

By: Senator(s) McCaughn, Butler

To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2245

1 AN ACT TO AMEND SECTIONS 29-3-1, 29-3-29, AND 29-3-82,
2 MISSISSIPPI CODE OF 1972, TO MAKE CERTAIN TECHNICAL CHANGES
3 RELATED TO THE LEASING AND SALE OF SIXTEENTH SECTION LAND; TO
4 SUBSTITUTE THE SECRETARY OF STATE FOR BOARDS OF SUPERVISORS FOR
5 THE LEASING AND SALE OF SIXTEENTH SECTION LAND; TO DELETE CERTAIN
6 PROVISIONS RELATED TO THE BOARD OF SUPERVISORS OF COUNTIES
7 APPROVING SUCH LEASES OR SALES; TO AMEND SECTION 57-75-37,
8 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SALE OF CERTAIN
9 SIXTEENTH SECTION MINERAL INTERESTS TO THE ENTERPRISES OWNING OR
10 OPERATING CERTAIN PROJECTS, OR TO AUTHORIZE THE PERPETUAL WAIVER
11 OF THE RIGHT TO USE THE SURFACE OF SUCH SIXTEENTH SECTION LANDS
12 FOR EXPLORATION OR PRODUCTION OF MINERALS; AND FOR RELATED
13 PURPOSES.

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

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

17 29-3-1. (1) Sixteenth section school lands, or lands
18 granted in lieu thereof, constitute property held in trust for the
19 benefit of the public schools and must be treated as such. The
20 board of education under the general supervision of the State Land
21 Commissioner, shall have control and jurisdiction of said school
22 trust lands and of all funds arising from any disposition thereof
23 heretofore or hereafter made. It shall be the duty of the board



24 of education to manage the school trust lands and all funds
25 arising therefrom as trust property. Accordingly, the board shall
26 assure that adequate compensation is received for all uses of the
27 trust lands, except for uses by the public schools.

28 (2) In the event the * * * Secretary of State declines to
29 approve the rental value of the land set by the board of
30 education, the board of education shall within ten (10) days
31 appoint one (1) appraiser, the * * * Secretary of State shall
32 within twenty (20) days appoint one (1) appraiser and the two (2)
33 appraisers so appointed shall within twenty (20) days appoint a
34 third appraiser whose duty it shall be to appraise the land,
35 exclusive of buildings and improvements, the title to which is not
36 held in trust for the public schools, and to file a written
37 report * * * setting forth their recommendation for the rental
38 value of the land within thirty (30) days. The cost of the
39 appraisal shall be paid from any available sixteenth section
40 school funds or other school funds of the district. If no appeal
41 is taken within twenty (20) days as provided hereunder, the lease
42 shall be executed in accordance with said recommended rental value
43 within thirty (30) days of the receipt of the appraisers' report.
44 In the event any party is aggrieved by the decision of the
45 appraisers setting forth the appraised rental value, the party so
46 aggrieved shall be entitled to an appeal to the chancery court in
47 which the land is located. Such appeal shall be taken within
48 twenty (20) days following the decision. The chancery court, on



49 appeal, may review all of the proceedings, may receive additional
50 evidence, and make findings of fact, as well as conclusions of law
51 to * * * ensure that a fair and reasonable return may be obtained
52 on the sixteenth section lands or lands in lieu thereof.

53 **SECTION 2.** Section 29-3-29, Mississippi Code of 1972, is
54 amended as follows:

55 29-3-29. Before any sixteenth section school land or land
56 granted in lieu thereof may be sold or leased for industrial
57 development thereon, therein or thereunder under the provisions of
58 this chapter, the board of education controlling such land shall
59 first determine that such sale or lease will be fair market value.
60 In the determination of the fair market value of said land the
61 comparative sales method shall be used, and the highest and best
62 use of said sixteenth section lands shall be determined on the
63 basis of finding that said land shall be susceptible to any use
64 that comparative land in private ownership may be used, that there
65 will be prompt and substantial industrial development on, in, or
66 under said land after the sale or lease, that the acreage to be
67 sold or leased is not in excess of the amount of land reasonably
68 required for immediate use and for such future expansion as may be
69 reasonably anticipated, and that such sale or lease will be
70 beneficial to and in the best interest of the schools of the
71 district for which said land is held. All of said findings,
72 including the amount of the sale price or gross rental for said
73 land, shall be spread on the minutes of the board of education.



74 Also, if the board of education proposes to sell said land, said
75 board shall first enter into a contract or obtain a legal option
76 to purchase, for a specified price not in excess of fair market
77 value, other land in the county of acreage of equivalent fair
78 market value, and such contract or option shall be spread on the
79 minutes of said board. However, not more than one hundred (100)
80 acres in any one (1) sixteenth section school lands in any county
81 may be sold under this chapter for the purpose of being made an
82 industrial park or a part of such industrial park, provided the
83 provisions of this section and Sections 57-5-1 and 57-5-23 are
84 fully complied with.

85 A certified copy of the resolution or order of the board of
86 education, setting out the foregoing findings, together with a
87 certified copy of the order approving and setting out the terms of
88 the contract or option to purchase other lands where a sale of
89 land is proposed and an application to the Mississippi * * *
90 Secretary of State for the certificate authorizing said sale or
91 lease * * *.

92 If * * * the Secretary of State shall concur in the finding
93 of fact of the board of education, and shall find that it is to
94 the best interests of the schools of the district to enter into
95 such sale or lease, * * * he may * * * approve the action of the
96 board of education.

97 If the * * * Secretary of State shall not concur in the
98 findings of the board of education, or shall find that the



99 proposed sale or lease will not be in the best interest of the
100 schools of the district, then * * * he may, by resolution or
101 order, disapprove the proposed sale or lease, and such action
102 shall be final.

103 Except as otherwise permitted by Section 57-75-37(4)(f) and
104 (7)(f), there shall be reserved all minerals in, on, and under any
105 lands conveyed under the provisions hereof. Provided, however,
106 that in any county bordering on the State of Alabama, traversed by
107 the Tombigbee River, in which U.S. Highway 82 intersects U.S.
108 Highway 45 and in which is situated a state supported institution
109 of higher learning, upon the sale of any sixteenth section lands
110 for industrial purposes as provided by law, the board of
111 education, the Superintendent of Education and the * * * Secretary
112 of State, may sell and convey all minerals except oil, gas,
113 sulphur and casinghead gas on, in and under the said sixteenth
114 section lands so sold for industrial purposes. Said oil, gas,
115 sulphur and casinghead gas shall be reserved together with such
116 rights of use, ingress and egress as shall not unreasonably
117 interfere with the use of the lands by the purchaser. Prior
118 written approval for such use, ingress and egress, shall be
119 obtained from the surface owner or, if such approval is
120 unreasonably withheld, may be obtained from the chancery court of
121 the county in which said land is located.

122 Certified copies of the resolutions or orders of * * * the
123 board of education and of the application to the * * * Secretary



of State shall be transmitted to the county Superintendent of Education, if there be one in the county, who, if he approves the proposed sale or lease, shall so certify and forward same to the * * * Secretary of State. If there be no county Superintendent of Education in the county, then the board of education whose district embraces the entire county shall so certify and transmit said copies to the * * * Secretary of State.

Upon receipt of the aforesaid application and certified copies of the said resolution and orders, the * * * Secretary of State shall make investigation to determine whether or not the proposed sale or lease of said land will promote prompt and substantial industrial development thereon, therein, or thereunder. If the * * * Secretary of State finds that such sale or lease will promote prompt and substantial industrial development thereon, therein or thereunder, and further finds that the person, firm or corporation who proposes to establish said industry is financially responsible, and that the acreage to be sold or leased is not in excess of the amount of land reasonably required for immediate use and for such future expansion as may be reasonably anticipated, then the * * * Secretary of State, in * * * his discretion, may issue a certificate to the board of education of said district so certifying, and said certificate shall be the authority for the board of education to enter into the proposed sale or lease. If the * * * Secretary of State does



not so find, then it shall decline to issue said certificate which action shall be final.

The * * * Secretary of State, when issuing a certificate to the county board of education certifying * * * his findings and authorizing said sale or lease, may, nevertheless, in * * * his discretion, make such sale or lease conditioned on and subject to the vote of the qualified electors of said district. Upon receipt of a certificate so conditioned upon an election, or upon a petition as hereinafter provided for, the board of education, by resolution spread upon its minutes, shall forward a copy of the certificate to the board of supervisors who by resolution upon its minutes, shall call an election to be held in the manner now provided by law for holding county elections, and shall fix in such resolution a date upon which such an election shall be held, of which not less than three (3) weeks notice shall be given by the clerk of said board of supervisors by publishing a notice in a newspaper published in said county once each week for three (3) consecutive weeks preceding the same, or if no newspaper is published in said county, then in a newspaper having a general circulation therein, and by posting a notice for three (3) weeks preceding said election at three (3) public places in said county. At such election, all qualified voters of the county may vote, and the ballots used shall have printed thereon a brief statement of the proposed sale or lease of said land, including the description and price, together with the words "For the proposed sale or



173 lease" and the words "Against the proposed sale or lease," and the
174 voter shall vote by placing a cross (x) or check (✓) opposite his
175 choice of the proposition. Should the election provided for
176 herein result in favor of the proposed sale or lease by at least
177 two-thirds (2/3) of the votes cast being in favor of the said
178 proposition, the board of supervisors shall notify the board of
179 education who may proceed forthwith to sell or lease said land in
180 accordance with the proposition so submitted to the electors. If
181 less than two-thirds (2/3) of those voting in such special
182 election vote in favor of the said sale or lease, then said land
183 shall not be sold or leased.

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



197 **SECTION 3.** Section 29-3-82, Mississippi Code of 1972, is
198 amended as follows:

199 29-3-82. The following procedure shall be followed for the
200 leasing of sixteenth section school lands or lands granted in lieu
201 thereof which are not classified as forest land or agricultural
202 land or leased under Section 29-3-99:

203 (a) Any present leaseholder who desires to renew his
204 lease, or any person who desires to lease sixteenth section or
205 lieu lands, shall make application to the Superintendent of
206 Education.

207 (b) Upon receipt of an application for the lease of
208 such lands, the Superintendent of Education shall promptly give
209 consideration to the application, and he shall record his
210 recommendation in writing and present it to the board of education
211 at the next regular meeting of the board.

212 (c) The board of education, at its meeting, shall
213 consider the application and recommendation of the Superintendent
214 of Education and may receive any other information which it
215 considers bearing upon the approval of the application and lease
216 of such land. Within thirty (30) days of the receipt of an
217 application, the board shall act on the application, and if such
218 action is favorable, the board of education shall submit to the
219 Superintendent of Education a suggested lease agreement.

220 (d) The Superintendent of Education shall then present
221 the lease to the * * * Secretary of State. Within thirty (30)



days of the receipt of the lease, the * * * Secretary of State shall accept or reject the proposed rental amount.

(e) If the * * * Secretary of State accepts the lease as proposed by the board of education, the Superintendent of Education shall execute the lease to the applicant under the terms and conditions set forth in the lease.

(f) If the * * * Secretary of State refuses to accept the rental value set by the board of education in the proposed lease, the rental value of the lease shall be determined under the provisions set forth in Section 29-3-1(2).

(g) All sixteenth section or lieu land leases shall be reduced to writing and signed by the * * * Secretary of State, the president of the board of education and the Superintendent of Education. The chancery clerk shall record the original on the deed records of the county, abstract the lease as a mesne conveyance, and record it on the minutes of the board of supervisors. The chancery clerk shall charge and collect from the lessee the full recording fees. * * *

SECTION 4. 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:



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

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

254 (ii) In order to provide the amounts set forth in
255 paragraph (a)(i) of this subsection (1), any such county may
256 appropriate monies from the county's general funds or provide such
257 amounts from the proceeds of general obligation bonds, or any
258 combination of the foregoing. Any such county may issue the bonds
259 for such purpose pursuant to the procedures for the issuance of
260 bonds under Chapter 9, Title 19, Mississippi Code of 1972, or
261 Section 19-5-99.

262 (b) The board of supervisors of any county may donate
263 real property for use in the location, construction and/or
264 operation of a project as defined under Section 57-75-5(f)(xviii)
265 to one or more economic development authorities, economic
266 development districts, industrial development authorities or
267 similar public agencies created pursuant to state law that engage
268 in economic or industrial development in the county, and any such
269 public agencies may accept such donation of real property from the
270 county. Such public agencies also may transfer and convey among



271 themselves, with or without consideration being paid or received,
272 real property to be used in the location, construction and/or
273 operation of such a project, and may accept such transfers or
274 donations.

275 (2) Any county or municipality in which there is to be
276 constructed a project as defined in Section 57-75-5(f) (xxvi) or
277 57-75-5(f) (xxvii) is authorized to:

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

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

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

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

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

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



295 (b) Any county in which there is to be located a
296 project is authorized to assist as provided in this paragraph in
297 defraying the costs incurred or to be incurred by the enterprise
298 establishing the project and any public agency in connection with
299 the location, construction and/or operation of the project or any
300 facilities or public infrastructure related to the project. The
301 county may provide such assistance by contributing or lending any
302 sum approved for such purpose by the board of supervisors of the
303 county, upon such terms as the board of supervisors may agree, to
304 the entity that directly or indirectly incurs or will incur such
305 costs or as otherwise provided in paragraph (c) of this
306 subsection. The proceeds of the contribution or loan shall be
307 used by the recipient in connection with the location,
308 construction and/or operation of the project or any facilities or
309 public infrastructure related to the project.

310 (c) In order to provide the amounts set forth in
311 paragraph (b) of this subsection, any such county may appropriate
312 monies from the county's general funds or provide such amounts
313 from the proceeds of general obligation bonds, or any combination
314 of the foregoing. Any such county may issue the bonds for such
315 purpose pursuant to the procedures for the issuance of bonds under
316 Chapter 9, Title 19, Mississippi Code of 1972, or Section 19-5-99.

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



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

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

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

337 (e) In any county in which there is to be located a
338 project, the person, entity or other agency seeking to acquire any
339 real property to be used in connection with the location,
340 construction and/or operation of the project, shall be exempt with
341 respect to such property from the requirements of Section
342 43-37-3(1) (b) and (c) if the purchase price for such property
343 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



418 2. A local water association incorporated as
419 a nonprofit corporation and located within such county for the
420 purpose of defraying the costs incurred or to be incurred thereby
421 in connection with water or wastewater-related infrastructure
422 improvements, including an elevated water tank, located within the
423 project area; and

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

432 (e) In any county in which there is to be located a
433 project, the public agency seeking to acquire any real property to
434 be used in connection with the location, construction and/or
435 operation of the project, shall be exempt with respect to such
436 property from the requirements of Section 43-37-3(1)(b) and (c) if
437 the purchase price for such property equals the lowest price
438 negotiated between the owner of the property and the public agency
439 seeking to acquire the property, and at which the owner of the
440 property is willing to sell the property, and any such public
441 agency is further authorized to procure an option to purchase any
442 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 industrial purposes as provided by law for such project, the board of education controlling such lands, the superintendent of education and the Mississippi Development Authority, on behalf of the state, 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 board of education, superintendent of education and the Mississippi Development Authority.

(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;



467 (iii) Provide firefighting, hazardous materials
468 emergency response, technical rescue and medical response
469 assistance to the enterprise owning or operating the project; and

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

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

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

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

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

489 (iv) "Superintendent of education" shall have the
490 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:



516 (i) Any such county may appropriate monies from
517 the county's general funds or provide such amounts from the
518 proceeds of general obligation bonds. Any such county may issue
519 the bonds for such purpose pursuant to the procedures for the
520 issuance of bonds under Chapter 9, Title 19, Mississippi Code of
521 1972, Section 19-5-99 or in any other manner permitted by any
522 local and private law or other general laws; and

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

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

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

536 (ii) Make grants or other contributions of funds
537 to one another for use in connection with the location,
538 construction and/or operation of such a project or any facilities
539 or public infrastructure related to the project, and may accept
540 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 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.

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

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

(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.

(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



616 provide such assistance by contributing or lending any sum
617 approved for such purpose by the governing authority of such
618 public agency, upon such terms as the governing authority of such
619 public agency may agree, to the entity or public agency that
620 directly or indirectly incurs or will incur such costs or as
621 otherwise provided in paragraph (c) of this subsection. The
622 proceeds of the contribution or loan shall be used by the
623 recipient in connection with the location, construction and/or
624 operation of the project or any facilities or public
625 infrastructure related to the project, including, without
626 limitation, to defray the costs of site preparation, utilities,
627 real estate purchases, purchase options and improvements,
628 infrastructure, roads, rail improvements, public works, job
629 training, as well as planning, design and environmental impact
630 studies with respect to a project, and any other expenses approved
631 by any such public agency. Any such public agency may
632 alternatively provide such assistance by undertaking the
633 acquisition of real and/or personal property, or interests
634 therein, with respect to, and the design, engineering,
635 construction and installation of, any facilities or public
636 infrastructure related to the project regardless of whether it is
637 authorized by applicable statutes to operate such facilities or
638 public infrastructure and/or provide any utility services
639 therefrom following the completion thereof; provided that, if the
640 public agency is authorized by applicable statutes to operate such



641 facilities or public infrastructure following the completion
642 thereof, such public agency may transfer, and if the public agency
643 is not authorized by applicable statutes to operate such
644 facilities or public infrastructure and/or provide any utility
645 services therefrom following the completion thereof, the public
646 agency shall transfer, such facilities or public infrastructure to
647 another public agency that is authorized by applicable statutes to
648 operate such facilities or public infrastructure and/or provide
649 any utility services therefrom.

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

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

661 (ii) Any public agency may borrow or accept grants
662 or other funds of such amounts from the authority or the
663 Mississippi Development Authority for such duration and upon such
664 terms and conditions approved by the governing authority of such



665 public agency and the authority or Mississippi Development
666 Authority, as applicable.

667 (iii) Any such county may enter into one or more
668 agreements with the authority or Mississippi Development Authority
669 approved by the board of supervisors of the county and, as
670 applicable, to remit to the authority or Mississippi Development
671 Authority, as applicable, on an annual or other periodic basis for
672 a duration up to thirty (30) years, a portion of any fee-in-lieu
673 of ad valorem taxes, together with a portion of any county ad
674 valorem taxes, derived from the project. Any such written
675 agreement shall be binding upon future boards of supervisors of
676 the county.

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

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

687 (ii) Make grants or other contributions of funds
688 to any public agency and/or any local water association
689 incorporated as a nonprofit corporation and located within such



690 county for the purpose of defraying the costs incurred or to be
691 incurred thereby in connection with water or wastewater-related
692 infrastructure improvements, including one or more water tanks,
693 related to the project, and/or undertake the acquisition of real
694 and/or personal property, or interests therein, with respect to,
695 and the design, engineering, construction and installation of, any
696 water or wastewater-related infrastructure, including one or more
697 water tanks, related to the project, and thereafter transfer and
698 convey to any other public agency and/or any local water
699 association any real and/or personal property for use in
700 connection with water or wastewater-related infrastructure
701 improvements, including one or more water tanks, related to the
702 project, in consideration solely of the acceptance by the public
703 agency and/or the local water association, as applicable, of such
704 improvements and its agreement to operate the improvements to
705 provide water or wastewater-related services to the project;

706 (iii) Make grants or other contributions of funds
707 to a municipality located within such county for the purpose of
708 defraying the costs incurred or to be incurred thereby in
709 connection with natural gas-related infrastructure improvements
710 related to the project, and/or undertake the acquisition of real
711 and/or personal property, or interests therein, with respect to,
712 and the design, engineering, construction and installation of, any
713 natural gas-related infrastructure improvements related to the
714 project, and thereafter transfer and convey to any such



municipality any real and/or personal property for use in connection with natural gas-related infrastructure improvements related to the project, in consideration solely of the acceptance by the municipality of such improvements and its agreement to operate the improvements to provide natural gas-related services to the project;

(iv) 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;

(v) 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

(vi) 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



740 with such enterprise to provide such firefighting, hazardous
741 materials emergency response, technical rescue and medical
742 response assistance for a term not to exceed thirty (30) years, to
743 be determined by the governing authority of the public agency
744 entering into such agreement.

745 (e) In any county in which there is to be located a
746 project, the public agency seeking to acquire any real property to
747 be used in connection with the location, construction and/or
748 operation of the project or any facilities or public
749 infrastructure related to the project, shall be exempt with
750 respect to such property from the requirements of Section
751 43-37-3(1)(b) and (c) if the purchase price for such property
752 equals the lowest price negotiated between the owner of the
753 property and the public agency seeking to acquire the property,
754 and at which the owner of the property is willing to sell the
755 property, and any such public agency is further authorized to
756 procure an option to purchase any such real property for such
757 purchase price authorized by this subsection for the lowest option
758 payment at which the owner of the property is willing to grant
759 such option.

760 (f) In any county in which there is to be located a
761 project, upon the conveyance or other disposition of land owned by
762 a public agency for industrial purposes as provided by law for
763 such project, the governing authority of the public agency
764 controlling such lands may enter into a written agreement with the



765 enterprise owning and/or operating such project pursuant to which
766 such governing authority may agree to perpetually refrain from
767 using the surface of such land upon which the project is located
768 to access any minerals located thereunder in which such public
769 agency has a retained ownership interest. Any such written
770 agreement shall be binding upon future governing authorities.

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

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

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

784 (iii) Require any contractor hired by the public
785 agency for purposes of entering onto the project site for such
786 project to perform work related to the provision of water or
787 natural gas supply or wastewater services, to procure customary
788 liability insurance designating the enterprise owning or operating
789 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



815 approved for such purpose by the governing authority of such
816 public agency, upon such terms as the governing authority of such
817 public agency may agree, to the entity or public agency that
818 directly or indirectly incurs or will incur such costs or as
819 otherwise provided in paragraph (c) of this subsection. The
820 proceeds of the contribution or loan shall be used by the
821 recipient in connection with the location, construction and/or
822 operation of the project or any facilities or public
823 infrastructure related to the project, including, without
824 limitation, to defray the costs of site preparation, utilities,
825 real estate purchases, purchase options and improvements,
826 infrastructure, roads, rail improvements, public works, job
827 training, as well as planning, design and environmental impact
828 studies with respect to a project, and any other expenses approved
829 by any such public agency. Any such public agency may
830 alternatively provide such assistance by undertaking the
831 acquisition of real and/or personal property, or interests
832 therein, with respect to, and the design, engineering,
833 construction and installation of, any facilities or public
834 infrastructure related to the project regardless of whether it is
835 the public agency authorized by applicable statutes to operate
836 such facilities or public infrastructure and/or provide any
837 utility services therefrom following the completion thereof;
838 provided that, if the public agency is authorized by applicable
839 statutes to operate such facilities or public infrastructure



840 following the completion thereof, such public agency may transfer,
841 and if the public agency is not authorized by applicable statutes
842 to operate such facilities or public infrastructure and/or provide
843 any utility services therefrom following the completion thereof,
844 the public agency shall transfer such facilities or public
845 infrastructure to another public agency that is authorized by
846 applicable statutes to operate such facilities or public
847 infrastructure and/or provide any utility services therefrom.

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

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

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



865 (iii) Any such county and/or municipality may
866 enter into one or more agreements with the authority or
867 Mississippi Development Authority approved by the board of
868 supervisors of such county and/or the governing authority of such
869 municipality, as applicable, to remit to the authority or
870 Mississippi Development Authority, as applicable, on an annual or
871 other periodic basis for a duration up to thirty (30) years, a
872 portion of any fee-in-lieu of ad valorem taxes, together with a
873 portion of any ad valorem taxes that the county and/or
874 municipality derives from the project. Any such written agreement
875 shall be binding upon future governing authorities of the county
876 and/or municipality, as applicable.

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

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

887 (ii) Make grants or other contributions of funds
888 to any public agency and/or any local water association
889 incorporated as a nonprofit corporation and located within such



890 county for the purpose of defraying the costs incurred or to be
891 incurred thereby in connection with water or wastewater-related
892 infrastructure improvements, including one or more water tanks,
893 related to the project, and/or undertake the acquisition of real
894 and/or personal property, or interests therein, with respect to,
895 and the design, engineering, construction and installation of, any
896 water or wastewater-related infrastructure, including one or more
897 water tanks, related to the project, and thereafter transfer and
898 convey to any other public agency and/or any local water
899 association any real and/or personal property for use in
900 connection with water or wastewater-related infrastructure
901 improvements, including one or more water tanks, related to the
902 project, in consideration solely of the acceptance by the public
903 agency and/or the local water association, as applicable, of such
904 improvements and its agreement to operate the improvements to
905 provide water or wastewater-related services to the project;

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

913 (iv) Make one or more grants or other
914 contributions of funds to an enterprise or affiliate thereof



915 owning and/or operating a project in such amount or amounts
916 approved by such governing authority, and enter into an agreement
917 with such enterprise that is binding on future governing
918 authorities to make such grants or other contributions of funds;
919 however, the duration of any such obligation of the public agency
920 to make such grants or other contributions shall not exceed thirty
921 (30) years; and

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

931 (e) In any county in which there is to be located a
932 project, the public agency seeking to acquire any real property to
933 be used in connection with the location, construction and/or
934 operation of the project or any facilities or public
935 infrastructure related to the project, shall be exempt with
936 respect to such property from the requirements of Section
937 43-37-3(1)(b) and (c) if the purchase price for such property
938 equals the lowest price negotiated between the owner of the
939 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 * * *:

(i) Upon the conveyance or other disposition of land owned by a public agency for industrial purposes as provided by law for such project, the governing authority of the public agency controlling such lands may enter into a written agreement with the enterprise owning and/or operating such project pursuant to which such governing authority 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.

(ii) Upon the sale of any sixteenth section lands for industrial purposes as provided by law for such project, the board of education controlling such lands, the superintendent of education and the Mississippi Development Authority, acting in concert on behalf of the state, 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



965 by, the board of education, the superintendent of education and
966 the Mississippi Development Authority, or may otherwise enter into
967 a written agreement with the enterprise owning or operating such
968 project pursuant to which the board of education, the
969 superintendent of education and the Mississippi Development
970 Authority may agree to perpetually refrain from using the surface
971 of such sixteenth section land upon which the project is located
972 to access any minerals located thereunder in which the state has a
973 retained ownership interest. Any such written agreement shall be
974 binding upon future governing authorities.

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

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

982 (ii) Establish and/or maintain a rate structure
983 for potable water to the project, nonpotable and treated,
984 reclaimed wastewater supplied to the project for nonpotable
985 purposes, and wastewater received from the project, which rates
986 shall be established and/or maintained, as applicable, in the
987 manner prescribed by state law and the local tariffs of the public
988 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 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.

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



1014 (8) The powers and authority granted in this section are an
1015 additional, alternative and supplemental method for doing the
1016 things authorized by this section and are additional and
1017 supplemental to, and not in derogation of, any other powers
1018 conferred by law.

1019 **SECTION 5.** This act shall take effect and be in force from
1020 and after July 1, 2025.

