

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



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

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

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

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

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

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

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

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

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

66 (c) Unless otherwise authorized by the board, a county,
67 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

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

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

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

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

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

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



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.

