

By: Senator(s) Jackson (32nd)

To: Wildlife, Fisheries and Parks

SENATE BILL NO. 2922

1 AN ACT TO AMEND SECTIONS 49-5-13 AND 55-3-33, MISSISSIPPI
2 CODE OF 1972, TO LIMIT CERTAIN BOAT LAUNCH FEES ON STATE LAKES;
3 TO PROVIDE THAT NO FEE SHALL BE CHARGED TO FISH FROM THE BANK OF A
4 STATE LAKE IF THE PERSON HAS A FISHING LICENSE; AND FOR RELATED
5 PURPOSES.

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

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

9 49-5-13. (1) The commission may adopt rules and regulations
10 regulating public hunting and fishing in any wildlife conservation
11 management projects or wildlife conservation hunting and fishing
12 refuges constructed under this chapter, and may prescribe and
13 collect fees for the privilege of hunting and fishing in such
14 projects and shall have general authority to operate such wildlife
15 conservation management areas or refuges. The daily boat launching
16 fee shall not exceed Two Dollars (\$2.00). The annual boat
17 launching fee shall not exceed Twenty-Five Dollars (\$25.00).
18 There shall be no fishing fee for fishing from the bank if the
19 person has a fishing license.

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

23 (3) The Department of Finance and Administration may lease
24 any lands other than woodlands owned by the state within wildlife
25 conservation management areas as long as such lands are not within
26 the boundaries of the used portions of such areas and so long as
27 such lands are leased as provided for in subsections (4) and (5)

28 of this section. The rental from any such lease is to be paid to
29 the commission and expended as hereinafter provided.

30 (4) The commission shall recommend to the Department of
31 Finance and Administration the number of acres of land within
32 wildlife conservation management areas which should be leased to
33 private entities. The Department of Finance and Administration
34 shall have the authority to lease for agricultural purposes that
35 land so recommended for not less than one (1) nor more than five
36 (5) years. The Department of Finance and Administration shall
37 lease the lands for cash rent only. The Department of Finance and
38 Administration shall reserve and exclude from any such lands the
39 hunting rights on the lands at all times after the crops are
40 harvested and until the lands are again planted.

41 (5) It shall be the duty of the Department of Finance and
42 Administration to lease such lands at public contract upon the
43 submission of two (2) or more sealed bids to the Department of
44 Finance and Administration after having advertised such land for
45 rent in a newspaper of general circulation published in the county
46 in which the land is located, or if no newspaper be published in
47 said county, then in a newspaper having a general circulation
48 therein, for a period of not less than two (2) successive weeks.
49 The first publication shall be made not less than ten (10) days
50 prior to the date of such public contract, and the last
51 publication shall be made not more than seven (7) days prior to
52 such date. The Department of Finance and Administration shall
53 have the authority to reject any and all bids. If all bids on a
54 tract or parcel of land are rejected, the Department of Finance
55 and Administration may then advertise for new bids on that tract
56 or parcel of land. Successful bidders shall take possession of
57 their leaseholds at such time authorized by the Department of
58 Finance and Administration. Provided, however, rent shall be due
59 no later than the day upon which the lessee shall assume
60 possession of the leasehold, and shall be due on the anniversary

61 date for each following year of the lease. The Department of
62 Finance and Administration shall have the rights and remedies for
63 the security and collection of such rents given by law to
64 landlords. Upon the execution of the leases as authorized by this
65 section, the leased land shall be liable to be taxed as other
66 lands are taxed during the continuance of the lease, but in case
67 of sale thereon for taxes, only the title of the leaseholder or
68 his heirs or assigns shall pass by the sale.

69 **SECTION 2.** Section 55-3-33, Mississippi Code of 1972, is
70 amended as follows:

71 55-3-33. (1) The Mississippi Department of Wildlife,
72 Fisheries and Parks shall have the power and authority, and it
73 shall be its duty to:

74 (a) Take charge and have full jurisdiction and control
75 over all state parks, which parks shall be operated for the
76 purpose of providing outdoor recreational activities and enjoyment
77 for the citizens of the State of Mississippi and for the purpose
78 of attracting visitors to the state.

79 (b) Set up a uniform accounting procedure for the state
80 parks and prescribe the manner in which books, records and
81 accounts shall be kept, which procedure shall account for all
82 moneys taken in and expended by the various parks and shall
83 provide for periodic audits of such books.

84 (c) Accept gifts, bequests of money or other property,
85 real or personal, to be used for the purpose of advancing the
86 recreation and conservation interests in state parks. The
87 department is authorized, subject to approval by the State
88 Legislature, to purchase property, real or personal, to be used
89 for state park purposes.

90 (d) Contract with the State Transportation Commission,
91 any municipality or board of supervisors of the state for
92 locating, constructing and maintaining roads and other
93 improvements in state parks and for payment of a part of the costs

94 thereof; however, no county or municipality more than twenty-five
95 (25) miles distant from a state park may contract for, or do, or
96 pay for any such work for a state park other than the
97 International Gardens of Mississippi. Any county or municipality
98 authorized to assist financially under the provisions of Sections
99 55-3-31 through 55-3-51 is authorized, in the discretion of its
100 respective governing authority, to set aside, appropriate and
101 expend moneys from the General Fund for the purpose of defraying
102 such expense after a mandatory election is held on the question
103 within the county or municipality.

104 (e) Designate employees as peace officers with power to
105 make arrests for infraction of the rules and regulations of the
106 department. Such officers are authorized to carry weapons and to
107 enforce the laws of the State of Mississippi within the confines
108 of a state park.

109 (f) Enforce and delegate the responsibility to enforce
110 all reasonable rules and regulations governing the occupancy and
111 use of lands and waters in state parks under its jurisdiction,
112 supply recreational and conservation facilities and charge fees
113 for the use of same; review all rates and charges for facilities
114 and accommodations furnished at the various state parks annually,
115 making such charges as are justified; and establish fees for
116 entrance to state parks. The daily boat launching fee shall not
117 exceed Two Dollars (\$2.00). The annual boat launching fee shall
118 not exceed Twenty-Five Dollars (\$25.00). There shall be no
119 fishing fee for fishing from the bank if the person has a fishing
120 license.

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

124 (2) The department shall have the authority to lease to any
125 entity, sell and convey or otherwise transfer to any county or
126 municipality, or close any state park or historical site within

127 its jurisdiction which received a General Fund subsidy in Fiscal
128 Year 1985 in excess of Two Dollars (\$2.00) per visitor to such
129 state park or historical site; provided, however, that this
130 authority shall not include the authority to sell, lease or convey
131 any park that was not in operation under the jurisdiction of the
132 department for a full fiscal year prior to fiscal year 1986.

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

137 **SECTION 3.** This act shall take effect and be in force from
138 and after July 1, 2005.