R.C. 3313.41(A) to (E))

When a school district board of education decides to dispose of real or personal property of the district, and the property's value exceeds \$10,000, it generally must sell the property at a public auction, of which it has given at least 30 days' public notice. A private sale is usually allowed only if a public auction does not produce a sale. But there are exceptions to this rule. District boards may make private sales to the Adjutant General, political subdivisions, certain local and regional taxing authorities, and public colleges and universities. A school district board also may trade *personal* property as the entire consideration or partial consideration for a similar item (such as trading in a copy machine for a new one). Another exception allows school districts to exchange *real* property with a

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

municipal corporation upon the mutual agreement of the school district's board and the municipal corporation's legislative authority.¹

The act allows real property exchanges with other parties

(R.C. 3313.41(F))

The act broadens the authority of school district boards to exchange currently owned real property for other real property without first having to publicly auction the currently owned property. Upon a majority vote of its members, a district board may acquire new real property that it determines is needed for school purposes either (1) by outright exchanging other district real property that it owns in its corporate capacity or (2) by using the currently owned district property as part of or as the entire consideration for the purchase price of the new property. The acquisition or exchange must be made by a conveyance executed by the president and treasurer of the school district board. As with continuing law prescribing exceptions to the public auction requirement, the act does not require formal public notice of the disposal of the currently owned property beyond notice of the board meeting itself.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-21-00	p. 1482
Reported, S. Education	04-05-00	p. 1560
Passed Senate (33-0)	04-05-00	p. 1565
Reported, H. Education	05-17-00	pp. 1996-1997
Passed House (94-0)	05-25-00	p. 2140

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¹ The authority to exchange real property with a municipal corporation is granted in R.C. 3313.40 (not in the act).