

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.