

By: Representative McGee

To: Education

HOUSE BILL NO. 246
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 29-3-29, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE AN EXCEPTION TO THE RESERVATION OF MINERALS IN, ON AND
3 UNDER CERTAIN SIXTEENTH SECTION LANDS CONVEYED FOR INDUSTRIAL
4 DEVELOPMENT; TO AMEND SECTION 57-75-37, MISSISSIPPI CODE OF 1972,
5 TO AUTHORIZE THE SALE OF CERTAIN SIXTEENTH SECTION MINERAL
6 INTERESTS TO THE ENTERPRISES OWNING OR OPERATING CERTAIN PROJECTS,
7 OR TO AUTHORIZE THE PERPETUAL WAIVER OF THE RIGHT TO USE THE
8 SURFACE OF SUCH SIXTEENTH SECTION LANDS FOR EXPLORATION OR
9 PRODUCTION OF MINERALS; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 29-3-29, Mississippi Code of 1972, is
12 amended as follows:

13 29-3-29. Before any sixteenth section school land or land
14 granted in lieu thereof may be sold or leased for industrial
15 development thereon, therein or thereunder under the provisions of
16 this chapter, the board of education controlling such land shall
17 first determine that such sale or lease will be fair market value.
18 In the determination of the fair market value of said land the
19 comparative sales method shall be used, and the highest and best
20 use of said sixteenth section lands shall be determined on the
21 basis of finding that said land shall be susceptible to any use



22 that comparative land in private ownership may be used, that there
23 will be prompt and substantial industrial development on, in, or
24 under said land after the sale or lease, that the acreage to be
25 sold or leased is not in excess of the amount of land reasonably
26 required for immediate use and for such future expansion as may be
27 reasonably anticipated, and that such sale or lease will be
28 beneficial to and in the best interest of the schools of the
29 district for which said land is held. All of said findings,
30 including the amount of the sale price or gross rental for said
31 land, shall be spread on the minutes of the board of education.
32 Also, if the board of education proposes to sell said land, said
33 board shall first enter into a contract or obtain a legal option
34 to purchase, for a specified price not in excess of fair market
35 value, other land in the county of acreage of equivalent fair
36 market value, and such contract or option shall be spread on the
37 minutes of said board. However, not more than one hundred (100)
38 acres in any one (1) sixteenth section school lands in any county
39 may be sold under this chapter for the purpose of being made an
40 industrial park or a part of such industrial park, provided the
41 provisions of this section and Sections 57-5-1 and 57-5-23 are
42 fully complied with.

43 A certified copy of the resolution or order of the board of
44 education, setting out the foregoing findings, together with a
45 certified copy of the order approving and setting out the terms of
46 the contract or option to purchase other lands where a sale of



land is proposed and an application to the Mississippi Agricultural and Industrial Board for the certificate authorizing said sale or lease, shall be forwarded to the county board of supervisors, which board shall make an independent investigation of the proposed sale or lease and of the proposed purchase of other land.

If said county board of supervisors shall concur in the finding of fact of the board of education, and shall find that it is to the best interests of the schools of the district to enter into such sale or lease, it may enter on its minutes a resolution or order approving the action of the board of education.

If the said county board of supervisors shall not concur in the findings of the board of education, or shall find that the proposed sale or lease will not be in the best interest of the schools of the district, then it may, by resolution or order, disapprove the proposed sale or lease, and such action shall be final.

Except as otherwise permitted by Section 57-75-37(4)(f) and (7)(f), there shall be reserved all minerals in, on, and under any lands conveyed under the provisions hereof. Provided, however, that in any county bordering on the State of Alabama, traversed by the Tombigbee River, in which U.S. Highway 82 intersects U.S. Highway 45 and in which is situated a state supported institution of higher learning, upon the sale of any sixteenth section lands for industrial purposes as provided by law, the board of



72 education, the superintendent of education and the Mississippi
73 Agricultural and Industrial Board, may sell and convey all
74 minerals except oil, gas, sulphur and casinghead gas on, in and
75 under the said sixteenth section lands so sold for industrial
76 purposes. Said oil, gas, sulphur and casinghead gas shall be
77 reserved together with such rights of use, ingress and egress as
78 shall not unreasonably interfere with the use of the lands by the
79 purchaser. Prior written approval for such use, ingress and
80 egress, shall be obtained from the surface owner or, if such
81 approval is unreasonably withheld, may be obtained from the
82 chancery court of the county in which said land is located.

83 Certified copies of the resolutions or orders of the board of
84 supervisors and of the board of education and of the application
85 to the Mississippi Agricultural and Industrial Board shall be
86 transmitted to the county superintendent of education, if there be
87 one in the county, who, if he approves the proposed sale or lease,
88 shall so certify and forward same to the Mississippi Agricultural
89 and Industrial Board. If there be no county superintendent of
90 education in the county, then the board of education whose
91 district embraces the entire county shall so certify and transmit
92 said copies to the Mississippi Agricultural and Industrial Board
93 for further action.

94 Upon receipt of the aforesaid application and certified
95 copies of the said resolution and orders, the Mississippi
96 Agricultural and Industrial Board shall make investigation to



97 determine whether or not the proposed sale or lease of said land
98 will promote prompt and substantial industrial development
99 thereon, therein, or thereunder. If the board finds that such
100 sale or lease will promote prompt and substantial industrial
101 development thereon, therein or thereunder, and further finds that
102 the person, firm or corporation who proposes to establish said
103 industry is financially responsible, and that the acreage to be
104 sold or leased is not in excess of the amount of land reasonably
105 required for immediate use and for such future expansion as may be
106 reasonably anticipated, then the board, in its discretion, may
107 issue a certificate to the board of education of said district so
108 certifying, and said certificate shall be the authority for the
109 board of education to enter into the proposed sale or lease. If
110 the Mississippi Agricultural and Industrial Board does not so
111 find, then it shall decline to issue said certificate which action
112 shall be final.

113 The Mississippi Agricultural and Industrial Board, when
114 issuing a certificate to the county board of education certifying
115 its findings and authorizing said sale or lease, may,
116 nevertheless, in its discretion, make such sale or lease
117 conditioned on and subject to the vote of the qualified electors
118 of said district. Upon receipt of a certificate so conditioned
119 upon an election, or upon a petition as hereinafter provided for,
120 the board of education, by resolution spread upon its minutes,
121 shall forward a copy of the certificate to the board of



122 supervisors who by resolution upon its minutes, shall call an
123 election to be held in the manner now provided by law for holding
124 county elections, and shall fix in such resolution a date upon
125 which such an election shall be held, of which not less than three
126 (3) weeks notice shall be given by the clerk of said board of
127 supervisors by publishing a notice in a newspaper published in
128 said county once each week for three (3) consecutive weeks
129 preceding the same, or if no newspaper is published in said
130 county, then in a newspaper having a general circulation therein,
131 and by posting a notice for three (3) weeks preceding said
132 election at three (3) public places in said county. At such
133 election, all qualified voters of the county may vote, and the
134 ballots used shall have printed thereon a brief statement of the
135 proposed sale or lease of said land, including the description and
136 price, together with the words "For the proposed sale or lease"
137 and the words "Against the proposed sale or lease," and the voter
138 shall vote by placing a cross (x) or check (✓) opposite his choice
139 of the proposition. Should the election provided for herein
140 result in favor of the proposed sale or lease by at least
141 two-thirds (2/3) of the votes cast being in favor of the said
142 proposition, the board of supervisors shall notify the board of
143 education who may proceed forthwith to sell or lease said land in
144 accordance with the proposition so submitted to the electors. If
145 less than two-thirds (2/3) of those voting in such special



election vote in favor of the said sale or lease, then said land shall not be sold or leased.

The board of education shall further be required, prior to passing of a resolution expressing its intent to sell said land, to publish a notice of intent to sell said land for three (3) consecutive weeks in a newspaper published in said county or, if there be none, in a newspaper having a general circulation in said county, and to post three (3) notices thereof in three (3) public places in said county, one (1) of which shall be at the courthouse, for said time. If within the period of three (3) weeks following the first publication of said intent, a petition signed by twenty percent (20%) of the qualified electors of said county shall be filed with the board of supervisors requesting an election concerning the sale, then an election shall be called as hereinabove provided.

SECTION 2. Section 57-75-37, Mississippi Code of 1972, is amended as follows:

57-75-37. (1) (a) (i) Any county in which there is to be constructed a project as defined in Section 57-75-5(f)(xviii) is authorized to assist in defraying the costs incurred or to be incurred by the enterprise establishing such project by:

1. Contributing a sum of up to Five Million Dollars (\$5,000,000.00) to such enterprise for use in connection with the construction of the project; and/or



170 2. Lending a sum of up to Five Million
171 Dollars (\$5,000,000.00) upon such terms as the board of
172 supervisors of such county and such enterprise may agree, the
173 proceeds of which loan shall be used by such enterprise in
174 connection with the construction or financing of the project.

175 (ii) In order to provide the amounts set forth in
176 paragraph (a)(i) of this subsection (1), any such county may
177 appropriate monies from the county's general funds or provide such
178 amounts from the proceeds of general obligation bonds, or any
179 combination of the foregoing. Any such county may issue the bonds
180 for such purpose pursuant to the procedures for the issuance of
181 bonds under Chapter 9, Title 19, Mississippi Code of 1972, or
182 Section 19-5-99.

183 (b) The board of supervisors of any county may donate
184 real property for use in the location, construction and/or
185 operation of a project as defined under Section 57-75-5(f)(xviii)
186 to one or more economic development authorities, economic
187 development districts, industrial development authorities or
188 similar public agencies created pursuant to state law that engage
189 in economic or industrial development in the county, and any such
190 public agencies may accept such donation of real property from the
191 county. Such public agencies also may transfer and convey among
192 themselves, with or without consideration being paid or received,
193 real property to be used in the location, construction and/or



operation of such a project, and may accept such transfers or donations.

(2) Any county or municipality in which there is to be constructed a project as defined in Section 57-75-5(f)(xxvi) or 57-75-5(f)(xxvii) is authorized to:

(a) Acquire the site for such project and contribute the site to the enterprise owning or operating the project;

(b) Apply for grants and loans and utilize the proceeds of such grants and loans for infrastructure related to the project; and

(c) Enter into a lease agreement with the enterprise owning or operating the project for a term not to exceed ninety-nine (99) years.

(3) (a) As used in this subsection:

(i) "Project" shall have the meaning ascribed to such term in Section 57-75-5(f)(xxviii).

(ii) "Public agency" means the county in which the project is located, any municipality located in the county, and/or any economic development authority, economic development district, industrial development authority or similar public agency created pursuant to state law that engages in economic or industrial development in the county or a municipality in the county.

(b) Any county in which there is to be located a project is authorized to assist as provided in this paragraph in defraying the costs incurred or to be incurred by the enterprise



219 establishing the project and any public agency in connection with
220 the location, construction and/or operation of the project or any
221 facilities or public infrastructure related to the project. The
222 county may provide such assistance by contributing or lending any
223 sum approved for such purpose by the board of supervisors of the
224 county, upon such terms as the board of supervisors may agree, to
225 the entity that directly or indirectly incurs or will incur such
226 costs or as otherwise provided in paragraph (c) of this
227 subsection. The proceeds of the contribution or loan shall be
228 used by the recipient in connection with the location,
229 construction and/or operation of the project or any facilities or
230 public infrastructure related to the project.

231 (c) In order to provide the amounts set forth in
232 paragraph (b) of this subsection, any such county may appropriate
233 monies from the county's general funds or provide such amounts
234 from the proceeds of general obligation bonds, or any combination
235 of the foregoing. Any such county may issue the bonds for such
236 purpose pursuant to the procedures for the issuance of bonds under
237 Chapter 9, Title 19, Mississippi Code of 1972, or Section 19-5-99.

238 (d) In any county in which there is to be located a
239 project, the governing authorities of any public agency may:

240 (i) Transfer and convey to the authority or the
241 Mississippi Development Authority, with or without consideration
242 being paid or received, any real and/or personal property for use
243 in connection with the location, construction and/or operation of



the project or any facilities or public infrastructure related to the project, and the authority and the Mississippi Development Authority may accept such transfers or donations;

(ii) Transfer and convey among themselves, with or without consideration being paid or received, any real and/or personal property for use in connection with the location, construction and/or operation of a project or any facilities or public infrastructure related to the project, and may accept such transfers or donations; and

(iii) Make grants or other contributions of funds to one another for use in connection with the location, construction and/or operation of such a project or any facilities or public infrastructure related to the project, and may accept such grants or contributions of funds.

(e) In any county in which there is to be located a project, the person, entity or other agency seeking to acquire any real property to be used in connection with the location, construction and/or operation of the project, shall be exempt with respect to such property from the requirements of Section 43-37-3(1)(b) and (c) if the purchase price for such property equals the lowest price negotiated between the owner of the property and the person, agency or other entity seeking to acquire the property, and at which the owner of the property is willing to sell the property.

(4) (a) As used in this subsection:



(i) "Project" shall have the meaning ascribed to such term in Section 57-75-5(f)(xxix).

(ii) "Public agency" means the county in which the project is located, any municipality located in the county, and/or any economic development authority, economic development district, industrial development authority or similar public agency created pursuant to state law that engages in economic or industrial development in the county or a municipality in the county.

(iii) "Board of education" shall have the meaning ascribed to such term in Section 29-3-1.1.

(iv) "Superintendent of education" shall have the meaning ascribed to such term in Section 29-3-1.1.

(b) In any county in which there is to be located a project, any public agency is authorized to assist as provided in this paragraph in defraying the costs incurred or to be incurred by the enterprise establishing the project and/or any public agency in connection with the location, construction and/or operation of the project or any facilities or public infrastructure related to the project. Any such public agency may provide such assistance by contributing or lending any sum approved for such purpose by the governing authority of such public agency, upon such terms as the governing authority of such public agency may agree, to the entity or public agency that directly or indirectly incurs or will incur such costs or as otherwise provided in paragraph (c) of this subsection. The



proceeds of the contribution or loan shall be used by the recipient in connection with the location, construction and/or operation of the project or any facilities or public infrastructure related to the project, including, without limitation, to defray the costs of site preparation, utilities, real estate purchases, purchase options and improvements, infrastructure, roads, rail improvements, public works, job training, as well as planning, design and environmental impact studies with respect to a project, and any other expenses approved by any such public agency.

(c) In order to provide the amounts set forth in paragraph (b) of this subsection:

(i) Any such county may appropriate monies from the county's general funds or provide such amounts from the proceeds of general obligation bonds. Any such county may issue the bonds for such purpose pursuant to the procedures for the issuance of bonds under Chapter 9, Title 19, Mississippi Code of 1972, Section 19-5-99 or in any other manner permitted by any local and private law or other general laws; and

(ii) Any public agency may borrow or accept grants of such amounts from the authority or the Mississippi Development Authority for such duration and upon such terms and conditions approved by the governing authority of such public agency and the authority or Mississippi Development Authority, as applicable.



(d) In any county in which there is to be located a project, the governing authority of any public agency may:

(i) Transfer and convey to the authority or the Mississippi Development Authority, with or without consideration being paid or received, any real and/or personal property for use in connection with the location, construction and/or operation of the project or any facilities or public infrastructure related to the project, and the authority and the Mississippi Development Authority may accept such transfers or donations;

(ii) Transfer and convey among themselves, with or without consideration being paid or received, any real and/or personal property for use in connection with the location, construction and/or operation of a project or any facilities or public infrastructure related to the project, and may accept such transfers or donations;

(iii) Make grants or other contributions of funds to:

1. One another for use in connection with the location, construction and/or operation of such a project or any facilities or public infrastructure related to the project, and may accept such grants or contributions of funds; and/or

2. A local water association incorporated as a nonprofit corporation and located within such county for the purpose of defraying the costs incurred or to be incurred thereby in connection with water or wastewater-related infrastructure



improvements, including an elevated water tank, located within the project area; and

(iv) Make one or more periodic grants or other contributions of funds to an enterprise or affiliate thereof owning and/or operating a project in such amount or amounts approved by such governing authority, and enter into an agreement with such enterprise to make such periodic grants or other contributions of funds; however, the duration of any such obligation of the public agency to make such grants or other contributions shall not exceed thirty (30) years.

(e) In any county in which there is to be located a project, the public agency seeking to acquire any real property to be used in connection with the location, construction and/or operation of the project, shall be exempt with respect to such property from the requirements of Section 43-37-3(1)(b) and (c) if the purchase price for such property equals the lowest price negotiated between the owner of the property and the public agency seeking to acquire the property, and at which the owner of the property is willing to sell the property, and any such public agency is further authorized to procure an option to purchase any such real property for such purchase price authorized by this subsection for the lowest option payment at which the owner of the property is willing to grant such option.

(f) In any county in which there is to be located a project, upon the sale of any sixteenth section lands for



368 industrial purposes as provided by law for such project, the board
369 of education controlling such lands, the superintendent of
370 education and the Mississippi Development Authority, on behalf of
371 the state, may sell and convey all minerals in, on and under any
372 such lands for such consideration determined to be adequate by,
373 and upon such terms and conditions prescribed by, such board of
374 education, superintendent of education and the Mississippi
375 Development Authority.

376 (g) In any county in which there is to be located a
377 project, the governing authority of the applicable public agency
378 may enter into an agreement binding on future governing
379 authorities, for any period not to exceed thirty (30) years to:

380 (i) Waive any and all fees and expenses associated
381 with building permits and privilege licenses required for the
382 project;

383 (ii) Establish and/or maintain a rate structure
384 for water supplied to the project and wastewater received from the
385 project, which shall be no higher than the lowest tariff prices
386 for such water and wastewater charged to any customer of equal or
387 lesser volume located within the boundaries of the public agency;

388 (iii) Provide firefighting, hazardous materials
389 emergency response, technical rescue and medical response
390 assistance to the enterprise owning or operating the project; and

391 (iv) Require any contractor hired by the public
392 agency for purposes of entering onto the project site for such



project to perform work-related to the provision of water supply or wastewater services, to procure customary liability insurance designating the enterprise owning or operating the project as an additional insured and to contractually indemnify such enterprise for any losses incurred by the enterprise as a result of such contractor's negligence and/or willful acts or omissions arising from the contractor's entry upon such project site.

(5) (a) As used in this subsection:

(i) "Project" shall have the meaning ascribed to such term in Section 57-75-5(f)(xxxi).

(ii) "Public agency" means the county in which the project is located, any municipality located in the county, and/or any economic development authority, economic development district, industrial development authority, port authority or airport authority or similar public agency created pursuant to state law.

(iii) "Board of education" shall have the meaning ascribed to such term in Section 29-3-1.1.

(iv) "Superintendent of education" shall have the meaning ascribed to such term in Section 29-3-1.1.

(b) In any county in which there is to be located a project, any public agency is authorized to assist as provided in this paragraph in defraying the costs incurred or to be incurred by the enterprise establishing the project and/or any public agency in connection with the location, construction and/or operation of the project or any facilities or public



418 infrastructure related to the project. Any such public agency may
419 provide such assistance by contributing or lending any sum
420 approved for such purpose by the governing authority of such
421 public agency, upon such terms as the governing authority of such
422 public agency may agree, to the entity or public agency that
423 directly or indirectly incurs or will incur such costs or as
424 otherwise provided in paragraph (c) of this subsection. The
425 proceeds of the contribution or loan shall be used by the
426 recipient in connection with the location, construction and/or
427 operation of the project or any facilities or public
428 infrastructure related to the project, including, without
429 limitation, to defray the costs of site preparation, utilities,
430 real estate purchases, purchase options and improvements,
431 infrastructure, roads, rail improvements, public works, job
432 training, as well as planning, design and environmental impact
433 studies with respect to a project, and any other expenses approved
434 by any such public agency.

435 (c) In order to provide the amounts set forth in
436 paragraph (b) of this subsection:

437 (i) Any such county may appropriate monies from
438 the county's general funds or provide such amounts from the
439 proceeds of general obligation bonds. Any such county may issue
440 the bonds for such purpose pursuant to the procedures for the
441 issuance of bonds under Chapter 9, Title 19, Mississippi Code of



1972, Section 19-5-99 or in any other manner permitted by any local and private law or other general laws; and

(ii) Any public agency may borrow or accept grants of such amounts from the authority or the Mississippi Development Authority for such duration and upon such terms and conditions approved by the governing authority of such public agency and the authority or Mississippi Development Authority, as applicable.

(d) In any county in which there is to be located a project, the governing authorities of public agencies may:

(i) Transfer and convey among themselves, with or without consideration being paid or received, any real and/or personal property for use in connection with the location, construction and/or operation of a project or any facilities or public infrastructure related to the project, and may accept such transfers or donations;

(ii) Make grants or other contributions of funds to one another for use in connection with the location, construction and/or operation of such a project or any facilities or public infrastructure related to the project, and may accept such grants or contributions of funds; and

(iii) Make one or more grants or other contributions of funds to an enterprise or affiliate thereof owning and/or operating a project in such amount or amounts approved by such governing authority, and enter into an agreement with such enterprise to make such grants or other contributions of



funds; however, the duration of any such obligation of the public agency to make such grants or other contributions shall not exceed thirty (30) years.

(e) In any county in which there is to be located a project, the public agency seeking to acquire any real property to be used in connection with the location, construction and/or operation of the project, shall be exempt with respect to such property from the requirements of Section 43-37-3(1)(b) and (c) if the purchase price for such property equals the lowest price negotiated between the owner of the property and the public agency seeking to acquire the property, and at which the owner of the property is willing to sell the property, and any such public agency is further authorized to procure an option to purchase any such real property for such purchase price authorized by this subsection for the lowest option payment at which the owner of the property is willing to grant such option.

(f) In any county in which there is to be located a project, upon the sale of land owned by an industrial development authority, port authority or airport authority for industrial purposes as provided by law for such project, the governing authorities controlling such lands may sell and convey all minerals in, on and under any such lands for such consideration determined to be adequate by, and upon such terms and conditions prescribed by, such governing authority or may otherwise enter into a written agreement with the enterprise owning and/or



operating such project pursuant to which such governing authority of the industrial development authority, port authority or airport authority, as the case may be, may agree to perpetually refrain from using the surface of such land upon which the project is located to access any minerals located thereunder in which such public agency has a retained ownership interest. Any such written agreement shall be binding upon future governing authorities.

(g) In any county in which there is to be located a project, the governing authority of the applicable public agency may enter into an agreement binding on future governing authorities, for any period not to exceed thirty (30) years to:

(i) Waive any and all fees and expenses associated with building permits and privilege licenses required for the project;

(ii) Establish and/or maintain a rate structure for water supplied to the project and wastewater received from the project, which shall be no higher than the lowest tariff prices for such water and wastewater charged to any customer of equal or lesser volume located within the boundaries of the public agency; and

(iii) Require any contractor hired by the public agency for purposes of entering onto the project site for such project to perform work related to the provision of water supply or wastewater services, to procure customary liability insurance designating the enterprise owning or operating the project as an



517 additional insured and to contractually indemnify such enterprise
518 for any losses incurred by the enterprise as a result of such
519 contractor's negligence and/or willful acts or omissions arising
520 from the contractor's entry upon such project site.

521 (6) (a) As used in this subsection:

522 (i) "Project" shall have the meaning ascribed to
523 such term in Section 57-75-5(f)(xxxii).

524 (ii) "Public agency" means the county in which the
525 project is located, any municipality located in the county, and/or
526 any economic development authority, economic development district,
527 industrial development authority, port authority, airport
528 authority, public utility or similar public agency created
529 pursuant to state law.

530 (b) In any county in which there is to be located a
531 project, any public agency is authorized to assist as provided in
532 this paragraph in defraying the costs incurred or to be incurred
533 by the enterprise establishing the project and/or any public
534 agency in connection with the location, construction and/or
535 operation of the project or any facilities or public
536 infrastructure related to the project. Any such public agency may
537 provide such assistance by contributing or lending any sum
538 approved for such purpose by the governing authority of such
539 public agency, upon such terms as the governing authority of such
540 public agency may agree, to the entity or public agency that
541 directly or indirectly incurs or will incur such costs or as



542 otherwise provided in paragraph (c) of this subsection. The
543 proceeds of the contribution or loan shall be used by the
544 recipient in connection with the location, construction and/or
545 operation of the project or any facilities or public
546 infrastructure related to the project, including, without
547 limitation, to defray the costs of site preparation, utilities,
548 real estate purchases, purchase options and improvements,
549 infrastructure, roads, rail improvements, public works, job
550 training, as well as planning, design and environmental impact
551 studies with respect to a project, and any other expenses approved
552 by any such public agency. Any such public agency may
553 alternatively provide such assistance by undertaking the
554 acquisition of real and/or personal property, or interests
555 therein, with respect to, and the design, engineering,
556 construction and installation of, any facilities or public
557 infrastructure related to the project regardless of whether it is
558 authorized by applicable statutes to operate such facilities or
559 public infrastructure and/or provide any utility services
560 therefrom following the completion thereof; provided that, if the
561 public agency is authorized by applicable statutes to operate such
562 facilities or public infrastructure following the completion
563 thereof, such public agency may transfer, and if the public agency
564 is not authorized by applicable statutes to operate such
565 facilities or public infrastructure and/or provide any utility
566 services therefrom following the completion thereof, the public



567 agency shall transfer, such facilities or public infrastructure to
568 another public agency that is authorized by applicable statutes to
569 operate such facilities or public infrastructure and/or provide
570 any utility services therefrom.

571 (c) In order to provide the amounts or otherwise
572 perform any permitted actions set forth in paragraph (b) of this
573 subsection:

574 (i) Any such county may appropriate monies from
575 the county's general funds or provide such amounts from the
576 proceeds of general obligation bonds or other indebtedness
577 permitted by any local and private law or other general laws. Any
578 such county may issue the bonds for such purpose pursuant to the
579 procedures for the issuance of bonds under Chapter 9, Title 19,
580 Mississippi Code of 1972, Section 19-5-99 or in any other manner
581 permitted by any local and private law or other general laws; and

582 (ii) Any public agency may borrow or accept grants
583 or other funds of such amounts from the authority or the
584 Mississippi Development Authority for such duration and upon such
585 terms and conditions approved by the governing authority of such
586 public agency and the authority or Mississippi Development
587 Authority, as applicable.

588 (iii) Any such county may enter into one or more
589 agreements with the authority or Mississippi Development Authority
590 approved by the board of supervisors of the county and, as
591 applicable, to remit to the authority or Mississippi Development



Authority, as applicable, on an annual or other periodic basis for a duration up to thirty (30) years, a portion of any fee-in-lieu of ad valorem taxes, together with a portion of any county ad valorem taxes, derived from the project. Any such written agreement shall be binding upon future boards of supervisors of the county.

(d) In any county in which there is to be located a project, the governing authorities of public agencies may:

(i) Transfer and convey among themselves, or to the authority, the Mississippi Development Authority, the Mississippi Department of Transportation or any other state agency, with or without consideration being paid or received, any real and/or personal property for use in connection with the location, construction and/or operation of a project or any facilities or public infrastructure related to the project, and may accept such transfers or donations;

(ii) Make grants or other contributions of funds to any public agency and/or any local water association incorporated as a nonprofit corporation and located within such county for the purpose of defraying the costs incurred or to be incurred thereby in connection with water or wastewater-related infrastructure improvements, including one or more water tanks, related to the project, and/or undertake the acquisition of real and/or personal property, or interests therein, with respect to, and the design, engineering, construction and installation of, any



617 water or wastewater-related infrastructure, including one or more
618 water tanks, related to the project, and thereafter transfer and
619 convey to any other public agency and/or any local water
620 association any real and/or personal property for use in
621 connection with water or wastewater-related infrastructure
622 improvements, including one or more water tanks, related to the
623 project, in consideration solely of the acceptance by the public
624 agency and/or the local water association, as applicable, of such
625 improvements and its agreement to operate the improvements to
626 provide water or wastewater-related services to the project;

627 (iii) Make grants or other contributions of funds
628 to a municipality located within such county for the purpose of
629 defraying the costs incurred or to be incurred thereby in
630 connection with natural gas-related infrastructure improvements
631 related to the project, and/or undertake the acquisition of real
632 and/or personal property, or interests therein, with respect to,
633 and the design, engineering, construction and installation of, any
634 natural gas-related infrastructure improvements related to the
635 project, and thereafter transfer and convey to any such
636 municipality any real and/or personal property for use in
637 connection with natural gas-related infrastructure improvements
638 related to the project, in consideration solely of the acceptance
639 by the municipality of such improvements and its agreement to
640 operate the improvements to provide natural gas-related services
641 to the project;



642 (iv) Make grants or other contributions of funds
643 to one another, or to the authority, the Mississippi Development
644 Authority, the Mississippi Department of Transportation or any
645 other state agency, for use in connection with the location,
646 construction and/or operation of such a project or any facilities
647 or public infrastructure related to the project, and may accept
648 such grants or contributions of funds;

649 (v) Make one or more grants or other contributions
650 of funds to an enterprise or affiliate thereof owning and/or
651 operating a project in such amount or amounts approved by such
652 governing authority, and enter into an agreement with such
653 enterprise that is binding on future governing authorities to make
654 such grants or other contributions of funds; however, the duration
655 of any such obligation of the public agency to make such grants or
656 other contributions shall not exceed thirty (30) years; and

657 (vi) Provide firefighting, hazardous materials
658 emergency response, technical rescue and medical response
659 assistance to the enterprise owning or operating the project, and
660 enter into an agreement binding on future governing authorities
661 with such enterprise to provide such firefighting, hazardous
662 materials emergency response, technical rescue and medical
663 response assistance for a term not to exceed thirty (30) years, to
664 be determined by the governing authority of the public agency
665 entering into such agreement.



666 (e) In any county in which there is to be located a
667 project, the public agency seeking to acquire any real property to
668 be used in connection with the location, construction and/or
669 operation of the project or any facilities or public
670 infrastructure related to the project, shall be exempt with
671 respect to such property from the requirements of Section
672 43-37-3(1)(b) and (c) if the purchase price for such property
673 equals the lowest price negotiated between the owner of the
674 property and the public agency seeking to acquire the property,
675 and at which the owner of the property is willing to sell the
676 property, and any such public agency is further authorized to
677 procure an option to purchase any such real property for such
678 purchase price authorized by this subsection for the lowest option
679 payment at which the owner of the property is willing to grant
680 such option.

681 (f) In any county in which there is to be located a
682 project, upon the conveyance or other disposition of land owned by
683 a public agency for industrial purposes as provided by law for
684 such project, the governing authority of the public agency
685 controlling such lands may enter into a written agreement with the
686 enterprise owning and/or operating such project pursuant to which
687 such governing authority may agree to perpetually refrain from
688 using the surface of such land upon which the project is located
689 to access any minerals located thereunder in which such public



agency has a retained ownership interest. Any such written agreement shall be binding upon future governing authorities.

(g) In any county in which there is to be located a project, the governing authority of the applicable public agency may enter into an agreement binding on future governing authorities, for any period not to exceed thirty (30) years to:

(i) Waive any and all fees and expenses associated with building permits and privilege licenses required for the project;

(ii) Establish and/or maintain a rate structure for water and natural gas supplied to the project and wastewater received from the project, which shall be no higher than the lowest tariff prices for such water, natural gas and wastewater charged to any customer of equal or lesser volume located within the boundaries of the public agency; and

(iii) Require any contractor hired by the public agency for purposes of entering onto the project site for such project to perform work related to the provision of water or natural gas supply or wastewater services, to procure customary liability insurance designating the enterprise owning or operating the project as an additional insured and to contractually indemnify such enterprise for any losses incurred by the enterprise as a result of such contractor's negligence and/or willful acts or omissions arising from the contractor's entry upon such project site.



(7) (a) As used in this subsection:

(i) "Project" shall have the meaning ascribed to such term in Section 57-75-5(f) (xxxiii).

(ii) "Public agency" means the county in which the project is located, any municipality located in the county, and/or any economic development authority, economic development district, industrial development authority, port authority, airport authority, public utility or similar public agency created pursuant to state law.

(iii) "Board of education" shall have the meaning ascribed to such term in Section 29-3-1.1.

(iv) "Superintendent of education" shall have the meaning ascribed to such term in Section 29-3-1.1.

(b) In any county in which there is to be located a project, any public agency is authorized to assist as provided in this paragraph in defraying the costs incurred or to be incurred by the enterprise establishing the project and/or any public agency in connection with the location, construction and/or operation of the project or any facilities or public infrastructure related to the project. Any such public agency may provide such assistance by contributing or lending any sum approved for such purpose by the governing authority of such public agency, upon such terms as the governing authority of such public agency may agree, to the entity or public agency that directly or indirectly incurs or will incur such costs or as



otherwise provided in paragraph (c) of this subsection. The proceeds of the contribution or loan shall be used by the recipient in connection with the location, construction and/or operation of the project or any facilities or public infrastructure related to the project, including, without limitation, to defray the costs of site preparation, utilities, real estate purchases, purchase options and improvements, infrastructure, roads, rail improvements, public works, job training, as well as planning, design and environmental impact studies with respect to a project, and any other expenses approved by any such public agency. Any such public agency may alternatively provide such assistance by undertaking the acquisition of real and/or personal property, or interests therein, with respect to, and the design, engineering, construction and installation of, any facilities or public infrastructure related to the project regardless of whether it is the public agency authorized by applicable statutes to operate such facilities or public infrastructure and/or provide any utility services therefrom following the completion thereof; provided that, if the public agency is authorized by applicable statutes to operate such facilities or public infrastructure following the completion thereof, such public agency may transfer, and if the public agency is not authorized by applicable statutes to operate such facilities or public infrastructure and/or provide any utility services therefrom following the completion thereof,



the public agency shall transfer such facilities or public infrastructure to another public agency that is authorized by applicable statutes to operate such facilities or public infrastructure and/or provide any utility services therefrom.

(c) In order to provide the amounts or otherwise perform any permitted actions set forth in paragraph (b) of this subsection:

(i) Any such county may appropriate monies from the county's general fund or provide such amounts from the proceeds of general obligation bonds or other indebtedness permitted by any local and private law or other general laws. Any such county may issue the bonds for such purpose pursuant to the procedures for the issuance of bonds under Title 19, Chapter 9, Mississippi Code of 1972, Section 19-5-99 or in any other manner permitted by any local and private law or other general laws;

(ii) Any public agency may borrow or accept grants or other funds of such amounts from the authority or the Mississippi Development Authority for such duration and upon such terms and conditions approved by the governing authority of such public agency and the authority or Mississippi Development Authority, as applicable; and

(iii) Any such county and/or municipality may enter into one or more agreements with the authority or Mississippi Development Authority approved by the board of supervisors of such county and/or the governing authority of such



municipality, as applicable, to remit to the authority or Mississippi Development Authority, as applicable, on an annual or other periodic basis for a duration up to thirty (30) years, a portion of any fee-in-lieu of ad valorem taxes, together with a portion of any ad valorem taxes that the county and/or municipality derives from the project. Any such written agreement shall be binding upon future governing authorities of the county and/or municipality, as applicable.

(d) In any county in which there is to be located a project, the governing authorities of public agencies may:

(i) Transfer and convey among themselves, or to the authority, the Mississippi Development Authority, the Mississippi Department of Transportation or any other state agency, with or without consideration being paid or received, any real and/or personal property for use in connection with the location, construction and/or operation of a project or any facilities or public infrastructure related to the project, and may accept such transfers or donations;

(ii) Make grants or other contributions of funds to any public agency and/or any local water association incorporated as a nonprofit corporation and located within such county for the purpose of defraying the costs incurred or to be incurred thereby in connection with water or wastewater-related infrastructure improvements, including one or more water tanks, related to the project, and/or undertake the acquisition of real



and/or personal property, or interests therein, with respect to,
and the design, engineering, construction and installation of, any
water or wastewater-related infrastructure, including one or more
water tanks, related to the project, and thereafter transfer and
convey to any other public agency and/or any local water
association any real and/or personal property for use in
connection with water or wastewater-related infrastructure
improvements, including one or more water tanks, related to the
project, in consideration solely of the acceptance by the public
agency and/or the local water association, as applicable, of such
improvements and its agreement to operate the improvements to
provide water or wastewater-related services to the project;

(iii) Make grants or other contributions of funds
to one another, or to the authority, the Mississippi Development
Authority, the Mississippi Department of Transportation or any
other state agency, for use in connection with the location,
construction and/or operation of such a project or any facilities
or public infrastructure related to the project, and may accept
such grants or contributions of funds;

(iv) Make one or more grants or other
contributions of funds to an enterprise or affiliate thereof
owning and/or operating a project in such amount or amounts
approved by such governing authority, and enter into an agreement
with such enterprise that is binding on future governing
authorities to make such grants or other contributions of funds;



however, the duration of any such obligation of the public agency to make such grants or other contributions shall not exceed thirty (30) years; and

(v) Provide firefighting, hazardous materials emergency response, technical rescue and medical response assistance to the enterprise owning or operating the project, and enter into an agreement binding on future governing authorities with such enterprise to provide such firefighting, hazardous materials emergency response, technical rescue and medical response assistance for a term not to exceed thirty (30) years, to be determined by the governing authority of the public agency entering into such agreement.

(e) In any county in which there is to be located a project, the public agency seeking to acquire any real property to be used in connection with the location, construction and/or operation of the project or any facilities or public infrastructure related to the project, shall be exempt with respect to such property from the requirements of Section 43-37-3(1)(b) and (c) if the purchase price for such property equals the lowest price negotiated between the owner of the property and the public agency seeking to acquire the property, and at which the owner of the property is willing to sell the property, and any such public agency is further authorized to procure an option to purchase any such real property for such purchase price authorized by this subsection for the lowest option



865 payment at which the owner of the property is willing to grant
866 such option.

867 (f) In any county in which there is to be located a
868 project * * *:

869 (i) Upon the conveyance or other disposition of
870 land owned by a public agency for industrial purposes as provided
871 by law for such project, the governing authority of the public
872 agency controlling such lands may enter into a written agreement
873 with the enterprise owning and/or operating such project pursuant
874 to which such governing authority may agree to perpetually refrain
875 from using the surface of such land upon which the project is
876 located to access any minerals located thereunder in which such
877 public agency has a retained ownership interest. Any such written
878 agreement shall be binding upon future governing authorities.

879 (ii) Upon the sale of any sixteenth section lands
880 for industrial purposes as provided by law for such project, the
881 board of education controlling such lands, the superintendent of
882 education and the Mississippi Development Authority, acting in
883 concert on behalf of the state, may sell and convey all minerals
884 in, on and under any such lands for such consideration determined
885 to be adequate by, and upon such terms and conditions prescribed
886 by, the board of education, the superintendent of education and
887 the Mississippi Development Authority, or may otherwise enter into
888 a written agreement with the enterprise owning or operating such
889 project pursuant to which the board of education, the



superintendent of education and the Mississippi Development Authority may agree to perpetually refrain from using the surface of such sixteenth section land upon which the project is located to access any minerals located thereunder in which the state has a retained ownership interest. Any such written agreement shall be binding upon future governing authorities.

(g) In any county in which there is to be located a project, the governing authority of the applicable public agency may enter into an agreement binding on future governing authorities, for any period not to exceed thirty (30) years, to:

(i) Waive or reduce any fees and expenses associated with building permits and privilege licenses required for the project;

(ii) Establish and/or maintain a rate structure for potable water to the project, nonpotable and treated, reclaimed wastewater supplied to the project for nonpotable purposes, and wastewater received from the project, which rates shall be established and/or maintained, as applicable, in the manner prescribed by state law and the local tariffs of the public agency providing such water and accepting such wastewater; and

(iii) Require any contractor hired by the public agency for purposes of entering onto the project site for such project to perform work related to the provision of water or wastewater services, to procure customary liability insurance designating the enterprise owning or operating the project as an



915 additional insured and to contractually indemnify such enterprise
916 for any losses incurred by the enterprise as a result of such
917 contractor's negligence and/or willful acts or omissions arising
918 from the contractor's entry upon such project site.

919 (h) In any county in which there is to be located a
920 project, the governing authority of any public agency accepting
921 and treating wastewater from the project may provide and sell to
922 any public agency providing water to the project treated,
923 reclaimed wastewater supplied for nonpotable purposes for resale
924 by such public agency providing water to the project to any
925 enterprise or affiliate thereof owning and/or operating the
926 project or any portion thereof for use in the operation of the
927 project for cooling or other exclusively nonpotable purposes.
928 Such public agencies may enter into an agreement binding on future
929 governing authorities thereof, for any period designated thereby,
930 to memorialize the terms and conditions of the provision, sale and
931 use of treated, reclaimed wastewater supplied for nonpotable
932 purposes to the project, including, but not limited to, the rates
933 applicable for such reclaimed wastewater supplied for nonpotable
934 purposes.

935 (8) The powers and authority granted in this section are an
936 additional, alternative and supplemental method for doing the
937 things authorized by this section and are additional and
938 supplemental to, and not in derogation of, any other powers
939 conferred by law.



940 **SECTION 3.** This act shall take effect and be in force from
941 and after July 1, 2025.

