

**Adopted
AMENDMENT NO 2 PROPOSED TO**

Cmte Sub for Senate Bill No. 2245

BY: Senator(s) Hopson

1 **AMEND by inserting the following below line 1018 and**
2 **renumbering subsequent sections accordingly:**

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

5 29-3-29. Before any sixteenth section school land or land
6 granted in lieu thereof may be sold or leased for industrial
7 development thereon, therein or thereunder under the provisions of
8 this chapter, the board of education controlling such land shall
9 first determine that such sale or lease will be fair market value.
10 In the determination of the fair market value of said land the
11 comparative sales method shall be used, and the highest and best
12 use of said sixteenth section lands shall be determined on the
13 basis of finding that said land shall be susceptible to any use
14 that comparative land in private ownership may be used, that there



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

35 A certified copy of the resolution or order of the board of
36 education, setting out the foregoing findings, together with a
37 certified copy of the order approving and setting out the terms of
38 the contract or option to purchase other lands where a sale of
39 land is proposed and an application to the Mississippi



40 Agricultural and Industrial Board for the certificate authorizing
41 said sale or lease, shall be forwarded to the county board of
42 supervisors, which board shall make an independent investigation
43 of the proposed sale or lease and of the proposed purchase of
44 other land.

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

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

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



65 Agricultural and Industrial Board, may sell and convey all
66 minerals except oil, gas, sulphur and casinghead gas on, in and
67 under the said sixteenth section lands so sold for industrial
68 purposes. Said oil, gas, sulphur and casinghead gas shall be
69 reserved together with such rights of use, ingress and egress as
70 shall not unreasonably interfere with the use of the lands by the
71 purchaser. Prior written approval for such use, ingress and
72 egress, shall be obtained from the surface owner or, if such
73 approval is unreasonably withheld, may be obtained from the
74 chancery court of the county in which said land is located.

75 Certified copies of the resolutions or orders of the board of
76 supervisors and of the board of education and of the application
77 to the Mississippi Agricultural and Industrial Board shall be
78 transmitted to the county superintendent of education, if there be
79 one in the county, who, if he approves the proposed sale or lease,
80 shall so certify and forward same to the Mississippi Agricultural
81 and Industrial Board. If there be no county superintendent of
82 education in the county, then the board of education whose
83 district embraces the entire county shall so certify and transmit
84 said copies to the Mississippi Agricultural and Industrial Board
85 for further action.

86 Upon receipt of the aforesaid application and certified
87 copies of the said resolution and orders, the Mississippi
88 Agricultural and Industrial Board shall make investigation to
89 determine whether or not the proposed sale or lease of said land



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

105 The Mississippi Agricultural and Industrial Board, when
106 issuing a certificate to the county board of education certifying
107 its findings and authorizing said sale or lease, may,
108 nevertheless, in its discretion, make such sale or lease
109 conditioned on and subject to the vote of the qualified electors
110 of said district. Upon receipt of a certificate so conditioned
111 upon an election, or upon a petition as hereinafter provided for,
112 the board of education, by resolution spread upon its minutes,
113 shall forward a copy of the certificate to the board of
114 supervisors who by resolution upon its minutes, shall call an



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



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

153 **FURTHER, AMEND the title to conform.**

