

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2900**

**By Senator(s) Carlton**

**AMEND by deleting lines 1101 through 1143 and inserting in lieu thereof the following:**

**37-7-455. (1) Except as otherwise provided in subsection (2) of this section, all such land, buildings or other property shall be sold only after the receipt of sealed bids therefor after the time and place of making such sale has been duly advertised in some newspaper having a general circulation in the county in which the property is located once each week for three (3) consecutive weeks with the first publication to be made not less than fifteen (15) days prior to the date upon which such bids are to be received and opened. The property shall be sold to the highest and best bidder for cash, but the school**

board shall have the right to reject any and all bids. If the property is not sold pursuant to such advertisement, the school board \* \* \*, by resolution, may set a date for an open meeting of the school board to be held within sixty (60) days after the date upon which the bids were opened. At the meeting held pursuant to such resolution, the school board may sell by auction the \* \* \* property for a consideration not less than the highest sealed bid previously received pursuant to the advertisement. At the meeting, \* \* \* any interested party may bid for cash, and the property shall be sold to the highest and best bidder for cash, but the school board shall have the right to reject any and all bids. The school board may require a written confirmation of bids received at such called meeting before selling the property at auction, but it shall not be necessary that sealed bids be received before conducting the auction.

**(2) As an alternative to the procedures established under**

27 subsection (1) of this section, the school board of a school district may  
28 elect, in its discretion, to sell by public auction any property, other than  
29 real property or buildings of the school district, which is not used for  
30 school or related school purposes and not needed in the operation of  
31 the schools. Before such auction, the school board shall adopt a  
32 resolution calling for the auction and shall advertise the auction in  
33 some newspaper having a general circulation in the county in which  
34 the property is located once each week for two (2) consecutive weeks,  
35 with the first publication to be made not less than fifteen (15) days  
36 before the date upon which the auction shall be held. The  
37 advertisement shall include a general description of the property to be  
38 sold at the auction and the date, time and place that such auction shall  
39 be held. At the auction, any interested party may bid for cash. The  
40 property shall be sold to the highest and best bidder; however, the  
41 school board may reject any and all bids. When selling property under

this subsection, a school board is not required to advertise for or receive competitive bids in connection with the sale of the property. Any items not sold at such auctions or any other property, other than real property or buildings of the district, not classified as fixed assets for school purposes pursuant to regulations of the State Department of Audit, which no longer have useful value to the school district, in the discretion of the school board or its designated representative, may be destroyed or disposed of in any manner whatsoever, provided that no school official or employee derives any personal economic benefit from such disposal.

**(3) When the sale of such property is authorized and approved by the school board, the president of the school board shall be authorized and empowered to execute a conveyance of the property upon the terms and for the consideration fixed by the board. The school board shall reserve unto the district at least an undivided one-half (1/2)**

57    **nonparticipating royalty interest in all oil, gas and minerals in, on or**  
58    **under the land, and all proceeds derived from royalties upon the**  
59    **reserved mineral interests shall be used as provided by Section**  
60    **37-7-457; if the mineral interests of the district are less than the full**  
61    **and undivided ownership, the undivided royalty interest reserved by**  
62    **the district shall be reduced proportionately.**

63            **FURTHER, amend the title to conform.**