

**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2640**

**BY: Representative Robinson (63rd)**

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

9           **SECTION 1.** The governing authorities of any municipality  
10 that owns and operates a gas distribution system, as defined in  
11 Section 21-27-11 (b), and the governing authorities of any public  
12 natural gas district are authorized to contract for the purchase  
13 of the supply of natural gas for a term of up to ten (10) years  
14 with any public nonprofit corporation, which is organized under  
15 the laws of this state or any other state.

16           **SECTION 2.** Section 21-17-1, Mississippi Code of 1972, is  
17 amended as follows:

18           21-17-1. (1) Every municipality of this state shall be a  
19 municipal corporation and shall have power to sue and be sued; to  
20 purchase and hold real estate, either within or without the  
21 corporate limits, for all proper municipal purposes, including  
22 parks, cemeteries, hospitals, schoolhouses, houses of correction,  
23 waterworks, electric lights, sewers and other proper municipal  
24 purposes; to purchase and hold personal property for all proper  
25 municipal purposes; to acquire equipment and machinery by  
26 lease-purchase agreement and to pay interest thereon, if  
27 contracted, when needed for proper municipal purposes; to sell and

28 convey any real and personal property owned by it, and make such  
29 order respecting the same as may be deemed conducive to the best  
30 interest of the municipality, and exercise jurisdiction over the  
31 same.

32 (2) In case any of the real property belonging to a  
33 municipality shall cease to be used for municipal purposes, the  
34 governing authorities of the municipality may sell, convey or  
35 lease the same on such terms as the municipal authorities may  
36 elect. In case of a sale on a credit, the municipality shall  
37 charge appropriate interest as contracted and shall have a lien on  
38 the same for the purchase money, as against all persons, until  
39 paid and may enforce the lien as in such cases provided by law.  
40 The deed of conveyance in such cases shall be executed in the name  
41 of the municipality by the governing authorities of the  
42 municipality pursuant to their order entered on the minutes of  
43 their meetings. In any sale or conveyance of real property, the  
44 municipality shall retain all mineral rights that it owns,  
45 together with the right of ingress and egress to remove same.  
46 Before any such lease, deed or conveyance is executed, the  
47 governing authorities of the municipality shall publish at least  
48 once each week for three (3) consecutive weeks, in a public  
49 newspaper of the municipality in which the real property is  
50 located, or if no newspaper be published as such, then in a  
51 newspaper having general circulation therein, the intention to  
52 lease or sell, as the case may be, the municipally owned real  
53 property and to accept sealed competitive bids for the leasing or  
54 sale. The governing authorities of the municipality shall  
55 thereafter accept bids for the lease or sale and shall award the  
56 lease or sale to the highest bidder in the manner provided by law.  
57 However, whenever the governing authorities of the municipality  
58 shall find and determine, by resolution duly and lawfully adopted  
59 and spread upon its minutes (a) that any municipally owned real

60 property is no longer needed for municipal or related purposes and  
61 is not to be used in the operation of the municipality, (b) that  
62 the sale of such property in the manner otherwise provided by law  
63 is not necessary or desirable for the financial welfare of the  
64 municipality, and (c) that the use of such property for the  
65 purpose for which it is to be sold, conveyed or leased will  
66 promote and foster the development and improvement of the  
67 community in which it is located and the civic, social,  
68 educational, cultural, moral, economic or industrial welfare  
69 thereof, the governing authorities of the municipality shall be  
70 authorized and empowered, in their discretion, to sell, convey or  
71 lease same for any of the purposes set forth herein without having  
72 to advertise for and accept competitive bids. In any case in  
73 which a municipality proposes to sell, convey or lease real  
74 property under the provisions of this section without advertising  
75 for and accepting competitive bids, consideration for the  
76 purchase, conveyance or lease of the property shall be not less  
77 than the average of the fair market price for such property as  
78 determined by three (3) professional property appraisers selected  
79 by the municipality and approved by the purchaser or lessee.  
80 Appraisal fees shall be shared equally by the municipality and the  
81 purchaser or lessee.

82 (3) Whenever the governing authorities of the municipality  
83 shall find and determine by resolution duly and lawfully adopted  
84 and spread upon the minutes that municipally owned real property  
85 is not used for municipal purposes and therefore surplus as set  
86 forth hereinabove:

87 (a) The governing authority may donate such lands to a  
88 bona fide not-for-profit civic or eleemosynary corporation  
89 organized and existing under the laws of the State of Mississippi  
90 and granted tax exempt status by the Internal Revenue Service and  
91 may donate such lands and necessary funds related thereto to the

92 public school district in which the land is situated for the  
93 purposes set forth herein. Any deed or conveyance executed  
94 pursuant hereto shall contain a clause of reverter providing that  
95 the bona fide not-for-profit corporation or public school district  
96 may hold title to such lands only so long as they are continued to  
97 be used for the civic, social, educational, cultural, moral,  
98 economic or industrial welfare of the community, and that title  
99 shall revert to the municipality in the event of the cessation of  
100 such use for a period of two (2) years. In any such deed or  
101 conveyance, the municipality shall retain all mineral rights that  
102 it owns, together with the right of ingress and egress to remove  
103 same;

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

111 (c) In the event the governing authority does not wish  
112 to donate title to such lands to the bona fide not-for-profit  
113 civic or eleemosynary corporation, but wishes to retain title to  
114 the lands, the governing authority may lease the lands to a bona  
115 fide not-for-profit corporation described in paragraph (a) or (b)  
116 for less than fair market value;

117 (d) Nothing contained in this subsection (3) shall be  
118 construed to prohibit, restrict or to prescribe conditions with  
119 regard to the authority granted under Section 17-25-3.

120 (4) Every municipality shall also be authorized and  
121 empowered to loan to private persons or entities, whether  
122 organized for profit or nonprofit, funds received from the United  
123 States Department of Housing and Urban Development (HUD) under an

124 urban development action grant or a community development block  
125 grant under the Housing and Community Development Act of 1974  
126 (Public Law 93-383), as amended, and to charge interest thereon if  
127 contracted, provided that no such loan shall include any funds  
128 from any revenues other than the funds from the United States  
129 Department of Housing and Urban Development; to make all contracts  
130 and do all other acts in relation to the property and affairs of  
131 the municipality necessary to the exercise of its governmental,  
132 corporate and administrative powers; and to exercise such other or  
133 further powers as are otherwise conferred by law.

134 (5) The governing authorities of any municipality may  
135 contract with a private attorney or private collection agent or  
136 agency to collect any type of delinquent payment owed to the  
137 municipality, including, but not limited to, past due fees and  
138 fines. Any such contract debt may provide for payment contingent  
139 upon successful collection efforts or payment based upon a  
140 percentage of the delinquent amount collected; however, the entire  
141 amount of all delinquent payments collected shall be remitted to  
142 the municipality and shall not be reduced by any collection costs  
143 or fees. Any private attorney or private collection agent or  
144 agency contracting with the municipality under the provisions of  
145 this subsection shall give bond or other surety payable to the  
146 municipality in such amount as the governing authorities of the  
147 municipality deem sufficient. Any private attorney with whom the  
148 municipality contracts under the provisions of this subsection  
149 must be a member in good standing of The Mississippi Bar. Any  
150 private collection agent or agency with whom the municipality  
151 contracts under the provisions of this subsection must meet all  
152 licensing requirements for doing business in the State of  
153 Mississippi. Neither the municipality nor any officer or employee  
154 of the municipality shall be liable, civilly or criminally, for  
155 any wrongful or unlawful act or omission of any person or business

156 with whom the municipality has contracted under the provisions of  
157 this subsection. The Mississippi Department of Audit shall  
158 establish rules and regulations for use by municipalities in  
159 contracting with persons or businesses under the provisions of  
160 this subsection. If a municipality uses its own employees to  
161 collect any type of delinquent payment owed to the municipality,  
162 then from and after July 1, 2000, the municipality may charge an  
163 additional fee for collection of the delinquent payment provided  
164 the payment has been delinquent for ninety (90) days. The  
165 collection fee may not exceed fifteen percent (15%) of the  
166 delinquent payment if the collection is made within this state and  
167 may not exceed twenty-five percent (25%) of the delinquent payment  
168 if the collection is made outside this state. In conducting  
169 collection of delinquent payments, the municipality may utilize  
170 credit cards or electronic fund transfers. The municipality may  
171 pay any service fees for the use of such methods of collection  
172 from the collection fee, but not from the delinquent payment.  
173 There shall be due to the municipality from any person whose  
174 delinquent payment is collected under a contract executed as  
175 provided in this subsection an amount, in addition to the  
176 delinquent payment, of not to exceed twenty-five percent (25%) of  
177 the delinquent payment for collections made within this state, and  
178 not to exceed fifty percent (50%) of the delinquent payment for  
179 collections made outside of this state.

180 (6) In addition to such authority as is otherwise granted  
181 under this section, the governing authorities of any municipality  
182 may expend funds necessary to maintain and repair, and to purchase  
183 liability insurance, tags and decals for, any personal property  
184 acquired under the Federal Excess Personal Property Program that  
185 is used by the local volunteer fire department.

186 (7) The governing authorities of any municipality may, in  
187 its discretion, donate personal property or funds to the public

188 school district or districts located in the municipality for the  
189 promotion of educational programs of the district or districts  
190 within the municipality.

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

198 (9) The governing authorities of any municipality that owns  
199 and operates a gas distribution system, as defined in Section  
200 21-27-11 (b), and the governing authorities of any public natural  
201 gas district are authorized to contract for the purchase of the  
202 supply of natural gas for a term of up to ten (10) years with any  
203 public nonprofit corporation, which is organized under the laws of  
204 this state or any other state.

205 (10) The powers conferred by this section shall be in  
206 addition and supplemental to the powers conferred by any other  
207 law, and nothing contained in this section shall be construed to  
208 prohibit, or to prescribe conditions concerning, any practice or  
209 practices authorized under any other law.

210 **SECTION 3.** Section 1 of this act shall be codified as a  
211 separate code section in Title 21, Chapter 27, Mississippi Code of  
212 1972.

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

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

1 AN ACT TO PROVIDE THAT THE GOVERNING AUTHORITIES OF ANY  
2 MUNICIPALITY THAT OWNS AND OPERATES A GAS DISTRIBUTION SYSTEM AND  
3 THE GOVERNING AUTHORITIES OF ANY PUBLIC NATURAL GAS DISTRICT MAY  
4 CONTRACT FOR THE PURCHASE OF THE SUPPLY OF NATURAL GAS FROM ANY  
5 PUBLIC NONPROFIT CORPORATION FOR UP TO 10 YEARS; TO AMEND SECTION

6 21-17-1, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR  
7 RELATED PURPOSES.