

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2893: Public property; Dept. of Corrections transfer land to Dept. of Wildlife, Fisheries and Parks.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

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

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

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

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

67 SECTION 3. Section 47-5-57, Mississippi Code of 1972, which
68 requires a public hearing to be held before timber is cleared by

69 the Department of Corrections on the O'Keefe Division Lands, is
70 hereby repealed.

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

73 29-1-55. Where timber standing on lands is assessed to
74 persons other than those owning the fee title to the lands, and
75 the taxes thereon are not paid and such timber is sold to the
76 state for nonpayment of taxes, the Secretary of State may sell and
77 dispose of such timber rights in the same manner as he may sell
78 and dispose of tax-forfeited lands, and the proceeds received by
79 said Secretary of State for the sale thereof shall be divided
80 between the state, county, levee board, and drainage district as
81 provided by law for the disposition of the proceeds derived from
82 the sale of tax-forfeited lands. The owner in fee of lands may
83 purchase from the state any tax-forfeited timber rights on lands
84 owned by him in fee, regardless of the amount of lands that he may
85 own. * * *

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

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

101 principal balance at such time.

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

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

133 full faith and credit of the judicial district for which incurred
134 shall be included within the limitation on bonded indebtedness
135 established by law for the judicial district.

136 (5) Before entering into any lease agreement under this
137 section secured by a pledge of the full faith and credit of a
138 judicial district for which the proposed lease agreement is to be
139 entered into, the board of supervisors shall publish notice of its
140 intention to receive suitable proposals for the leasing of such
141 buildings, facilities or equipment. Such notice shall specify the
142 nature of the proposed building, facility or equipment, the
143 general geographic area in which the same is to be located, the
144 term of the proposed lease agreement, that the obligation to pay
145 rentals during the primary term is to be a continuing obligation
146 of and a charge against the general credit and leasing power of
147 the judicial district for which the proposed lease agreement is to
148 be entered into, and the date and hour on or before which such
149 proposals may be received. Such notice shall be published by the
150 board of supervisors in the same manner as required for publishing
151 notice of intention to issue general obligation bonds of the
152 county. If at least twenty percent (20%), or fifteen hundred
153 (1500), of the qualified electors of the judicial district for
154 which the proposed lease agreement is to be entered into,
155 whichever is less, file a written protest with the board of
156 supervisors, then an election shall be called by the county in the
157 same manner as provided for the issuance of county general
158 obligation bonds in Sections 19-9-11 through 19-9-17, Mississippi
159 Code of 1972, to determine whether or not the proposed lease
160 agreement may be executed by the board of supervisors. However,
161 only qualified electors of the judicial district for which the
162 proposed lease agreement is to be entered into may vote in such
163 election. The lease agreement shall be advertised for competitive
164 sealed proposals once each week for two (2) consecutive weeks in a

165 regular newspaper published or having a general circulation in the
166 county. The date as published for the proposal opening shall be
167 not less than five (5) working days after the last published
168 notice. The lease shall be awarded to the person submitting the
169 lowest and best proposal; however, all proposals may be rejected.

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X
Sampson Jackson II

X
Diane C. Peranich

X
Nolan Mettetal

X
Tom Weathersby

X
Willie Simmons

X
Roger Ishee