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

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

SECTION 1. (1) The Department of Corrections shall transfer
and convey to the Department of Wildlife, Fisheries and Parks for
the consideration of Five Hundred Thousand Dollars ($500,000.00)
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.

(2) The Department of Wildlife, Fisheries and Parks is
authorized to acquire the property described in subsection (1) and
to pay the consideration therefor out of any funds available.
Upon completion of the conveyance, the Department of Wildlife, Fisheries and Parks shall assume all supervision, management, maintenance and control of the property described in subsection (1) of this section and shall receive all revenue derived from such property.

(3) Any funds received from the sale of the property described in subsection (1) of this section 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. Unexpended amounts remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund. Any interest earned or investment earnings on amounts in the fund shall be deposited into the special fund.

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 Senate Bill No. 2893, 2001 Regular Session, to the Department of Wildlife, Fisheries and Parks, the department and the Mississippi Department of Wildlife,
Fisheries and Parks may terminate or modify as appropriate 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 Department of Corrections on the O'Keefe Division Lands, is
hereby 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. (1) The Board of Supervisors of Yalobusha
County, Mississippi ("board of supervisors"), in its discretion,
is authorized to enter into lease agreements with any corporation,
partnership, limited partnership, joint venture or individual
under which the board of supervisors may agree to lease a facility
of any judicial district of Yalobusha County ("the county") for
use by the lessor for a primary term not to exceed twenty (20)
years for the purpose of acquiring, erecting, equipping,
repairing, reconstructing, remodeling and enlarging county
buildings, courthouses, office buildings, and land therefor, and
related facilities of any judicial district of the county.
(2) All such leases shall contain an option granting to the board of supervisors the right to purchase the leased property upon the expiration of the primary term, or upon such earlier date as may be agreed upon, at a price not to exceed the unpaid principal balance at such time.

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

(4) Subject to the provisions of this section, any such lease agreement may extend over any period, notwithstanding any provision or rule of law to the contrary, and any such lease agreement shall be binding upon the board of supervisors and any other party thereto in accordance with its terms. Any such lease agreement may include, at the discretion of the board of supervisors, a pledge of the full faith and credit of the judicial district of the county for which the lease agreement is entered into for the payment of its monetary obligations thereunder; or may contain a provision that so long as no default of any monetary obligation of the lessee has occurred, the lessee's obligation to pay any amounts due or perform any covenants requiring or resulting in the expenditure of money shall be contingent and expressly limited to the extent of any specific appropriation made by the board of supervisors to fund such lease agreement, and that nothing contained in the lease agreement shall be construed as creating any monetary obligation on the part of the lessee beyond such current and specific appropriation. Any such appropriation shall be made using the portion of general fund revenue of the
county derived from the judicial district for which a lease
agreement is entered into. Obligations incurred by the board of
supervisors under this section that are secured by a pledge of the
full faith and credit of the judicial district for which incurred
shall be included within the limitation on bonded indebtedness
established by law for the judicial district.

(5) Before entering into any lease agreement under this
section secured by a pledge of the full faith and credit of a
judicial district for which the proposed lease agreement is to be
entered into, the board of supervisors shall publish notice of its
intention to receive suitable proposals for the leasing of such
buildings, facilities or equipment. Such notice shall specify the
nature of the proposed building, facility or equipment, the
general geographic area in which the same is to be located, the
term of the proposed lease agreement, that the obligation to pay
rentals during the primary term is to be a continuing obligation
of and a charge against the general credit and leasing power of
the judicial district for which the proposed lease agreement is to
be entered into, and the date and hour on or before which such
proposals may be received. Such notice shall be published by the
board of supervisors in the same manner as required for publishing
notice of intention to issue general obligation bonds of the
county. If at least twenty percent (20%), or fifteen hundred
(1500), of the qualified electors of the judicial district for
which the proposed lease agreement is to be entered into,
whichever is less, file a written protest with the board of
supervisors, then an election shall be called by the county in the
same manner as provided for the issuance of county general
obligation bonds in Sections 19-9-11 through 19-9-17, Mississippi
Code of 1972, to determine whether or not the proposed lease
agreement may be executed by the board of supervisors. However,
only qualified electors of the judicial district for which the
proposed lease agreement is to be entered into may vote in such
election. The lease agreement shall be advertised for competitive
sealed proposals once each week for two (2) consecutive weeks in a
regular newspaper published or having a general circulation in the
county. The date as published for the proposal opening shall be
not less than five (5) working days after the last published
notice. The lease shall be awarded to the person submitting the
lowest and best proposal; however, all proposals may be rejected.

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

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