

**\*\*\*Adopted\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 860**

**By Senator(s) Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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. If such property is  
25 sold, leased or conveyed without consideration, the governing body  
26 of the county or municipality shall state in its minutes the  
27 purpose for which the property shall be used, and such property  
28 shall revert to the county or municipality whenever it ceases to  
29 be used for that stated purpose.

30        (2) As used in this section, the term "governing body" means  
31 the board of supervisors of any county and the governing

32 authorities of any municipality.

33 (3) This section shall stand repealed from and after July 1,  
34 2005.

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

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

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

67 improvement of the community in which it is located and the civic,  
68 social, educational, cultural, moral, economic, or industrial  
69 welfare thereof, the board of supervisors of such county shall be  
70 authorized and empowered, in its discretion, to sell, convey,  
71 lease, or otherwise dispose of same for any of the purposes set  
72 forth herein.

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

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

79 19-7-5. The board of supervisors shall have the power to  
80 sell and dispose of at public sale for cash, any personal property  
81 belonging to the county or any subdivision thereof when the same  
82 shall have ceased to be used for county purposes or when, in the  
83 judgment of said board, a sale thereof would promote the best  
84 interest of the county. Said sale shall be advertised by posting  
85 notices at three (3) public places in the county, at least ten  
86 (10) days prior to such sale, one (1) of which said notices shall  
87 be posted at the courthouse. The proceeds of said sale shall be  
88 placed in the county depository to the credit of the proper fund.

89 Where said property shall not exceed One Hundred Dollars  
90 (\$100.00) in value the same may be sold and disposed of by the  
91 boards of supervisors at a private sale by the unanimous vote of  
92 the members of said board of supervisors and the proceeds thereof  
93 disposed of as above provided. However, if the board of  
94 supervisors find consistent with fact that the fair-market value  
95 of the personal property is zero and this finding is duly entered  
96 on the minutes of the board, then the personal property in  
97 question may be disposed of as deemed to be appropriate and in the  
98 best interest of the county, provided that no county official or  
99 employee derives any personal economic benefit from such disposal.

100 If any of such property may be of use or benefit to the United  
101 States government in its national defense effort, the board of

102 supervisors is hereby authorized in its discretion to turn over  
103 such property to the United States government by way of a donation  
104 thereto.

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

109 **SECTION 4.** Section 21-17-1, Mississippi Code of 1972, is  
110 amended as follows:

111 21-17-1. (1) Every municipality of this state shall be a  
112 municipal corporation and shall have power to sue and be sued; to  
113 purchase and hold real estate, either within or without the  
114 corporate limits, for all proper municipal purposes, including  
115 parks, cemeteries, hospitals, schoolhouses, houses of correction,  
116 waterworks, electric lights, sewers and other proper municipal  
117 purposes; to purchase and hold personal property for all proper  
118 municipal purposes; to acquire equipment and machinery by  
119 lease-purchase agreement and to pay interest thereon, if  
120 contracted, when needed for proper municipal purposes; to sell and  
121 convey any real and personal property owned by it, and make such  
122 order respecting the same as may be deemed conducive to the best  
123 interest of the municipality, and exercise jurisdiction over the  
124 same.

125 (2) In case any of the real property belonging to a  
126 municipality shall cease to be used for municipal purposes, the  
127 governing authorities of the municipality may sell, convey or  
128 lease the same on such terms as the municipal authorities may  
129 elect. In case of a sale on a credit, the municipality shall  
130 charge appropriate interest as contracted and shall have a lien on  
131 the same for the purchase money, as against all persons, until  
132 paid and may enforce the lien as in such cases provided by law.  
133 The deed of conveyance in such cases shall be executed in the name  
134 of the municipality by the governing authorities of the  
135 municipality pursuant to their order entered on the minutes of  
136 their meetings. In any sale or conveyance of real property, the

137 municipality shall retain all mineral rights that it owns,  
138 together with the right of ingress and egress to remove same.  
139 Before any such lease, deed or conveyance is executed, the  
140 governing authorities of the municipality shall publish at least  
141 once each week for three (3) consecutive weeks, in a public  
142 newspaper of the municipality in which the real property is  
143 located, or if no newspaper be published as such, then in a  
144 newspaper having general circulation therein, the intention to  
145 lease or sell, as the case may be, the municipally owned real  
146 property and to accept sealed competitive bids for the leasing or  
147 sale. The governing authorities of the municipality shall  
148 thereafter accept bids for the lease or sale and shall award the  
149 lease or sale to the highest bidder in the manner provided by law.

150 However, whenever the governing authorities of the municipality  
151 shall find and determine, by resolution duly and lawfully adopted  
152 and spread upon its minutes (a) that any municipally owned real  
153 property is no longer needed for municipal or related purposes and  
154 is not to be used in the operation of the municipality, (b) that  
155 the sale of such property in the manner otherwise provided by law  
156 is not necessary or desirable for the financial welfare of the  
157 municipality, and (c) that the use of such property for the  
158 purpose for which it is to be sold, conveyed or leased will  
159 promote and foster the development and improvement of the  
160 community in which it is located and the civic, social,  
161 educational, cultural, moral, economic or industrial welfare  
162 thereof, the governing authorities of the municipality shall be  
163 authorized and empowered, in their discretion, to sell, convey or  
164 lease same for any of the purposes set forth herein without having  
165 to advertise for and accept competitive bids. In any case in  
166 which a municipality proposes to sell, convey or lease real  
167 property under the provisions of this section without advertising  
168 for and accepting competitive bids, consideration for the  
169 purchase, conveyance or lease of the property shall be not less  
170 than the average of the fair-market price for such property as  
171 determined by three (3) professional property appraisers selected

172 by the municipality and approved by the purchaser or lessee.  
173 Appraisal fees shall be shared equally by the municipality and the  
174 purchaser or lessee.

175 (3) Whenever the governing authorities of the municipality  
176 shall find and determine by resolution duly and lawfully adopted  
177 and spread upon the minutes that municipally owned real property  
178 is not used for municipal purposes and therefore surplus as set  
179 forth hereinabove:

180 (a) The governing authority may donate such lands to a  
181 bona fide not-for-profit civic or eleemosynary corporation  
182 organized and existing under the laws of the State of Mississippi  
183 and granted tax exempt status by the Internal Revenue Service and  
184 may donate such lands and necessary funds related thereto to the  
185 public school district in which the land is situated for the  
186 purposes set forth herein. Any deed or conveyance executed  
187 pursuant hereto shall contain a clause of reverter providing that  
188 the bona fide not-for-profit corporation or public school district  
189 may hold title to such lands only so long as they are continued to  
190 be used for the civic, social, educational, cultural, moral,  
191 economic or industrial welfare of the community, and that title  
192 shall revert to the municipality in the event of the cessation of  
193 such use for a period of two (2) years. In any such deed or  
194 conveyance, the municipality shall retain all mineral rights that  
195 it owns, together with the right of ingress and egress to remove  
196 same;

197 (b) The governing authority may donate such lands to a  
198 bona fide not-for-profit corporation (such as Habitat for  
199 Humanity) which is primarily engaged in the construction of  
200 housing for persons who otherwise can afford to live only in  
201 substandard housing. In any such deed or conveyance, the  
202 municipality shall retain all mineral rights that it owns,  
203 together with the right of ingress and egress to remove same;

204 (c) In the event the governing authority does not wish  
205 to donate title to such lands to the bona fide not-for-profit  
206 civic or eleemosynary corporation, but wishes to retain title to

207 the lands, the governing authority may lease the lands to a bona  
208 fide not-for-profit corporation described in paragraph (a) or (b)  
209 for less than fair-market value;

210 (d) Nothing contained in this subsection (3) shall be  
211 construed to prohibit, restrict or to prescribe conditions with  
212 regard to the authority granted under Section 1 of House Bill No.  
213 860, 2003 Regular Session.

214 (4) Every municipality shall also be authorized and  
215 empowered to loan to private persons or entities, whether  
216 organized for profit or nonprofit, funds received from the United  
217 States Department of Housing and Urban Development (HUD) under an  
218 urban development action grant or a community development block  
219 grant under the Housing and Community Development Act of 1974  
220 (Public Law 93-383), as amended, and to charge interest thereon if  
221 contracted, provided that no such loan shall include any funds  
222 from any revenues other than the funds from the United States  
223 Department of Housing and Urban Development; to make all contracts  
224 and do all other acts in relation to the property and affairs of  
225 the municipality necessary to the exercise of its governmental,  
226 corporate and administrative powers; and to exercise such other or  
227 further powers as are otherwise conferred by law.

228 (5) The governing authorities of any municipality may  
229 contract with a private attorney or private collection agent or  
230 agency to collect any type of delinquent payment owed to the  
231 municipality, including, but not limited to, past due fees and  
232 fines. Any such contract debt may provide for payment contingent  
233 upon successful collection efforts or payment based upon a  
234 percentage of the delinquent amount collected; however, the entire  
235 amount of all delinquent payments collected shall be remitted to  
236 the municipality and shall not be reduced by any collection costs  
237 or fees. Any private attorney or private collection agent or  
238 agency contracting with the municipality under the provisions of  
239 this subsection shall give bond or other surety payable to the  
240 municipality in such amount as the governing authorities of the  
241 municipality deem sufficient. Any private attorney with whom the

242 municipality contracts under the provisions of this subsection  
243 must be a member in good standing of The Mississippi Bar. Any  
244 private collection agent or agency with whom the municipality  
245 contracts under the provisions of this subsection must meet all  
246 licensing requirements for doing business in the State of  
247 Mississippi. Neither the municipality nor any officer or employee  
248 of the municipality shall be liable, civilly or criminally, for  
249 any wrongful or unlawful act or omission of any person or business  
250 with whom the municipality has contracted under the provisions of  
251 this subsection. The Mississippi Department of Audit shall  
252 establish rules and regulations for use by municipalities in  
253 contracting with persons or businesses under the provisions of  
254 this subsection. If a municipality uses its own employees to  
255 collect any type of delinquent payment owed to the municipality,  
256 then from and after July 1, 2000, the municipality may charge an  
257 additional fee for collection of the delinquent payment provided  
258 the payment has been delinquent for ninety (90) days. The  
259 collection fee may not exceed fifteen percent (15%) of the  
260 delinquent payment if the collection is made within this state and  
261 may not exceed twenty-five percent (25%) of the delinquent payment  
262 if the collection is made outside this state. In conducting  
263 collection of delinquent payments, the municipality may utilize  
264 credit cards or electronic fund transfers. The municipality may  
265 pay any service fees for the use of such methods of collection  
266 from the collection fee, but not from the delinquent payment.  
267 There shall be due to the municipality from any person whose  
268 delinquent payment is collected under a contract executed as  
269 provided in this subsection an amount, in addition to the  
270 delinquent payment, of not to exceed twenty-five percent (25%) of  
271 the delinquent payment for collections made within this state, and  
272 not to exceed fifty percent (50%) of the delinquent payment for  
273 collections made outside of this state.

274       (6) In addition to such authority as is otherwise granted  
275 under this section, the governing authorities of any municipality  
276 may expend funds necessary to maintain and repair, and to purchase



277 liability insurance, tags and decals for, any personal property  
278 acquired under the Federal Excess Personal Property Program that  
279 is used by the local volunteer fire department.

280       (7) The governing authorities of any municipality may, in  
281 its discretion, donate personal property or funds to the public  
282 school district or districts located in the municipality for the  
283 promotion of educational programs of the district or districts  
284 within the municipality.

285       (8) In addition to the authority to expend matching funds  
286 under Section 21-19-65, the governing authorities of any  
287 municipality, in their discretion, may expend municipal funds to  
288 match any state, federal or private funding for any program  
289 administered by the State of Mississippi, the United States  
290 government or any nonprofit organization that is exempt under 26  
291 USCS Section 501(c)(3) from paying federal income tax.

292       (9) The powers conferred by this section shall be in  
293 addition and supplemental to the powers conferred by any other  
294 law, and nothing contained in this section shall be construed to  
295 prohibit, or to prescribe conditions concerning, any practice or  
296 practices authorized under any other law.

297       **SECTION 5.** This act shall take effect and be in force from  
298 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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 TO ANY NONPROFIT  
5 PRIMARY HEALTH CARE CLINIC FOR THE PURPOSE OF PROVIDING PRIMARY  
6 HEALTH CARE SERVICES TO RESIDENTS WHO ARE EMPLOYED OR TEMPORARILY  
7 OUT OF WORK AND WHO DO NOT HAVE HEALTH INSURANCE; TO AMEND  
8 SECTIONS 19-7-3, 19-7-5 AND 21-17-1, MISSISSIPPI CODE OF 1972, IN  
9 CONFORMITY WITH THE PROVISIONS OF THIS ACT; AND FOR RELATED  
10 PURPOSES.