

# Chapter 49

## Mississippi Outdoor Stewardship Act

Sec.

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### § 49-39-1. Short Title.

This chapter shall be known and may be cited as the “Mississippi Outdoor Stewardship Act.”

### § 49-39-3. Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) “Board” means the Board of Trustees of the Mississippi Outdoor Stewardship Trust Fund.

(b) “Conservation land” means land and water, or interests therein, that are in their undeveloped, natural states or that have been developed only to the extent consistent with, or are restored to be consistent with, at least one (1) of the following environmental values or conservation benefits:

- (i) Water quality protection for wetlands, rivers, streams or lakes;
- (ii) Protection of wildlife habitat;
- (iii) Protection of cultural sites and archeological and historic resources;
- (iv) Protection of land around Mississippi’s military installations to ensure that missions are compatible with surrounding communities and that encroachment on military installations does not impair future missions;
- (v) Support of economic development through conservation projects;
- (vi) Provision for recreation in the form of archery, boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, shooting or similar outdoor activities; or
- (vii) Recruiting or retention of recreation in the form of archery, boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, shooting or similar outdoor activities.

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

(d) “Permanently protected conservation areas” means those resources:

- (i) Owned by the federal government and dedicated for recreation or conservation or as a natural resource;
- (ii) Owned by the State of Mississippi, or a county or municipality in Mississippi, and dedicated for recreation or conservation or as a natural resource;
- (iii) Owned by the State of Mississippi, or a county or municipality in Mississippi, and

subject to:

1. A conservation easement ensuring that the property will be maintained in a manner consistent with conservation land;
2. Contractual arrangements ensuring that, if the protected status is discontinued on a parcel, such property will be replaced by other conservation land which at the time of such replacement is of equal or greater monetary and resource protection value; or
3. A permanent restrictive covenant as provided in state law; or

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

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

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

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

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

**§ 49-39-5. Board of Trustees of the Mississippi Outdoor Stewardship Trust Fund; composition; terms.**

(1) There is established the Board of Trustees of the Mississippi Outdoor Stewardship Trust Fund, which shall consist of the following members:

- (a) Four (4) members appointed by the Governor from geographically diverse areas;
- (b) Three (3) members appointed by the Lieutenant Governor from geographically diverse areas;
- (c) The Executive Director of the Mississippi Soil and Water Conservation Commission, as an ex officio, nonvoting member;
- (d) The Executive Director of the Mississippi Department of Marine Resources, as an ex officio, nonvoting member;
- (e) The Executive Director of the Mississippi Department of Wildlife, Fisheries and Parks, as an ex officio, nonvoting member;
- (f) The Secretary of State, as an ex officio, nonvoting member;
- (g) The Commissioner of Agriculture and Commerce, as an ex officio, nonvoting member;
- (h) The Chairs of the Senate and House Appropriations Committees, as ex officio, nonvoting members;
- (i) The Chairs of the Senate Finance Committee and House Ways and Means Committee, as ex officio, nonvoting members; and
- (j) The Chairs of the Senate and House Wildlife, Fisheries and Parks Committees, as ex officio, nonvoting members.

One (1) of the members to be appointed by the Governor shall be appointed only after

consideration of recommendations for those appointments made by the Speaker of the House of Representatives to the Governor. One (1) of the members to be appointed by the Lieutenant Governor shall be appointed only after consideration of recommendations for those appointments made by the Speaker of the House of Representatives to the Lieutenant Governor.

(2) The members of the board appointed by the Governor and Lieutenant Governor shall be appointed from the following private sectors: forestry, conservation, agriculture, business, marine resources, hunting or fishing. Such members shall be and shall remain Mississippi residents during their tenure on the board and shall possess a demonstrated knowledge of and commitment to public lands, land conservation and outdoor recreation. These seven (7) appointments shall be subject to the advice and consent of the Mississippi State Senate.

(3)

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

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

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

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

(4) The members of the board appointed by the Governor and Lieutenant Governor shall receive a per diem as provided in Section 25-3-69, plus travel and necessary expenses incidental to the attendance at each board meeting, including mileage, as provided in Section 25-3-41.

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

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

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

**§ 49-39-7 Mississippi Outdoor Stewardship Trust Fund created; use of special fund monies; applications for project proposals eligible for funding; priority of projects; submission of list of approved projects to Legislature.**

(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 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 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.

(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.