

By: Moffatt

To: Ports and Marine  
Resources

SENATE BILL NO. 2116

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.

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

5 SECTION 1. Section 29-1-107, Mississippi Code of 1972, is  
6 amended as follows:[CRG1]

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

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

27 adjacent to the Mississippi Sound or Gulf of Mexico or streams  
28 emptying therein, for a period not exceeding forty (40) years for  
29 rental payable to the state annually. The lessee under such  
30 agreement may construct such necessary items for marking channels,  
31 docking, wharfing, mooring or fleeting vessels which shall be in  
32 aid of navigation and not obstructions thereto. A lessee of  
33 record may be given the option to renew for an additional period  
34 not to exceed twenty-five (25) years. The holder of a lease of  
35 Public Trust Tidelands, at the expiration thereof, shall have a  
36 prior right, exclusive of all other persons, to re-lease as may be  
37 agreed upon between the holder of the lease and the Secretary of  
38 State. All such leases shall provide for review and rent  
39 adjustments at each fifth anniversary tied either to the All Urban  
40 Consumer Price Index-All Items (CPI) or to an appraisal which  
41 deducts the value of any improvements by the lessee which  
42 substantially enhance the value of the land, whichever is greater.

43 In the case where the initial rental was based on the value set  
44 by the ad valorem tax rolls, then the rent review and adjustment  
45 clause shall be likewise based on the value set by such tax rolls.

46 In the event that the lessor and lessee cannot agree on a rental  
47 amount, the lease may be cancelled at the option of the lessor.  
48 The lessee shall, within thirty (30) days after execution of a  
49 sublease or assignment, file a copy thereof, including the total  
50 consideration therefor, with the Secretary of State.

51 (3) \* \* \* The current occupants of public trust tidelands  
52 that were developed after the determinable mean high water line  
53 nearest the effective date of the Coastal Wetlands Protection Law  
54 shall pay an annual rental based on the fair market value as  
55 determined by the assessed valuation of the property. The holder  
56 of a lease of Public Trust Tidelands, at the expiration thereof,  
57 shall have a prior right, exclusive of all other persons, to  
58 re-lease as may be agreed upon between the holder of the lease and  
59 the Secretary of State.

60 (4) Any nonprofit corporation lessees of Public Trust  
61 Tidelands shall pay an annual rental based solely on the fair  
62 market value as determined by the valuation of the square footage  
63 of piers or permanently moored vessels, but the annual rental

64 shall not exceed Two Hundred Fifty Dollars (\$250.00). The  
65 subleasing or assignment of such leases is prohibited.

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