

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



the project, and the authority and the Mississippi Development Authority may accept such transfers or donations;

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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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

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

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





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



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

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

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

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

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

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

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



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



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

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

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

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

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

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



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

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

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



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

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

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

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

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



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



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

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

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

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



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



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

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

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

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

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



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

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

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

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

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

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





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



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

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

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

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



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

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

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



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

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

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

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

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



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.





**SECTION 2.**

Section 29-3-29, Mississippi Code of 1972, is amended as follows:

29-3-29. Before any sixteenth section school land or land granted in lieu thereof may be sold or leased for industrial development thereon, therein or thereunder under the provisions of this chapter, the board of education controlling such land shall first determine that such sale or lease will be fair market value. In the determination of the fair market value of said land the comparative sales method shall be used, and the highest and best use of said sixteenth section lands shall be determined on the basis of finding that said land shall be susceptible to any use that comparative land in private ownership may be used, that there will be prompt and substantial industrial development on, in, or under said land after the sale or lease, 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, and that such sale or lease will be beneficial to and in the best interest of the schools of the district for which said land is held. All of said findings, including the amount of the sale price or gross rental for said land, shall be spread on the minutes of the board of education. Also, if the board of education proposes to sell said land, said board shall first enter into a contract or obtain a legal option to purchase, for a specified price not in excess of fair market value, other land in the county of acreage of equivalent fair



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

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

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

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



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

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

Certified copies of the resolutions or orders of the board of supervisors and of the board of education and of the application 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.

