

By: Representative Read

To: Appropriations A

HOUSE BILL NO. 47

1 AN ACT TO AMEND SECTION 29-9-9, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT CERTAIN PURCHASES OF OBSOLETE PERSONAL PROPERTY SOLD
3 BY THE LEGISLATURE ARE NOT VIOLATIONS OF THE ETHICS LAWS; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 29-9-9, Mississippi Code of 1972, is
7 amended as follows:

8 29-9-9. (1) Whenever any vehicle, equipment, office
9 furniture, office fixture or any other personal property which has
10 been acquired or is owned by any institution, department or agency
11 of the State of Mississippi becomes obsolete or is no longer
12 needed or required for the use of such institution, department or
13 agency, the same may be: (a) sold for cash, transferred, traded
14 or exchanged for other property, furniture, equipment, fixture or
15 vehicle needed by * * * the institution, department or agency
16 after having first obtained the written approval of the Governor's
17 Office of General Services and the State Auditor or approval by
18 the Legislative Budget Office if utilized under the jurisdiction
19 of the Legislature; or (b) donated to any institution, department



20 or agency of the State of Mississippi, or any political
21 subdivision or local governing authority of the state. The
22 singular shall include the plural. Transfers, trades, exchanges
23 or donations made pursuant to this subsection may be made to any
24 political subdivision or local governing authority of the State of
25 Mississippi. Purchases from sales made by either house of the
26 Legislature or a legislative agency under this section shall not
27 constitute a violation of Section 25-4-105(3) (b).

28 (2) The proceeds of all cash sales made, as authorized in
29 this section, shall be paid over into the support and maintenance
30 or contingent fund of the institution, department or agency as it
31 deems best.

32 (3) The head of each state institution, department or agency
33 shall be responsible and liable personally and on his official
34 bond, in the amount of the value shown on the state inventory, for
35 the disposal of any property contrary to the provisions of this
36 section.

37 (4) The Office of General Services, on the approval of the
38 Public Procurement Review Board, is hereby authorized and
39 empowered to make reasonable rules and regulations and to require
40 such information as may be necessary to carry out the purpose and
41 provisions of this section.

42 (5) Any violation of the provisions hereof by any elected
43 head of any institution, department, commission or agency of the
44 State of Mississippi, or any appointee or employee of any



45 institution, department, agency or commission coming under the
46 provisions of this section, shall constitute a misdemeanor and,
47 upon conviction therefor, shall be punished by a fine of not
48 exceeding One Thousand Dollars (\$1,000.00) in addition to personal
49 and official liability, as hereinabove provided.

50 (6) The disposal of any unneeded personal property at the
51 project described in Section 57-75-5(f)(vi), may be made in
52 accordance with the provisions of the Mississippi Major Economic
53 Impact Act by the Mississippi Major Economic Impact Authority,
54 under such rules and regulations as may be adopted by such
55 authority.

56 (7) The disposal of any alternative housing units purchased
57 through the Mississippi Alternative Housing Pilot Program may be
58 made by the Mississippi Emergency Management Agency as required by
59 federal law to be in compliance with regulations of the federal
60 articles of agreement and its awarded conditions, and upon
61 approval of the Public Procurement Review Board.

62 (8) This section shall not be applicable to the State
63 Veterans Homes in the event the State Veterans Affairs Board has
64 contracted for property management services at the State Veterans
65 Homes.

66 **SECTION 2.** This act shall take effect and be in force from
67 and after its passage.

