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Chapter No. 521
11/HR40/R1675SG
JP / EW

HOUSE BILL NO. 1181

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1181

AN ACT TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS, WITH THE APPROVAL OF THE MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES AND PARKS, TO CONDUCT A PILOT PROGRAM TO LEASE LANDS WITHIN CERTAIN STATE PARKS FOR COMMERCIAL DEVELOPMENT THAT IS COMPATIBLE WITH OUTDOOR RECREATIONAL PURPOSES AND ACCESSIBLE TO THE GENERAL PUBLIC; TO ESTABLISH THE PROCESS FOR SUCH; TO CREATE THE STATE PARK ENDOWMENT FUND; TO PROVIDE THAT REVENUES DERIVED FROM SUCH LEASES SHALL BE DEPOSITED INTO THE FUND; TO CREATE A TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS ON THE INFRASTRUCTURE NEEDS AND DEVELOPMENT IN STATE PARKS, A DEDICATED SOURCE OF REVENUE FOR STATE PARKS, THE FEASIBILITY OF ELECTRIC POWER ASSOCIATIONS ASSUMING JURISDICTION FOR THE OPERATION, MAINTENANCE OF ELECTRIC TRANSMISSION LINES WITHIN STATE PARKS AND THE FEASIBILITY OF ESTABLISHING A SEPARATE DEPARTMENT OF PARKS AND TOURISM; TO REQUIRE A STUDY TO DETERMINE THE FEASIBILITY BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION ASSUMING JURISDICTION FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR OF ALL ROADS AND STREETS WITHIN STATE PARKS; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) For the purposes of this section, the following terms shall have the meanings ascribed in this section unless the context clearly requires otherwise:

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

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

(2) The Mississippi Department of Wildlife, Fisheries and Parks, with the approval of the Commission on Wildlife, Fisheries and Parks, may conduct a pilot program to lease to any person, private entity or governmental entity for commercial development on United States Corp of Engineer's lands within the following state parks: George P. Cossar, Hugh White and John W. Kyle. The

commission shall establish criteria for identifying such land or property.

(3) (a) Before approving any land or property located within any of the three (3) state parks for commercial lease and development, the commission must make an affirmative finding and enter upon its official minutes a statement that the development of the land will not be incompatible with the outdoor recreational purposes and opportunities existing at the park or inaccessible to the general public.

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

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

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

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

(7) Any construction occurring on land or property leased under this section must fully comply with all applicable state laws, rules and regulations, and any local building codes and

zoning ordinances. Development plans and construction must have the prior approval of the commission.

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

(9) There is created in the State Treasury a special fund to be known as the "State Park Lease Development Endowment Fund." The fund shall consist of all monies required to be deposited therein under the provisions of this section. The principal of the fund shall remain inviolate and shall be invested as provided by law. Interest and income derived from investment of the principal of the fund may be expended by the Mississippi Department of Wildlife, Fisheries and Parks, upon appropriation by the Legislature, only for the purpose of constructing, reconstructing, repairing, renovating or making improvements to real and personal property and facilities located within the state parks. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund.

(10) (a) There is created a State Parks Pilot Program Advisory Council to the Commission on Wildlife, Fisheries and Parks to advise and assist the commission on the selection of any developers, development plans and approval of leases for

development of the three (3) state parks under the provisions of this section with any person, private or governmental entity. Members of the advisory council shall have no veto authority, and shall serve only as ex officio members of the commission.

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

- (i) A flood control/navigation or upper levee board association;
- (ii) A statewide soil, water and conservation organization;
- (iii) A statewide recreational organization;
- (iv) A statewide garden club association; or
- (v) A tourism and economic development association.

SECTION 2. (1) There is created a joint task force to study and make recommendations regarding the infrastructure needs and development in state parks; the possibility of a dedicated source of revenue for state parks; the feasibility of electric power associations assuming jurisdiction for the operation and maintenance of electric transmission lines within state parks; and the feasibility of reorganizing and establishing a separate department combining state parks and tourism. To the extent funds are available, the task force may contract with PEER, university research centers, or public or private consultants to assist in the review of the matters delegated to the task force. The task

force may study any other matters it deems necessary or desirable to address the development and needs of state parks.

The joint task force shall make a report of its findings and recommendations to the Legislature before January 4, 2012, including any recommended legislation.

(2) The Mississippi Department of Transportation shall conduct a study to determine the feasibility of the department assuming jurisdiction for construction, maintenance and repair of all roads and streets within state parks.

(3) The task force shall be composed of the following members:

(a) The Director of the Division of Tourism Development of the Mississippi Development Authority, or his designee;

(b) The Chairman of the Senate Wildlife, Fisheries and Parks Committee, or his designee, and two (2) members of the committee designated by the chairman;

(c) The Chairman of the House Wildlife, Fisheries and Parks Committee, or his designee, and two (2) members of the committee designated by the chairman;

(d) The Chairman of the Senate Finance Committee, or his designee;

(e) The Chairman of the House Ways and Means Committee, or his designee;

(f) The Chairman of the Senate Tourism Committee, or his designee;

(g) The Chairman of the House Tourism Committee, or his designee;

(h) The Director of Mississippi State Parks, or his designee;

(i) The Executive Director of the Mississippi Department of Transportation, or his designee; and

(j) The Executive Director of the Electric Power Associations of Mississippi, or his designee.

The Chairmen of the Senate and House Wildlife, Fisheries and Parks Committees shall serve as cochairman and shall set the date of the first meeting. At the first meeting, the task force shall elect any other officers determined to be necessary and the chairman shall determine the date and locations of subsequent meetings.

Members of the task force shall serve without compensation for their services, but may be reimbursed for necessary expenses in attending to the actual business of the task force from any available funds, as provided by law. Legislative members shall be reimbursed if the member uses one (1) of his or her authorized discretionary or constituent days for attendance at a meeting of the task force and shall be reimbursed for mileage with the approval of the appropriate management or rules committee.

(4) Any department or agency, at the request of the chairman of the task force, shall provide staff and other support necessary for the task force to perform its duties.

(5) The task force shall be dissolved on January 4, 2012.

SECTION 3. This act shall take effect and be in force from and after July 1, 2011.

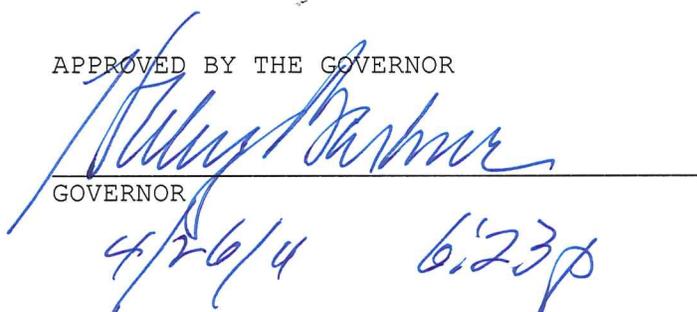
PASSED BY THE HOUSE OF REPRESENTATIVES
March 29, 2011


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 29, 2011


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR
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