

By: Representative Snowden

To: Universities and Colleges

HOUSE BILL NO. 370

1 AN ACT TO CREATE A NEW SECTION TO PROVIDE UNIFORM  
2 REQUIREMENTS FOR THE SALE OR DISPOSAL OF SURPLUS REAL OR PERSONAL  
3 PROPERTY OF A COMMUNITY COLLEGE DISTRICT; TO AMEND SECTIONS  
4 37-29-75 AND 37-29-419, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
5 THERETO; TO BRING FORWARD SECTION 17-25-25, MISSISSIPPI CODE OF  
6 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED  
7 PURPOSES.

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

9 **SECTION 1.** (1) **General.** The board of trustees of a  
10 community college district may sell or dispose of any personal  
11 property or real property belonging to the district when the  
12 property has ceased to be used by the district or when, in the  
13 district's judgment, a sale thereof would promote the best  
14 interest of the district. For purposes of this section, the term  
15 "personal property," includes, but is not limited to, equipment,  
16 vehicles, fixtures, furniture, firearms and commodities.

17 (2) **Public sale.** At least ten (10) days before bid opening,  
18 the board of trustees of a community college district shall  
19 advertise its acceptance of bids by posting notices at three (3)  
20 public places located in the district that the district serves.



21 One (1) of the three (3) notices shall be posted at the  
22 president's main office of the district. The district may  
23 designate the manner by which the bids will be received,  
24 including, but not limited to, bids sealed in an envelope, bids  
25 made electronically or bids made by any other method that promotes  
26 open competition. The proceeds of the sale shall be placed in a  
27 properly approved depository to the credit of the proper fund.

28 (3) **Private sale.** Where the personal property does not  
29 exceed One Thousand Dollars (\$1,000.00) in value, the community  
30 college district, by a unanimous approval of its trustees, may  
31 sell or dispose of the property at a private sale. The proceeds  
32 of the sale shall be placed in a properly approved depository to  
33 the credit of the proper fund.

34 (4) **Public auction.** The board of trustees of a community  
35 college district may sell or dispose of any surplus personal or  
36 real property at a public auction that shall be conducted by an  
37 auctioneer or auction company that meets the standards established  
38 by the State Department of Audit and is hired by the district.

39 (5) If the community college district finds that the fair  
40 market value of the personal property or real property is zero and  
41 this finding is entered on the minutes of the district, then the  
42 district may dispose of such property in the manner it deems  
43 appropriate and in its best interest, but no official or employee  
44 of the district shall derive any personal economic benefit from  
45 such disposal.



46 (6) If the property may be of use or benefit to any federal  
47 agency or authority, another governing authority or state agency  
48 of the State of Mississippi, or a state agency or governing  
49 authority of another state, it may be disposed of in accordance  
50 with Section 31-7-13(m) (vi).

51 (7) The provisions of this section shall not apply to any  
52 equipment disposed of pursuant to trade-in as part of a purchase.

53 **SECTION 2.** Section 37-29-75, Mississippi Code of 1972, is  
54 amended as follows:

55 37-29-75. When any land or other property owned by a junior  
56 college/community college district shall cease to be used or  
57 needed by the district, the same may be sold \* \* \* according to  
58 the procedure established under Section 1 of this act.

59 **SECTION 3.** Section 37-29-419, Mississippi Code of 1972, is  
60 amended as follows:

61 37-29-419. When any land or other property owned by the  
62 Mississippi Gulf Coast Junior College District shall cease to be  
63 used or needed by the district, the same may be sold \* \* \*  
64 according to the procedure established under Section 1 of this  
65 act.

66 **SECTION 4.** Section 17-25-25, Mississippi Code of 1972, is  
67 brought forward as follows:

68 17-25-25. (1) **General.** The governing authority of a county  
69 or municipality may sell or dispose of any personal property or  
70 real property belonging to the governing authority when the



71 property has ceased to be used for public purposes or when, in the  
72 authority's judgment, a sale thereof would promote the best  
73 interest of the governing authority. For purposes of this  
74 section, the term "personal property," includes, but is not  
75 limited to, equipment, vehicles, fixtures, furniture, firearms and  
76 commodities.

77       (2) **Public sale.** At least ten (10) days before bid opening,  
78 the governing authority shall advertise its acceptance of bids by  
79 posting notices at three (3) public places located in the county  
80 or municipality that the governing authority serves. One (1) of  
81 the three (3) notices shall be posted at the governing authority's  
82 main office. The governing authority may designate the manner by  
83 which the bids will be received, including, but not limited to,  
84 bids sealed in an envelope, bids made electronically or bids made  
85 by any other method that promotes open competition. The proceeds  
86 of the sale shall be placed in a properly approved depository to  
87 the credit of the proper fund.

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

94       (4) **Public auction.** The governing authority of a county or  
95 municipality may sell or dispose of any surplus personal or real



96 property at a public auction that shall be conducted by an  
97 auctioneer or auction company that meets the standards established  
98 by the State Department of Audit and is hired by the governing  
99 authority of a county or municipality.

100 (5) If the governing authority finds that the fair market  
101 value of the personal property or real property is zero and this  
102 finding is entered on the minutes of the authority, then the  
103 governing authority may dispose of such property in the manner it  
104 deems appropriate and in its best interest, but no official or  
105 employee of the governing authority shall derive any personal  
106 economic benefit from such disposal.

107 (6) If the property may be of use or benefit to any federal  
108 agency or authority, another governing authority or state agency  
109 of the State of Mississippi, or a state agency or governing  
110 authority of another state, it may be disposed of in accordance  
111 with Section 31-7-13(m) (vi).

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

117 **SECTION 5.** This act shall take effect and be in force from  
118 and after July 1, 2018.

