



John Rau

*Bill Analysis*  
*Legislative Service Commission*

## **S.B. 269**

123rd General Assembly  
(As Reported by H. Education)

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

**Reps. Peterson, Barrett, Brading, Hartnett, Smith, R. Miller**

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### **BILL 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.

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### **CONTENT AND OPERATION**

**Current law: 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 municipal corporation upon the mutual agreement of the school district's board and the municipal corporation's legislative authority.<sup>1</sup>

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<sup>1</sup> The authority to exchange real property with a municipal corporation is granted in R.C. 3313.40 (not in the bill).

**The bill allows real property exchanges with other parties**

(R.C. 3313.41(F))

The bill 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 by either (1) 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 current law prescribing exceptions to the public auction requirement, the bill does not require formal public notice of the disposal of the currently owned property beyond notice of the board meeting itself.

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**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

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