

## Senate Amendments to House Bill No. 1231

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

18        SECTION 1. For the purposes of this act, the following words  
19 and phrases shall have the meanings ascribed in this section  
20 unless the context clearly indicates otherwise:

21               (a) "Board" means the Board of Trustees of the  
22 Mississippi Outdoor Stewardship Trust Fund.

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

28                       (i) Water quality protection for wetlands, rivers,  
29 streams or lakes;

30                       (ii) Protection of wildlife habitat;

31                       (iii) Protection of cultural sites and  
32 archeological and historic resources;

33                       (iv) Protection of land around Mississippi's  
34 military installations to ensure that missions are compatible with

35 surrounding communities and that encroachment on military  
36 installations does not impair future missions;

37 (v) Provision for recreation in the form of  
38 archery, boating, hiking, camping, fishing, hunting, running,  
39 jogging, biking, walking or shooting facilities, or similar  
40 outdoor activities; or

41 (vi) Recruiting or retention of recreation in the  
42 form of archery, boating, hiking, camping, fishing, hunting,  
43 running, jogging, biking, walking or shooting facilities, or  
44 similar outdoor activities.

45 (c) "Permanently protected conservation areas" means  
46 those resources:

47 (i) Owned by the federal government and dedicated  
48 for recreation or conservation or as a natural resource;

49 (ii) Owned by the State of Mississippi and  
50 dedicated for recreation or conservation or as a natural resource;  
51 or

52 (iii) Owned by a state, county or municipal unit  
53 of government or authority and subject to:

54 1. A conservation easement ensuring that the  
55 property will be maintained in a manner consistent with  
56 conservation land; or

57 2. Contractual arrangements ensuring that if  
58 the protected status is discontinued on a parcel, such property  
59 will be replaced by other conservation land which at the time of

60 such replacement is of equal or greater monetary and resource  
61 protection value.

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

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

66 **SECTION 2.** (1) (a) There is created in the State Treasury  
67 a special fund to be designated as the "Mississippi Outdoor  
68 Stewardship Trust Fund." The special fund shall consist of funds  
69 appropriated by the Legislature. Funds shall be accounted for in  
70 such a manner to be termed unobligated funds or obligated funds.  
71 Unexpended amounts remaining in the fund at the end of a fiscal  
72 year shall not lapse into the State General Fund, and any  
73 investment earnings or interest earned on amounts in the fund  
74 shall be deposited to the credit of the fund; however, any  
75 unobligated monies in excess of Twenty Million Dollars  
76 (\$20,000,000.00) remaining in the fund at the end of a fiscal year  
77 that have not been appropriated shall lapse into the State General  
78 Fund. Monies in the fund may be used by the Department of Finance  
79 and Administration upon appropriation by the Legislature. The  
80 Board of Trustees of the Mississippi Outdoor Stewardship Trust  
81 Fund may make recommendation to the Legislature, for the purpose  
82 of providing assistance to counties, municipalities and state  
83 agencies, as provided in this act. The board may use not more  
84 than one percent (1%) of monies in the special fund to defray the  
85 expenses of the board in carrying out its duties under this act.

86                   (b) Subject to the provisions of this subsection (1),  
87 monies in the fund may be used and expended as appropriated by the  
88 Legislature for grants to counties, municipalities and state  
89 agencies for:

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

92                   (ii) Providing funds to counties and  
93 municipalities to acquire and improve parks and trails under the  
94 control and within the jurisdiction of such counties and  
95 municipalities;

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

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

103                   (v) Acquisition of critical areas for the  
104 provision or protection of clean water, wildlife, hunting or  
105 fishing, for military installation buffering, or for natural  
106 resource-based outdoor recreation. Real property may only be  
107 acquired under this subparagraph (v) where such property:

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

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

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

115                   4. Constitutes riparian lands so as to  
116 protect any drinking water supply; or

117                   5. Surrounds any military base or military  
118 installation.

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

122           (c) Unless otherwise authorized by the board, a county,  
123 municipality or state agency that receives funds for a project  
124 under this section must expend the funds for the project within  
125 two (2) years after receipt of the funds in order to be eligible  
126 to apply for additional funds for the project under this section.  
127 If a county, municipality or state agency receiving funds for a  
128 project does not expend the funds within two (2) years after  
129 receipt of the funds, then the county, municipality or state  
130 agency must provide an accounting of such unused funds and the  
131 reason for failure to expend the funds.

132           (d) A county, municipality or state agency receiving  
133 funds under this section may use the funds for purposes for which  
134 the funds were provided to the county, municipality or state  
135 agency.

136 (e) Monies in the special fund may not be used,  
137 expended or transferred for any other purpose other than  
138 authorized under this act.

139 (2) (a) The board shall accept applications from counties,  
140 municipalities and state agencies for project proposals eligible  
141 for funding under this section. The board shall evaluate the  
142 proposals received in accordance with this section and pursuant to  
143 priorities established by the board.

144 (b) (i) A county, municipality or state agency  
145 desiring assistance under this section must submit a complete  
146 application to the board. The application must include a  
147 description of the purpose for which assistance is requested, the  
148 type and amount of assistance requested and any other information  
149 required by the board.

150 (ii) The board shall review an application for  
151 assistance and determine whether the applicant is eligible for  
152 assistance under this section and whether the applicant should  
153 receive assistance under this section. In reviewing applications,  
154 the board shall give increased priority to projects:

155 1. That leverage or match other nonfederal  
156 and/or federal funds which are available for similar purposes;

157 2. That support and promote hunting, fishing  
158 and provision for recreation in the form of archery, boating,  
159 hiking, camping, fishing, hunting, running, jogging, biking,  
160 walking or shooting facilities, or similar outdoor activities;

161                   3. That contribute to improving the quality  
162 and quantity of surface water and ground water;

163                   4. That contribute to achieving the goals and  
164 objectives of local, state, regional and national conservation or  
165 outdoor recreational plans.

166                   (c) If the board determines that an applicant should  
167 receive assistance, then the board shall prepare a recommendation  
168 for assistance. A recommendation for assistance shall provide the  
169 purpose for which the assistance is to be provided, the type of  
170 assistance to be provided, the amount of assistance to be  
171 provided, and any other information determined necessary by the  
172 board. The board shall provide its recommendation for assistance  
173 to the Legislature, which may appropriate funds from the  
174 Mississippi Outdoor Stewardship Trust Fund for the purpose of  
175 providing the assistance.

176                   **SECTION 3.** (1) (a) There is established the Board of  
177 Trustees of the Mississippi Outdoor Stewardship Trust Fund, which  
178 shall consist of twelve (12) members as follows:

179                   (i) The State Forester, who is an ex officio  
180 nonvoting member;

181                   (ii) The Executive Director of the Mississippi  
182 Soil and Water Conservation Commission, who is an ex officio  
183 nonvoting member;

184                   (iii) The Executive Director of the Mississippi  
185 Department of Marine Resources, who is an ex officio nonvoting  
186 member;

187                   (iv) The Executive Director of the Mississippi  
188 Department of Wildlife, Fisheries and Parks, who is an ex officio  
189 nonvoting member;

190                   (v) The Commissioner of Agriculture and Commerce,  
191 who is an ex officio nonvoting member

192                   (vi) Four (4) members appointed by the Governor;  
193 and

194                   (vii) Three (3) members appointed by the  
195 Lieutenant Governor.

196           This board shall not approve any funding to a county,  
197 municipality or state agency whereby a voting member of this board  
198 is an executive, other employee or is a voting member of a  
199 governing board with such county, municipality or state agency.

200           The members of the board appointed by the Governor and  
201 Lieutenant Governor shall be appointed from the following private  
202 sectors: forestry, conservation, agriculture, marine resources,  
203 hunting or fishing. Such members shall be and shall remain  
204 Mississippi residents during their tenure on the board and shall  
205 possess a demonstrated knowledge of and commitment to land  
206 conservation and outdoor recreation.

207           (b) (i) One (1) person initially appointed by the  
208 Governor and two (2) persons initially appointed by the Lieutenant  
209 Governor shall serve for a term ending June 30, 2024; and (ii) one  
210 (1) person initially appointed by the Governor and two (2) persons  
211 initially appointed by the Lieutenant Governor shall serve for a  
212 term ending June 30, 2025.



213           After the expiration of the initial terms, all such  
214 appointments shall be for terms of four (4) years from the  
215 expiration of the previous term.

216           (c) A majority of the voting members of the board shall  
217 constitute a quorum for the conduct of meetings and all actions of  
218 the board shall require a majority vote of the voting members of  
219 the board.

220           (d) The board shall annually elect one (1) member to  
221 serve as chairman of the board and one (1) member to serve as vice  
222 chairman of the board. The vice chairman shall act as chairman in  
223 the absence of or upon the disability of the chairman or if there  
224 is a vacancy in the office of chairman.

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

230           (3) No member of the board shall use his official position  
231 to obtain, or attempt to obtain, pecuniary benefit for himself  
232 other than that compensation provided for by law, or to obtain, or  
233 attempt to obtain, pecuniary benefit for any relative or any  
234 business with which he is associated, as provided in Section  
235 25-4-105.

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

239 (5) Following the close of each state fiscal year, the board  
240 shall submit an annual report of its activities for the preceding  
241 state fiscal year pursuant to this act to the Governor, Lieutenant  
242 Governor, Speaker of the House of Representatives, Chairman of the  
243 Ways and Means Committee of the House of Representatives, Chairman  
244 of the Senate Finance Committee, Chairman of the Appropriations  
245 Committee of the House of Representatives and Chairman of the  
246 Appropriations Committee of the Senate.

247 **SECTION 4.** The board shall have all powers necessary to  
248 implement and administer Sections 1 through 3 of this act, and the  
249 board shall promulgate rules and regulations, in accordance with  
250 the Mississippi Administrative Procedures Law, necessary for the  
251 implementation of this act.

252 **SECTION 5.** This act shall take effect and be in force from  
253 and after July 1, 2021, and shall stand repealed on June 30, 2021.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE  
2 DESIGNATED AS THE MISSISSIPPI OUTDOOR STEWARDSHIP TRUST FUND; TO  
3 PROVIDE THAT MONIES IN THE SPECIAL FUND SHALL BE USED BY THE  
4 DEPARTMENT OF FINANCE AND ADMINISTRATION AS APPROPRIATED BY THE  
5 LEGISLATURE; TO ALLOW THE BOARD OF TRUSTEES OF THE MISSISSIPPI  
6 OUTDOOR STEWARDSHIP TRUST FUND TO MAKE RECOMMENDATIONS TO THE  
7 LEGISLATURE FOR THE PURPOSES OF PROVIDING ASSISTANCE TO COUNTIES,  
8 MUNICIPALITIES AND STATE AGENCIES FOR THE SUPPORT OF WILDLIFE,  
9 NATURE AND OTHER OUTDOOR ACTIVITY CONSERVATION AND PROMOTION  
10 PURPOSES; TO CREATE THE BOARD OF TRUSTEES OF THE MISSISSIPPI  
11 OUTDOOR STEWARDSHIP TRUST FUND; TO PROVIDE FOR THE COMPOSITION OF  
12 THE BOARD OF TRUSTEES OF THE MISSISSIPPI OUTDOOR STEWARDSHIP TRUST  
13 FUND; TO PROVIDE THAT THE BOARD OF TRUSTEES SHALL REVIEW  
14 APPLICATIONS FOR ASSISTANCE UNDER THIS ACT AND MAKE  
15 RECOMMENDATIONS FOR ASSISTANCE TO THE DEPARTMENT OF FINANCE AND  
16 ADMINISTRATION; AND FOR RELATED PURPOSES.

SS26\HB1231A.J

Eugene S. Clarke  
Secretary of the Senate