

By: Representatives McBride, Morris,
Henderson

To: Public Buildings,
Grounds and Lands

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1050

1 AN ACT TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF CORRECTIONS
2 TO TRANSFER TO THE MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES
3 AND PARKS CERTAIN REAL PROPERTY LOCATED IN QUITMAN COUNTY,
4 MISSISSIPPI, ALSO KNOWN AS THE "O'KEEFE DIVISION LANDS"; TO AMEND
5 SECTION 47-5-56, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;
6 TO REPEAL SECTION 47-5-57, MISSISSIPPI CODE OF 1972, WHICH
7 REQUIRES A PUBLIC HEARING TO BE HELD BEFORE TIMBER IS CLEARED BY
8 THE MISSISSIPPI DEPARTMENT OF CORRECTIONS ON THE O'KEEFE DIVISION
9 LANDS; TO AMEND SECTION 29-1-55, MISSISSIPPI CODE OF 1972, IN
10 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

12 SECTION 1. (1) The Mississippi Department of Corrections is
13 authorized to transfer to the Mississippi Department of Wildlife,
14 Fisheries and Parks certain real property located in Quitman
15 County, Mississippi, also known as the "O'Keefe Division Lands,"
16 described more specifically as follows:

17 All Mississippi Department of Corrections lands that
18 lie in Township 26, Range 1 West, Section 2 less the
19 NW 1/4 and the N 1/2 of the SW 1/4, Section 3, Section 10,
20 Section 11, Section 12, Section 13, Section 14,
21 Section 15, Section 22, Section 23, Section 24,
22 Section 25, Section 26 and Section 27 of Quitman County,
23 Mississippi.

24 Less and except:

25 **Tract - 1** All of the cultivatable lands of the
26 Mississippi State Penitentiary located in Sections 22,
27 27, 26, and 23 and the Southeast 1/4 tract of the
28 Southwest 1/4 of Section 14, Township 26 North, Range 1
29 West containing 206.49 acres of cultivable land more or
30 less.



31 **Tract - 2** All of the cultivatable lands of the
32 Mississippi State Penitentiary in Sections 10, 11, 15,
33 and 14, Township 26 North, Range 1 West, lying south of
34 the East - West Turnrow #2 less and except the
35 cultivatable lands located in the Southwest corner of
36 the Southeast 1/4 of the Southwest 1/4 of said Section
37 14 containing 370 acres of cultivatable land more or
38 less.

39 **Tract - 3** All of the cultivatable lands of the
40 Mississippi State Penitentiary located in Sections 2, 3,
41 10, and 11, Township 26 North, Range 1 West lying North
42 of the East - West Turnrow #2 and South of East - West
43 Turnrow #1 containing 401.3 acres more or less.

44 **Tract - 4** All of the cultivatable lands of the
45 Mississippi State Penitentiary located in Sections 2 and
46 3, Township 26 North, Range 1 West, lying North of East
47 - West Turnrow #1 containing 383.43 acres more or less,
48 less and except the prison Camp B area and less sawmill
49 area.

50 (2) The Mississippi Department of Wildlife, Fisheries and
51 Parks shall assume all supervision, management, maintenance and
52 control of the property described in subsection (1) of this
53 section.

54 (3) After the transfer of the real property described in
55 subsection (1) of this section to the Mississippi Department of
56 Wildlife, Fisheries and Parks, the Mississippi Department of
57 Wildlife, Fisheries and Parks shall have the timber on the
58 property cruised for the purpose of determining the current fair
59 market value of the timber. The Mississippi Department of
60 Wildlife, Fisheries and Parks may sell or otherwise dispose of
61 timber on the real property for not less than the current fair
62 market value as determined by the department under this
63 subsection. However, before timber may be marketed or sold on



64 such property by the Mississippi Department of Wildlife, Fisheries
65 and Parks, a public hearing shall be held in relation to the
66 cutting of timber on the property, and parties in interest and
67 citizens shall have an opportunity to be heard at the hearing. At
68 least fifteen (15) days' notice of the time and place of the
69 hearing shall be published in an official newspaper or a newspaper
70 of general circulation in the county in which the real property is
71 located. After a hearing has been held in accordance with this
72 section, the Mississippi Department of Wildlife, Fisheries and
73 Parks may cut timber on the real property. Any funds received
74 from the sale or other disposition of timber located on such
75 property shall be deposited into a special fund in the State
76 Treasury to be used by the Mississippi Department of Corrections
77 for the general support of the department.

78 SECTION 2. Section 47-5-56, Mississippi Code of 1972, is
79 amended as follows:

80 47-5-56. The department shall lease to the Mississippi
81 Commission on Wildlife, Fisheries and Parks for a period of twenty
82 (20) years all timberlands in Quitman County for an annual rental
83 of One Dollar (\$1.00). The lands so leased to the Mississippi
84 Commission on Wildlife, Fisheries and Parks shall be used and
85 maintained as a public game and fish management area. Proceeds
86 from the sale of the timber or from any forest management practice
87 shall be deposited into the Lambert State Forest Revolving Fund
88 created in Section 47-5-78. All costs associated with the
89 management of timber shall be paid from the fund. The remaining
90 funds shall then be deposited in the Prison Agricultural
91 Enterprises Fund, as created in Section 47-5-66. Any timber
92 needed in the building operations carried on by the department may
93 be purchased by the department at a cost not to exceed the cost of
94 the management of that timber. Upon the transfer of the real
95 property described in Section 1 of House Bill No. 1050, 2001
96 Regular Session, to the Department of Wildlife, Fisheries and



97 Parks, the department and the Mississippi Department of Wildlife,
98 Fisheries and Parks may terminate or modify any lease entered into
99 under this section regarding such property.

100 SECTION 3. Section 47-5-57, Mississippi Code of 1972, which
101 requires a public hearing to be held before timber is cleared by
102 the Mississippi Department of Corrections on the O'Keefe Division
103 Lands, is repealed.

104 SECTION 4. Section 29-1-55, Mississippi Code of 1972, is
105 amended as follows:

106 29-1-55. Where timber standing on lands is assessed to
107 persons other than those owning the fee title to the lands, and
108 the taxes thereon are not paid and such timber is sold to the
109 state for nonpayment of taxes, the Secretary of State may sell and
110 dispose of such timber rights in the same manner as he may sell
111 and dispose of tax-forfeited lands, and the proceeds received by
112 said Secretary of State for the sale thereof shall be divided
113 between the state, county, levee board, and drainage district as
114 provided by law for the disposition of the proceeds derived from
115 the sale of tax-forfeited lands. The owner in fee of lands may
116 purchase from the state any tax-forfeited timber rights on lands
117 owned by him in fee, regardless of the amount of lands that he may
118 own. * * *

119 SECTION 5. This act shall take effect and be in force from
120 and after its passage.

