

By: Representative Robertson

To: Municipalities; County Affairs

COMMITTEE SUBSTITUTE
FOR
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, which is exempt from
20 federal income taxation under Section 501(c)(3) of the Internal
21 Revenue Code located or to be located in the county for the
22 purpose of assisting any such clinic to provide primary health
23 care services to residents who are employed or temporarily out of
24 work and who do not have health insurance.

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



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

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

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

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



64 county property for the purpose for which it is to be sold,
65 conveyed or leased will promote and foster the development and
66 improvement of the community in which it is located and the civic,
67 social, educational, cultural, moral, economic, or industrial
68 welfare thereof, the board of supervisors of such county shall be
69 authorized and empowered, in its discretion, to sell, convey,
70 lease, or otherwise dispose of same for any of the purposes set
71 forth herein.

72 Nothing contained in this section shall be construed to
73 prohibit, restrict or to prescribe conditions with regard to the
74 authority granted under Section 1 of House Bill No. 860, 2003
75 Regular Session.

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

78 19-7-5. The board of supervisors shall have the power to
79 sell and dispose of at public sale for cash, any personal property
80 belonging to the county or any subdivision thereof when the same
81 shall have ceased to be used for county purposes or when, in the
82 judgment of said board, a sale thereof would promote the best
83 interest of the county. Said sale shall be advertised by posting
84 notices at three (3) public places in the county, at least ten
85 (10) days prior to such sale, one (1) of which said notices shall
86 be posted at the courthouse. The proceeds of said sale shall be
87 placed in the county depository to the credit of the proper fund.
88 Where said property shall not exceed One Hundred Dollars (\$100.00)
89 in value the same may be sold and disposed of by the boards of
90 supervisors at a private sale by the unanimous vote of the members
91 of said board of supervisors and the proceeds thereof disposed of
92 as above provided. However, if the board of supervisors find
93 consistent with fact that the fair market value of the personal
94 property is zero and this finding is duly entered on the minutes
95 of the board, then the personal property in question may be
96 disposed of as deemed to be appropriate and in the best interest



97 of the county, provided that no county official or employee
98 derives any personal economic benefit from such disposal. If any
99 of such property may be of use or benefit to the United States
100 government in its national defense effort, the board of
101 supervisors is hereby authorized in its discretion to turn over
102 such property to the United States government by way of a donation
103 thereto.

104 Nothing contained in this section shall be construed to
105 prohibit, restrict or to prescribe conditions with regard to the
106 authority granted under Section 1 of House Bill No. 860, 2003
107 Regular Session.

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

