

By: Senator(s) Dawkins, Williamson, Michel, Brown

To: Wildlife, Fisheries and Parks

SENATE BILL NO. 2842

1 AN ACT TO RECREATE THE WILDLIFE HERITAGE COMMITTEE; TO
2 PRESCRIBE MEMBERSHIP AND DUTIES; TO PROVIDE THAT THE COMMITTEE
3 WILL ADMINISTER THE WILDLIFE HERITAGE PROGRAM; TO AMEND SECTIONS
4 49-5-61, AND 49-5-145 THROUGH 49-5-157, MISSISSIPPI CODE OF 1972,
5 TO CONFORM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) There is hereby created the Mississippi
8 Wildlife Heritage Committee to be composed of eleven (11) members
9 as follows: two (2) members appointed by the Governor from the
10 state at large to serve a term concurrent with the Governor; one
11 (1) employee of the Department of Marine Resources with expertise
12 in invasive species, to be appointed by the Executive Director of
13 the Department of Marine Resources; one (1) employee of the
14 Department of Environmental Quality with expertise in invasive
15 species, to be appointed by the Executive Director of the
16 Department of Environmental Quality; one (1) employee of the
17 Department of Wildlife, Fisheries and Parks appointed by the
18 Executive Director of the Department of Wildlife, Fisheries and
19 Parks; one (1) employee of the Mississippi Extension Service
20 appointed by the Executive Director of the Mississippi Extension
21 Service; the Executive Director of the Mississippi Wildlife
22 Federation, or his designee; the Executive Director of the Nature
23 Conservancy, or his designee; the Executive Director of the Garden
24 Clubs of Mississippi, or his designee; the Executive Director of
25 the Mississippi Chapter of the Sierra Club, or his designee; the
26 Executive Director of the Mississippi Museum of Natural Science,
27 or his designee.

28 (2) The Executive Director of the Department of Wildlife,
29 Fisheries and Parks shall be an ex officio nonvoting member of the
30 committee and shall be the administrative head of the committee.

31 (3) The committee shall elect from its membership a chairman
32 who shall preside over meetings and a vice chairman who shall
33 preside in the absence of the chairman or when the chairman shall
34 be excused.

35 (4) The committee shall adopt rules and regulations
36 governing times and places for meetings and governing the manner
37 of conducting its business. A majority of the committee shall
38 constitute a quorum for the transaction of business. Each member
39 of the committee shall take the oath prescribed by Section 268 of
40 the Constitution.

41 (5) The committee shall have the power to adopt, amend and
42 repeal such regulations and rules as may be necessary for the
43 operation of the committee.

44 (6) The committee shall have all power for implementing the
45 "Mississippi Natural Heritage Law of 1978."

46 **SECTION 2.** Section 49-5-61, Mississippi Code of 1972, is
47 amended as follows:

48 49-5-61. (1) The Mississippi Commission on Wildlife,
49 Fisheries and Parks shall be the Wildlife Heritage Committee and
50 shall exercise the duties and authority granted to such committee
51 pursuant to Sections 49-5-69 through 49-5-98, and pursuant to any
52 other laws of the State of Mississippi except Sections 49-7-141
53 through 49-7-157.

54 (2) Wherever the term "Wildlife Heritage Committee" appears
55 in the laws of the State of Mississippi, it shall be construed to
56 mean the Mississippi Commission on Wildlife, Fisheries and Parks,
57 unless the context clearly means to refer to the former Wildlife
58 Heritage Committee.

59 (3) The Mississippi Wildlife Heritage Committee shall
60 exercise the duties and powers granted to such committee pursuant
61 to Sections 49-7-141 through 49-7-157.

62 **SECTION 3.** Section 49-5-145, Mississippi Code of 1972, is
63 amended as follows:

64 49-5-145. (1) The Legislature states that the purpose of
65 Sections 49-5-141 through 49-5-157 is to establish a registration
66 procedure by which owners of natural areas may voluntarily agree
67 to manage and protect the areas according to rules set forth by
68 the Mississippi Wildlife Heritage Committee.

69 (2) The Legislature states that the purpose of Sections
70 49-5-141 through 49-5-157 is also to establish a dedication
71 procedure by which owners of natural areas may voluntarily agree
72 to convey any or all of their right, title and interest in the
73 property to the State of Mississippi to be managed and protected
74 by an appropriate agency designated by the Mississippi Wildlife
75 Heritage Committee for the people of Mississippi.

76 **SECTION 4.** Section 49-5-147, Mississippi Code of 1972, is
77 amended as follows:

78 49-5-147. For the purposes of Sections 49-5-141 through
79 49-5-157, the following words shall have the meaning ascribed
80 herein unless the context shall otherwise require:

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

83 (b) "Committee" * * * means the Mississippi Wildlife
84 Heritage Committee.

85 (c) "Dedicate" means the transfer to the Mississippi
86 Wildlife Heritage Committee of any estate, interest or right in
87 any natural area to be held for the people of Mississippi in a
88 manner provided in Section 49-5-155.

89 (d) "Natural area" means an area of land, water or air,
90 or combination thereof, which contains an element of the state's
91 natural diversity, including, but not limited to, individual plant

92 or animal life, natural geological areas, habitats of endangered
93 or threatened species, ecosystems or any other area of unique
94 ecological, scientific or educational interest.

95 (e) "Natural area preserve" means a natural area which
96 is voluntarily dedicated.

97 (f) "Register" means the act of agreement between the
98 owner of a natural area and the Mississippi Wildlife Heritage
99 Committee for designation of the natural area and for its
100 placement on the register of natural areas by voluntary agreement
101 between the owner of the natural area and the committee.

102 (g) "Register of natural areas" means a listing of
103 natural areas which are being managed by the owner of the natural
104 area according to the rules and regulations of the Mississippi
105 Wildlife Heritage Committee.

106 **SECTION 5.** Section 49-5-149, Mississippi Code of 1972, is
107 amended as follows:

108 49-5-149. The committee shall have the following powers and
109 duties:

110 (a) To utilize inventory data compiled by the
111 Mississippi Wildlife Heritage Program concerning the natural areas
112 of the state;

113 (b) To accept on behalf of the people of Mississippi
114 any right, title or interest to any natural area;

115 (c) To establish and maintain a register of natural
116 areas;

117 (d) To select natural areas for placement on the
118 register of natural areas or for dedication as a natural area
119 preserve, or both;

120 (e) To provide for the management of natural area
121 preserves by designating an appropriate agency to manage the
122 preserve in accordance with the provisions set forth in the
123 articles of dedication which establish the natural area as a
124 natural area preserve;

125 (f) To cooperate with any agency of the United States,
126 the State of Mississippi and any other state, any political
127 subdivision of this state and with private persons or
128 organizations to implement the provisions of Sections 49-5-141
129 through 49-5-157;

130 (g) To discharge any other duty or action necessary to
131 implement the provisions of Sections 49-5-141 through 49-5-157.

132 **SECTION 6.** Section 49-5-151, Mississippi Code of 1972, is
133 amended as follows:

134 49-5-151. The committee shall publish and revise at least
135 annually a register of natural areas using the inventory of
136 natural areas compiled by the Mississippi Wildlife Heritage
137 Program.

138 **SECTION 7.** Section 49-5-153, Mississippi Code of 1972, is
139 amended as follows:

140 49-5-153. (1) The owner of any natural area on the registry
141 may, if the committee so agrees, register the natural area by
142 executing a voluntary agreement with the committee for the owner
143 to manage and protect the natural area according to the rules and
144 regulations promulgated by the committee and to give the committee
145 first option to purchase the natural area. If the owner agrees to
146 register the area, he shall be given a certificate of registration
147 and shall be committed to manage the area according to the terms
148 of the agreement with the committee. The agreement may be
149 terminated by either party after thirty (30) days' written notice.
150 The owner, upon termination, shall surrender the certificate;
151 provided, however, the first option to purchase shall remain with
152 the committee unless the committee shall relinquish the option in
153 writing.

154 (2) Any property acquired by the committee or any other
155 agency of the state or political subdivision thereof pursuant to
156 any other authority in law may be registered according to this
157 section.

158 **SECTION 8.** Section 49-5-155, Mississippi Code of 1972, is
159 amended as follows:

160 49-5-155. (1) The owner of any natural area may dedicate
161 that area as a natural area preserve by executing with the
162 committee articles of dedication. The articles shall transfer
163 such portion of the owner's estate as agreed upon by the owner and
164 the committee to the committee for the people of Mississippi.

165 (2) The committee may acquire articles of dedication for
166 consideration or by donation, devise or bequest. The articles of
167 dedication shall be recorded in the office of the chancery clerk
168 of the county in which any or all of the natural area is located
169 before the area shall become a natural area preserve.

170 (3) The committee may dedicate any property owned by the
171 committee as natural area preserve by filing and recording
172 articles of dedication in the office of the chancery clerk of the
173 county in which any or all of the area is located.

174 (4) The articles of dedication shall contain:

175 (a) Provisions for the management, custody and use of
176 the natural area preserve;

177 (b) Provisions which define the rights and privileges
178 of the owner and the committee or the managing agency; and

179 (c) Such other provisions as the owner or committee
180 shall deem necessary to discharge the provisions of Sections
181 49-5-141 through 49-5-157 or to complete the transfer.

182 (5) The committee shall agree to no articles of dedication
183 which do not provide for the protection, preservation and
184 management of the natural area in a manner consistent with the
185 intent and purposes of Sections 49-5-141 through 49-5-157.

186 (6) Any interest in real property owned by the committee in
187 a natural area preserve shall be exempt from all ad valorem
188 taxation levied by the State of Mississippi or any county or
189 municipality or other political subdivision of this state. Any
190 person who shall convey any interest in real property to the

191 committee for the purposes set forth in Sections 49-5-141 through
192 49-5-157 shall be entitled to have the assessment of such property
193 reduced by the amount of the value of the interest conveyed to the
194 committee. The authorities responsible for determining and making
195 the assessment shall also determine the value of the interest
196 conveyed to the committee. This reduction in the assessment of
197 such property shall terminate when the interest conveyed to the
198 committee terminates.

199 (7) The committee shall be the agency of the State of
200 Mississippi primarily responsible for acquisition of natural area
201 preserves, but no provision of Sections 49-5-141 through 49-5-157
202 shall be construed to limit the committee's authority to acquire
203 other property. Any property acquired by the committee or any
204 other agency of the state or political subdivision thereof
205 pursuant to any other authority in law may be dedicated according
206 to this section.

207 (8) No provisions of Sections 49-5-141 through 49-5-157
208 shall be construed to limit the authority of any other agency to
209 acquire and dedicate natural areas according to the provisions of
210 Sections 49-5-141 through 49-5-157.

211 **SECTION 9.** Section 49-5-157, Mississippi Code of 1972, is
212 amended as follows:

213 49-5-157. (1) A natural area preserve is held in trust by
214 the State of Mississippi for present and future generations and
215 shall be managed and protected according to the rules and
216 regulations set forth by the committee. A natural area preserve
217 is hereby declared to be at the highest, best and most important
218 use for the public.

219 (2) The committee shall inspect or provide for the
220 inspection of at least annually, each natural area preserve to
221 insure that the terms of the articles of dedication are being
222 respected.

223 **SECTION 10.** This act shall take effect and be in force from
224 and after July 1, 2004.