

By: Senator(s) Michel

To: Wildlife, Fisheries and  
Parks

SENATE BILL NO. 2639

1 AN ACT TO BRING FORWARD SECTIONS 55-3-47, AND 55-3-48,  
2 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
3 AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 55-3-47, Mississippi Code of 1972, is  
6 brought forward as follows:

7 55-3-47. (1) In order to carry out its management  
8 responsibilities over all state park lands which are now or which  
9 may hereafter come under its jurisdiction, the Mississippi  
10 Department of Wildlife, Fisheries and Parks is hereby authorized  
11 to lease, and to grant easements and rights-of-way over and  
12 across, any part of such state park lands. Such leases, easements  
13 and rights-of-way may be granted for such consideration, and upon  
14 such terms and conditions, as the department may deem to be in the  
15 best interest of the state, consistent with the use of said lands  
16 for recreational purposes, and subject to the following  
17 limitations: The department shall lease such lands for a term not  
18 exceeding twenty-five (25) years and shall grant in the original



19 lease contract a nonnegotiable option to renew such lease for an  
20 additional term not to exceed twenty-five (25) years. Both the  
21 original lease contract and the option to renew such lease shall  
22 be transferable contracts. Further, the department shall not  
23 lease such lands for purposes which are incompatible with  
24 recreational use and may place such terms, limitations,  
25 restrictions and conditions in such leases as are deemed necessary  
26 to ensure the proper utilization of such lands. Any easement for  
27 a utility line shall be granted for that period of time which the  
28 department deems to be in the best interest of a state park.

29 (2) The department is further authorized to enter into such  
30 agreements as may be required, upon such terms as may be found to  
31 be in the best interest of the state, in settlement of disputes or  
32 litigation regarding the title to or boundaries of any state park  
33 lands within the jurisdiction of the department, provided such  
34 settlement agreements shall be negotiated and drafted with the  
35 advice, counsel and assistance of the Attorney General and shall  
36 be approved by the Department of Finance and Administration.

37 (3) In case any of the real estate within any state park  
38 under the jurisdiction of the department shall cease to be used or  
39 useful for state park purposes, or becomes the subject of boundary  
40 or title disputes or litigation, the department may sell and  
41 convey the same, with the approval of the Department of Finance  
42 and Administration, upon such terms as the Department of Finance  
43 and Administration may elect and may, in addition, exchange the



44 same, with the approval of the department, for real estate  
45 belonging to any other political subdivision or state, county or  
46 local governmental agency or department. The department is  
47 authorized to sell and convey or otherwise transfer any state park  
48 or historical site as described in subsection (2) of Section  
49 55-3-33. Before any such sale or transfer, except as may occur in  
50 settlement of title or boundary disputes or litigation, the  
51 department shall publish notice of its intention to sell the park  
52 land by public sale to the highest and best bidder at least once  
53 each week for three (3) consecutive weeks in at least one (1)  
54 public newspaper of general circulation in the county where such  
55 land is located and also in at least one (1) newspaper of general  
56 circulation throughout the state. Prior to any such sale, the  
57 department shall obtain at least two (2) separate and independent  
58 appraisals of the land to be sold and may not accept any bid lower  
59 than the average of all appraisals made. The department may  
60 reject any and all bids. The owner or any co-owner of record next  
61 preceding the state in title to any lands sold hereunder by public  
62 bid, excluding any entity which may have exercised the power of  
63 eminent domain to assist the state in acquiring said lands, shall  
64 have the opportunity to reacquire such lands by matching the  
65 successful bid therefor. If the owner or any co-owner of record  
66 next preceding the state in title, or the heirs or estate of such  
67 owner or co-owner, acquires said lands, then the department shall  
68 not reserve unto the state any minerals owned by the state



69 underlying the conveyed lands. However, if anyone other than such  
70 owner or co-owner, or his heirs or estate, acquires said lands,  
71 then the department shall reserve unto the state one-half (1/2) of  
72 the minerals owned by the state underlying the conveyed lands,  
73 except for lands sold in settlement of title or boundary disputes  
74 or litigation, in which case the department may, in its  
75 discretion, reserve said minerals. Appraisal fees shall be shared  
76 equally by the department and purchaser.

77 (4) In exercising the authority granted in this section, the  
78 department may act by and through its executive director in the  
79 execution of any document or instrument prepared hereunder. Any  
80 lease, deed or settlement agreement executed under the provisions  
81 of this section shall bear the seal and attest of the Secretary of  
82 State, with whom said instrument or document shall be filed and  
83 recorded in addition to any other recording requirements of state  
84 law.

85 This section shall not apply to sixteenth section school  
86 lands or lieu lands included within any state park, except as may  
87 be necessary or appropriate for the department to ratify or  
88 confirm any action taken by the agency or department having  
89 jurisdiction over such school or lieu lands.

90 All revenues collected by the department by virtue of any  
91 transaction consummated under the provisions of this section shall  
92 be deposited in the Mississippi Park Fund created by Section



93 55-3-41, from which funds shall be expended only as authorized by  
94 the legislative appropriations process.

95 (5) This section shall not apply to the donation and  
96 conveyance of the Nanih Waiya State Park to the Mississippi Band  
97 of Choctaw Indians.

98 **SECTION 2.** Section 55-3-48, Mississippi Code of 1972, is  
99 brought forward as follows:

100 55-3-48. (1) For the purposes of this section, the  
101 following terms shall have the meanings ascribed in this section  
102 unless the context clearly requires otherwise:

103 (a) "Commission" means the Mississippi Commission on  
104 Wildlife, Fisheries and Parks.

105 (b) "Department" means the Mississippi Department of  
106 Wildlife, Fisheries and Parks.

107 (2) The Mississippi Department of Wildlife, Fisheries and  
108 Parks, with the approval of the Commission on Wildlife, Fisheries  
109 and Parks, may conduct a pilot program to lease to any person,  
110 private entity or governmental entity for commercial development  
111 on United States Corp of Engineer's lands within the following  
112 state parks: George P. Cossar, Hugh White and John W. Kyle. The  
113 commission shall establish criteria for identifying such land or  
114 property.

115 (3) (a) Before approving any land or property located  
116 within any of the three (3) state parks for commercial lease and  
117 development, the commission must make an affirmative finding and



118 enter upon its official minutes a statement that the development  
119 of the land will not be incompatible with the outdoor recreational  
120 purposes and opportunities existing at the park or inaccessible to  
121 the general public.

122 (b) The lease may be for a term and upon conditions as  
123 the commission may deem to be in the best interest of the state.

124 (4) If any lease executed under the provisions of this  
125 section results in a person being terminated or removed from  
126 employment with the department, then the department shall give  
127 preference to hiring that person when filling vacant or new  
128 employment positions elsewhere within the department.

129 (5) A developer or lessee may sublease such portions of his  
130 lease as may be necessary for the development of a project. A  
131 sublease shall be an assignable contract and shall be for  
132 commercial purposes, as approved by the commission; however, a  
133 sublease may not be for a term in excess of the remaining term of  
134 the developer's lease. Each sublease from the developer shall  
135 contain an option for the sublessee to renew or renegotiate the  
136 lease directly with the department, at any time following ten (10)  
137 years after the beginning date of any sublease from the developer.

138 (6) Rental payments due under any lease executed under this  
139 section shall be paid to the department and shall be deposited  
140 into the State Park Lease Development Endowment Fund created in  
141 this section.



142 (7) Any construction occurring on land or property leased  
143 under this section must fully comply with all applicable state  
144 laws, rules and regulations, and any local building codes and  
145 zoning ordinances. Development plans and construction must have  
146 the prior approval of the commission.

147 (8) The department, with approval of the commission, may  
148 enter into contracts or agreements with agencies of the United  
149 States government, municipalities, corporations, districts, public  
150 agencies, political subdivisions of any kind, and others for any  
151 services, facilities, utilities or commodities that any  
152 development project under the provisions of this section may  
153 require. The contract or agreement may be assigned to the  
154 developer or lessee, may be upon any terms that conform to the  
155 provisions of this section, may be for any time as the parties may  
156 agree, and may provide that the contract or agreement shall  
157 continue in effect until assigned to, or renegotiated by, a  
158 sublessee of the developer or lessee.

159 (9) There is created in the State Treasury a special fund to  
160 be known as the "State Park Lease Development Endowment Fund."  
161 The fund shall consist of all monies required to be deposited  
162 therein under the provisions of this section. The principal of  
163 the fund shall remain inviolate and shall be invested as provided  
164 by law. Interest and income derived from investment of the  
165 principal of the fund may be expended by the Mississippi  
166 Department of Wildlife, Fisheries and Parks, upon appropriation by



167 the Legislature, only for the purpose of constructing,  
168 reconstructing, repairing, renovating or making improvements to  
169 real and personal property and facilities located within the state  
170 parks. Unexpended amounts remaining in the fund at the end of a  
171 fiscal year shall not lapse into the State General Fund, and any  
172 interest earned on amounts in the fund shall be deposited to the  
173 credit of the fund.

174 (10) (a) There is created a State Parks Pilot Program  
175 Advisory Council to the Commission on Wildlife, Fisheries and  
176 Parks to advise and assist the commission on the selection of any  
177 developers, development plans and approval of leases for  
178 development of the three (3) state parks under the provisions of  
179 this section with any person, private or governmental entity.  
180 Members of the advisory council shall have no veto authority, and  
181 shall serve only as ex officio members of the commission.

182 (b) The advisory council shall consist of three (3)  
183 members, one (1) member each to be selected and appointed by the  
184 Boards of Supervisors for Grenada, Panola and Yalobusha Counties,  
185 representative of each county in which a pilot-program park is  
186 located. The terms of the members of the advisory council shall  
187 run concurrently with the term of the appointing board of  
188 supervisors. In making its appointment to the advisory council,  
189 the boards of supervisors shall be limited to appointing an  
190 individual who is a member of the following organizations:





191                   (i) A flood control/navigation or upper levee  
192 board association;  
193                   (ii) A statewide soil, water and conservation  
194 organization;  
195                   (iii) A statewide recreational organization;  
196                   (iv) A statewide garden club association; or  
197                   (v) A tourism and economic development  
198 association.

199           **SECTION 3.** This act shall take effect and be in force from  
200 and after July 1, 2024.

