

By: Representatives McBride, Akins

To: Wildlife, Fisheries and  
Parks; Appropriations

## HOUSE BILL NO. 1492

1 AN ACT TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF WILDLIFE,  
2 FISHERIES AND PARKS, ACTING IN CONJUNCTION WITH THE MISSISSIPPI  
3 DEVELOPMENT AUTHORITY, TO LEASE CERTAIN PARK LANDS FOR COMMERCIAL  
4 AND/OR RESIDENTIAL DEVELOPMENT; TO ESTABLISH THE PROCESS FOR  
5 LEASING OF PARK LANDS FOR DEVELOPMENT; TO CREATE THE MISSISSIPPI  
6 PARKS ENDOWMENT FUND; TO PROVIDE THAT REVENUES DERIVED FROM SUCH  
7 DEVELOPMENT LEASES SHALL BE DEPOSITED INTO THE FUND AND MAY BE  
8 EXPENDED, UPON LEGISLATIVE APPROPRIATION, ONLY FOR THE PURPOSE OF  
9 CONSTRUCTING, RECONSTRUCTING, REPAIRING, RENOVATING OR MAKING  
10 IMPROVEMENTS TO REAL AND PERSONAL PROPERTY AND FACILITIES ON ANY  
11 OF THE STATE PARKS UNDER THE JURISDICTION AND CONTROL OF THE  
12 COMMISSION ON WILDLIFE, FISHERIES AND PARKS; TO AMEND SECTION  
13 55-3-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF  
14 WILDLIFE, FISHERIES AND PARKS TO ENTER INTO CONTRACTS AND  
15 AGREEMENTS AND EXECUTE LEASES WITH THIRD PARTIES FOR THE  
16 OPERATION, UPKEEP, SUPERVISION, MANAGEMENT AND IMPROVEMENT OF  
17 STATE PARKS AND ANY BUILDINGS, ACTIVITIES OR FACILITIES LOCATED  
18 THEREON AND MADE AVAILABLE FOR THE USE AND ENJOYMENT OF THE  
19 GENERAL PUBLIC AND TO PROVIDE THAT ALL REVENUES DERIVED BY THE  
20 DEPARTMENT FROM SUCH CONTRACTS, AGREEMENTS AND LEASES SHALL BE  
21 DEPOSITED BY THE DEPARTMENT INTO THE STATE PARKS LEASE DEVELOPMENT  
22 ENDOWMENT FUND AND MAY BE EXPENDED FOR THE SAME PURPOSES AS OTHER  
23 MONIES IN THE FUND; AND FOR RELATED PURPOSES.

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

25 **SECTION 1.** For the purposes of Sections 1 through \_\_\_\_ of  
26 this act, the following terms shall have the meanings ascribed in  
27 this section unless the context otherwise requires:

28 (a) "Commission" means the Mississippi Commission on  
29 Wildlife, Fisheries and Parks.

30 (b) "Department" means the Mississippi Department on  
31 Wildlife, Fisheries and Parks.

32 (c) "MDA" means the Mississippi Development Authority.

33 **SECTION 2.** (1) The Mississippi Department of Wildlife,  
34 Fisheries and Parks, with the approval of the Commission on  
35 Wildlife, Fisheries and Parks, may identify certain lands within  
36 the state parks and under the jurisdiction and control of the  
37 department that may be leased to third parties for commercial

38 and/or residential development. The commission shall establish  
39 criteria for identifying such land which shall include, but which  
40 shall not be limited to, whether or not such lands are owned by  
41 the state, in fee simple, and may be improved for commercial,  
42 residential or other development, or, whether such lands are  
43 leased from the federal government or an agency thereof, such as  
44 the United States Army Corps of Engineers, and are restricted by  
45 federal law or federal regulations or by the terms of such lease  
46 to limited development purposes. Sixteenth section or lieu lands  
47 shall not be subject to lease under the provisions of this act.

48 (2) Before approving any state park lands for lease and  
49 development, whether such lease is for commercial or residential  
50 purposes, the commission must make an affirmative finding and  
51 enter upon its official minutes a statement that the development  
52 of such land will not be incompatible with the outdoor  
53 recreational purposes and opportunities existing at that park.

54 (3) The MDA shall provide such technical assistance and  
55 advice to the commission and the department as may be necessary to  
56 obtain the best combination of revenue producing development  
57 opportunities and projects that complement the unique qualities of  
58 the park where they will be located.

59 (4) If any lease executed under the provisions of this act  
60 should result in a loss of department employees or department  
61 personnel, the department shall give hiring preference to such  
62 persons when filling employee vacancies or new employment  
63 positions elsewhere within the department.

64 (5) A developer/lessee may sublease such portions of his  
65 lease as may be necessary for the development of a project. Any  
66 such sublease shall be an assignable contract and may be for  
67 commercial or other purposes, as approved by the commission;  
68 however, a sublease may not be for a term in excess of the  
69 remaining term of the developer's lease. Each sublease from the  
70 developer shall contain an option for the sublessee to renew or

71 renegotiate the lease directly with the department, at any time  
72 following ten (10) years after the commencement date of any  
73 sublease from the developer.

74 (6) Rental payments due under any lease granted pursuant to  
75 this act shall be paid to the department and shall be deposited  
76 into the State Parks Lease Development Endowment Fund created  
77 under Section 7 of this act.

78 **SECTION 3.** The department may enter into contracts with  
79 agencies of the United States government, municipalities,  
80 corporations, districts, public agencies, political subdivisions  
81 of any kind, and others for any services, facilities, utilities or  
82 commodities that any development project under the provisions of  
83 this act may require. Any such contract or agreement shall be  
84 assignable to the developer/lessee, may be upon any terms and for  
85 any time as the parties may agree, and may provide that the  
86 contract or agreement shall continue in effect until assigned to  
87 or renegotiated by a sublessee of the developer/lessee.

88 **SECTION 4.** There is created in the State Treasury a special  
89 fund to be known as the "State Parks Lease Development Endowment  
90 Fund." The fund shall consist of all monies required to be  
91 deposited therein under the provisions of Section 2 of House Bill  
92 No. 1492, 2007 Regular Session. The principal of the fund shall  
93 remain inviolate and shall be invested as provided by law.  
94 Interest and income derived from investment of the principal of  
95 the fund may be expended by the Mississippi Department of  
96 Wildlife, Fisheries and Parks, upon appropriation by the  
97 Legislature, only for the purpose of constructing, reconstructing,  
98 repairing, renovating or making improvements to real and personal  
99 property and facilities on any of the state parks under the  
100 jurisdiction and control of the Commission on Wildlife, Fisheries  
101 and Parks. Unexpended amounts remaining in the fund at the end of  
102 a fiscal year shall not lapse into the State General Fund, and any

103 interest earned on amounts in the fund shall be deposited to the  
104 credit of the fund.

105 **SECTION 5.** Section 55-3-33, Mississippi Code of 1972, is  
106 amended as follows:

107 55-3-33. (1) The Mississippi Department of Wildlife,  
108 Fisheries and Parks shall have the power and authority, and it  
109 shall be its duty to:

110 (a) Take charge and have full jurisdiction and control  
111 over all state parks, which parks shall be operated for the  
112 purpose of providing outdoor recreational activities and enjoyment  
113 for the citizens of the State of Mississippi and for the purpose  
114 of attracting visitors to the state.

115 (b) Set up a uniform accounting procedure for the state  
116 parks and prescribe the manner in which books, records and  
117 accounts shall be kept, which procedure shall account for all  
118 moneys taken in and expended by the various parks and shall  
119 provide for periodic audits of such books.

120 (c) Accept gifts, bequests of money or other property,  
121 real or personal, to be used for the purpose of advancing the  
122 recreation and conservation interests in state parks. The  
123 department is authorized, subject to approval by the State  
124 Legislature, to purchase property, real or personal, to be used  
125 for state park purposes.

126 (d) Contract with the State Transportation Commission,  
127 any municipality or board of supervisors of the state for  
128 locating, constructing and maintaining roads and other  
129 improvements in state parks and for payment of a part of the costs  
130 thereof; however, no county or municipality more than twenty-five  
131 (25) miles distant from a state park may contract for, or do, or  
132 pay for any such work for a state park other than the  
133 International Gardens of Mississippi. Any county or municipality  
134 authorized to assist financially under the provisions of Sections  
135 55-3-31 through 55-3-51 is authorized, in the discretion of its

136 respective governing authority, to set aside, appropriate and  
137 expend moneys from the General Fund for the purpose of defraying  
138 such expense after a mandatory election is held on the question  
139 within the county or municipality.

140 (e) Designate employees as peace officers with power to  
141 make arrests for infraction of the rules and regulations of the  
142 department. Such officers are authorized to carry weapons and to  
143 enforce the laws of the State of Mississippi within the confines  
144 of a state park.

145 (f) Enforce and delegate the responsibility to enforce  
146 all reasonable rules and regulations governing the occupancy and  
147 use of lands and waters in state parks under its jurisdiction,  
148 supply recreational and conservation facilities and charge fees  
149 for the use of same; review all rates and charges for facilities  
150 and accommodations furnished at the various state parks annually,  
151 making such charges as are justified; and establish fees for  
152 entrance to state parks.

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

156 (2) The department shall have the authority to lease to any  
157 entity, sell and convey or otherwise transfer to any county or  
158 municipality, or close any state park or historical site within  
159 its jurisdiction which received a General Fund subsidy in Fiscal  
160 Year 1985 in excess of Two Dollars (\$2.00) per visitor to such  
161 state park or historical site; provided, however, that this  
162 authority shall not include the authority to sell, lease or convey  
163 any park that was not in operation under the jurisdiction of the  
164 department for a full fiscal year prior to fiscal year 1986.

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

169       (4) The department, with the approval of the Mississippi  
170 Commission on Wildlife, Fisheries and Parks, may enter into  
171 contracts and agreements and execute leases with third parties on  
172 such terms as the department and third parties may agree for the  
173 operation, upkeep, supervision, management and improvement of  
174 state parks and any buildings, activities or facilities located  
175 thereon and made available for the use and enjoyment of the  
176 general public. All revenues derived by the department from such  
177 contracts, agreements and leases shall be deposited by the  
178 department into the State Parks Lease Development Endowment Fund  
179 created under Section 4 of House Bill No. \_\_\_\_\_, 2007 Regular  
180 Session. If any such contract, agreement or lease should result  
181 in a loss of department employees or department personnel, the  
182 department shall give hiring preference to such persons when  
183 filling employee vacancies or new employment positions elsewhere  
184 within the department.

185       (5) Notwithstanding any other provisions of this section to  
186 the contrary, the department may lease state park lands to third  
187 parties for commercial and/or residential development as  
188 authorized under Sections 1 through 6 of House Bill No. \_\_\_\_\_, 2007  
189 Regular Session.

190       **SECTION 6.** This act shall take effect and be in force from  
191 and after July 1, 2007.