

By: Davis

To: Game and Fish; Ways  
and Means

## HOUSE BILL NO. 1093

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION  
2 55-25-6, MISSISSIPPI CODE OF 1972, TO REQUIRE RULES AND  
3 REGULATIONS ADOPTED BY COUNTIES THAT HAVE ESTABLISHED A  
4 RAILS-TO-TRAILS RECREATIONAL DISTRICT TO BE PUBLISHED; TO PROVIDE  
5 THAT SUCH RULES AND REGULATIONS, UPON PUBLICATION, SHALL HAVE THE  
6 FORCE AND EFFECT OF LAW; TO PROVIDE THAT VIOLATION OF ANY SUCH  
7 RULES AND REGULATIONS SHALL CONSTITUTE A MISDEMEANOR AND TO  
8 PROVIDE A PENALTY FOR SUCH VIOLATION; TO PROVIDE THAT RECREATIONAL  
9 FACILITIES DEVELOPED AND OPERATED BY THE DISTRICT SHALL CONSTITUTE  
10 PUBLIC HIGHWAYS AND THAT APPLICABLE RULES AND REGULATIONS OF THE  
11 MISSISSIPPI TRANSPORTATION COMMISSION AND OTHER STATE AGENCIES  
12 SHALL BE ENFORCEABLE ON SUCH FACILITIES; TO RESTRICT THE TYPES OF  
13 VEHICLES THAT MAY BE OPERATED ON SUCH RECREATIONAL FACILITIES; TO  
14 BRING FORWARD SECTIONS 55-25-1, 55-25-3, 55-25-5, 55-25-7,  
15 55-25-9, 55-25-11, 55-25-13 AND 55-25-15, MISSISSIPPI CODE OF  
16 1972, WHICH RELATE TO THE ESTABLISHMENT BY COUNTIES AND  
17 MUNICIPALITIES OF RAILS-TO-TRAILS RECREATIONAL DISTRICTS; AND FOR  
18 RELATED PURPOSES.

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

20 SECTION 1. The following shall be codified as Section  
21 55-25-6, Mississippi Code of 1972:

22 55-25-6. (1) The rules and regulations adopted by the  
23 district shall be published once a week for two (2) consecutive  
24 weeks in a newspaper qualified to publish legal notices in each  
25 county that is a member of the district. When rules and  
26 regulations have been adopted by the district in accordance with  
27 Section 55-25-5 and have been published as required by this  
28 section, such rules and regulations shall have the force and  
29 effect of general law, and any violation of such rules and  
30 regulations shall constitute a misdemeanor punishable, upon  
31 conviction, by a fine of not less than Fifty Dollars (\$50.00) nor  
32 more than Five Hundred Dollars (\$500.00), or by imprisonment for  
33 not more than thirty (30) days, or by both such fine and  
34 imprisonment.

35           (2) Any recreational facility developed and operated  
36 pursuant to this chapter, specifically including Section  
37 55-25-5(f), shall constitute a public highway, and all applicable  
38 rules and regulations of the Mississippi Transportation Commission  
39 and other state agencies shall be enforceable on such recreational  
40 facilities. However, no motor vehicle may be operated or used on  
41 such recreational facility except law enforcement vehicles,  
42 emergency vehicles, maintenance vehicles or other vehicles  
43 authorized by the district.

44           SECTION 2. Section 55-25-1, Mississippi Code of 1972, is  
45 brought forward as follows:

46           55-25-1. (1) The board of supervisors of one or more  
47 counties and the governing authorities of one or more  
48 municipalities located within participating counties are hereby  
49 authorized to act jointly in the establishment of a  
50 Rails-To-Trails Recreational District (hereinafter in this chapter  
51 "district") by spreading upon their minutes a resolution  
52 establishing such a district. The boundaries of the district  
53 shall be defined by a general description in the resolution.

54           (2) A district shall be established for the purpose of  
55 utilizing available railroad rights-of-way as public recreational  
56 trails or as interim trails for rail banking as set forth in  
57 Section 8(d) of the National Trails Systems Act (16 U.S.C.  
58 1247(d)), and a district may acquire by gift or purchase, title to  
59 or any lesser interest in, such available railroad right-of-way.

60           (3) Districts may by gift or purchase acquire title to, or  
61 any lesser interest in, any areas abutting the rights-of-way of  
62 acquired railroad rights-of-way which are or may be needed for the  
63 construction of trail-user support facilities. Easements and  
64 rights-of-way upon, over, under, along or across any land the fee  
65 title of which has been acquired by a district for a trail project  
66 may be granted by such district so long as the use of the easement  
67 or right-of-way does not interfere with the use of the land as a

68 trails project and only after such grant shall have been first  
69 approved by the counties and municipalities participating in the  
70 district.

71 (4) A district may accept funds from any source, public or  
72 private, for the purpose of acquiring lands and planning,  
73 constructing, operating and maintaining trails under the  
74 provisions of this chapter. Districts may also execute  
75 contractual agreements with the Department of Wildlife, Fisheries  
76 and Parks or with any existing water district having jurisdiction  
77 in the counties or parts of counties comprising a district by  
78 which the department or water district will assume responsibility  
79 for the operation and maintenance of a trail developed under this  
80 chapter.

81 SECTION 3. Section 25-55-3, Mississippi Code of 1972, is  
82 brought forward as follows:

83 25-55-3. (1) A district shall be governed by a board of  
84 directors who shall be appointed as follows: the governing  
85 authorities of each participating county and each participating  
86 municipality shall appoint one (1) resident of its jurisdiction as  
87 its member of the board. The term of each member shall coincide  
88 with that of the appointing official, so that after the initial  
89 appointments, terms shall be for a period of four (4) years.

90 (2) Each director shall, before a chancery clerk, take and  
91 subscribe to the general oath of office required by Section 268 of  
92 the Constitution of the State of Mississippi, and the oath shall  
93 be filed with such clerk and by him preserved.

94 (3) If compensation is paid to any member of the board of  
95 directors, it shall be paid by the district from any funds  
96 available. In no event shall such compensation exceed the sum of  
97 Twenty-two Dollars and Fifty Cents (\$22.50) per day.

98 SECTION 4. Section 55-25-5, Mississippi Code of 1972, is  
99 brought forward as follows:

100 55-25-5. Any rails-to-trails recreational district, through

101 its board of directors, is hereby empowered:

102           (a) To establish rules and regulations for the use of  
103 the recreational facilities of the district;

104           (b) To apply for and accept grants from the United  
105 States of America, or from any corporation or agency created or  
106 designated by the United States of America, and to ratify and  
107 accept applications therefor made by voluntary associations to  
108 such agencies for grants to construct, maintain or operate any  
109 project or projects which hereafter may be undertaken or  
110 contemplated by such district;

111           (c) To do any and all other acts or things necessary,  
112 requisite or convenient to the exercising of the powers, rights,  
113 privileges or functions conferred upon it by this chapter or by  
114 any act of law;

115           (d) To employ such persons as are necessary to perform  
116 the services required of the district;

117           (e) To enter into agreements and execute contracts  
118 necessary or convenient to the exercise of the powers, rights,  
119 privileges and functions conferred upon it by this chapter;

120           (f) To develop, operate, maintain and support a  
121 recreational facility for hikers, bikers, horsemen or others on  
122 and along railroad rights-of-way acquired for that purpose and for  
123 the use and enjoyment of the general public; and

124           (g) To sue and be sued.

125           SECTION 5. Section 55-25-7, Mississippi Code of 1972, is  
126 brought forward as follows:

127           55-25-7. The board of supervisors of any county or the  
128 governing authorities of any municipality which become a part of a  
129 district may levy a tax upon all taxable property in the county or  
130 municipality for the support and maintenance of the district in an  
131 amount not to exceed one-fourth (1/4) mill. Any county or  
132 municipality which desires to remain a part of such district shall  
133 levy each year beginning the second year after joining the

134 district a tax for the support and maintenance of the district of  
135 not less than one-fourth (1/4) mill or such county or municipality  
136 will not remain a part of the district. Should any county or  
137 municipality desire to appropriate an equivalent sum from the  
138 general fund, or other available funds, the levying of the tax  
139 provided herein shall not be mandatory.

140         Should the board of directors of any such district determine  
141 that a tax levy of less than one-fourth (1/4) mill on the property  
142 of the counties and municipalities comprising the district would  
143 be sufficient to maintain and operate the district for the  
144 forthcoming fiscal year, such determination shall, by resolution,  
145 be spread upon the minutes of the board and shall recite the  
146 amount of tax levy which will suffice. A certified copy of such  
147 resolution shall be delivered to the clerks for the board of  
148 supervisors of the counties and municipal authorities affected  
149 thereby; and, thereafter, the board of supervisors and the  
150 governing authorities may for the forthcoming year levy a tax of  
151 no less than that declared to be sufficient in such resolution  
152 without losing their qualifications as members of the district.

153         Any tax levy made under the provisions of this section shall  
154 be used exclusively for the support and maintenance of the  
155 district and shall be made by the board of supervisors and  
156 municipal governing authorities at the time and in the manner that  
157 other tax levies are made. The revenues provided for in this  
158 chapter shall not, under any circumstances, be commingled with  
159 other funds of counties or municipalities.

160         SECTION 6. Section 55-25-9, Mississippi Code of 1972, is  
161 brought forward as follows:

162         55-25-9. The board of supervisors of each county and the  
163 governing authorities of each municipality becoming a member of a  
164 district shall annually, on or before March 15 of each year  
165 beginning with the calendar year in which the district is created,  
166 pay or cause to be paid to the depository of the district the

167 total avails from the taxes levied pursuant to Section 55-25-7 for  
168 the purpose of supporting the district. Such payment shall be  
169 made and continued as long as the district remains in existence,  
170 there is need therefor, and the county and municipality remain a  
171 part thereof.

172 Any municipality or county participating in a district may  
173 advance funds to the district to pay the preliminary expenses of  
174 the district, including reports, organization and administration  
175 expenses, on such terms of repayment as the governing body of the  
176 county or municipality shall determine.

177 SECTION 7. Section 55-25-11, Mississippi Code of 1972, is  
178 brought forward as follows:

179 55-25-11. The board of directors of a district is hereby  
180 authorized and empowered to accept grants, loans, gifts, bequests  
181 or funding from any source, public or private, that the granting  
182 agency has authority to provide; but in no circumstances shall the  
183 acceptance of any such funding obligate any district to repay a  
184 sum in excess of the avails of the tax levies authorized by this  
185 chapter.

186 SECTION 8. Section 55-25-13, Mississippi Code of 1972, is  
187 brought forward as follows:

188 55-25-13. All funds of a district shall be deposited by the  
189 board of directors in a bank or banks located within the counties  
190 or municipalities creating the district and qualified as a county  
191 or state depository.

192 SECTION 9. This act shall take effect and be in force from  
193 and after July 1, 2000.