

By: Representative Robertson

To: Municipalities; County
Affairs

HOUSE BILL NO. 860

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY
2 AND THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY TO SELL, LEASE
3 OR CONVEY, WITH OR WITHOUT CONSIDERATION, SURPLUS REAL OR PERSONAL
4 PROPERTY BELONGING TO THE COUNTY OR MUNICIPALITY, AND TO MAKE
5 GIFTS, GRANTS AND DONATIONS, TO ANY NONPROFIT PRIMARY HEALTH CARE
6 CLINIC FOR THE PURPOSE OF PROVIDING PRIMARY HEALTH CARE SERVICES
7 TO RESIDENTS WHO ARE EMPLOYED OR TEMPORARILY OUT OF WORK AND WHO
8 DO NOT HAVE HEALTH INSURANCE; TO AMEND SECTIONS 19-7-3 AND 19-7-5,
9 MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF
10 THIS ACT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** (1) The governing body of any county or
13 municipality, in its discretion, may sell, lease or convey, with
14 or without consideration and upon such terms and conditions as the
15 parties may agree, any land, buildings, fixtures, equipment or
16 other real or personal property belonging to the county or
17 municipality that is determined by the governing body as no longer
18 needed by the county or municipality for governmental purposes, to
19 any nonprofit primary health care clinic located or to be located
20 in the county for the purpose of assisting any such clinic to
21 provide primary health care services to residents who are employed
22 or temporarily out of work and who do not have health insurance.

23 (2) In addition, the governing body of any county or
24 municipality, in its discretion, may make gifts, grants and
25 donations in such amounts and at such times as the governing body
26 may determine, out of any available funds of the county or
27 municipality, to the same entities and for the same purposes as
28 described under subsection (1) of this section.

29 (3) As used in this section, the term "governing body" means
30 the board of supervisors of any county and the governing
31 authorities of any municipality.



32 **SECTION 2.** Section 19-7-3, Mississippi Code of 1972, is
33 amended as follows:

34 19-7-3. In case any of the real estate belonging to the
35 county shall cease to be used for county purposes, the board of
36 supervisors may sell, convey or lease the same on such terms as
37 the board may elect and may, in addition, exchange the same for
38 real estate belonging to any other political subdivision located
39 within the county. In case of a sale on a credit, the county
40 shall have a lien on the same for the purchase money, as against
41 all persons, until paid and may enforce the lien as in such cases
42 provided by law. The deed of conveyance in such cases shall be
43 executed in the name of the county by the president of the board
44 of supervisors, pursuant to an order of the board entered on its
45 minutes.

46 Before any lease, deed or conveyance is executed, the board
47 shall publish at least once each week for three (3) consecutive
48 weeks, in a public newspaper of the county in which the land is
49 located, or if no newspaper be published in said county then in a
50 newspaper having general circulation therein, the intention to
51 lease or sell, as the case may be, the county-owned land and to
52 accept sealed competitive bids for the leasing or sale. The board
53 shall thereafter accept bids for the lease or sale and shall award
54 the lease to the highest bidder in the manner provided by law.
55 However, whenever the board of supervisors shall find and
56 determine, by resolution duly and lawfully adopted and spread upon
57 its minutes (a) that any county-owned property is no longer needed
58 for county or related purposes and is not to be used in the
59 operation of the county, (b) that the sale of the property in the
60 manner otherwise provided by law is not necessary or desirable for
61 the financial welfare of the county, and (c) that the use of the
62 county property for the purpose for which it is to be sold,
63 conveyed or leased will promote and foster the development and
64 improvement of the community in which it is located and the civic,



65 social, educational, cultural, moral, economic, or industrial
66 welfare thereof, the board of supervisors of such county shall be
67 authorized and empowered, in its discretion, to sell, convey,
68 lease, or otherwise dispose of same for any of the purposes set
69 forth herein.

70 Nothing contained in this section shall be construed to
71 prohibit, restrict or to prescribe conditions with regard to the
72 authority granted under Section 1 of House Bill No. , 2003
73 Regular Session.

74 **SECTION 3.** Section 19-7-5, Mississippi Code of 1972, is
75 amended as follows:

76 19-7-5. The board of supervisors shall have the power to
77 sell and dispose of at public sale for cash, any personal property
78 belonging to the county or any subdivision thereof when the same
79 shall have ceased to be used for county purposes or when, in the
80 judgment of said board, a sale thereof would promote the best
81 interest of the county. Said sale shall be advertised by posting
82 notices at three (3) public places in the county, at least ten
83 (10) days prior to such sale, one (1) of which said notices shall
84 be posted at the courthouse. The proceeds of said sale shall be
85 placed in the county depository to the credit of the proper fund.
86 Where said property shall not exceed One Hundred Dollars (\$100.00)
87 in value the same may be sold and disposed of by the boards of
88 supervisors at a private sale by the unanimous vote of the members
89 of said board of supervisors and the proceeds thereof disposed of
90 as above provided. However, if the board of supervisors find
91 consistent with fact that the fair market value of the personal
92 property is zero and this finding is duly entered on the minutes
93 of the board, then the personal property in question may be
94 disposed of as deemed to be appropriate and in the best interest
95 of the county, provided that no county official or employee
96 derives any personal economic benefit from such disposal. If any
97 of such property may be of use or benefit to the United States



98 government in its national defense effort, the board of
99 supervisors is hereby authorized in its discretion to turn over
100 such property to the United States government by way of a donation
101 thereto.

102 Nothing contained in this section shall be construed to
103 prohibit, restrict or to prescribe conditions with regard to the
104 authority granted under Section 1 of House Bill No. , 2003
105 Regular Session.

106 **SECTION 4.** This act shall take effect and be in force from
107 and after its passage.

