

REPORT OF CONFERENCE COMMITTEE

2

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 606: Mississippi Outdoor Stewardship Trust Fund;
create.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

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

21 **SECTION 1.** This act shall be known and may be cited as the
22 "Mississippi Outdoor Stewardship Act."

23 **SECTION 2.** For the purposes of this act, the following words
24 and phrases shall have the meanings ascribed in this section
25 unless the context clearly indicates otherwise:

26 (a) "Board" means the Board of Trustees of the
27 Mississippi Outdoor Stewardship Trust Fund.

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

33 (i) Water quality protection for wetlands, rivers,
34 streams or lakes;



- 35 (ii) Protection of wildlife habitat;
- 36 (iii) Protection of cultural sites and
37 archeological and historic resources;
- 38 (iv) Protection of land around Mississippi's
39 military installations to ensure that missions are compatible with
40 surrounding communities and that encroachment on military
41 installations does not impair future missions;
- 42 (v) Support of economic development through
43 conservation projects;
- 44 (vi) Provision for recreation in the form of
45 archery, boating, hiking, camping, fishing, hunting, running,
46 jogging, biking, walking, shooting or similar outdoor activities;
47 or
- 48 (vii) Recruiting or retention of recreation in the
49 form of archery, boating, hiking, camping, fishing, hunting,
50 running, jogging, biking, walking, shooting or similar outdoor
51 activities.

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

56 (d) "Permanently protected conservation areas" means
57 those resources:

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



60 (ii) Owned by the State of Mississippi, or a
61 county or municipality in Mississippi, and dedicated for
62 recreation or conservation or as a natural resource;

63 (iii) Owned by the State of Mississippi, or a
64 county or municipality in Mississippi, and subject to:

65 1. A conservation easement ensuring that the
66 property will be maintained in a manner consistent with
67 conservation land;

68 2. Contractual arrangements ensuring that, if
69 the protected status is discontinued on a parcel, such property
70 will be replaced by other conservation land which at the time of
71 such replacement is of equal or greater monetary and resource
72 protection value; or

73 3. A permanent restrictive covenant as
74 provided in state law; or

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

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

80 (f) "Special fund" means the Mississippi Outdoor
81 Stewardship Trust Fund created in Section 4 of this act.

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



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

89 **SECTION 3.** (1) There is established the Board of Trustees
90 of the Mississippi Outdoor Stewardship Trust Fund, which shall
91 consist of the following members:

92 (a) Four (4) members appointed by the Governor, one (1)
93 from each of the congressional districts existing on July 1, 2022;

94 (b) Three (3) members appointed by the Lieutenant
95 Governor, one (1) from each of the State Supreme Court districts
96 existing on July 1, 2022;

97 (c) The Executive Director of the Mississippi Soil and
98 Water Conservation Commission, as an ex officio, nonvoting member;

99 (d) The Executive Director of the Mississippi
100 Department of Marine Resources, as an ex officio, nonvoting
101 member;

102 (e) The Executive Director of the Mississippi
103 Department of Wildlife, Fisheries and Parks, as an ex officio,
104 nonvoting member;

105 (f) The Secretary of State, as an ex officio, nonvoting
106 member;

107 (g) The Commissioner of Agriculture and Commerce, as an
108 ex officio, nonvoting member;



109 (h) The Chairs of the Senate and House Appropriations
110 Committees, as ex officio, nonvoting members;

111 (i) The Chairs of the Senate Finance Committee and
112 House Ways and Means Committee, as ex officio, nonvoting members;
113 and

114 (j) The Chairs of the Senate and House Wildlife,
115 Fisheries and Parks Committees, as ex officio, nonvoting members.

116 One (1) of the members to be appointed by the Governor shall
117 be appointed only after consideration of recommendations for those
118 appointments made by the Speaker of the House of Representatives
119 to the Governor. One (1) of the members to be appointed by the
120 Lieutenant Governor shall be appointed only after consideration of
121 recommendations for those appointments made by the Speaker of the
122 House of Representatives to the Lieutenant Governor.

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

132 (3) (a) Two (2) persons initially appointed by the Governor
133 and two (2) persons initially appointed by the Lieutenant Governor



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

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

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

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

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

155 (5) No board member shall use his official position to
156 obtain, or attempt to obtain, pecuniary benefit for himself other
157 than that compensation provided for by law, or to obtain, or
158 attempt to obtain, pecuniary benefit for any relative or any



159 business with which he is associated, as provided in Section
160 25-4-105.

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

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

167 **SECTION 4.** (1) (a) There is created in the State Treasury
168 a special fund to be designated the "Mississippi Outdoor
169 Stewardship Trust Fund." The special fund shall consist of monies
170 appropriated by the Legislature. Monies shall be accounted for in
171 such a manner to be termed unobligated funds or obligated funds.
172 Unexpended amounts remaining in the special fund at the end of a
173 fiscal year shall not lapse into the State General Fund, and any
174 investment earnings or interest earned on amounts in the special
175 fund shall be deposited to the credit of the special fund;
176 however, any unobligated monies in excess of Twenty Million
177 Dollars (\$20,000,000.00), excluding federal funds, remaining in
178 the special fund at the end of a fiscal year that have not been
179 appropriated shall lapse into the State General Fund. Monies in
180 the special fund may be used upon selection by the board. The
181 board and the Department of Finance and Administration may use not
182 more than two percent (2%) of monies in the special fund to defray
183 the board's expenses in carrying out its duties under this act.



184 (b) Subject to the provisions of this act, monies in
185 the special fund may be used and expended by the board to provide
186 funds for grants to counties, municipalities, state agencies and
187 nongovernmental entities for:

188 (i) Improvement of state park outdoor recreation
189 features and trails;

190 (ii) Acquisition and improvement of parks and
191 trails by counties and municipalities, if such parks and trails
192 lie within the jurisdiction of such counties and municipalities;

193 (iii) Restoration or enhancement projects to
194 create or improve access to public waters and lands for public
195 outdoor recreation, conservation education, or the safe use and
196 enjoyment of permanently protected conservation land;

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

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

203 (vi) Acquisition of critical areas for the
204 provision or protection of clean water, wildlife, hunting,
205 fishing, military installation buffering or natural resource-based
206 outdoor recreation. Real property may only be acquired under this
207 subparagraph (vi) when the property:



- 208 1. Is, at the time of acquisition, being
209 leased by the state as a wildlife management area;
- 210 2. Adjoins or is in close proximity to state
211 or federal wildlife management areas or state parks, or would
212 provide better public access to such areas;
- 213 3. Is identified in a wildlife action plan
214 developed by a state agency;
- 215 4. Constitutes riparian lands, and its
216 acquisition is for the purpose of protecting any drinking water
217 supply; or
- 218 5. Surrounds a military base or military
219 installation.

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

223 (c) Unless otherwise authorized by the board, a county,
224 municipality, state agency or nongovernmental entity receiving
225 funds for a project under this section must expend the funds for
226 the project within two (2) years after receipt of the funds in
227 order to be eligible to apply for additional funds for the project
228 under this section. If a county, municipality, state agency or
229 nongovernmental entity receiving funds for a project does not
230 expend the funds within two (2) years after receipt of the funds,
231 then the county, municipality, state agency or nongovernmental
232 entity must provide an accounting of such unused funds and the



233 reason for failure to expend the funds. If the board determines
234 that the project will not be completed in a timely manner, the
235 county, municipality, state agency or nongovernmental entity must
236 then return any unexpended funds.

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

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

245 (b) A county, municipality, state agency or
246 nongovernmental entity desiring assistance under this section must
247 submit a complete application to the board. The application must
248 include a description of the purpose for which assistance is
249 requested, the type and amount of assistance requested and any
250 other information required by the board.

251 (c) The board shall require annual independent audits
252 of all expenditures from the special fund and present those
253 findings to the Governor, Lieutenant Governor, Speaker of the
254 House, Chairs of the Senate and House Appropriations Committees,
255 Chairs of the Senate Finance and House Ways and Means Committees
256 and Chairs of the Senate and House Wildlife, Fisheries and Parks
257 Committees.



258 (d) To be eligible for funding, any nongovernmental
259 entity applicant must submit its most recent audit, disclose any
260 audit deficiencies in the previous five (5) years, submit its
261 certificate of good standing from the Mississippi Secretary of
262 State, and submit a current list of its board members for purposes
263 of conflicts of interest.

264 (e) For funds to be spent on private land, the
265 applicant must show demonstrably that the project will benefit the
266 public.

267 (f) Projects that acquire property shall not be
268 considered for approval until after July 1, 2024.

269 (3) The board, at its first meeting of each calendar year,
270 shall prepare a list of priorities and criteria to guide the
271 selection of projects. The board shall give increased priority to
272 projects:

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

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

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

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



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

285 (4) Upon approval of the total list of projects by the
286 board, the list of projects shall be submitted to the Lieutenant
287 Governor, Speaker of the House, Chairs of the Senate and House
288 Appropriations Committees, Chairs of the Senate Finance and House
289 Ways and Means Committees and Chairs of the Senate and House
290 Wildlife, Fisheries and Parks Committees. If federal funds or
291 guidelines become available and are certified by the Executive
292 Director of the Department of Finance and Administration or the
293 Executive Director of the Mississippi Outdoor Stewardship Fund,
294 the board shall be authorized to expend funds from the Mississippi
295 Outdoor Stewardship Trust Fund and shall notify the Lieutenant
296 Governor, Speaker of the House, Chairs of the Senate and House
297 Appropriations Committees, Chairs of the Senate Finance and House
298 Ways and Means Committees, Chairs of the Senate and House
299 Wildlife, Fisheries and Parks Committees, and Legislative Budget
300 Office of such expenditures prior to their distribution to certain
301 projects approved by the board.

302 **SECTION 5.** This act shall take effect and be in force from
303 and after July 1, 2022.

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



1 AN ACT TO ENACT THE MISSISSIPPI OUTDOOR STEWARDSHIP ACT; TO
2 ESTABLISH THE BOARD OF TRUSTEES OF THE MISSISSIPPI OUTDOOR
3 STEWARDSHIP TRUST FUND; TO SPECIFY THE MEMBERSHIP OF THE BOARD; TO
4 CREATE THE MISSISSIPPI OUTDOOR STEWARDSHIP TRUST FUND AS A SPECIAL
5 FUND IN THE STATE TREASURY; TO PROVIDE THAT MONIES IN THE SPECIAL
6 FUND MAY BE USED AND EXPENDED BY THE BOARD TO PROVIDE FUNDS FOR
7 GRANTS TO COUNTIES, MUNICIPALITIES, STATE AGENCIES AND
8 NONGOVERNMENTAL ENTITIES FOR VARIOUS OUTDOOR STEWARDSHIP PURPOSES;
9 TO PROVIDE REQUIREMENTS FOR APPLICATIONS FROM COUNTIES,
10 MUNICIPALITIES, STATE AGENCIES AND NONGOVERNMENTAL ENTITIES FOR
11 PROJECT PROPOSALS ELIGIBLE FOR FUNDING; TO DIRECT THE BOARD TO
12 REQUIRE ANNUAL INDEPENDENT AUDITS OF ALL EXPENDITURES FROM THE
13 SPECIAL FUND AND TO PRESENT THOSE FINDINGS TO THE GOVERNOR AND THE
14 LEGISLATURE; TO DIRECT THE BOARD TO ESTABLISH CRITERIA FOR GUIDING
15 ITS SELECTION OF PROJECTS FOR FUNDING; TO REQUIRE THAT THE LIST OF
16 PROJECTS APPROVED BY THE BOARD BE SUBMITTED TO THE LEGISLATURE; TO
17 REQUIRE THE BOARD, BEFORE DISTRIBUTING FUNDS FROM THE MISSISSIPPI
18 OUTDOOR STEWARDSHIP TRUST FUND TO APPROVED PROJECTS, TO NOTIFY THE
19 LEGISLATURE OF SUCH EXPENDITURES; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)

Lamar

X (SIGNED)

Barnett

X (SIGNED)

Kinkade

CONFEREES FOR THE SENATE

X (SIGNED)

Whaley

X (SIGNED)

Hopson

X (SIGNED)

Polk

