

By: Representative Guice

To: Conservation and Water Resources; Public Buildings, Grounds and Lands

HOUSE BILL NO. 693

1 AN ACT TO AMEND SECTION 29-1-107, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE SECRETARY OF STATE TO LEASE TIDELANDS TO LICENSED  
3 GAMING ESTABLISHMENTS; 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:

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



60       (4) The Secretary of State shall lease public trust  
61 tidelands to licensed gaming establishments if the project  
62 proposed by the establishment has been approved by the Department  
63 of Marine Resources, the United States Army Corps of Engineers and  
64 the Mississippi Gaming Commission. If the project is approved but  
65 the lease is denied, the Secretary of State shall be liable for  
66 twice the costs incurred by the casino developers until notice of  
67 the denial is given.

68       SECTION 2. This act shall take effect and be in force from  
69 and after July 1, 2001.

