

FINAL BILL REPORT

HB 1367

C 264 L 97

Synopsis as Enacted

Brief Description: Allowing surplus educational property to be given or loaned to entities for educational use.

Sponsors: Representatives Johnson, Cole, Smith, Schoesler, Poulsen, O'Brien, Linville, Costa, Blalock, Cooper, Dickerson, Dunshee, Mason, Keiser, Wensman, Wood, Kessler and Gombosky; by request of Superintendent of Public Instruction.

House Committee on Education
Senate Committee on Education

Background: School districts, educational service districts, or any state or local governmental agency concerned with education may declare property as surplus, including textbooks, other books, equipment, relocatable facilities (portables), or other materials. If the district or agency declares the property as surplus, then it must notify the public, and any public or private school that asks to be notified, that the surplus property is available for sale, rent, or lease at depreciated cost or fair market value, whichever is greater, to public school districts or private schools. The district or agency must give priority to students who wish to purchase surplus textbooks, and must wait 30 days following the public notice before disposing of the property.

The statute does not specify that a private school to which surplus property is made available must be an approved private school. An approved private school is one that meets the minimum approval standards for private schools set by the State Board of Education.

No provision is made for using surplus property to benefit indigent persons. An indigent person is defined variously in statute. Generally, an indigent person is a person who is unable to afford legal or other needed services. An indigent may be more broadly defined as a needy or destitute person.

Surplus personal property is any property other than real property such as books, furniture, office equipment, and educational supplies.

Summary: The private schools to which school districts, educational service districts, or any other public agency concerned with education, may sell, rent, or lease surplus educational property must be approved private schools.

In lieu of selling, renting, or leasing surplus personal property at depreciated cost or fair market value, the school district or agency may grant the surplus educational property to other government agencies or indigents, as long as the surplus property is used for kindergarten through 12th grade educational purposes. Alternatively, the school districts and agencies may loan surplus personal property to a private nonreligious, nonsectarian organization if the property is used to provide kindergarten through 12th grade education for members of the public on a nondiscriminatory basis.

Votes on Final Passage:

House 96 0

Senate 47 0 (Senate amended)

House 91 0 (House concurred)

Effective: July 27, 1997