

By: Representative Snowden

To: Universities and
Colleges

HOUSE BILL NO. 368

1 AN ACT TO AMEND SECTION 17-25-25, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THE BOARDS OF TRUSTEES OF PUBLIC COMMUNITY AND JUNIOR
3 COLLEGE DISTRICTS THE SAME METHODS OF DISPOSING OF PERSONAL OR
4 REAL PROPERTY WHEN THE PROPERTY HAS CEASED TO BE USED FOR PUBLIC
5 PURPOSES OR A SALE WOULD PROMOTE THE BEST INTEREST OF THE BOARD OF
6 TRUSTEES; TO REPEAL SECTION 37-29-75, MISSISSIPPI CODE OF 1972,
7 WHICH GOVERNS THE SALE OF SURPLUS PROPERTY OF A JUNIOR
8 COLLEGE/COMMUNITY COLLEGE DISTRICT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 17-25-25, Mississippi Code of 1972, is
11 amended as follows:

12 17-25-25. (1) **General.** The governing authority of a
13 county * * *, municipality or public community or junior college
14 district, which is the board of trustees, may sell or dispose of
15 any personal property or real property belonging to the governing
16 authority when the property has ceased to be used for public
17 purposes or when, in the authority's judgment, a sale thereof
18 would promote the best interest of the governing authority. For
19 purposes of this section, the term "personal property," includes,
20 but is not limited to, equipment, vehicles, fixtures, furniture,
21 firearms and commodities.



22 (2) **Public sale.** At least ten (10) days before bid opening,
23 the governing authority shall advertise its acceptance of bids by
24 posting notices at three (3) public places located in the county
25 or municipality that the governing authority serves, or in the
26 county where the property of the public community or junior
27 college district is located. One (1) of the three (3) notices
28 shall be posted at the governing authority's main office. The
29 governing authority may designate the manner by which the bids
30 will be received, including, but not limited to, bids sealed in an
31 envelope, bids made electronically or bids made by any other
32 method that promotes open competition. The proceeds of the sale
33 shall be placed in a properly approved depository to the credit of
34 the proper fund.

35 (3) **Private sale.** Where the personal property does not
36 exceed One Thousand Dollars (\$1,000.00) in value, the governing
37 authority, by a unanimous approval of its members, may sell or
38 dispose of the property at a private sale. The proceeds of the
39 sale shall be placed in a properly approved depository to the
40 credit of the proper fund.

41 (4) **Public auction.** The governing authority * * * may sell
42 or dispose of any surplus personal or real property at a public
43 auction that shall be conducted by an auctioneer or auction
44 company that meets the standards established by the State
45 Department of Audit and is hired by the governing authority * * *.



46 (5) If the governing authority finds that the fair market
47 value of the personal property or real property is zero and this
48 finding is entered on the minutes of the authority, then the
49 governing authority may dispose of such property in the manner it
50 deems appropriate and in its best interest, but no official or
51 employee of the governing authority shall derive any personal
52 economic benefit from such disposal.

53 (6) If the property may be of use or benefit to any federal
54 agency or authority, another governing authority or state agency
55 of the State of Mississippi, or a state agency or governing
56 authority of another state, it may be disposed of in accordance
57 with Section 31-7-13(m) (vi).

58 (7) Nothing contained in this section shall be construed to
59 prohibit, restrict or to prescribe conditions with regard to the
60 authority granted under Section 17-25-3 or under Section 37-7-551.
61 The provisions of this section shall not apply to any equipment
62 disposed of pursuant to trade-in as part of a purchase.

63 **SECTION 2.** Section 37-29-75, Mississippi Code of 1972, which
64 governs the sale of surplus property of a junior college/community
65 college district, is repealed.

66 **SECTION 3.** This act shall take effect and be in force from
67 and after July 1, 2018.

