

By: Representative Pierce

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 35

1 AN ACT TO AMEND SECTION 55-3-33, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ACTIVE MEMBERS OF THE ARMY NATIONAL GUARD OR AIR
3 NATIONAL GUARD OF MISSISSIPPI, AND THEIR IMMEDIATE FAMILY MEMBERS,
4 SHALL BE EXEMPT FROM THE PAYMENT OF FEES FOR ENTRANCE TO STATE
5 PARKS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 55-3-33, Mississippi Code of 1972, is
8 amended as follows:

9 55-3-33. (1) The Mississippi Department of Wildlife,
10 Fisheries and Parks shall have the power and authority, and it
11 shall be its duty to:

12 (a) Take charge and have full jurisdiction and control
13 over all state parks, which parks shall be operated for the
14 purpose of providing outdoor recreational activities and enjoyment
15 for the citizens of the State of Mississippi and for the purpose
16 of attracting visitors to the state.

17 (b) Set up a uniform accounting procedure for the state
18 parks and prescribe the manner in which books, records and
19 accounts shall be kept, which procedure shall account for all
20 moneys taken in and expended by the various parks and shall
21 provide for periodic audits of such books.

22 (c) Accept gifts, bequests of money or other property,
23 real or personal, to be used for the purpose of advancing the
24 recreation and conservation interests in state parks. The
25 department is authorized, subject to approval by the State
26 Legislature, to purchase property, real or personal, to be used
27 for state park purposes.

28 (d) Contract with the State Transportation Commission,
29 any municipality or board of supervisors of the state for
30 locating, constructing and maintaining roads and other
31 improvements in state parks and for payment of a part of the costs
32 thereof; however, no county or municipality more than twenty-five
33 (25) miles distant from a state park may contract for, or do, or
34 pay for any such work for a state park other than the
35 International Gardens of Mississippi. Any county or municipality
36 authorized to assist financially under the provisions of Sections
37 55-3-31 through 55-3-51 is authorized, in the discretion of its
38 respective governing authority, to set aside, appropriate and
39 expend moneys from the General Fund for the purpose of defraying
40 such expense after a mandatory election is held on the question
41 within the county or municipality.

42 (e) Designate employees as peace officers with power to
43 make arrests for infraction of the rules and regulations of the
44 department. Such officers are authorized to carry weapons and to
45 enforce the laws of the State of Mississippi within the confines
46 of a state park.

47 (f) Enforce and delegate the responsibility to enforce
48 all reasonable rules and regulations governing the occupancy and
49 use of lands and waters in state parks under its jurisdiction,
50 supply recreational and conservation facilities and charge fees
51 for the use of same; review all rates and charges for facilities
52 and accommodations furnished at the various state parks annually,
53 making such charges as are justified; and establish fees for
54 entrance to state parks. However, active members of the Army
55 National Guard or Air National Guard of Mississippi, and their
56 immediate family members, shall be exempt from the payment of fees
57 for entrance to state parks. For the purposes of this paragraph,
58 the term "immediate family member" means a spouse, parent,
59 stepparent, sibling, child, stepchild, grandchild or grandparent.

60 Each park shall retain from revenues generated therein, a sum
61 sufficient to pay necessary expenses of operation, but in no event
62 to be less than seventy-five percent (75%) of such revenues.

63 (2) The department shall have the authority to lease to any
64 entity, sell and convey or otherwise transfer to any county or
65 municipality, or close any state park or historical site within
66 its jurisdiction which received a General Fund subsidy in Fiscal
67 Year 1985 in excess of Two Dollars (\$2.00) per visitor to such
68 state park or historical site; provided, however, that this
69 authority shall not include the authority to sell, lease or convey
70 any park that was not in operation under the jurisdiction of the
71 department for a full fiscal year prior to fiscal year 1986.

72 (3) The department may execute agreements with
73 rails-to-trails and recreational districts by which the department
74 will assume responsibility for the operation and maintenance of
75 trails developed under Sections 55-25-1 through 55-25-15.

76 **SECTION 2.** This act shall take effect and be in force from
77 and after July 1, 2004.