

By: Senator(s) Doxey

To: Wildlife, Fisheries and  
Parks; Forestry

SENATE BILL NO. 2665

1 AN ACT TO AMEND SECTION 55-3-53, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE THE STATE FORESTER TO PROVIDE TIMBER CRUISE FOR EACH STATE  
3 PARK; TO REQUIRE THE STATE FORESTER TO DEVELOPMENT TIMBER  
4 MANAGEMENT PLAN FOR EACH STATE PARK; TO AMEND SECTION 55-3-54,  
5 MISSISSIPPI CODE OF 1972, TO REQUIRE PROCEEDS OF TIMBER SALE TO BE  
6 DEPOSITED INTO A SPECIAL ACCOUNT FOR THE PARK; AND FOR RELATED  
7 PURPOSES.

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

9 **SECTION 1.** Section 55-3-53, Mississippi Code of 1972, is  
10 amended as follows:

11 55-3-53. (1) The Mississippi Department of Wildlife,  
12 Fisheries and Parks is hereby authorized and empowered to sell and  
13 dispose of timber, trees, deadwood and stumps standing, growing  
14 and being upon the lands of state parks. Such timber shall be  
15 sold and disposed of under the direction and specifications of the  
16 State Forester in accordance with sound and efficient principles  
17 of selective cutting, forestry management and conservation. The  
18 State Forester shall cruise the timber for each state park.

19 Before any such timber, trees, deadwood and stumps shall be  
20 sold, the State Forester shall select and mark the trees to be cut  
21 and disposed of. No trees or timber shall be marked for cutting  
22 when the cutting thereof would destroy or mar the scenic views  
23 from the tourist observation points in said park. The purchaser  
24 shall pay double price on sale basis for all trees, timber or  
25 stumps cut that had not been marked for removing \* \* \*.

26 Before any such timber, trees, deadwood or stumps standing,  
27 growing or being upon such land shall be sold, the State Forester  
28 and the department shall advertise the intention so to do by  
29 publication in a newspaper published or having general circulation

30 in the county or counties where parks are located, such notice to  
31 be published at least once a week for three (3) consecutive weeks  
32 preceding the sale and by posting one (1) notice in the courthouse  
33 in such county. The notice shall specify that such bids shall be  
34 filed with the superintendent of the state park involved, who  
35 shall transmit same to the State Forester and the Department of  
36 Wildlife, Fisheries and Parks for rejection or approval. The  
37 State Forester and the department shall accept the bid of the  
38 highest and best bidder for cash, but shall have the right to  
39 reject any and all of such bids.

40         Provided, however, in the case of damage by fire, windstorm,  
41 insects or other natural causes which would require immediate sale  
42 of the timber, because the time involved for advertisement as  
43 prescribed herein would allow decay, rot or destruction  
44 substantially decreasing the purchase price to be received had not  
45 such delay occurred, the advertisement provisions of this section  
46 shall not apply. The State Park Director, upon a written  
47 recommendation from the county forester of the county wherein said  
48 state park is located, shall determine when immediate sale of the  
49 timber is required. When the State Park Director shall find an  
50 immediate sale necessary for the causes stated herein, he shall,  
51 in his discretion, set the time for receipt of bids on the  
52 purchase of said timber, but shall show due diligence in notifying  
53 competitive bidders so that a true competitive bid shall be  
54 received.

55         Whenever any timber, trees, deadwood or stumps are sold under  
56 the provisions of this section, the purchaser thereof shall have  
57 all necessary rights of ingress and egress to enter upon said land  
58 and cut and remove such timber, trees, deadwood or stumps.

59         The proceeds derived or received from all sales under the  
60 provisions of this section shall be placed in the State Parks  
61 Timber Management Endowment Fund created under Section 55-3-54.

62           (2) Notwithstanding the provisions of subsection (1) of this  
63 section, the Department of Wildlife, Fisheries and Parks may cut  
64 and sell trees damaged by fire, windstorm or insects and deadwood  
65 and stumps located upon the lands of state parks for firewood.  
66 Such firewood shall be sold only to overnight guests at state  
67 parks for use at state parks. The Department of Wildlife,  
68 Fisheries and Parks shall select and mark all trees to be cut for  
69 firewood.

70           **SECTION 2.** Section 55-3-54, Mississippi Code of 1972, is  
71 amended as follows:

72           55-3-54. (1) There is created in the State Treasury a  
73 special fund to be known as the "State Parks Timber Management  
74 Endowment Fund." The fund shall consist of all monies required to  
75 be deposited therein under the provisions of Section 55-3-53. The  
76 principal of the fund shall remain inviolate and shall be invested  
77 as provided by law. Interest and income derived from investment  
78 of the principal of the fund may be expended by the Mississippi  
79 Department of Wildlife, Fisheries and Parks, upon appropriation by  
80 the Legislature, only for the purpose of constructing,  
81 reconstructing, repairing, renovating or making improvements to  
82 real and personal property and facilities on any of the state  
83 parks under the jurisdiction and control of the Commission on  
84 Wildlife, Fisheries and Parks. Unexpended amounts remaining in  
85 the fund at the end of a fiscal year shall not lapse into the  
86 State General Fund, and any interest earned on amounts in the fund  
87 shall be deposited to the credit of the fund.

88           (2) After July 1, 2007, the department shall establish a  
89 special account within the fund for each state park from which  
90 timber is harvested. The proceeds from the timber sale shall be  
91 credited to park's account. The proceeds shall be disbursed to  
92 the park in addition to the park's annual budget. Any unexpended  
93 funds remaining in an account shall not lapse into the fund but  
94 shall remain in the account of the park.

95           **SECTION 3.** This act shall take effect and be in force from  
96 and after July 1, 2007.