

By: Hamilton, Holland, Ellzey, Shows

To: Penitentiary

HOUSE BILL NO. 429

1 AN ACT TO AMEND SECTION 47-5-56, MISSISSIPPI CODE OF 1972, TO
2 REMOVE CERTAIN MANDATES IMPOSED ON THE FORESTRY COMMISSION RELATED
3 TO THE MANAGEMENT OF THE LAMBERT STATE FOREST FOR THE DEPARTMENT
4 OF CORRECTIONS; TO AMEND SECTIONS 47-5-66 AND 47-5-78, MISSISSIPPI
5 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 47-5-56, Mississippi Code of 1972, is
8 amended as follows:[LTR1]

9 47-5-56. The department shall lease to the Mississippi
10 Commission on Wildlife, Fisheries and Parks for a period of twenty
11 (20) years all timberlands in Quitman County for an annual rental
12 of One Dollar (\$1.00). The lands so leased to the Mississippi
13 Commission on Wildlife, Fisheries and Parks shall be used and
14 maintained as a public game and fish management area. * * *
15 Proceeds from the sale of the timber or from any forest management
16 practice shall be deposited into the Lambert State Forest
17 Revolving Fund created in Section 47-5-78. * * * All costs
18 associated with the management of timber shall be paid from the
19 fund. * * * The remaining funds * * * shall then be deposited in
20 the Prison Agricultural Enterprises Fund, as created in Section
21 47-5-66. Any * * * timber needed in the building operations
22 carried on by the department may be purchased by the department at

23 a cost not to exceed the cost of the management of that
24 timber * * *.

25 SECTION 2. Section 47-5-66, Mississippi Code of 1972, is
26 amended as follows:[LTR2]

27 47-5-66. (1) It shall be the duty of the State Department
28 of Finance and Administration, with the approval of the Public
29 Procurement Review Board, to lease lands at public contract upon
30 the submission of two (2) or more sealed bids to the State
31 Department of Finance and Administration after having advertised
32 the land for rent in newspapers of general circulation published
33 in Jackson, Mississippi; Memphis, Tennessee; the county in which
34 the land is located, and contiguous counties for a period of not
35 less than two (2) successive weeks. The first publication shall
36 be made not less than ten (10) days before the date of the public
37 contract, and the last publication shall be made not more than
38 seven (7) days before that date. The State Department of Finance
39 and Administration may reject any and all bids. If all bids on a
40 tract or parcel of land are rejected, the State Department of
41 Finance and Administration may then advertise for new bids on that
42 tract or parcel of land. Successful bidders shall take possession
43 of their leaseholds at the time authorized by the State Department
44 of Finance and Administration. However, rent shall be due no
45 later than the day upon which the lessee shall assume possession
46 of the leasehold, and shall be due on the anniversary date for
47 each following year of the lease. The State Department of Finance
48 and Administration may provide in any lease that rent shall be
49 paid in full in advance or paid in installments, as may be
50 necessary or appropriate. In addition, the State Department of
51 Finance and Administration may accept, and the lease may provide
52 for, assignments of federal, state, or other agricultural support
53 payments, growing crops or the proceeds from the sale thereof,

54 promissory notes, or any other good and valuable consideration
55 offered by any lessee to meet the rent requirements of the lease.
56 If a promissory note is offered by a lessee, it shall be secured
57 by a first lien on the crop of the lessee, or the proceeds from
58 the sale thereof. The lien shall be filed pursuant to Article 9
59 of the Mississippi Uniform Commercial Code and Section 1324 of the
60 Food Security Act of 1985, as enacted or amended. If the note is
61 not paid at maturity, it shall bear interest at the rate provided
62 for judgments and decrees in Section 75-17-7 from its maturity
63 date until the note is paid. The note shall provide for the
64 payment of all costs of collection and reasonable attorney's fees
65 if default is made in the payment of the note. The payment of
66 rent by promissory note or any means other than cash in advance
67 shall be subject to the approval of the Public Procurement Review
68 Board, which shall place the approval of record in the minutes of
69 the board. There is created a special fund to be designated as
70 "the Prison Agricultural Enterprises Fund." Any monies in hand or
71 due from the leasing of Penitentiary lands and the sales of
72 timber * * * as provided in Section 47-5-56 and earmarked for the
73 Prison Industries Fund shall be deposited to the special fund for
74 prison agricultural enterprises. All monies in each fiscal year
75 derived from the leasing of the Penitentiary lands and the sales
76 of timber * * * as provided in Section 47-5-56 shall be deposited
77 into the special fund for the purpose of conducting, operating and
78 managing the prison agricultural enterprises of the department.
79 All profits derived from the prison agricultural enterprises shall
80 be deposited into the Prison Agricultural Enterprises Fund. All
81 profits derived from prison industries shall be placed in a

82 special fund in the State Treasury to be known as the Prison
83 Industries Funds, to be appropriated each year by the Legislature
84 to the nonprofit corporation, which is required to be organized
85 under the provisions of Section 47-5-535, for the purpose of
86 operating and managing the prison industries. The state shall
87 have the rights and remedies for the security and collection of
88 the rents given by law to landlords. Upon the execution of the
89 agricultural leases to private entities as authorized by Section
90 47-5-64, the leased land shall be liable to be taxed as other
91 lands are taxed during the continuance of the lease, but in case
92 of sale thereon for taxes, only the title of the leaseholder or
93 his heirs or assigns shall pass by the sale. Any funds obtained
94 by the corporation as a result of sale of goods and services
95 manufactured and provided by it shall be accounted for separate
96 and apart from any funds received by the corporation through
97 appropriation from the State Legislature. All nonappropriated
98 funds generated by the corporation shall not be subject to
99 appropriation by the State Legislature.

100 (2) This section shall be repealed from and after July 1,
101 2001.

102 SECTION 3. Section 47-5-78, Mississippi Code of 1972, is
103 amended as follows:[LTR3]

104 47-5-78. There is established within the State Treasury a
105 revolving fund * * * to fund * * * forest management costs
106 provided under Sections 47-5-56 and 47-5-66 for the Lambert State
107 Forest in Quitman County and shall be disbursed as provided in
108 those sections. The fund shall be called the "Lambert State
109 Forest Revolving Fund," and moneys for the fund shall accrue from

110 any revenues derived from the Lambert State Forest including, but
111 not limited to, timber sales and any other revenue derived from
112 forest management practices. The State Treasurer shall invest all
113 monies in the fund, and interest earned on the investments shall
114 be paid back into the fund and not into the General Fund. The
115 fund shall be audited annually by the State Auditor.

116 SECTION 4. This act shall take effect and be in force from
117 and after its passage.