

By: Senator(s) Branning

To: Wildlife, Fisheries and
Parks

SENATE BILL NO. 2558

1 AN ACT TO AMEND SECTION 49-39-7, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE REQUIREMENT THAT CERTAIN PROJECTS THAT ACQUIRE PROPERTY
3 SHALL NOT BE CONSIDERED FOR APPROVAL UNTIL AFTER JULY 1, 2024; TO
4 PROVIDE THAT UNTIL JULY 1, 2024, ANY LANDS ACQUIRED SHALL BE FOR
5 THE PUBLIC BENEFIT AND USE ONLY; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 49-39-7, Mississippi Code of 1972, is
8 amended as follows:

9 49-39-7. (1) (a) There is created in the State Treasury a
10 special fund to be designated the "Mississippi Outdoor Stewardship
11 Trust Fund." The special fund shall consist of monies
12 appropriated by the Legislature. Monies shall be accounted for in
13 such a manner to be termed unobligated funds or obligated funds.
14 Unexpended amounts remaining in the special fund at the end of a
15 fiscal year shall not lapse into the State General Fund, and any
16 investment earnings or interest earned on amounts in the special
17 fund shall be deposited to the credit of the special fund;
18 however, any unobligated monies in excess of Twenty Million
19 Dollars (\$20,000,000.00), excluding federal funds, remaining in



the special fund at the end of a fiscal year that have not been appropriated shall lapse into the State General Fund. Monies in the special fund may be used upon selection by the board. The board and the Department of Finance and Administration may use not more than two percent (2%) of monies in the special fund to defray the board's expenses in carrying out its duties under this chapter.

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

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

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

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

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



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

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

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

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

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

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

5. Surrounds a military base or military installation.

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

(c) Unless otherwise authorized by the board, a county, municipality, state agency or nongovernmental entity receiving



68 funds for a project under this section must expend the funds for
69 the project within two (2) years after receipt of the funds in
70 order to be eligible to apply for additional funds for the project
71 under this section. If a county, municipality, state agency or
72 nongovernmental entity receiving funds for a project does not
73 expend the funds within two (2) years after receipt of the funds,
74 then the county, municipality, state agency or nongovernmental
75 entity must provide an accounting of such unused funds and the
76 reason for failure to expend the funds. If the board determines
77 that the project will not be completed in a timely manner, the
78 county, municipality, state agency or nongovernmental entity must
79 then return any unexpended funds.

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

83 (2) (a) The board shall accept applications from counties,
84 municipalities, state agencies and nongovernmental entities for
85 project proposals eligible for funding under this section. The
86 board shall evaluate the proposals received in accordance with
87 this chapter.

88 (b) A county, municipality, state agency or
89 nongovernmental entity desiring assistance under this section must
90 submit a complete application to the board. The application must
91 include a description of the purpose for which assistance is



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

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

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

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

(f) * * * Until July 1, 2024, any lands acquired shall be for the public benefit and use only.

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



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

118 (b) Leveraging or matching other nonfederal or federal
119 funds available for similar purposes;

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

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

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

128 (4) Upon approval of the total list of projects by the
129 board, the list of projects shall be submitted to the Lieutenant
130 Governor, Speaker of the House, Chairs of the Senate and House
131 Appropriations Committees, Chairs of the Senate Finance and House
132 Ways and Means Committees and Chairs of the Senate and House
133 Wildlife, Fisheries and Parks Committees. If federal funds or
134 guidelines become available and are certified by the Executive
135 Director of the Department of Finance and Administration or the
136 Executive Director of the Mississippi Outdoor Stewardship Fund,
137 the board shall be authorized to expend funds from the Mississippi
138 Outdoor Stewardship Trust Fund and shall notify the Lieutenant
139 Governor, Speaker of the House, Chairs of the Senate and House
140 Appropriations Committees, Chairs of the Senate Finance and House



141 Ways and Means Committees, Chairs of the Senate and House
142 Wildlife, Fisheries and Parks Committees, and Legislative Budget
143 Office of such expenditures prior to their distribution to certain
144 projects approved by the board.

145 **SECTION 2.** This act shall take effect and be in force from
146 and after July 1, 2023.

