

By: Representative Brown

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1358

1 AN ACT TO CODIFY NEW SECTION 29-3-201, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT IN ANY COUNTY WITH A POPULATION IN EXCESS OF
3 200,000 PEOPLE ACCORDING TO THE 2000 CENSUS, SIXTEENTH SECTION
4 LEASEHOLDERS SHALL BE IMMUNE FROM LIABILITY ARISING FROM THE
5 DEVELOPMENT OF THE PROPERTY BY THE SCHOOL DISTRICT IF THE LEASE
6 AUTHORIZES THE LOCAL SCHOOL BOARD TO DEVELOP THE SIXTEENTH SECTION
7 LAND; TO PROVIDE SPECIFIC IMMUNITY TO SIXTEENTH SECTION LAND
8 LESSEES FOR CERTAIN WASTEWATER TREATMENT FACILITIES; TO PROVIDE A
9 SCHOOL BOARD WITH IMPLIED AUTHORITY TO DEVELOP CERTAIN SIXTEENTH
10 SECTION LAND FOR COMPATIBLE USES; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** The following provision shall be codified as
13 Section 29-3-201, Mississippi Code of 1972:

14 29-3-201. **Authority to develop certain lands and immunity of**
15 **lessee from such development.** It is the intention of the
16 Legislature to promote the full development of sixteenth section
17 land and, where possible, in any county with a population in
18 excess of two hundred thousand (200,000) people, according to the
19 United States 2000 Census, in which a school board has leased any
20 portion of the land to a public utility company in which a part of
21 the land is used as a wastewater treatment facility in conjunction
22 with the operation of one or more power generating plants, to
23 promote the development of mutually compatible uses of that land.
24 In those counties, the following shall apply:

25 (a) **Immunity of lessee for further development by**
26 **school board.** Notwithstanding any other provision of law to the
27 contrary, if a sixteenth section land lease entered into in
28 accordance with the provisions of this chapter contains a
29 provision that authorizes the school board of the school district
30 in which the land is situated to develop the property that is the



31 subject of the lease, for additional uses that do not interfere
32 with the underlying use of the land by the primary lessee, the
33 primary lessee shall be immune from all liability arising out of
34 the development of the property by the school board.

35 (b) **Specific immunity for certain wastewater treatment**
36 **facilities.** Notwithstanding any other provision of law to the
37 contrary, if a school board or its agents, assigns, lessees or
38 sublessees undertake new development or operation of the
39 development on land subject to an existing sixteenth section lease
40 where a portion of the land under lease is used as a wastewater
41 treatment facility in conjunction with the operation of one or
42 more power generating plants, no claim, action or suit sounding in
43 tort arising out of the lease by the school board to the current
44 lessee shall be brought or maintained against the current lessee
45 or its assigns or managing agents of that lease on account of any
46 acts or omissions of the school board or its agents, assigns or
47 other lessees in the course of the further development and
48 operation of the land, unless the act or omission is done for the
49 benefit and consent of the current lessee, assigns or managing
50 agent of the sixteenth section land.

51 (c) **Implied authority of school board to develop**
52 **alternative compatible uses for certain properties.** A school
53 board that has leased any portion of sixteenth section land in
54 which a part of the land is used as a wastewater treatment
55 facility in conjunction with the operation of one or more power
56 generating plants shall have the implied or inherent authority, in
57 addition to all other authority and rights that may be specified
58 in the lease agreement, to develop alternative uses of the land
59 and to grant additional leases and/or subleases of the land,
60 without requiring the consent of the primary lessee, provided that
61 the alternative development, leasing and subleasing does not
62 substantially interfere with or impede the continued primary use



63 of the property as a wastewater treatment facility in conjunction
64 with the operation of one or more power generating plants.

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

