

By: Representative Miles

To: Education

## HOUSE BILL NO. 121

1 AN ACT TO AMEND SECTION 37-7-455, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE SCHOOL DISTRICTS TO SELL SURPLUS PROPERTY OTHER THAN  
3 REAL PROPERTY AND BUILDINGS AT PUBLIC AUCTION WITHOUT HAVING  
4 ADVERTISED FOR AND RECEIVED COMPETITIVE BIDS; AND FOR RELATED  
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 37-7-455, Mississippi Code of 1972, is  
8 amended as follows:

9 37-7-455. (1) Except as otherwise provided in subsection  
10 (2) of this section, all such land, buildings or other property  
11 shall be sold only after the receipt of sealed bids therefor after  
12 the time and place of making such sale has been duly advertised in  
13 some newspaper having a general circulation in the county in which  
14 the property is located once each week for three (3) consecutive  
15 weeks, with the first publication to be made not less than fifteen  
16 (15) days prior to the date upon which such bids are to be  
17 received and opened. The property shall be sold to the highest  
18 and best bidder for cash, but the school board shall have the  
19 right to reject any and all bids. If the property is not sold  
20 pursuant to such advertisement, the school board \* \* \* , by  
21 resolution, may set a date for an open meeting of the school board  
22 to be held within sixty (60) days after the date upon which the  
23 bids were opened. At the meeting held pursuant to such  
24 resolution, the school board may sell by auction the \* \* \*  
25 property for a consideration not less than the highest sealed bid  
26 previously received pursuant to the advertisement. At the  
27 meeting, \* \* \* any interested party may bid for cash, and the

28 property shall be sold to the highest and best bidder for cash,  
29 but the school board shall have the right to reject any and all  
30 bids. The school board may require a written confirmation of bids  
31 received at such called meeting before selling the property at  
32 auction, but it shall not be necessary that sealed bids be  
33 received before conducting the auction.

34 (2) As an alternative method of selling property to the  
35 procedures established under subsection (1) of this section, the  
36 school board of a school district may elect, in its discretion, to  
37 sell by public auction any property, other than real property or  
38 buildings of the school district, which is not used for school or  
39 related school purposes and not needed in the operation of the  
40 schools. Before such auction, the school board shall adopt a  
41 resolution calling for the auction and shall advertise the auction  
42 in some newspaper having a general circulation in the county in  
43 which the property is located once each week for three (3)  
44 consecutive weeks, with the first publication to be made not less  
45 than fifteen (15) days before the date upon which the auction  
46 shall be held. The advertisement shall include a description of  
47 the property to be sold at the auction and the date, time and  
48 place that such auction shall be held. At the auction, any  
49 interested party may bid for cash. The property shall be sold to  
50 the highest and best bidder; however, the school board may reject  
51 any and all bids. When selling property under this subsection, a  
52 school board is not required to advertise for or receive  
53 competitive bids in connection with the sale of the property.

54 (3) When the sale of such property is authorized and  
55 approved by the school board, the president of the school board  
56 shall be authorized and empowered to execute a conveyance of the  
57 property upon the terms and for the consideration fixed by the  
58 board. The school board shall reserve unto the district at least  
59 an undivided one-half (1/2) nonparticipating royalty interest in  
60 all oil, gas and minerals in, on or under the land, and all  
61 proceeds derived from royalties upon the reserved mineral  
62 interests shall be used as provided by Section 37-7-457; if the  
63 mineral interests of the district are less than the full and  
64 undivided ownership, the undivided royalty interest reserved by

65 the district shall be reduced proportionately.

66 SECTION 2. This act shall take effect and be in force from  
67 and after July 1, 1999.