

By: Representative Robinson (84th)

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 1368

1 AN ACT TO CREATE IN THE STATE TREASURY A SPECIAL FUND TO BE
2 KNOWN AS THE "STATE PARKS TIMBER MANAGEMENT ENDOWMENT FUND"; TO
3 PROVIDE THAT THE PRINCIPAL OF THE FUND SHALL REMAIN INVIOLETE BUT
4 THAT INTEREST AND INCOME DERIVED FROM INVESTMENT OF THE PRINCIPAL
5 OF THE FUND MAY BE EXPENDED BY THE MISSISSIPPI DEPARTMENT OF
6 WILDLIFE, FISHERIES AND PARKS FOR THE PURPOSE OF MAKING
7 IMPROVEMENTS TO REAL AND PERSONAL PROPERTY AND FACILITIES ON ANY
8 OF THE STATE PARKS UNDER THE JURISDICTION AND CONTROL OF THE
9 COMMISSION ON WILDLIFE, FISHERIES AND PARKS; TO AMEND SECTION
10 55-3-53, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE PROCEEDS
11 DERIVED FROM THE SALES OF TIMBER ON LANDS OF STATE PARKS SHALL BE
12 DEPOSITED INTO THE SPECIAL FUND CREATED UNDER THIS ACT; AND FOR
13 RELATED PURPOSES.

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

15 **SECTION 1.** (1) There is created in the State Treasury a
16 special fund to be known as the "State Parks Timber Management
17 Endowment Fund." The fund shall consist of all monies required to
18 be deposited therein under the provisions of Section 55-3-53. The
19 principal of the fund shall remain inviolate and shall be invested
20 as provided by law. Interest and income derived from investment
21 of the principal of the fund may be expended by the Mississippi
22 Department of Wildlife, Fisheries and Parks, upon appropriation by
23 the Legislature, only for the purpose of constructing,
24 reconstructing, repairing, renovating or making improvements to
25 real and personal property and facilities on any of the state
26 parks under the jurisdiction and control of the Commission on
27 Wildlife, Fisheries and Parks. Unexpended amounts remaining in
28 the fund at the end of a fiscal year shall not lapse into the
29 State General Fund, and any interest earned on amounts in the fund
30 shall be deposited to the credit of the fund.

31 **SECTION 2.** Section 55-3-53, Mississippi Code of 1972, is
32 amended as follows:

33 55-3-53. (1) The Mississippi Department of Wildlife,
34 Fisheries and Parks is hereby authorized and empowered to sell and
35 dispose of timber, trees, deadwood and stumps standing, growing
36 and being upon the lands of state parks. Such timber shall be
37 sold and disposed of under the direction and specifications of the
38 Department of Wildlife, Fisheries and Parks in accordance with
39 sound and efficient principles of selective cutting, forestry
40 management and conservation.

41 Before any such timber, trees, deadwood and stumps shall be
42 sold, the Department of Wildlife, Fisheries and Parks shall select
43 and mark the trees to be cut and disposed of. No trees or timber
44 shall be marked for cutting when the cutting thereof would destroy
45 or mar the scenic views from the tourist observation points in
46 said park. The purchaser shall pay double price on sale basis for
47 all trees, timber or stumps cut that had not been marked for
48 removing by the Department of Wildlife, Fisheries and Parks.

49 Before any such timber, trees, deadwood or stumps standing,
50 growing or being upon such land shall be sold, the department
51 shall advertise its intention so to do by publication in a
52 newspaper published or having general circulation in the county or
53 counties where parks are located, such notice to be published at
54 least once a week for three (3) consecutive weeks preceding the
55 sale and by posting one (1) notice in the courthouse in such
56 county. The notice shall specify that such bids shall be filed
57 with the superintendent of the state park involved, who shall
58 transmit same to the Department of Wildlife, Fisheries and Parks
59 for rejection or approval. Said department shall accept the bid
60 of the highest and best bidder for cash, but shall have the right
61 to reject any and all of such bids.

62 Provided, however, in the case of damage by fire, windstorm,
63 insects or other natural causes which would require immediate sale
64 of the timber, because the time involved for advertisement as
65 prescribed herein would allow decay, rot or destruction

66 substantially decreasing the purchase price to be received had not
67 such delay occurred, the advertisement provisions of this section
68 shall not apply. The State Park Director, upon a written
69 recommendation from the county forester of the county wherein said
70 state park is located, shall determine when immediate sale of the
71 timber is required. When the State Park Director shall find an
72 immediate sale necessary for the causes stated herein, he shall,
73 in his discretion, set the time for receipt of bids on the
74 purchase of said timber, but shall show due diligence in notifying
75 competitive bidders so that a true competitive bid shall be
76 received.

77 Whenever any timber, trees, deadwood or stumps are sold under
78 the provisions of this section, the purchaser thereof shall have
79 all necessary rights of ingress and egress to enter upon said land
80 and cut and remove such timber, trees, deadwood or stumps.

81 The proceeds derived or received from all sales under the
82 provisions of this section shall be placed in the State Parks
83 Timber Management Endowment Fund created under Section 1 of House
84 Bill No. 1368, 2004 Regular Session.

85 (2) Notwithstanding the provisions of subsection (1) of this
86 section, the Department of Wildlife, Fisheries and Parks may cut
87 and sell trees damaged by fire, windstorm or insects and deadwood
88 and stumps located upon the lands of state parks for firewood.
89 Such firewood shall be sold only to overnight guests at state
90 parks for use at state parks. The Department of Wildlife,
91 Fisheries and Parks shall select and mark all trees to be cut for
92 firewood.

93 **SECTION 3.** This act shall take effect and be in force from
94 and after July 1, 2004.