To: Public Buildings, Grounds and Lands

MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Representatives McBride, Morris, Henderson

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1050

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

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

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

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

Less and except:

Tract - 1 All of the cultivatable lands of the
Mississippi State Penitentiary located in Sections 22,
27, 26, and 23 and the Southeast 1/4 tract of the
Southwest 1/4 of Section 14, Township 26 North, Range 1
West containing 206.49 acres of cultivable land more or
less.
Tract - 2  All of the cultivatable lands of the
Mississippi State Penitentiary in Sections 10, 11, 15, and 14, Township 26 North, Range 1 West, lying south of the East - West Turnrow #2 less and except the cultivatable lands located in the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 14 containing 370 acres of cultivatable land more or less.

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

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

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

(3) After the transfer of the real property described in subsection (1) of this section to the Mississippi Department of Wildlife, Fisheries and Parks, the Mississippi Department of Wildlife, Fisheries and Parks shall have the timber on the property cruised for the purpose of determining the current fair market value of the timber. The Mississippi Department of Wildlife, Fisheries and Parks may sell or otherwise dispose of timber on the real property for not less than the current fair market value as determined by the department under this subsection. However, before timber may be marketed or sold on
such property by the Mississippi Department of Wildlife, Fisheries
and Parks, a public hearing shall be held in relation to the
cutting of timber on the property, and parties in interest and
citizens shall have an opportunity to be heard at the hearing. At
least fifteen (15) days' notice of the time and place of the
hearing shall be published in an official newspaper or a newspaper
of general circulation in the county in which the real property is
located. After a hearing has been held in accordance with this
section, the Mississippi Department of Wildlife, Fisheries and
Parks may cut timber on the real property. Any funds received
from the sale or other disposition of timber located on such
property shall be deposited into a special fund in the State
Treasury to be used by the Mississippi Department of Corrections
for the general support of the department.

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

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

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

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

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

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

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