

By: Representative Miles

To: Education

HOUSE BILL NO. 121
(As Passed the House)

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.