

By: Senator(s) Whaley

To: Wildlife, Fisheries and
Parks

SENATE BILL NO. 2557

1 AN ACT TO BRING FORWARD SECTIONS 49-39-1, 49-39-3, 49-39-5
2 AND 49-39-7, MISSISSIPPI CODE OF 1972, WHICH CONSTITUTE THE
3 MISSISSIPPI OUTDOOR STEWARDSHIP ACT, FOR THE PURPOSE OF POSSIBLE
4 AMENDMENT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 49-39-1, Mississippi Code of 1972, is
7 brought forward as follows:

8 49-39-1. This chapter shall be known and may be cited as the
9 "Mississippi Outdoor Stewardship Act."

10 **SECTION 2.** Section 49-39-3, Mississippi Code of 1972, is
11 brought forward as follows:

12 49-39-3. For the purposes of this chapter, the following
13 words and phrases shall have the meanings ascribed in this section
14 unless the context clearly indicates otherwise:

15 (a) "Board" means the Board of Trustees of the
16 Mississippi Outdoor Stewardship Trust Fund.

17 (b) "Conservation land" means land and water, or
18 interests therein, that are in their undeveloped, natural states
19 or that have been developed only to the extent consistent with, or



20 are restored to be consistent with, at least one (1) of the
21 following environmental values or conservation benefits:

22 (i) Water quality protection for wetlands, rivers,
23 streams or lakes;

24 (ii) Protection of wildlife habitat;

25 (iii) Protection of cultural sites and
26 archeological and historic resources;

27 (iv) Protection of land around Mississippi's
28 military installations to ensure that missions are compatible with
29 surrounding communities and that encroachment on military
30 installations does not impair future missions;

31 (v) Support of economic development through
32 conservation projects;

33 (vi) Provision for recreation in the form of
34 archery, boating, hiking, camping, fishing, hunting, running,
35 jogging, biking, walking, shooting or similar outdoor activities;
36 or

37 (vii) Recruiting or retention of recreation in the
38 form of archery, boating, hiking, camping, fishing, hunting,
39 running, jogging, biking, walking, shooting or similar outdoor
40 activities.

41 (c) "Nongovernmental entity" means a nonprofit
42 organization with a 501(c)(3) status that is primarily concerned
43 with the protection and conservation of land and natural
44 resources, as evidenced by its organizational documents.



45 (d) "Permanently protected conservation areas" means
46 those resources:

47 (i) Owned by the federal government and dedicated
48 for recreation or conservation or as a natural resource;

49 (ii) Owned by the State of Mississippi, or a
50 county or municipality in Mississippi, and dedicated for
51 recreation or conservation or as a natural resource;

52 (iii) Owned by the State of Mississippi, or a
53 county or municipality in Mississippi, and subject to:

54 1. A conservation easement ensuring that the
55 property will be maintained in a manner consistent with
56 conservation land;

57 2. Contractual arrangements ensuring that, if
58 the protected status is discontinued on a parcel, such property
59 will be replaced by other conservation land which at the time of
60 such replacement is of equal or greater monetary and resource
61 protection value; or

62 3. A permanent restrictive covenant as
63 provided in state law; or

64 (iv) Owned by any person or entity and subject to
65 a conservation easement ensuring that the property will be
66 maintained in a manner consistent with conservation land.

67 (e) "Project proposal" means any application seeking
68 monies from the Mississippi Outdoor Stewardship Trust Fund.



69 (f) "Special fund" means the Mississippi Outdoor
70 Stewardship Trust Fund created in Section 49-39-7.

71 (g) "State agency" means any agency, department,
72 commission or institution of the State of Mississippi.

73 (h) "Working agricultural land" means land area that is
74 either arable, under permanent crops or under permanent pastures.
75 Arable land includes land under temporary crops such as cereals,
76 temporary meadows for mowing or for pasture, land under market or
77 kitchen gardens, and land temporarily fallow.

78 **SECTION 3.** Section 49-39-5, Mississippi Code of 1972, is
79 brought forward as follows:

80 49-39-5. (1) There is established the Board of Trustees of
81 the Mississippi Outdoor Stewardship Trust Fund, which shall
82 consist of the following members:

83 (a) Four (4) members appointed by the Governor, one (1)
84 from each of the congressional districts existing on July 1, 2022;

85 (b) Three (3) members appointed by the Lieutenant
86 Governor, one (1) from each of the State Supreme Court districts
87 existing on July 1, 2022;

88 (c) The Executive Director of the Mississippi Soil and
89 Water Conservation Commission, as an ex officio, nonvoting member;

90 (d) The Executive Director of the Mississippi
91 Department of Marine Resources, as an ex officio, nonvoting
92 member;



93 (e) The Executive Director of the Mississippi
94 Department of Wildlife, Fisheries and Parks, as an ex officio,
95 nonvoting member;

96 (f) The Secretary of State, as an ex officio, nonvoting
97 member;

98 (g) The Commissioner of Agriculture and Commerce, as an
99 ex officio, nonvoting member;

100 (h) The Chairs of the Senate and House Appropriations
101 Committees, as ex officio, nonvoting members;

102 (i) The Chairs of the Senate Finance Committee and
103 House Ways and Means Committee, as ex officio, nonvoting members;
104 and

105 (j) The Chairs of the Senate and House Wildlife,
106 Fisheries and Parks Committees, as ex officio, nonvoting members.

107 One (1) of the members to be appointed by the Governor shall
108 be appointed only after consideration of recommendations for those
109 appointments made by the Speaker of the House of Representatives
110 to the Governor. One (1) of the members to be appointed by the
111 Lieutenant Governor shall be appointed only after consideration of
112 recommendations for those appointments made by the Speaker of the
113 House of Representatives to the Lieutenant Governor.

114 (2) The members of the board appointed by the Governor and
115 Lieutenant Governor shall be appointed from the following private
116 sectors: forestry, conservation, agriculture, business, marine
117 resources, hunting or fishing. Such members shall be and shall



118 remain Mississippi residents during their tenure on the board and
119 shall possess a demonstrated knowledge of and commitment to public
120 lands, land conservation and outdoor recreation. These seven (7)
121 appointments shall be subject to the advice and consent of the
122 Mississippi State Senate.

123 (3) (a) Two (2) persons initially appointed by the Governor
124 and two (2) persons initially appointed by the Lieutenant Governor
125 shall serve terms ending June 30, 2025. The other two (2) persons
126 initially appointed by the Governor and the remaining person
127 initially appointed by the Lieutenant Governor shall serve terms
128 ending June 30, 2026.

129 After the expiration of the initial terms, each such
130 appointment shall be for a term of four (4) years from the
131 expiration of the previous term.

132 (b) A majority of the voting members of the board shall
133 constitute a quorum for the conduct of meetings, and all actions
134 of the board shall require a majority vote of the voting members
135 of the board.

136 (c) The board shall annually elect one (1) voting
137 member to serve as chairman and one (1) voting member to serve as
138 vice chairman. The vice chairman shall act as chairman in the
139 absence or disability of the chairman, or if there is a vacancy in
140 the office of chairman.

141 (4) The members of the board appointed by the Governor and
142 Lieutenant Governor shall receive a per diem as provided in



143 Section 25-3-69, plus travel and necessary expenses incidental to
144 the attendance at each board meeting, including mileage, as
145 provided in Section 25-3-41.

146 (5) No board member shall use his official position to
147 obtain, or attempt to obtain, pecuniary benefit for himself other
148 than that compensation provided for by law, or to obtain, or
149 attempt to obtain, pecuniary benefit for any relative or any
150 business with which he is associated, as provided in Section
151 25-4-105.

152 (6) The board shall not approve any funding to any entity of
153 which a voting member of the board is an executive, member or
154 employee.

155 (7) The Department of Finance and Administration shall
156 provide the office space, staff and other support necessary for
157 the board to perform its duties.

158 **SECTION 4.** Section 49-39-7, Mississippi Code of 1972, is
159 brought forward as follows:

160 49-39-7. (1) (a) There is created in the State Treasury a
161 special fund to be designated the "Mississippi Outdoor Stewardship
162 Trust Fund." The special fund shall consist of monies
163 appropriated by the Legislature. Monies shall be accounted for in
164 such a manner to be termed unobligated funds or obligated funds.
165 Unexpended amounts remaining in the special fund at the end of a
166 fiscal year shall not lapse into the State General Fund, and any
167 investment earnings or interest earned on amounts in the special



168 fund shall be deposited to the credit of the special fund;
169 however, any unobligated monies in excess of Twenty Million
170 Dollars (\$20,000,000.00), excluding federal funds, remaining in
171 the special fund at the end of a fiscal year that have not been
172 appropriated shall lapse into the State General Fund. Monies in
173 the special fund may be used upon selection by the board. The
174 board and the Department of Finance and Administration may use not
175 more than two percent (2%) of monies in the special fund to defray
176 the board's expenses in carrying out its duties under this
177 chapter.

178 (b) Subject to the provisions of this chapter, monies
179 in the special fund may be used and expended by the board to
180 provide funds for grants to counties, municipalities, state
181 agencies and nongovernmental entities for:

182 (i) Improvement of state park outdoor recreation
183 features and trails;

184 (ii) Acquisition and improvement of parks and
185 trails by counties and municipalities, if such parks and trails
186 lie within the jurisdiction of such counties and municipalities;

187 (iii) Restoration or enhancement projects to
188 create or improve access to public waters and lands for public
189 outdoor recreation, conservation education, or the safe use and
190 enjoyment of permanently protected conservation land;



191 (iv) Restoration or enhancement on privately owned
192 working agricultural lands and forests that support conservation
193 of soil, water, habitat of fish and wildlife resources;

194 (v) Restoration or enhancement of wetlands, native
195 forests, native grasslands and other unique habitats important for
196 Mississippi's fish and wildlife; and

197 (vi) Acquisition of critical areas for the
198 provision or protection of clean water, wildlife, hunting,
199 fishing, military installation buffering or natural resource-based
200 outdoor recreation. Real property may only be acquired under this
201 subparagraph (vi) when the property:

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

204 2. Adjoins or is in close proximity to state
205 or federal wildlife management areas or state parks, or would
206 provide better public access to such areas;

207 3. Is identified in a wildlife action plan
208 developed by a state agency;

209 4. Constitutes riparian lands, and its
210 acquisition is for the purpose of protecting any drinking water
211 supply; or

212 5. Surrounds a military base or military
213 installation.



214 Acquisition of land under this subparagraph (vi) may not be
215 made through the exercise of any power of eminent domain or any
216 condemnation proceeding.

217 (c) Unless otherwise authorized by the board, a county,
218 municipality, state agency or nongovernmental entity receiving
219 funds for a project under this section must expend the funds for
220 the project within two (2) years after receipt of the funds in
221 order to be eligible to apply for additional funds for the project
222 under this section. If a county, municipality, state agency or
223 nongovernmental entity receiving funds for a project does not
224 expend the funds within two (2) years after receipt of the funds,
225 then the county, municipality, state agency or nongovernmental
226 entity must provide an accounting of such unused funds and the
227 reason for failure to expend the funds. If the board determines
228 that the project will not be completed in a timely manner, the
229 county, municipality, state agency or nongovernmental entity must
230 then return any unexpended funds.

231 (d) Monies in the special fund may not be used,
232 expended or transferred for any other purpose other than
233 authorized in this chapter.

234 (2) (a) The board shall accept applications from counties,
235 municipalities, state agencies and nongovernmental entities for
236 project proposals eligible for funding under this section. The
237 board shall evaluate the proposals received in accordance with
238 this chapter.



239 (b) A county, municipality, state agency or
240 nongovernmental entity desiring assistance under this section must
241 submit a complete application to the board. The application must
242 include a description of the purpose for which assistance is
243 requested, the type and amount of assistance requested and any
244 other information required by the board.

245 (c) The board shall require annual independent audits
246 of all expenditures from the special fund and present those
247 findings to the Governor, Lieutenant Governor, Speaker of the
248 House, Chairs of the Senate and House Appropriations Committees,
249 Chairs of the Senate Finance and House Ways and Means Committees
250 and Chairs of the Senate and House Wildlife, Fisheries and Parks
251 Committees.

252 (d) To be eligible for funding, any nongovernmental
253 entity applicant must submit its most recent audit, disclose any
254 audit deficiencies in the previous five (5) years, submit its
255 certificate of good standing from the Mississippi Secretary of
256 State, and submit a current list of its board members for purposes
257 of conflicts of interest.

258 (e) For funds to be spent on private land, the
259 applicant must show demonstrably that the project will benefit the
260 public.

261 (f) Projects that acquire property shall not be
262 considered for approval until after July 1, 2024.



263 (3) The board, at its first meeting of each calendar year,
264 shall prepare a list of priorities and criteria to guide the
265 selection of projects. The board shall give increased priority to
266 projects:

267 (a) Supporting the public recreation and conservation
268 efforts of state agencies, counties and municipalities;

269 (b) Leveraging or matching other nonfederal or federal
270 funds available for similar purposes;

271 (c) Supporting and promoting recreation in the form of
272 archery, boating, hiking, camping, fishing, hunting, running,
273 jogging, biking, walking, shooting or similar outdoor activities;

274 (d) Contributing to the improvement of the quality and
275 quantity of surface water and groundwater; or

276 (e) Contributing to the conservation of soil, water,
277 and fish and wildlife resources on privately owned working
278 agricultural lands or forests.

279 (4) Upon approval of the total list of projects by the
280 board, the list of projects shall be submitted to the Lieutenant
281 Governor, Speaker of the House, Chairs of the Senate and House
282 Appropriations Committees, Chairs of the Senate Finance and House
283 Ways and Means Committees and Chairs of the Senate and House
284 Wildlife, Fisheries and Parks Committees. If federal funds or
285 guidelines become available and are certified by the Executive
286 Director of the Department of Finance and Administration or the
287 Executive Director of the Mississippi Outdoor Stewardship Fund,



288 the board shall be authorized to expend funds from the Mississippi
289 Outdoor Stewardship Trust Fund and shall notify the Lieutenant
290 Governor, Speaker of the House, Chairs of the Senate and House
291 Appropriations Committees, Chairs of the Senate Finance and House
292 Ways and Means Committees, Chairs of the Senate and House
293 Wildlife, Fisheries and Parks Committees, and Legislative Budget
294 Office of such expenditures prior to their distribution to certain
295 projects approved by the board.

296 **SECTION 5.** This act shall take effect and be in force from
297 and after July 1, 2023.

