

By: Senator(s) Moffatt, Robertson, Dickerson To: Ports and Marine
Resources

SENATE BILL NO. 2835
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 29-1-107, MISSISSIPPI CODE OF 1972,
2 TO LIMIT THE ANNUAL RENTAL FOR TIDELAND LEASE BY NONPROFIT
3 LESSEES; AND FOR RELATED PURPOSES.

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5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
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7 SECTION 1. Section 29-1-107, Mississippi Code of 1972, is
8 amended as follows:

9 29-1-107. (1) The Secretary of State with the approval of
10 the Governor shall, as far as practicable, rent or lease all lands
11 belonging to the state, except as otherwise provided by law for a
12 period of not exceeding one (1) year, and account for the rents
13 therefrom in the same manner as money received from the sale of
14 state lands, provided that no state land shall be rented or leased
15 to individuals, corporations, partnerships or association of
16 persons for hunting or fishing purposes. Property belonging to
17 the state in municipalities, even though it may have been
18 subdivided into lots, blocks, divisions, or otherwise escheated or
19 was sold to the state by such description, may likewise be leased
20 or rented by the Secretary of State under the terms provided above
21 for other state lands, and the rents accounted for in the same
22 manner. The state shall have all the liens, rights and remedies
23 accorded to landlords in Sections 89-7-1 through 89-7-125; said
24 leases and rental contracts shall automatically terminate on the
25 date provided in said leases or contracts.

26 (2) The Secretary of State, with the approval of the
27 Governor, may rent or lease surface lands, tidelands or submerged
28 lands owned or controlled by the State of Mississippi lying in or

29 adjacent to the Mississippi Sound or Gulf of Mexico or streams
30 emptying therein, for a period not exceeding forty (40) years for
31 rental payable to the state annually. The lessee under such
32 agreement may construct such necessary items for marking channels,
33 docking, wharfing, mooring or fleeting vessels which shall be in
34 aid of navigation and not obstructions thereto. A lessee of
35 record may be given the option to renew for an additional period
36 not to exceed twenty-five (25) years. The holder of a lease of
37 Public Trust Tidelands, at the expiration thereof, shall have a
38 prior right, exclusive of all other persons, to re-lease as may be
39 agreed upon between the holder of the lease and the Secretary of
40 State. All such leases shall provide for review and rent
41 adjustments at each fifth anniversary tied either to the All Urban
42 Consumer Price Index-All Items (CPI) or to an appraisal which
43 deducts the value of any improvements by the lessee which
44 substantially enhance the value of the land, whichever is greater.
45 In the case where the initial rental was based on the value set by
46 the ad valorem tax rolls, then the rent review and adjustment
47 clause shall be likewise based on the value set by such tax rolls.
48 In the event that the lessor and lessee cannot agree on a rental
49 amount, the lease may be cancelled at the option of the lessor.
50 The lessee shall, within thirty (30) days after execution of a
51 sublease or assignment, file a copy thereof, including the total
52 consideration therefor, with the Secretary of State. (3) * * *
53 The current occupants of public trust tidelands that were
54 developed after the determinable mean high water line nearest the
55 effective date of the Coastal Wetlands Protection Law shall pay an
56 annual rental based on the fair market value as determined by the
57 assessed valuation of the property. The holder of a lease of
58 Public Trust Tidelands, at the expiration thereof, shall have a
59 prior right, exclusive of all other persons, to re-lease as may be
60 agreed upon between the holder of the lease and the Secretary of
61 State.

62 (4) Any nonprofit corporation lessees of Public Trust
63 Tidelands shall pay an annual rental based solely on the fair
64 market value as determined by the valuation of the square footage
65 of piers or permanently moored vessels, but the annual rental
66 shall not exceed Two Hundred Fifty Dollars (\$250.00). The
67 subleasing or assignment of such leases is prohibited.

68 SECTION 2. This act shall take effect and be in force from
69 and after its passage.