

By: Senator(s) Mettetal, Furniss

To: Public Property

SENATE BILL NO. 2893
(As Sent to Governor)

1 AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO TRANSFER
2 TO THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS FOR THE
3 CONSIDERATION OF A CERTAIN AMOUNT OF REAL PROPERTY LOCATED IN
4 QUITMAN COUNTY, MISSISSIPPI, ALSO KNOWN AS THE "O'KEEFE DIVISION
5 LANDS"; TO AUTHORIZE THE DEPARTMENT OF WILDLIFE, FISHERIES AND
6 PARKS TO ACQUIRE SUCH PROPERTY AND TO PAY THE CONSIDERATION
7 THEREFOR OUT OF ANY FUNDS AVAILABLE; TO REPEAL SECTION 47-5-57,
8 MISSISSIPPI CODE OF 1972, AND TO AMEND SECTIONS 29-1-55 AND
9 47-5-56, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
10 AUTHORIZE THE BOARD OF SUPERVISORS OF YALOBUSHA COUNTY,
11 MISSISSIPPI, TO ENTER INTO LEASE PURCHASE AGREEMENTS FOR THE
12 PURPOSE OF ACQUIRING, ERECTING, EQUIPPING, REPAIRING,
13 RECONSTRUCTING, REMODELING AND ENLARGING COUNTY COURTHOUSES,
14 OFFICE BUILDINGS, AND LAND THEREFOR, AND RELATED FACILITIES; AND
15 FOR RELATED PURPOSES.

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

17 SECTION 1. (1) The Department of Corrections shall transfer
18 and convey to the Department of Wildlife, Fisheries and Parks for
19 the consideration of Five Hundred Thousand Dollars (\$500,000.00)
20 certain real property located in Quitman County, Mississippi, also
21 known as the "O'Keefe Division Lands", described more specifically
22 as follows:

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

30 (2) The Department of Wildlife, Fisheries and Parks is
31 authorized to acquire the property described in subsection (1) and
32 to pay the consideration therefor out of any funds available.

33 Upon completion of the conveyance, the Department of Wildlife,
34 Fisheries and Parks shall assume all supervision, management,
35 maintenance and control of the property described in subsection
36 (1) of this section and shall receive all revenue derived from
37 such property.

38 (3) Any funds received from the sale of the property
39 described in subsection (1) of this section shall be deposited
40 into a special fund in the State Treasury to be used by the
41 Mississippi Department of Corrections for the general support of
42 the department. Unexpended amounts remaining in the special fund
43 at the end of a fiscal year shall not lapse into the State General
44 Fund. Any interest earned or investment earnings on amounts in
45 the fund shall be deposited into the special fund.

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

48 47-5-56. The department shall lease to the Mississippi
49 Commission on Wildlife, Fisheries and Parks for a period of twenty
50 (20) years all timberlands in Quitman County for an annual rental
51 of One Dollar (\$1.00). The lands so leased to the Mississippi
52 Commission on Wildlife, Fisheries and Parks shall be used and
53 maintained as a public game and fish management area. Proceeds
54 from the sale of the timber or from any forest management practice
55 shall be deposited into the Lambert State Forest Revolving Fund
56 created in Section 47-5-78. All costs associated with the
57 management of timber shall be paid from the fund. The remaining
58 funds shall then be deposited in the Prison Agricultural
59 Enterprises Fund, as created in Section 47-5-66. Any timber
60 needed in the building operations carried on by the department may
61 be purchased by the department at a cost not to exceed the cost of
62 the management of that timber. Upon the transfer of the real
63 property described in Section 1 of Senate Bill No. 2893, 2001
64 Regular Session, to the Department of Wildlife, Fisheries and
65 Parks, the department and the Mississippi Department of Wildlife,

66 Fisheries and Parks may terminate or modify as appropriate any
67 lease entered into under this section regarding such property.

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

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

74 29-1-55. Where timber standing on lands is assessed to
75 persons other than those owning the fee title to the lands, and
76 the taxes thereon are not paid and such timber is sold to the
77 state for nonpayment of taxes, the Secretary of State may sell and
78 dispose of such timber rights in the same manner as he may sell
79 and dispose of tax-forfeited lands, and the proceeds received by
80 said Secretary of State for the sale thereof shall be divided
81 between the state, county, levee board, and drainage district as
82 provided by law for the disposition of the proceeds derived from
83 the sale of tax-forfeited lands. The owner in fee of lands may
84 purchase from the state any tax-forfeited timber rights on lands
85 owned by him in fee, regardless of the amount of lands that he may
86 own. * * *

87 SECTION 5. (1) The Board of Supervisors of Yalobusha
88 County, Mississippi ("board of supervisors"), in its discretion,
89 is authorized to enter into lease agreements with any corporation,
90 partnership, limited partnership, joint venture or individual
91 under which the board of supervisors may agree to lease a facility
92 of any judicial district of Yalobusha County ("the county") for
93 use by the lessor for a primary term not to exceed twenty (20)
94 years for the purpose of acquiring, erecting, equipping,
95 repairing, reconstructing, remodeling and enlarging county
96 buildings, courthouses, office buildings, and land therefor, and
97 related facilities of any judicial district of the county.

98 (2) All such leases shall contain an option granting to the
99 board of supervisors the right to purchase the leased property
100 upon the expiration of the primary term, or upon such earlier date
101 as may be agreed upon, at a price not to exceed the unpaid
102 principal balance at such time.

103 (3) The board of supervisors is authorized to lease county
104 owned real property to any corporation, partnership, limited
105 partnership, joint venture or individual for the purpose of
106 enabling such person to construct or renovate thereon any of the
107 buildings or facilities described in subsection (1) of this
108 section and to lease such buildings and facilities to the board of
109 supervisors. No such ground lease shall be for a primary term in
110 excess of the primary term of the lease with respect to the
111 buildings and facilities to be constructed thereon.

112 (4) Subject to the provisions of this section, any such
113 lease agreement may extend over any period, notwithstanding any
114 provision or rule of law to the contrary, and any such lease
115 agreement shall be binding upon the board of supervisors and any
116 other party thereto in accordance with its terms. Any such lease
117 agreement may include, at the discretion of the board of
118 supervisors, a pledge of the full faith and credit of the judicial
119 district of the county for which the lease agreement is entered
120 into for the payment of its monetary obligations thereunder; or
121 may contain a provision that so long as no default of any monetary
122 obligation of the lessee has occurred, the lessee's obligation to
123 pay any amounts due or perform any covenants requiring or
124 resulting in the expenditure of money shall be contingent and
125 expressly limited to the extent of any specific appropriation made
126 by the board of supervisors to fund such lease agreement, and that
127 nothing contained in the lease agreement shall be construed as
128 creating any monetary obligation on the part of the lessee beyond
129 such current and specific appropriation. Any such appropriation
130 shall be made using the portion of general fund revenue of the

131 county derived from the judicial district for which a lease
132 agreement is entered into. Obligations incurred by the board of
133 supervisors under this section that are secured by a pledge of the
134 full faith and credit of the judicial district for which incurred
135 shall be included within the limitation on bonded indebtedness
136 established by law for the judicial district.

137 (5) Before entering into any lease agreement under this
138 section secured by a pledge of the full faith and credit of a
139 judicial district for which the proposed lease agreement is to be
140 entered into, the board of supervisors shall publish notice of its
141 intention to receive suitable proposals for the leasing of such
142 buildings, facilities or equipment. Such notice shall specify the
143 nature of the proposed building, facility or equipment, the
144 general geographic area in which the same is to be located, the
145 term of the proposed lease agreement, that the obligation to pay
146 rentals during the primary term is to be a continuing obligation
147 of and a charge against the general credit and leasing power of
148 the judicial district for which the proposed lease agreement is to
149 be entered into, and the date and hour on or before which such
150 proposals may be received. Such notice shall be published by the
151 board of supervisors in the same manner as required for publishing
152 notice of intention to issue general obligation bonds of the
153 county. If at least twenty percent (20%), or fifteen hundred
154 (1500), of the qualified electors of the judicial district for
155 which the proposed lease agreement is to be entered into,
156 whichever is less, file a written protest with the board of
157 supervisors, then an election shall be called by the county in the
158 same manner as provided for the issuance of county general
159 obligation bonds in Sections 19-9-11 through 19-9-17, Mississippi
160 Code of 1972, to determine whether or not the proposed lease
161 agreement may be executed by the board of supervisors. However,
162 only qualified electors of the judicial district for which the
163 proposed lease agreement is to be entered into may vote in such

164 election. The lease agreement shall be advertised for competitive
165 sealed proposals once each week for two (2) consecutive weeks in a
166 regular newspaper published or having a general circulation in the
167 county. The date as published for the proposal opening shall be
168 not less than five (5) working days after the last published
169 notice. The lease shall be awarded to the person submitting the
170 lowest and best proposal; however, all proposals may be rejected.

171 (6) This section shall be liberally construed for the
172 purposes set out in the section, and the powers granted in this
173 section are additional, cumulative and supplemental to any power
174 granted to the county by law.

175 SECTION 6. Sections 1 through 4 of this act shall take
176 effect and be in force from and after its passage. Section 5 of
177 this act shall take effect and be in force from and after the date
178 it is effectuated under Section 5 of the Voting Rights Act of
179 1965, as amended and extended.