

By: Senator(s) McCaughn, Butler

To: Education

SENATE BILL NO. 2245
(As Passed the Senate)

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

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

11 **SECTION 1.** Section 57-75-37, Mississippi Code of 1972, is
12 amended as follows:

13 57-75-37. (1) (a) (i) Any county in which there is to be
14 constructed a project as defined in Section 57-75-5(f)(xviii) is
15 authorized to assist in defraying the costs incurred or to be
16 incurred by the enterprise establishing such project by:

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

20 2. Lending a sum of up to Five Million
21 Dollars (\$5,000,000.00) upon such terms as the board of

22 supervisors of such county and such enterprise may agree, the
23 proceeds of which loan shall be used by such enterprise in
24 connection with the construction or financing of the project.

25 (ii) In order to provide the amounts set forth in
26 paragraph (a) (i) of this subsection (1), any such county may
27 appropriate monies from the county's general funds or provide such
28 amounts from the proceeds of general obligation bonds, or any
29 combination of the foregoing. Any such county may issue the bonds
30 for such purpose pursuant to the procedures for the issuance of
31 bonds under Chapter 9, Title 19, Mississippi Code of 1972, or
32 Section 19-5-99.

33 (b) The board of supervisors of any county may donate
34 real property for use in the location, construction and/or
35 operation of a project as defined under Section 57-75-5(f) (xviii)
36 to one or more economic development authorities, economic
37 development districts, industrial development authorities or
38 similar public agencies created pursuant to state law that engage
39 in economic or industrial development in the county, and any such
40 public agencies may accept such donation of real property from the
41 county. Such public agencies also may transfer and convey among
42 themselves, with or without consideration being paid or received,
43 real property to be used in the location, construction and/or
44 operation of such a project, and may accept such transfers or
45 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 establishing the project and any public agency in connection with the location, construction and/or operation of the project or any

71 facilities or public infrastructure related to the project. The
72 county may provide such assistance by contributing or lending any
73 sum approved for such purpose by the board of supervisors of the
74 county, upon such terms as the board of supervisors may agree, to
75 the entity that directly or indirectly incurs or will incur such
76 costs or as otherwise provided in paragraph (c) of this
77 subsection. The proceeds of the contribution or loan shall be
78 used by the recipient in connection with the location,
79 construction and/or operation of the project or any facilities or
80 public infrastructure related to the project.

81 (c) In order to provide the amounts set forth in
82 paragraph (b) of this subsection, any such county may appropriate
83 monies from the county's general funds or provide such amounts
84 from the proceeds of general obligation bonds, or any combination
85 of the foregoing. Any such county may issue the bonds for such
86 purpose pursuant to the procedures for the issuance of bonds under
87 Chapter 9, Title 19, Mississippi Code of 1972, or Section 19-5-99.

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

90 (i) Transfer and convey to the authority or the
91 Mississippi Development Authority, with or without consideration
92 being paid or received, any real and/or personal property for use
93 in connection with the location, construction and/or operation of
94 the project or any facilities or public infrastructure related to



95 the project, and the authority and the Mississippi Development
96 Authority may accept such transfers or donations;
97 (ii) Transfer and convey among themselves, with or
98 without consideration being paid or received, any real and/or
99 personal property for use in connection with the location,
100 construction and/or operation of a project or any facilities or
101 public infrastructure related to the project, and may accept such
102 transfers or donations; and
103 (iii) Make grants or other contributions of funds
104 to one another for use in connection with the location,
105 construction and/or operation of such a project or any facilities
106 or public infrastructure related to the project, and may accept
107 such grants or contributions of funds.

108 (e) In any county in which there is to be located a
109 project, the person, entity or other agency seeking to acquire any
110 real property to be used in connection with the location,
111 construction and/or operation of the project, shall be exempt with
112 respect to such property from the requirements of Section
113 43-37-3(1) (b) and (c) if the purchase price for such property
114 equals the lowest price negotiated between the owner of the
115 property and the person, agency or other entity seeking to acquire
116 the property, and at which the owner of the property is willing to
117 sell the property.

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

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

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

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

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

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

156 (i) Any such county may appropriate monies from
157 the county's general funds or provide such amounts from the
158 proceeds of general obligation bonds. Any such county may issue
159 the bonds for such purpose pursuant to the procedures for the
160 issuance of bonds under Chapter 9, Title 19, Mississippi Code of
161 1972, Section 19-5-99 or in any other manner permitted by any
162 local and private law or other general laws; and

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

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

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

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

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

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

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

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

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

218 industrial purposes as provided by law for such project, the board
219 of education controlling such lands, the superintendent of
220 education and the Mississippi Development Authority, on behalf of
221 the state, may sell and convey all minerals in, on and under any
222 such lands for such consideration determined to be adequate by,
223 and upon such terms and conditions prescribed by, such board of
224 education, superintendent of education and the Mississippi
225 Development Authority.

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

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

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

238 (iii) Provide firefighting, hazardous materials
239 emergency response, technical rescue and medical response
240 assistance to the enterprise owning or operating the project; and

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

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

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

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

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

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

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

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



268 infrastructure related to the project. Any such public agency may
269 provide such assistance by contributing or lending any sum
270 approved for such purpose by the governing authority of such
271 public agency, upon such terms as the governing authority of such
272 public agency may agree, to the entity or public agency that
273 directly or indirectly incurs or will incur such costs or as
274 otherwise provided in paragraph (c) of this subsection. The
275 proceeds of the contribution or loan shall be used by the
276 recipient in connection with the location, construction and/or
277 operation of the project or any facilities or public
278 infrastructure related to the project, including, without
279 limitation, to defray the costs of site preparation, utilities,
280 real estate purchases, purchase options and improvements,
281 infrastructure, roads, rail improvements, public works, job
282 training, as well as planning, design and environmental impact
283 studies with respect to a project, and any other expenses approved
284 by any such public agency.

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

287 (i) Any such county may appropriate monies from
288 the county's general funds or provide such amounts from the
289 proceeds of general obligation bonds. Any such county may issue
290 the bonds for such purpose pursuant to the procedures for the
291 issuance of bonds under Chapter 9, Title 19, Mississippi Code of

292 1972, Section 19-5-99 or in any other manner permitted by any
293 local and private law or other general laws; and
294 (ii) Any public agency may borrow or accept grants
295 of such amounts from the authority or the Mississippi Development
296 Authority for such duration and upon such terms and conditions
297 approved by the governing authority of such public agency and the
298 authority or Mississippi Development Authority, as applicable.
299 (d) In any county in which there is to be located a
300 project, the governing authorities of public agencies may:
301 (i) Transfer and convey among themselves, with or
302 without consideration being paid or received, any real and/or
303 personal property for use in connection with the location,
304 construction and/or operation of a project or any facilities or
305 public infrastructure related to the project, and may accept such
306 transfers or donations;
307 (ii) Make grants or other contributions of funds
308 to one another for use in connection with the location,
309 construction and/or operation of such a project or any facilities
310 or public infrastructure related to the project, and may accept
311 such grants or contributions of funds; and
312 (iii) Make one or more grants or other
313 contributions of funds to an enterprise or affiliate thereof
314 owning and/or operating a project in such amount or amounts
315 approved by such governing authority, and enter into an agreement
316 with such enterprise to make such grants or other contributions of



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

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

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



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

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

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

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

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



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

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

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

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

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



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



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

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

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

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

438 (iii) Any such county may enter into one or more
439 agreements with the authority or Mississippi Development Authority
440 approved by the board of supervisors of the county and, as
441 applicable, to remit to the authority or Mississippi Development



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

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

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

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



467 water or wastewater-related infrastructure, including one or more
468 water tanks, related to the project, and thereafter transfer and
469 convey to any other public agency and/or any local water
470 association any real and/or personal property for use in
471 connection with water or wastewater-related infrastructure
472 improvements, including one or more water tanks, related to the
473 project, in consideration solely of the acceptance by the public
474 agency and/or the local water association, as applicable, of such
475 improvements and its agreement to operate the improvements to
476 provide water or wastewater-related services to the project;

477 (iii) Make grants or other contributions of funds
478 to a municipality located within such county for the purpose of
479 defraying the costs incurred or to be incurred thereby in
480 connection with natural gas-related infrastructure improvements
481 related to the project, and/or undertake the acquisition of real
482 and/or personal property, or interests therein, with respect to,
483 and the design, engineering, construction and installation of, any
484 natural gas-related infrastructure improvements related to the
485 project, and thereafter transfer and convey to any such
486 municipality any real and/or personal property for use in
487 connection with natural gas-related infrastructure improvements
488 related to the project, in consideration solely of the acceptance
489 by the municipality of such improvements and its agreement to
490 operate the improvements to provide natural gas-related services
491 to the project;

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

499 (v) Make one or more grants or other contributions
500 of funds to an enterprise or affiliate thereof owning and/or
501 operating a project in such amount or amounts approved by such
502 governing authority, and enter into an agreement with such
503 enterprise that is binding on future governing authorities to make
504 such grants or other contributions of funds; however, the duration
505 of any such obligation of the public agency to make such grants or
506 other contributions shall not exceed thirty (30) years; and

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

516 (e) In any county in which there is to be located a
517 project, the public agency seeking to acquire any real property to
518 be used in connection with the location, construction and/or
519 operation of the project or any facilities or public
520 infrastructure related to the project, shall be exempt with
521 respect to such property from the requirements of Section
522 43-37-3(1) (b) and (c) if the purchase price for such property
523 equals the lowest price negotiated between the owner of the
524 property and the public agency seeking to acquire the property,
525 and at which the owner of the property is willing to sell the
526 property, and any such public agency is further authorized to
527 procure an option to purchase any such real property for such
528 purchase price authorized by this subsection for the lowest option
529 payment at which the owner of the property is willing to grant
530 such option.

531 (f) In any county in which there is to be located a
532 project, upon the conveyance or other disposition of land owned by
533 a public agency for industrial purposes as provided by law for
534 such project, the governing authority of the public agency
535 controlling such lands may enter into a written agreement with the
536 enterprise owning and/or operating such project pursuant to which
537 such governing authority may agree to perpetually refrain from
538 using the surface of such land upon which the project is located
539 to access any minerals located thereunder in which such public

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

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

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

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

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



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

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

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

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

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

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



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



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

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

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

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

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



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

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

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

658 (ii) Make grants or other contributions of funds
659 to any public agency and/or any local water association
660 incorporated as a nonprofit corporation and located within such
661 county for the purpose of defraying the costs incurred or to be
662 incurred thereby in connection with water or wastewater-related
663 infrastructure improvements, including one or more water tanks,
664 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;

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

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

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

702 (e) In any county in which there is to be located a
703 project, the public agency seeking to acquire any real property to
704 be used in connection with the location, construction and/or
705 operation of the project or any facilities or public
706 infrastructure related to the project, shall be exempt with
707 respect to such property from the requirements of Section
708 43-37-3(1) (b) and (c) if the purchase price for such property
709 equals the lowest price negotiated between the owner of the
710 property and the public agency seeking to acquire the property,
711 and at which the owner of the property is willing to sell the
712 property, and any such public agency is further authorized to
713 procure an option to purchase any such real property for such
714 purchase price authorized by this subsection for the lowest option



715 payment at which the owner of the property is willing to grant
716 such option.

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

719 (i) Upon the conveyance or other disposition of
720 land owned by a public agency for industrial purposes as provided
721 by law for such project, the governing authority of the public
722 agency controlling such lands may enter into a written agreement
723 with the enterprise owning and/or operating such project pursuant
724 to which such governing authority may agree to perpetually refrain
725 from using the surface of such land upon which the project is
726 located to access any minerals located thereunder in which such
727 public agency has a retained ownership interest. Any such written
728 agreement shall be binding upon future governing authorities.

729 (ii) Upon the sale of any sixteenth section lands
730 for industrial purposes as provided by law for such project, the
731 board of education controlling such lands, the superintendent of
732 education and the Mississippi Development Authority, acting in
733 concert on behalf of the state, may sell and convey all minerals
734 in, on and under any such lands for such consideration determined
735 to be adequate by, and upon such terms and conditions prescribed
736 by, the board of education, the superintendent of education and
737 the Mississippi Development Authority, or may otherwise enter into
738 a written agreement with the enterprise owning or operating such
739 project pursuant to which the board of education, the



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

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

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

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

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



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

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

785 (8) The powers and authority granted in this section are an
786 additional, alternative and supplemental method for doing the
787 things authorized by this section and are additional and
788 supplemental to, and not in derogation of, any other powers
789 conferred by law.



790 SECTION 2. Section 29-3-29, Mississippi Code of 1972, is
791 amended as follows:

792 29-3-29. Before any sixteenth section school land or land
793 granted in lieu thereof may be sold or leased for industrial
794 development thereon, therein or thereunder under the provisions of
795 this chapter, the board of education controlling such land shall
796 first determine that such sale or lease will be fair market value.
797 In the determination of the fair market value of said land the
798 comparative sales method shall be used, and the highest and best
799 use of said sixteenth section lands shall be determined on the
800 basis of finding that said land shall be susceptible to any use
801 that comparative land in private ownership may be used, that there
802 will be prompt and substantial industrial development on, in, or
803 under said land after the sale or lease, that the acreage to be
804 sold or leased is not in excess of the amount of land reasonably
805 required for immediate use and for such future expansion as may be
806 reasonably anticipated, and that such sale or lease will be
807 beneficial to and in the best interest of the schools of the
808 district for which said land is held. All of said findings,
809 including the amount of the sale price or gross rental for said
810 land, shall be spread on the minutes of the board of education.
811 Also, if the board of education proposes to sell said land, said
812 board shall first enter into a contract or obtain a legal option
813 to purchase, for a specified price not in excess of fair market
814 value, other land in the county of acreage of equivalent fair



815 market value, and such contract or option shall be spread on the
816 minutes of said board. However, not more than one hundred (100)
817 acres in any one (1) sixteenth section school lands in any county
818 may be sold under this chapter for the purpose of being made an
819 industrial park or a part of such industrial park, provided the
820 provisions of this section and Sections 57-5-1 and 57-5-23 are
821 fully complied with.

822 A certified copy of the resolution or order of the board of
823 education, setting out the foregoing findings, together with a
824 certified copy of the order approving and setting out the terms of
825 the contract or option to purchase other lands where a sale of
826 land is proposed and an application to the Mississippi
827 Agricultural and Industrial Board for the certificate authorizing
828 said sale or lease, shall be forwarded to the county board of
829 supervisors, which board shall make an independent investigation
830 of the proposed sale or lease and of the proposed purchase of
831 other land.

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

837 If the said county board of supervisors shall not concur in
838 the findings of the board of education, or shall find that the
839 proposed sale or lease will not be in the best interest of the



840 schools of the district, then it may, by resolution or order,
841 disapprove the proposed sale or lease, and such action shall be
842 final.

843 Except as otherwise permitted by Section 57-75-37(4)(f) and
844 (7)(f), there shall be reserved all minerals in, on, and under any
845 lands conveyed under the provisions hereof. Provided, however,
846 that in any county bordering on the State of Alabama, traversed by
847 the Tombigbee River, in which U.S. Highway 82 intersects U.S.
848 Highway 45 and in which is situated a state supported institution
849 of higher learning, upon the sale of any sixteenth section lands
850 for industrial purposes as provided by law, the board of
851 education, the superintendent of education and the Mississippi
852 Agricultural and Industrial Board, may sell and convey all
853 minerals except oil, gas, sulphur and casinghead gas on, in and
854 under the said sixteenth section lands so sold for industrial
855 purposes. Said oil, gas, sulphur and casinghead gas shall be
856 reserved together with such rights of use, ingress and egress as
857 shall not unreasonably interfere with the use of the lands by the
858 purchaser. Prior written approval for such use, ingress and
859 egress, shall be obtained from the surface owner or, if such
860 approval is unreasonably withheld, may be obtained from the
861 chancery court of the county in which said land is located.

862 Certified copies of the resolutions or orders of the board of
863 supervisors and of the board of education and of the application
864 to the Mississippi Agricultural and Industrial Board shall be



865 transmitted to the county superintendent of education, if there be
866 one in the county, who, if he approves the proposed sale or lease,
867 shall so certify and forward same to the Mississippi Agricultural
868 and Industrial Board. If there be no county superintendent of
869 education in the county, then the board of education whose
870 district embraces the entire county shall so certify and transmit
871 said copies to the Mississippi Agricultural and Industrial Board
872 for further action.

873 Upon receipt of the aforesaid application and certified
874 copies of the said resolution and orders, the Mississippi
875 Agricultural and Industrial Board shall make investigation to
876 determine whether or not the proposed sale or lease of said land
877 will promote prompt and substantial industrial development
878 thereon, therein, or thereunder. If the board finds that such
879 sale or lease will promote prompt and substantial industrial
880 development thereon, therein or thereunder, and further finds that
881 the person, firm or corporation who proposes to establish said
882 industry is financially responsible, and that the acreage to be
883 sold or leased is not in excess of the amount of land reasonably
884 required for immediate use and for such future expansion as may be
885 reasonably anticipated, then the board, in its discretion, may
886 issue a certificate to the board of education of said district so
887 certifying, and said certificate shall be the authority for the
888 board of education to enter into the proposed sale or lease. If
889 the Mississippi Agricultural and Industrial Board does not so



890 find, then it shall decline to issue said certificate which action
891 shall be final.

892 The Mississippi Agricultural and Industrial Board, when
893 issuing a certificate to the county board of education certifying
894 its findings and authorizing said sale or lease, may,
895 nevertheless, in its discretion, make such sale or lease
896 conditioned on and subject to the vote of the qualified electors
897 of said district. Upon receipt of a certificate so conditioned
898 upon an election, or upon a petition as hereinafter provided for,
899 the board of education, by resolution spread upon its minutes,
900 shall forward a copy of the certificate to the board of
901 supervisors who by resolution upon its minutes, shall call an
902 election to be held in the manner now provided by law for holding
903 county elections, and shall fix in such resolution a date upon
904 which such an election shall be held, of which not less than three
905 (3) weeks notice shall be given by the clerk of said board of
906 supervisors by publishing a notice in a newspaper published in
907 said county once each week for three (3) consecutive weeks
908 preceding the same, or if no newspaper is published in said
909 county, then in a newspaper having a general circulation therein,
910 and by posting a notice for three (3) weeks preceding said
911 election at three (3) public places in said county. At such
912 election, all qualified voters of the county may vote, and the
913 ballots used shall have printed thereon a brief statement of the
914 proposed sale or lease of said land, including the description and



915 price, together with the words "For the proposed sale or lease"
916 and the words "Against the proposed sale or lease," and the voter
917 shall vote by placing a cross (x) or check (✓) opposite his choice
918 of the proposition. Should the election provided for herein
919 result in favor of the proposed sale or lease by at least
920 two-thirds (2/3) of the votes cast being in favor of the said
921 proposition, the board of supervisors shall notify the board of
922 education who may proceed forthwith to sell or lease said land in
923 accordance with the proposition so submitted to the electors. If
924 less than two-thirds (2/3) of those voting in such special
925 election vote in favor of the said sale or lease, then said land
926 shall not be sold or leased.

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



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

