

Senate Amendments to House Bill No. 246

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

11 **SECTION 1.** Section 29-3-29, Mississippi Code of 1972, is
12 amended as follows:
13 29-3-29. Before any sixteenth section school land or land
14 granted in lieu thereof may be sold or leased for industrial
15 development thereon, therein or thereunder under the provisions of
16 this chapter, the board of education controlling such land shall
17 first determine that such sale or lease will be fair market value.
18 In the determination of the fair market value of said land the
19 comparative sales method shall be used, and the highest and best
20 use of said sixteenth section lands shall be determined on the
21 basis of finding that said land shall be susceptible to any use
22 that comparative land in private ownership may be used, that there
23 will be prompt and substantial industrial development on, in, or
24 under said land after the sale or lease, that the acreage to be
25 sold or leased is not in excess of the amount of land reasonably
26 required for immediate use and for such future expansion as may be
27 reasonably anticipated, and that such sale or lease will be

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.

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

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

64 Except as otherwise permitted by Section 57-75-37(4)(f) and
65 (7)(f), there shall be reserved all minerals in, on, and under any
66 lands conveyed under the provisions hereof. Provided, however,
67 that in any county bordering on the State of Alabama, traversed by
68 the Tombigbee River, in which U.S. Highway 82 intersects U.S.
69 Highway 45 and in which is situated a state supported institution
70 of higher learning, upon the sale of any sixteenth section lands
71 for industrial purposes as provided by law, the board of
72 education, the superintendent of education and the Mississippi
73 Agricultural and Industrial Board, may sell and convey all
74 minerals except oil, gas, sulphur and casinghead gas on, in and
75 under the said sixteenth section lands so sold for industrial
76 purposes. Said oil, gas, sulphur and casinghead gas shall be
77 reserved together with such rights of use, ingress and egress as
78 shall not unreasonably interfere with the use of the lands by the

79 purchaser. Prior written approval for such use, ingress and
80 egress, shall be obtained from the surface owner or, if such
81 approval is unreasonably withheld, may be obtained from the
82 chancery court of the county in which said land is located.

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

94 Upon receipt of the aforesaid application and certified
95 copies of the said resolution and orders, the Mississippi
96 Agricultural and Industrial Board shall make investigation to
97 determine whether or not the proposed sale or lease of said land
98 will promote prompt and substantial industrial development
99 thereon, therein, or thereunder. If the board finds that such
100 sale or lease will promote prompt and substantial industrial
101 development thereon, therein or thereunder, and further finds that
102 the person, firm or corporation who proposes to establish said
103 industry is financially responsible, and that the acreage to be
104 sold or leased is not in excess of the amount of land reasonably

required for immediate use and for such future expansion as may be reasonably anticipated, then the board, in its discretion, may issue a certificate to the board of education of said district so certifying, and said certificate shall be the authority for the board of education to enter into the proposed sale or lease. If the Mississippi Agricultural and Industrial Board does not so find, then it shall decline to issue said certificate which action shall be final.

The Mississippi Agricultural and Industrial Board, when issuing a certificate to the county board of education certifying its findings and authorizing said sale or lease, may, nevertheless, in its discretion, make such sale or lease conditioned on and subject to the vote of the qualified electors of said district. Upon receipt of a certificate so conditioned upon an election, or upon a petition as hereinafter provided for, the board of education, by resolution spread upon its minutes, shall forward a copy of the certificate to the board of supervisors who by resolution upon its minutes, shall call an election to be held in the manner now provided by law for holding county elections, and shall fix in such resolution a date upon which such an election shall be held, of which not less than three (3) weeks notice shall be given by the clerk of said board of supervisors by publishing a notice in a newspaper published in said county once each week for three (3) consecutive weeks preceding the same, or if no newspaper is published in said county, then in a newspaper having a general circulation therein,

131 and by posting a notice for three (3) weeks preceding said
132 election at three (3) public places in said county. At such
133 election, all qualified voters of the county may vote, and the
134 ballots used shall have printed thereon a brief statement of the
135 proposed sale or lease of said land, including the description and
136 price, together with the words "For the proposed sale or lease"
137 and the words "Against the proposed sale or lease," and the voter
138 shall vote by placing a cross (x) or check (✓) opposite his choice
139 of the proposition. Should the election provided for herein
140 result in favor of the proposed sale or lease by at least
141 two-thirds (2/3) of the votes cast being in favor of the said
142 proposition, the board of supervisors shall notify the board of
143 education who may proceed forthwith to sell or lease said land in
144 accordance with the proposition so submitted to the electors. If
145 less than two-thirds (2/3) of those voting in such special
146 election vote in favor of the said sale or lease, then said land
147 shall not be sold or leased.

148 The board of education shall further be required, prior to
149 passing of a resolution expressing its intent to sell said land,
150 to publish a notice of intent to sell said land for three (3)
151 consecutive weeks in a newspaper published in said county or, if
152 there be none, in a newspaper having a general circulation in said
153 county, and to post three (3) notices thereof in three (3) public
154 places in said county, one (1) of which shall be at the
155 courthouse, for said time. If within the period of three (3)
156 weeks following the first publication of said intent, a petition

signed by twenty percent (20%) of the qualified electors of said county shall be filed with the board of supervisors requesting an election concerning the sale, then an election shall be called as hereinabove provided.

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

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

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

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

(ii) In order to provide the amounts set forth in paragraph (a)(i) of this subsection (1), any such county may appropriate monies from the county's general funds or provide such amounts from the proceeds of general obligation bonds, or any combination of the foregoing. 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, or Section 19-5-99.

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

196 (2) Any county or municipality in which there is to be
197 constructed a project as defined in Section 57-75-5(f) (xxvi) or
198 57-75-5(f) (xxvii) is authorized to:

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

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

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

207 (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 facilities or public infrastructure related to the project. The county may provide such assistance by contributing or lending any sum approved for such purpose by the board of supervisors of the county, upon such terms as the board of supervisors may agree, to the entity 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.

(c) In order to provide the amounts set forth in paragraph (b) of this subsection, any such county may appropriate monies from the county's general funds or provide such amounts

from the proceeds of general obligation bonds, or any combination of the foregoing. 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, or Section 19-5-99.

(d) In any county in which there is to be located a project, the governing authorities 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; 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

337 facilities or public infrastructure related to the project, and
338 may accept such grants or contributions of funds; and/or

339 2. A local water association incorporated as
340 a nonprofit corporation and located within such county for the
341 purpose of defraying the costs incurred or to be incurred thereby
342 in connection with water or wastewater-related infrastructure
343 improvements, including an elevated water tank, located within the
344 project area; and

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

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

363 such real property for such purchase price authorized by this
364 subsection for the lowest option payment at which the owner of the
365 property is willing to grant such option.

366 (f) In any county in which there is to be located a
367 project, upon the sale of any sixteenth section lands for
368 industrial purposes as provided by law for such project, the board
369 of education controlling such lands, the superintendent of
370 education and the Mississippi Development Authority, on behalf of
371 the state, may sell and convey all minerals in, on and under any
372 such lands for such consideration determined to be adequate by,
373 and upon such terms and conditions prescribed by, such board of
374 education, superintendent of education and the Mississippi
375 Development Authority.

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

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

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

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

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

(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

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

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

437 (i) Any such county may appropriate monies from
438 the county's general funds or provide such amounts from the
439 proceeds of general obligation bonds. Any such county may issue

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 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 additional insured and to contractually indemnify such enterprise

for any losses incurred by the enterprise as a result of such contractor's negligence and/or willful acts or omissions arising from the contractor's entry upon such project site.

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

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

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

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

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

operate such facilities or public infrastructure and/or provide any utility services therefrom.

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

(i) Any such county may appropriate monies from the county's general funds or provide such amounts from the proceeds of general obligation bonds or other indebtedness permitted by any local and private law or other general laws. Any such county may issue the bonds for such purpose pursuant to the procedures for the issuance of bonds under 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 or other funds of such amounts from the authority or the Mississippi Development Authority for such duration and upon such terms and conditions approved by the governing authority of such public agency and the authority or Mississippi Development Authority, as applicable.

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

621 connection with water or wastewater-related infrastructure
622 improvements, including one or more water tanks, related to the
623 project, in consideration solely of the acceptance by the public
624 agency and/or the local water association, as applicable, of such
625 improvements and its agreement to operate the improvements to
626 provide water or wastewater-related services to the project;

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

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

or public infrastructure related to the project, and may accept such grants or contributions of funds;

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

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

(e) In any county in which there is to be located a project, the public agency seeking to acquire any real property to be used in connection with the location, construction and/or operation of the project or any facilities or public infrastructure related to the project, shall be exempt with respect to such property from the requirements of Section 43-37-3(1)(b) and (c) if the purchase price for such property

673 equals the lowest price negotiated between the owner of the
674 property and the public agency seeking to acquire the property,
675 and at which the owner of the property is willing to sell the
676 property, and any such public agency is further authorized to
677 procure an option to purchase any such real property for such
678 purchase price authorized by this subsection for the lowest option
679 payment at which the owner of the property is willing to grant
680 such option.

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

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

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

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

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

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

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

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

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

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

728 (b) In any county in which there is to be located a
729 project, any public agency is authorized to assist as provided in
730 this paragraph in defraying the costs incurred or to be incurred
731 by the enterprise establishing the project and/or any public
732 agency in connection with the location, construction and/or
733 operation of the project or any facilities or public
734 infrastructure related to the project. Any such public agency may
735 provide such assistance by contributing or lending any sum
736 approved for such purpose by the governing authority of such
737 public agency, upon such terms as the governing authority of such
738 public agency may agree, to the entity or public agency that
739 directly or indirectly incurs or will incur such costs or as
740 otherwise provided in paragraph (c) of this subsection. The
741 proceeds of the contribution or loan shall be used by the
742 recipient in connection with the location, construction and/or
743 operation of the project or any facilities or public
744 infrastructure related to the project, including, without
745 limitation, to defray the costs of site preparation, utilities,
746 real estate purchases, purchase options and improvements,
747 infrastructure, roads, rail improvements, public works, job
748 training, as well as planning, design and environmental impact
749 studies with respect to a project, and any other expenses approved

by any such public agency. Any such public agency may alternatively provide such assistance by undertaking the acquisition of real and/or personal property, or interests therein, with respect to, and the design, engineering, construction and installation of, any facilities or public infrastructure related to the project regardless of whether it is the public agency authorized by applicable statutes to operate such facilities or public infrastructure and/or provide any utility services therefrom following the completion thereof; provided that, if the public agency is authorized by applicable statutes to operate such facilities or public infrastructure following the completion thereof, such public agency may transfer, and if the public agency is not authorized by applicable statutes to operate such facilities or public infrastructure and/or provide any utility services therefrom following the completion thereof, the public agency shall transfer such facilities or public infrastructure to another public agency that is authorized by applicable statutes to operate such facilities or public infrastructure and/or provide any utility services therefrom.

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

(i) Any such county may appropriate monies from the county's general fund or provide such amounts from the proceeds of general obligation bonds or other indebtedness permitted by any local and private law or other general laws. Any

776 such county may issue the bonds for such purpose pursuant to the
777 procedures for the issuance of bonds under Title 19, Chapter 9,
778 Mississippi Code of 1972, Section 19-5-99 or in any other manner
779 permitted by any local and private law or other general laws;

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

786 (iii) Any such county and/or municipality may
787 enter into one or more agreements with the authority or
788 Mississippi Development Authority approved by the board of
789 supervisors of such county and/or the governing authority of such
790 municipality, as applicable, to remit to the authority or
791 Mississippi Development Authority, as applicable, on an annual or
792 other periodic basis for a duration up to thirty (30) years, a
793 portion of any fee-in-lieu of ad valorem taxes, together with a
794 portion of any ad valorem taxes that the county and/or
795 municipality derives from the project. Any such written agreement
796 shall be binding upon future governing authorities of the county
797 and/or municipality, as applicable.

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

800 (i) Transfer and convey among themselves, or to
801 the authority, the Mississippi Development Authority, the

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

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

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

834 (iv) Make one or more grants or other
835 contributions of funds to an enterprise or affiliate thereof
836 owning and/or operating a project in such amount or amounts
837 approved by such governing authority, and enter into an agreement
838 with such enterprise that is binding on future governing
839 authorities to make such grants or other contributions of funds;
840 however, the duration of any such obligation of the public agency
841 to make such grants or other contributions shall not exceed thirty
842 (30) years; and

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

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

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

(i) Upon the conveyance or other disposition of land owned by a public agency for industrial purposes as provided by law for such project, the governing authority of the public agency controlling such lands may enter into a written agreement with the enterprise owning and/or operating such project pursuant to which such governing authority may agree to perpetually refrain from using the surface of such land upon which the project is located to access any minerals located thereunder in which such

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

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

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

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

919 (h) In any county in which there is to be located a
920 project, the governing authority of any public agency accepting
921 and treating wastewater from the project may provide and sell to
922 any public agency providing water to the project treated,
923 reclaimed wastewater supplied for nonpotable purposes for resale
924 by such public agency providing water to the project to any
925 enterprise or affiliate thereof owning and/or operating the
926 project or any portion thereof for use in the operation of the
927 project for cooling or other exclusively nonpotable purposes.
928 Such public agencies may enter into an agreement binding on future

929 governing authorities thereof, for any period designated thereby,
930 to memorialize the terms and conditions of the provision, sale and
931 use of treated, reclaimed wastewater supplied for nonpotable
932 purposes to the project, including, but not limited to, the rates
933 applicable for such reclaimed wastewater supplied for nonpotable
934 purposes.

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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

SS26\HB246A.1J

Amanda White
Secretary of the Senate