

By: Senator(s) Posey

To: Appropriations

SENATE BILL NO. 3001

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 INVIOLOATE 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 Senate  
84 Bill No. 3001, 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.