

By: Senator(s) Posey

To: Wildlife, Fisheries and
Parks

SENATE BILL NO. 2854

1 AN ACT TO AMEND SECTION 49-5-13, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO
3 CHARGE FEES FOR CERTAIN USES ON WILDLIFE MANAGEMENT AREAS; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 49-5-13, Mississippi Code of 1972, is
7 amended as follows:

8 49-5-13. (1) The commission may adopt rules and regulations
9 regulating public hunting and fishing in any wildlife conservation
10 management projects or wildlife conservation hunting and fishing
11 refuges constructed under this chapter, and may prescribe and
12 collect fees for the privilege of hunting, fishing and other uses
13 in such projects and shall have general authority to operate such
14 wildlife conservation management areas or refuges.

15 (2) The commission may adopt such rules and regulations that
16 may be necessary for the management and control of such wildlife
17 conservation management areas or refuges.

18 (3) The Department of Finance and Administration may lease
19 any lands other than woodlands owned by the state within wildlife
20 conservation management areas as long as such lands are not within
21 the boundaries of the used portions of such areas and so long as
22 such lands are leased as provided for in subsections (4) and (5)
23 of this section. The rental from any such lease is to be paid to
24 the commission and expended as hereinafter provided.

25 (4) The commission shall recommend to the Department of
26 Finance and Administration the number of acres of land within
27 wildlife conservation management areas which should be leased to
28 private entities. The Department of Finance and Administration

29 shall have the authority to lease for agricultural purposes that
30 land so recommended for not less than one (1) nor more than five
31 (5) years. The Department of Finance and Administration shall
32 lease the lands for cash rent only. The Department of Finance and
33 Administration shall reserve and exclude from any such lands the
34 hunting rights on the lands at all times after the crops are
35 harvested and until the lands are again planted.

36 (5) It shall be the duty of the Department of Finance and
37 Administration to lease such lands at public contract upon the
38 submission of two (2) or more sealed bids to the Department of
39 Finance and Administration after having advertised such land for
40 rent in a newspaper of general circulation published in the county
41 in which the land is located, or if no newspaper be published in
42 said county, then in a newspaper having a general circulation
43 therein, for a period of not less than two (2) successive weeks.
44 The first publication shall be made not less than ten (10) days
45 prior to the date of such public contract, and the last
46 publication shall be made not more than seven (7) days prior to
47 such date. The Department of Finance and Administration shall
48 have the authority to reject any and all bids. If all bids on a
49 tract or parcel of land are rejected, the Department of Finance
50 and Administration may then advertise for new bids on that tract
51 or parcel of land. Successful bidders shall take possession of
52 their leaseholds at such time authorized by the Department of
53 Finance and Administration. Provided, however, rent shall be due
54 no later than the day upon which the lessee shall assume
55 possession of the leasehold, and shall be due on the anniversary
56 date for each following year of the lease. The Department of
57 Finance and Administration shall have the rights and remedies for
58 the security and collection of such rents given by law to
59 landlords. Upon the execution of the leases as authorized by this
60 section, the leased land shall be liable to be taxed as other
61 lands are taxed during the continuance of the lease, but in case

62 of sale thereon for taxes, only the title of the leaseholder or
63 his heirs or assigns shall pass by the sale.

64 **SECTION 2.** This act shall take effect and be in force from
65 and after July 1, 2005.