By: Representatives Lamar, Bounds

To: Ways and Means

HOUSE BILL NO. 1941
(As Sent to Governor)

AN ACT TO AMEND SECTION 49-39-7, MISSISSIPPI CODE OF 1972, TO REVISE THE AMOUNT OF MONIES IN THE MISSISSIPPI OUTDOOR STEWARDSHIP TRUST FUND THAT MAY BE USED BY THE BOARD OF TRUSTEES OF THE MISSISSIPPI OUTDOOR STEWARDSHIP TRUST FUND AND THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO DEFRAY THE BOARD'S EXPENSES IN CARRYING OUT ITS DUTIES UNDER THE MISSISSIPPI OUTDOOR STEWARDSHIP ACT; AND FOR RELATED PURPOSES.

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

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

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

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 *** * *** monies in the special fund to defray the board's actual expenses in carrying out its duties under this chapter, in an amount not to exceed Three Hundred Thousand Dollars ($300,000.00) in any fiscal year.

(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

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

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

(e) Any state agency receiving funds from the Mississippi Outdoor Stewardship Trust Fund under this section may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

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

(b) A county, municipality, state agency or nongovernmental entity desiring assistance under this section must submit a complete application to the board. The application must 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) Projects that acquire property shall not be considered for approval until after July 1, 2024.

(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:

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

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

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

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

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

(4) Upon approval of the total list of projects by the board, the list of projects shall be submitted to the 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. If federal funds or guidelines become available and are certified by the Executive Director of the Department of Finance and Administration or the Executive Director of the Mississippi Outdoor Stewardship Fund,

the board shall be authorized to expend funds from the Mississippi Outdoor Stewardship Trust Fund and shall notify the 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, Chairs of the Senate and House Wildlife, Fisheries and Parks Committees, and Legislative Budget Office of such expenditures prior to their distribution to certain projects approved by the board.

SECTION 2. This act shall take effect and be in force from and after July 1, 2026.