

By: Senator(s) Whaley

To: Wildlife, Fisheries and
Parks

SENATE BILL NO. 2495

1 AN ACT TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE
2 DESIGNATED THE MISSISSIPPI OUTDOOR STEWARDSHIP TRUST FUND; TO
3 PROVIDE THAT MONIES IN THE SPECIAL FUND MAY BE USED BY THE
4 DEPARTMENT OF FINANCE AND ADMINISTRATION AS APPROPRIATED BY THE
5 LEGISLATURE FOR GRANTS TO COUNTIES, MUNICIPALITIES AND STATE
6 AGENCIES FOR SPECIFIC PURPOSES RELATED TO THE CONSERVATION OR
7 PROMOTION OF WILDLIFE, NATURAL AREAS OR OUTDOOR ACTIVITIES; TO
8 CREATE THE BOARD OF TRUSTEES OF THE MISSISSIPPI OUTDOOR
9 STEWARDSHIP TRUST FUND; TO SET OUT THE COMPOSITION OF THE BOARD;
10 TO PROVIDE THAT THE BOARD SHALL REVIEW APPLICATIONS FOR ASSISTANCE
11 AND MAKE RECOMMENDATIONS TO THE LEGISLATURE IN FURTHERANCE OF
12 PROVIDING ASSISTANCE TO COUNTIES, MUNICIPALITIES AND STATE
13 AGENCIES FOR AUTHORIZED PURPOSES; TO REQUIRE AN INDEPENDENT AUDIT
14 OF EXPENSES FROM AMOUNTS APPROPRIATED UP TO AND INCLUDING
15 \$750,000.00; TO PROVIDE THAT APPROPRIATED AMOUNTS OVER \$750,000.00
16 SHALL BE DISBURSED ONLY ON A REIMBURSEMENT BASIS; TO REQUIRE THE
17 BOARD TO SUBMIT AN ANNUAL REPORT OF ITS ACTIVITIES FOR THE
18 PRECEDING STATE FISCAL YEAR TO THE GOVERNOR AND LEGISLATURE; AND
19 FOR RELATED PURPOSES.

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

21 **SECTION 1.** (1) As used in this section, the following words
22 and phrases have the meanings, unless the context clearly
23 indicates otherwise:

24 (a) "Board" means the Board of Trustees of the
25 Mississippi Outdoor Stewardship Trust Fund.



26 (b) "Conservation land" means public land and water, or
27 interests therein, that are in their undeveloped, natural states
28 or that have been developed only to an extent consistent with, or
29 are restored to be consistent with, at least one (1) of the
30 following environmental values or conservation benefits:

31 (i) Water quality protection for wetlands, rivers,
32 streams or lakes;

33 (ii) Protection of wildlife habitat;

34 (iii) Protection of cultural sites and
35 archeological and historic resources;

36 (iv) Protection of land around Mississippi's
37 military installations to ensure that missions are compatible with
38 surrounding communities and that encroachment on military
39 installations does not impair future missions; or

40 (v) Recruitment or retention of, or provision for,
41 recreation in the form of archery, boating, hiking, camping,
42 fishing, hunting, running, jogging, biking, walking or shooting
43 facilities, or similar outdoor activities.

44 (c) "Permanently protected conservation areas" means
45 those resources owned by the state, or by a state, county or
46 municipal unit of government or authority, and dedicated to
47 recreation or conservation or as a natural resource.

48 (d) "Project proposal" means any application seeking
49 monies from the Mississippi Outdoor Stewardship Trust Fund.



50 (e) "State agency" means any agency, department,
51 commission or institution of the State of Mississippi.

52 (f) "Special fund" or "fund" means the Mississippi
53 Outdoor Stewardship Trust Fund created in this section.

54 (2) (a) There is created in the State Treasury a special
55 fund to be designated as the "Mississippi Outdoor Stewardship
56 Trust Fund." The special fund shall consist of funds appropriated
57 by the Legislature. Monies shall be accounted for under the
58 categories of obligated funds and unobligated funds. Unexpended
59 amounts remaining in the fund at the end of a fiscal year shall
60 not lapse into the State General Fund, and any investment earnings
61 or interest earned on amounts in the fund shall be deposited to
62 the credit of the fund. Monies in the fund may be used by the
63 Department of Finance and Administration upon appropriation by the
64 Legislature. The board may make recommendation to the Legislature
65 in furtherance of providing assistance to counties, municipalities
66 and state agencies, as provided in this section. The board may
67 use not more than one percent (1%) of monies in the fund to defray
68 the expenses of the board in carrying out its duties under this
69 section.

70 (b) Subject to the provisions of this subsection,
71 monies in the fund may be used and expended as appropriated by the
72 Legislature for grants to counties, municipalities and state
73 agencies for:

74 (i) Improvement of state parks;



75 (ii) Providing funds to counties and
76 municipalities to acquire and improve parks and trails under the
77 control and within the jurisdiction of such counties and
78 municipalities;

79 (iii) Restoration or enhancement projects to
80 create or improve access to public waters and lands for public
81 outdoor recreation; and

82 (iv) Acquisition of critical areas for the
83 provision or protection of clean water, wildlife, hunting or
84 fishing, for military installation buffering, or for natural
85 resource-based outdoor recreation. Real property may only be
86 acquired under this subparagraph (iv) where such property:

87 1. Is, at the time of acquisition, being
88 leased by the state as a wildlife management area;

89 2. Adjoins or is in close proximity to state
90 or federal wildlife management areas or state parks, or would
91 provide better public access to such areas;

92 3. Is identified in any wildlife action plan
93 developed by a state agency;

94 4. Constitutes riparian lands so as to
95 protect any drinking water supply; or

96 5. Surrounds any military base or military
97 installation.



98 Acquisition of land under this subparagraph (iv) may not be
99 made through the exercise of any power of eminent domain or
100 condemnation proceeding.

101 (c) A county, municipality or state agency receiving
102 funds under this section may use the funds for the purposes for
103 which the funds were provided to the county, municipality or state
104 agency.

105 (d) Monies in the special fund may not be used,
106 expended or transferred for any purpose not authorized in this
107 section.

108 (3) (a) There is established the Board of Trustees of the
109 Mississippi Outdoor Stewardship Trust Fund, which shall consist of
110 twelve (12) members as follows:

111 (i) The Executive Director of the Mississippi
112 Department of Tourism;

113 (ii) Three (3) members appointed by the Governor;

114 (iii) Two (2) members appointed by the Lieutenant
115 Governor;

116 (iv) The Executive Director of the Mississippi
117 Department of Marine Resources, as an ex officio nonvoting member;
118 and

119 (v) The Executive Director of the Mississippi
120 Department of Wildlife, Fisheries and Parks, as an ex officio
121 nonvoting member.



122 The board shall not approve any funding to a county,
123 municipality or state agency of which a voting member of the board
124 is an executive, voting member of the governing body, or other
125 employee.

126 The members of the board appointed by the Governor and
127 Lieutenant Governor shall be appointed from the following private
128 sectors: forestry, conservation, agriculture, marine resources,
129 hunting, fishing, other recreational activities, or public
130 recreation opportunities. Such members shall be and shall remain
131 Mississippi residents during their tenure on the board and shall
132 possess a demonstrated knowledge of and commitment to land
133 conservation and outdoor recreation.

134 (b) (i) One (1) person initially appointed by the
135 Governor and one (1) person initially appointed by the Lieutenant
136 Governor shall serve for a term ending June 30, 2024; and (ii) two
137 (2) persons initially appointed by the Governor and one (1) person
138 initially appointed by the Lieutenant Governor shall serve for a
139 term ending June 30, 2025. After the expiration of the initial
140 terms, all appointments shall be for terms of four (4) years from
141 the expiration of the previous term.

142 (c) A majority of the voting members of the board shall
143 constitute a quorum for the conduct of meetings, and all actions
144 of the board shall require a majority vote of the voting members
145 of the board.



146 (d) The board shall annually elect one (1) member to
147 serve as chairman and one (1) member to serve as vice chairman.
148 The vice chairman shall act as chairman in the absence of or upon
149 the disability of the chairman, or if there is a vacancy in the
150 office of chairman.

151 (e) The members of the board appointed by the Governor
152 and Lieutenant Governor shall receive a per diem as provided in
153 Section 25-3-69, plus travel and necessary expenses incidental to
154 attendance at each board meeting, including mileage, as provided
155 in Section 25-3-41.

156 (f) No member of the board shall use his official
157 position to obtain, or attempt to obtain, pecuniary benefit for
158 himself other than that compensation provided for by law, or to
159 obtain, or attempt to obtain, pecuniary benefit for any relative
160 or any business with which he is associated, as provided in
161 Section 25-4-105.

162 (4) (a) The board shall accept applications from counties,
163 municipalities and state agencies for project proposals eligible
164 for funding under this section. The board shall evaluate the
165 proposals received in accordance with this section and pursuant to
166 priorities established by the board.

167 (b) (i) A county, municipality or state agency
168 desiring assistance under this section must submit a complete
169 application to the board. The application must include a
170 description of the purpose for which assistance is requested, the



171 type and amount of assistance requested and any other information
172 required by the board.

173 (ii) The board shall review an application for
174 assistance and determine whether the applicant is eligible for
175 assistance under this section and whether the applicant should
176 receive such assistance. In reviewing applications, the board
177 shall give increased priority to projects that:

178 1. Enhance use of public places;

179 2. Leverage or match other nonfederal and/or
180 federal funds which are available for similar purposes;

181 3. Support and promote hunting, fishing and
182 recreation, including, but not limited to, archery, boating,
183 hiking, camping, fishing, hunting, running, jogging, biking,
184 walking or shooting facilities;

185 4. Contribute to improving the quality and
186 quantity of surface water and ground water; or

187 5. Contribute to achieving the goals and
188 objectives of state and local conservation or outdoor recreational
189 plans.

190 (c) If the board determines that an applicant should
191 receive assistance, then the board shall prepare a recommendation
192 for assistance. A recommendation for assistance shall provide the
193 purpose for which the assistance is to be provided, the type of
194 assistance to be provided, the amount of assistance to be
195 provided, and any other information determined necessary by the



196 board. The board shall provide its recommendation for assistance
197 to the Legislature, which may appropriate funds from the fund for
198 the purpose of providing the assistance.

199 (5) The Department of Finance and Administration shall
200 provide the office space, staff and other support necessary for
201 the board to perform its duties.

202 (6) (a) For any amount up to and including Seven Hundred
203 Fifty Thousand Dollars (\$750,000.00) appropriated from the special
204 fund, the recipient county, municipality or state agency shall
205 contract for an independent audit of the expended money and submit
206 the report to the board, which shall include the information in
207 its annual report.

208 (b) Any amount over Seven Hundred Fifty Thousand
209 Dollars (\$750,000.00) appropriated from the special fund shall be
210 disbursed only on a reimbursement basis.

211 (7) Following the close of each state fiscal year, the board
212 shall submit an annual report of its activities for the preceding
213 state fiscal year to the Governor, Lieutenant Governor, Speaker of
214 the House, Chairmen of the Senate Finance Committee and House Ways
215 and Means Committee, Chairmen of the Senate and House
216 Appropriations Committees, and Chairmen of the Senate and House
217 Wildlife, Fisheries, and Parks Committees.

218 (8) The board shall have all powers necessary to implement
219 and administer this section and shall promulgate rules and



220 regulations, in accordance with the Mississippi Administrative
221 Procedures Law, necessary for the implementation of this section.

222 (9) This section shall stand repealed on June 30, 2025.

223 **SECTION 2.** This act shall take effect and be in force from
224 and after July 1, 2022.

