

By: Representatives McBride, Morris,
Henderson

To: Public Buildings,
Grounds and Lands

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 SECTIONS 47-5-56, 47-5-66 AND 47-5-78, MISSISSIPPI CODE OF 1972,
6 IN CONFORMITY THERETO; TO REPEAL SECTION 47-5-57, MISSISSIPPI CODE
7 OF 1972, WHICH REQUIRES A PUBLIC HEARING TO BE HELD BEFORE TIMBER
8 IS CLEARED BY THE MISSISSIPPI DEPARTMENT OF CORRECTIONS ON THE
9 O'KEEFE DIVISION LANDS; TO AMEND SECTION 29-1-55, MISSISSIPPI CODE
10 OF 1972, IN 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
19 NW 1/4, Section 3, Section 10, Section 11, Section 12,
20 Section 13, Section 14, Section 15, Section 22,
21 Section 23, Section 24, Section 25, Section 26 and
22 Section 27 of Quitman County, Mississippi.

23 (2) The Mississippi Department of Wildlife, Fisheries and
24 Parks shall assume all supervision, management, maintenance and
25 control of the property described in subsection (1) of this
26 section.

27 (3) Upon the effective date of this act, the lease agreement
28 entered into by the Mississippi Department of Corrections and the
29 Mississippi Department of Wildlife, Fisheries and Parks pertaining

30 to the real property described in subsection (1) of this section
31 shall be terminated.

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

34 47-5-56. The department shall lease to the Mississippi
35 Commission on Wildlife, Fisheries and Parks for a period of twenty
36 (20) years all timberlands in Quitman County for an annual rental
37 of One Dollar (\$1.00). The lands so leased to the Mississippi
38 Commission on Wildlife, Fisheries and Parks shall be used and
39 maintained as a public game and fish management area. * * * All
40 costs associated with the management of timber shall be paid from
41 the fund. The remaining funds shall then be deposited in the
42 Prison Agricultural Enterprises Fund, as created in Section
43 47-5-66. Any timber needed in the building operations carried on
44 by the department may be purchased by the department at a cost not
45 to exceed the cost of the management of that timber.

46 SECTION 3. Section 47-5-66, Mississippi Code of 1972, is
47 amended as follows:

48 47-5-66. (1) It shall be the duty of the State Department
49 of Finance and Administration, with the approval of the Public
50 Procurement Review Board, to lease lands at public contract upon
51 the submission of two (2) or more sealed bids to the State
52 Department of Finance and Administration after having advertised
53 the land for rent in newspapers of general circulation published
54 in Jackson, Mississippi; Memphis, Tennessee; the county in which
55 the land is located, and contiguous counties for a period of not
56 less than two (2) successive weeks. The first publication shall
57 be made not less than ten (10) days before the date of the public
58 contract, and the last publication shall be made not more than
59 seven (7) days before that date. The State Department of Finance
60 and Administration may reject any and all bids. If all bids on a
61 tract or parcel of land are rejected, the State Department of
62 Finance and Administration may then advertise for new bids on that

63 tract or parcel of land. Successful bidders shall take possession
64 of their leaseholds at the time authorized by the State Department
65 of Finance and Administration. However, rent shall be due no
66 later than the day upon which the lessee shall assume possession
67 of the leasehold, and shall be due on the anniversary date for
68 each following year of the lease. The State Department of Finance
69 and Administration may provide in any lease that rent shall be
70 paid in full in advance or paid in installments, as may be
71 necessary or appropriate. In addition, the State Department of
72 Finance and Administration may accept, and the lease may provide
73 for, assignments of federal, state, or other agricultural support
74 payments, growing crops or the proceeds from the sale thereof,
75 promissory notes, or any other good and valuable consideration
76 offered by any lessee to meet the rent requirements of the lease.
77 If a promissory note is offered by a lessee, it shall be secured
78 by a first lien on the crop of the lessee, or the proceeds from
79 the sale thereof. The lien shall be filed pursuant to Article 9
80 of the Mississippi Uniform Commercial Code and Section 1324 of the
81 Food Security Act of 1985, as enacted or amended. If the note is
82 not paid at maturity, it shall bear interest at the rate provided
83 for judgments and decrees in Section 75-17-7 from its maturity
84 date until the note is paid. The note shall provide for the
85 payment of all costs of collection and reasonable attorney's fees
86 if default is made in the payment of the note. The payment of
87 rent by promissory note or any means other than cash in advance
88 shall be subject to the approval of the Public Procurement Review
89 Board, which shall place the approval of record in the minutes of
90 the board. There is created a special fund to be designated as
91 "the Prison Agricultural Enterprises Fund." Any monies in hand or
92 due from the leasing of Penitentiary lands * * * and earmarked for
93 the Prison Industries Fund shall be deposited to the special fund
94 for prison agricultural enterprises. All monies in each fiscal
95 year derived from the leasing of the Penitentiary lands * * *

96 shall be deposited into the special fund for the purpose of
97 conducting, operating and managing the prison agricultural
98 enterprises of the department. All profits derived from the
99 prison agricultural enterprises shall be deposited into the Prison
100 Agricultural Enterprises Fund. All profits derived from prison
101 industries shall be placed in a special fund in the State Treasury
102 to be known as the Prison Industries Funds, to be appropriated
103 each year by the Legislature to the nonprofit corporation, which
104 is required to be organized under the provisions of Section
105 47-5-535, for the purpose of operating and managing the prison
106 industries. The state shall have the rights and remedies for the
107 security and collection of the rents given by law to landlords.
108 Upon the execution of the agricultural leases to private entities
109 as authorized by Section 47-5-64, the leased land shall be liable
110 to be taxed as other lands are taxed during the continuance of the
111 lease, but in case of sale thereon for taxes, only the title of
112 the leaseholder or his heirs or assigns shall pass by the sale.
113 Any funds obtained by the corporation as a result of sale of goods
114 and services manufactured and provided by it shall be accounted
115 for separate and apart from any funds received by the corporation
116 through appropriation from the State Legislature. All
117 nonappropriated funds generated by the corporation shall not be
118 subject to appropriation by the State Legislature.

119 (2) This section shall be repealed from and after July 1,
120 2002.

121 SECTION 4. Section 47-5-78, Mississippi Code of 1972, is
122 amended as follows:

123 47-5-78. There is established within the State Treasury a
124 revolving fund to fund forest management costs provided under
125 Section * * * 47-5-66 for the Lambert State Forest in Quitman
126 County and shall be disbursed as provided in those sections. The
127 fund shall be called the "Lambert State Forest Revolving Fund,"
128 and moneys for the fund shall accrue from any revenues derived

129 from the Lambert State Forest including, but not limited to,
130 timber sales and any other revenue derived from forest management
131 practices. The State Treasurer shall invest all monies in the
132 fund, and interest earned on the investments shall be paid back
133 into the fund and not into the General Fund. The fund shall be
134 audited annually by the State Auditor.

135 SECTION 5. Section 47-5-57, Mississippi Code of 1972, which
136 requires a public hearing to be held before timber is cleared by
137 the Mississippi Department of Corrections on the O'Keefe Division
138 Lands, is repealed.

139 SECTION 6. Section 29-1-55, Mississippi Code of 1972, is
140 amended as follows:

141 29-1-55. Where timber standing on lands is assessed to
142 persons other than those owning the fee title to the lands, and
143 the taxes thereon are not paid and such timber is sold to the
144 state for nonpayment of taxes, the Secretary of State may sell and
145 dispose of such timber rights in the same manner as he may sell
146 and dispose of tax-forfeited lands, and the proceeds received by
147 said Secretary of State for the sale thereof shall be divided
148 between the state, county, levee board, and drainage district as
149 provided by law for the disposition of the proceeds derived from
150 the sale of tax-forfeited lands. The owner in fee of lands may
151 purchase from the state any tax-forfeited timber rights on lands
152 owned by him in fee, regardless of the amount of lands that he may
153 own. * * *

154 SECTION 7. This act shall take effect and be in force from
155 and after its passage.