

By: Senator(s) Posey

To: Appropriations

## SENATE BILL NO. 2002

1 AN ACT TO AMEND SECTION 55-3-54, MISSISSIPPI CODE OF 1972, TO  
2 CREATE SPECIAL TRUST ACCOUNTS WITHIN THE "STATE PARKS TIMBER  
3 MANAGEMENT ENDOWMENT FUND" FOR TIMBER HARVESTED FROM WILDLIFE  
4 MANAGEMENT AREAS AND STATE LAKES; TO RESTRICT THE USE OF FUNDS IN  
5 SUCH ACCOUNTS; TO REQUIRE THE DEPARTMENT OF WILDLIFE, FISHERIES  
6 AND PARKS TO ADOPT INTERNAL ACCOUNTING CONTROLS TO PROVIDE THAT  
7 TIMBER ENDOWMENT FUNDS SHALL NOT BE CLASSIFIED AS PROGRAM INCOME  
8 UNDER ANY PROGRAM RECEIVING FEDERAL FUNDS; TO AMEND SECTIONS  
9 55-3-11, 55-3-15 AND 49-5-15, MISSISSIPPI CODE OF 1972 TO CONFORM;  
10 AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 55-3-54, Mississippi Code of 1972, is  
13 amended as follows:

14 55-3-54. (1) There is created in the State Treasury a  
15 special fund to be known as the "State Parks Timber Management  
16 Endowment Fund." The fund shall consist of all monies required to  
17 be deposited therein under the provisions of Section 55-3-53. The  
18 principal of the fund shall remain inviolate and shall be invested  
19 as provided by law. Interest and income derived from investment  
20 of the principal of the fund may be expended by the Mississippi  
21 Department of Wildlife, Fisheries and Parks, upon appropriation by  
22 the Legislature, only for the purpose of constructing,  
23 reconstructing, repairing, renovating or making improvements to  
24 real and personal property and facilities on any of the state  
25 parks under the jurisdiction and control of the Commission on  
26 Wildlife, Fisheries and Parks. Unexpended amounts remaining in  
27 the fund at the end of a fiscal year shall not lapse into the  
28 State General Fund, and any interest earned on amounts in the fund  
29 shall be deposited to the credit of the fund.

30 (2) There is established a special trust account to be known  
31 as the "Wildlife Management Area Timber Endowment Account" within

32 the "State Parks Timber Management Endowment Fund." Any revenues  
33 received from the sale of timber on wildlife management areas,  
34 refuges and preserves shall be deposited into the account. The  
35 principal of the account shall remain inviolate and shall be  
36 invested as provided by law. Interest and income derived from  
37 investment of the principal of the account may be expended by the  
38 Mississippi Department of Wildlife, Fisheries and Parks, upon  
39 appropriation by the Legislature, only for the purpose of  
40 management, improvement and acquisition of wildlife management  
41 areas. Unexpended amounts remaining in the account at the end of  
42 a fiscal year shall not lapse into the State General Fund, but  
43 shall remain in the account. Interest earned on amounts in the  
44 account shall be deposited to the credit of the account.

45 (3) There is established a special trust account to be known  
46 as the "State Lakes Timber Endowment Account" within the "State  
47 Parks Timber Management Endowment Fund." Any revenues received  
48 from the sale of timber on state lakes shall be deposited into the  
49 account. The principal of the account shall remain inviolate and  
50 shall be invested as provided by law. Interest and income derived  
51 from investment of the principal of the account may be expended by  
52 the Mississippi Department of Wildlife, Fisheries and Parks, upon  
53 appropriation by the Legislature, only for the purpose of  
54 management, improvement and acquisition of state lakes.  
55 Unexpended amounts remaining in the account at the end of a fiscal  
56 year shall not lapse into the State General Fund, but shall remain  
57 in the account. Interest earned on amounts in the account shall  
58 be deposited to the credit of the account.

59 (4) The Department of Wildlife, Fisheries and Parks shall  
60 adopt internal accounting controls to ensure that expenditures  
61 from the special timber funds and accounts shall not be classified  
62 as program income in any program receiving federal grant monies.

63 **SECTION 2.** Section 55-3-11, Mississippi Code of 1972, is  
64 amended as follows:

65           55-3-11. The State Forestry Commission shall have the  
66 control and management of any and all forests or public parks set  
67 aside and dedicated as provided for in Section 55-3-7, and shall  
68 have authority to issue grazing or farming permits or leases on  
69 said parks, and to make sales of timber and other forest products  
70 of the soil from same. The Mississippi Commission on Wildlife,  
71 Fisheries and Parks shall have the control and management of any  
72 and all lands set aside and dedicated for a fish and game refuge  
73 and/or preserve. The commission shall deposit any revenue from  
74 the sale of timber from refuges and preserves into the special  
75 trust account as provided under Section 55-3-54. The State  
76 Forestry Commission and the Mississippi Commission on Wildlife,  
77 Fisheries and Parks shall cooperate in the utilization of any  
78 lands so dedicated both for forestry and game and fish  
79 conservation purposes.

80           In the case of state forests and/or state parks, the State  
81 Forestry Commission, and, in the case of fish and game preserves,  
82 the Mississippi Commission on Wildlife, Fisheries and Parks, is  
83 hereby vested with authority to institute proceedings against  
84 trespassers and others in the name of the State of Mississippi,  
85 and to do all things necessary and proper to obtain the most  
86 complete and advantageous developments of state forests, parks,  
87 and fish and game preserves.

88           **SECTION 3.** Section 55-3-15, Mississippi Code of 1972, is  
89 amended as follows:

90           55-3-15. Seventy-five percent (75%) of the gross revenue  
91 derived from state forests shall be paid into the State Treasury  
92 to the credit of the General Fund. Twenty-five percent (25%)  
93 derived from state forests shall be paid into the school fund of  
94 the county from which the revenue is derived, payment being made  
95 to the county as compensation for possible loss of revenue.  
96 Seventy-five percent (75%) of the gross revenue derived from fish  
97 and game refuges and/or preserves created and established by the

98 Department of Wildlife, Fisheries and Parks \* \* \* shall be paid to  
99 the special trust account as provided in Section 55-3-54, and  
100 twenty-five percent (25%) of such gross revenue shall be paid into  
101 the school fund of the county from which the revenue is derived.

102 **SECTION 4.** Section 49-5-15, Mississippi Code of 1972, is  
103 amended as follows:

104 49-5-15. The commission may contract with any county or  
105 counties in which such a game and fish management project or game  
106 and fish hunting and fishing refuge may be located or any  
107 municipality located in such county, for the joint support and  
108 maintenance thereof so that the cost of acquisition, construction  
109 and maintenance of such project may be borne jointly by such  
110 agencies. The commission may use any revenues from the sale of  
111 timber, mineral leases on such land, any donations made to such a  
112 project by any agency of the federal government or the State of  
113 Mississippi or fees collected for permits granted for hunting and  
114 fishing thereon toward financing same. The commission shall  
115 deposit any revenue from the sale of timber into the special trust  
116 account as provided in Section 55-3-54.

117 **SECTION 5.** This act shall take effect and be in force from  
118 and after its passage.