

By: Senator(s) Michel

To: Wildlife, Fisheries and
Parks

COMMITTEE SUBSTITUTE
FOR
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, and shall stand repealed on June 30, 2024.

