

By: Representatives Green, McBride,
Frierson, Middleton, Pierce

To: Appropriations

HOUSE BILL NO. 1657
(As Passed the House)

1 - AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS FOR
3 THE FISCAL YEAR 2006.

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

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 General Fund not otherwise appropriated, for the support and
8 maintenance of the Department of Wildlife, Fisheries and Parks for
9 the fiscal year beginning July 1, 2005, and ending June 30, 2006
10 \$ 8,703,714.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in any special
13 fund in the State Treasury to the credit of the Department of
14 Wildlife, Fisheries and Parks which is comprised of special source
15 funds collected by or otherwise available to the department for
16 the support and maintenance of the department, for the fiscal year
17 beginning July 1, 2005, and ending June 30, 2006.....
18 \$ 36,209,037.00.

19 The following sum, which is included in the sum appropriated
20 above in this section, is hereby appropriated out of the state
21 excise taxes upon gasoline, oil and other petroleum products to
22 the Fisheries and Wildlife Fund for the fiscal year beginning
23 July 1, 2005, and ending June 30, 2006..... \$ 5,750,000.00.

24 The State Tax Commission is hereby directed to set aside the
25 amount of this appropriation or any part thereof at any time it
26 sees fit, out of any collections of taxes upon gasoline, oil and
27 other petroleum products, and to deduct the amounts so set aside

28 from such funds before making distribution thereof. However,
29 provisions shall first be made for the Highway Bonds Sinking Fund,
30 as required under the provisions of Chapter 130, Laws of 1938, and
31 any amendments thereto, and Section 27-5-101, Mississippi Code of
32 1972.

33 Any funds available in the Wildlife Heritage Fund may be
34 expended by the Commission on Wildlife, Fisheries and Parks as
35 authorized by law. The department shall make a detailed report to
36 the Legislature regarding the spending of the Wildlife Heritage
37 funds by September 1 for the preceding fiscal year.

38 **SECTION 3.** Of the funds appropriated under the provisions of
39 Section 2 to the Bureau of Wildlife and Fisheries, funds in the
40 amount of One Hundred Twenty-five Thousand Three Hundred
41 Thirty-five Dollars (\$125,335.00) shall be derived from the
42 Education Enhancement Fund deposited pursuant to Sections 27-65-75
43 and 27-67-31, Mississippi Code of 1972, for the purpose of
44 defraying the expenses of Project WILD for Fiscal Year 2006.

45 **SECTION 4.** It is the intention of the Legislature that the
46 Department of Wildlife, Fisheries and Parks shall have the
47 authority to receive, budget and expend funds from the Gulf and
48 Wildlife Protection Fund, not to exceed Three Hundred Fifty
49 Thousand Dollars (\$350,000.00) for the purpose of preservation,
50 protection, conservation, and acquisition of waters, land and
51 wildlife of this state.

52 **SECTION 5.** Of the funds appropriated under the provisions of
53 Sections 1 and 2, not more than the amounts set forth below shall
54 be expended for the respective major objects of such divisions:

55 DIVISION OF WILDLIFE AND FISHERIES

56 BUREAU OF WILDLIFE AND FISHERIES

57 MAJOR OBJECTS OF EXPENDITURE:

58 Personal Services:

59 Salaries, Wages and Fringe Benefits... \$ 18,624,613.00

60 Travel and Subsistence..... 70,000.00

61	Contractual Services.....	5,165,610.00
62	Commodities.....	1,808,503.00
63	Capital Outlay:	
64	Other Than Equipment.....	417,359.00
65	Equipment.....	20,000.00
66	Subsidies, Loans and Grants.....	<u>902,495.00</u>
67	Total.....	\$ 27,008,580.00
68	FUNDING:	
69	General Funds.....	\$ 0.00
70	Special Funds.....	<u>27,008,580.00</u>
71	Total.....	\$ 27,008,580.00
72	AUTHORIZED POSITIONS:	
73	Permanent: Full Time.....	422
74	Part Time.....	9
75	Time-Limited: Full Time.....	34
76	Part Time.....	0
77	BUREAU OF WILDLIFE AND FISHERIES	
78	MOTOR VEHICLE SECTION	
79	MAJOR OBJECTS OF EXPENDITURE:	
80	Personal Services:	
81	Salaries, Wages and Fringe Benefits... \$	0.00
82	Travel and Subsistence.....	0.00
83	Contractual Services.....	0.00
84	Commodities.....	0.00
85	Capital Outlay:	
86	Other Than Equipment.....	0.00
87	Equipment.....	250,000.00
88	Subsidies, Loans and Grants.....	<u>0.00</u>
89	Total.....	\$ 250,000.00
90	FUNDING:	
91	General Funds.....	\$ 0.00
92	Special Funds.....	<u>250,000.00</u>
93	Total.....	\$ 250,000.00

94 AUTHORIZED POSITIONS:

95	Permanent:	Full Time.....	0
96		Part Time.....	0
97	Time-Limited:	Full Time.....	0
98		Part Time.....	0

99 Each conservation officer and supervisor shall be furnished
100 an allowance for uniforms not to exceed Five Hundred Fifty Dollars
101 (\$550.00) per annum.

102 Provided further, when any personnel of the Bureau of
103 Wildlife and Fisheries are transferred from one county to another
104 on a permanent assignment, the expense monies now paid on
105 out-of-county duty shall not be applicable.

106 DIVISION OF PARKS AND RECREATION

107 MAJOR OBJECTS OF EXPENDITURE:

108 Personal Services:

109	Salaries, Wages and Fringe Benefits...	\$	<u>8,037,385.00</u>
110	Travel and Subsistence.....		65,000.00
111	Contractual Services.....		<u>4,062,490.00</u>
112	Commodities.....		767,400.00
113	Capital Outlay:		
114	Other Than Equipment.....		58,678.00
115	Equipment.....		0.00
116	Subsidies, Loans and Grants.....		<u>1,441,549.00</u>
117	Total.....	\$	6,698,788.00

118 FUNDING:

119	General Funds.....	\$	<u>7,733,714.00</u>
120	Special Funds.....		<u>6,698,788.00</u>
121	Total.....	\$	<u>14,432,502.00</u>

122 AUTHORIZED POSITIONS:

123	Permanent:	Full Time.....	272
124		Part Time.....	161
125	Time-Limited:	Full Time.....	0
126		Part Time.....	0

127	MUSEUM OF NATURAL SCIENCE	
128	MAJOR OBJECTS OF EXPENDITURE:	
129	Personal Services:	
130	Salaries, Wages and Fringe Benefits... \$	1,337,970.00
131	Travel and Subsistence.....	5,616.00
132	Contractual Services.....	1,089,870.00
133	Commodities.....	158,533.00
134	Capital Outlay:	
135	Other Than Equipment.....	14,000.00
136	Equipment.....	0.00
137	Subsidies, Loans and Grants.....	<u>199,680.00</u>
138	Total..... \$	2,805,669.00
139	FUNDING:	
140	General Funds..... \$	970,000.00
141	Special Funds.....	<u>1,835,669.00</u>
142	Total..... \$	2,805,669.00
143	AUTHORIZED POSITIONS:	
144	Permanent: Full Time.....	26
145	Part Time.....	0
146	Time-Limited: Full Time.....	7
147	Part Time.....	0
148	SPECIAL PROJECTS	
149	MAJOR OBJECTS OF EXPENDITURE:	
150	Personal Services:	
151	Salaries, Wages and Fringe Benefits... \$	0.00
152	Travel and Subsistence.....	1,000.00
153	Contractual Services.....	90,000.00
154	Commodities.....	30,000.00
155	Capital Outlay:	
156	Other Than Equipment.....	80,000.00
157	Equipment.....	0.00
158	Subsidies, Loans and Grants.....	<u>215,000.00</u>
159	Total..... \$	416,000.00

160 FUNDING:

161	General Funds.....	\$	0.00
162	Special Funds.....		<u>416,000.00</u>
163	Total.....	\$	416,000.00

164 AUTHORIZED POSITIONS:

165	Permanent: Full Time.....	0
166	Part Time.....	0
167	Time-Limited: Full Time.....	0
168	Part Time.....	0

169 With the funds herein appropriated, it is the intention of
170 the Legislature that it shall be the agency's responsibility to
171 make certain that funds required to be appropriated for "Personal
172 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006
173 funds appropriated for that purpose, unless programs or positions
174 are added to the agency's Fiscal Year 2007 budget by the
175 Mississippi Legislature. Based on data provided by the
176 Legislative Budget Office, the State Personnel Board shall
177 determine and publish the projected annual cost to fully fund all
178 appropriated positions in compliance with the provisions of this
179 act. It shall be the responsibility of the agency head to insure
180 that no single personnel action increases this projected annual
181 cost and/or the Fiscal Year 2006 appropriation for "Personal
182 Services" when annualized, with the exception of escalated funds.
183 If, at the time the agency takes any action to change "Personal
184 Services," the State Personnel Board determines that the agency
185 has taken an action which would cause the agency to exceed this
186 projected annual cost or the Fiscal Year 2006 "Personal Services"
187 appropriated level, when annualized, then only those actions which
188 reduce the projected annual cost and/or the appropriation
189 requirement will be processed by the State Personnel Board until
190 such time as the requirements of this provision are met.

191 Any transfers or escalations shall be made in accordance with
192 the terms, conditions and procedures established by law or

193 allowable under the terms set forth within this act. The State
194 Personnel Board shall not escalate positions without written
195 approval from the Department of Finance and Administration. The
196 Department of Finance and Administration shall not provide written
197 approval to escalate any funds for salaries and/or positions
198 without proof of availability of new or additional funds above the
199 appropriated level.

200 No general funds authorized to be expended herein shall be
201 used to replace federal funds and/or other special funds which are
202 being used for salaries authorized under the provisions of this
203 act and which are withdrawn and no longer available.

204 **SECTION 6.** It is the intention of the Legislature that the
205 Department of Wildlife, Fisheries and Parks shall maintain
206 complete accounting and personnel records related to the
207 expenditure of all funds appropriated under this act and that such
208 records shall be in the same format and level of detail as
209 maintained for Fiscal Year 2005. It is further the intention of
210 the Legislature that the agency's budget request for Fiscal Year
211 2007 shall be submitted to the Joint Legislative Budget Committee
212 in a format and level of detail comparable to the format and level
213 of detail provided during the Fiscal Year 2006 budget request
214 process.

215 **SECTION 7.** In compliance with the "Mississippi Performance
216 Budget and Strategic Planning Act of 1994," it is the intent of
217 the Legislature that the funds provided herein shall be utilized
218 in the most efficient and effective manner possible to achieve the
219 intended mission of this agency. Based on the funding authorized,
220 this agency shall make every effort to attain the targeted
221 performance measures provided below:

222		FY2006
223	<u>Performance Measures</u>	<u>Target</u>
224	Support Services	
225	Hunting & Fishing Licenses	

226	Sold (Licenses)	526,000
227	Registration of Boats (Boats)	245,000
228	Freshwater Fisheries Mgmt	
229	Fish Stock for Public Water (Fish)	3,650,000
230	Users of DWFP Lakes (Man-days)	65,000
231	Game Management	
232	DMAP Cooperators	720
233	DWFP Management for Hunters (Man-days)	175,650
234	Law Enforcement	
235	Hunter Education (Persons)	18,673
236	Motor Vehicle	
237	Vehicles Purchased (Vehicles)	25
238	Used Vehicle Sales (Vehicles)	50
239	Parks & Recreation	
240	Overnight Accommodations (Persons)	0
241	Water Related Services (Persons)	0
242	Day Use Services (Persons)	0
243	Facilities Repair Projects (Projects)	0
244	Historical & Nature Services (Persons)	0
245	Museum Of Natural Science	
246	Information Provided (Participants)	240,000
247	Participants in Museum Prjs (Persons)	430,000

248 A reporting of the degree to which the performance targets
249 set above have been or are being achieved shall be provided in the
250 agency's budget request submitted to the Joint Legislative Budget
251 Committee for Fiscal Year 2007.

252 **SECTION 8.** With the funds appropriated herein, it is the
253 intention of the Legislature that a reasonable number of
254 Conservation Officers, Conservation Officer Supervisors, District
255 Managers, Area Managers, and Lake Managers shall be employed
256 and/or detailed to both temporary and permanent job assignments in
257 areas other than their county of residence.

258 **SECTION 9.** With the funds appropriated herein, the
259 Mississippi Commission on Wildlife, Fisheries and Parks shall
260 adopt rules and regulations to permit the building, equipment and
261 facilities of the Mississippi Museum of Natural Science, or any
262 portion thereof, to be used by individuals, organizations,
263 associations or other groups or entities for special events,
264 occasions or activities. Such rules and regulations may authorize
265 the commission to establish and collect reasonable fees and
266 charges for the use of such building, equipment and facilities,
267 shall authorize such building, equipment and facilities to be used
268 for such purposes during the regular operating hours of the museum
269 as well as after regular operating hours or at other times when
270 such use will not unreasonably interfere with access to the museum
271 by the general public, may require users to provide security in
272 the form of cash deposits, bond and/or insurance for the care and
273 safekeeping of the building, equipment and facilities, may require
274 users to enter into indemnity agreements to protect the state, its
275 agencies and its officers and employees from liability and may
276 authorize the commission to establish such other terms,
277 conditions, restrictions and limitations from time to time as the
278 commission deems advisable with regard to the use of the museum
279 and its building, equipment and facilities.

280 **SECTION 10.** Of the funds appropriated in Section 2, the
281 following amount shall come from the Department of Wildlife,
282 Fisheries and Parks Special Pearl River Timber Fund No. 3465, for
283 the purpose of making improvements to the Pearl River Wildlife
284 Management Area..... \$ 150,000.00.

285 **SECTION 11.** The board of supervisors of any county or any
286 group or combination of counties are hereby authorized and
287 empowered to enter into cooperative agreements with each other and
288 with the Commission on Wildlife, Fisheries and Parks for the
289 purpose of creating, improving or restoring parks, public game and
290 fish habitat lying or to be situated wholly or partially within

291 such county or in an adjoining county; and each county is
292 empowered and authorized, in its discretion, to expend a sum not
293 exceeding One Hundred Thousand Dollars (\$100,000.00) from the
294 general county fund for such purposes from which fund they shall
295 reimburse to the Commission on Wildlife, Fisheries and Parks the
296 actual cost of all surveying and engineering projects incurred by
297 the Department of Wildlife, Fisheries and Parks incidental
298 thereto. Such boards of supervisors are further authorized and
299 empowered, in their discretion, to enter into agreements necessary
300 to carry out the purposes of this act with any other county, the
301 United States Forest Service or any other agency if same should be
302 necessary for the acquisition of land by lease or otherwise for
303 such purposes.

304 **SECTION 12.** The Department of Wildlife, Fisheries and Parks
305 is hereby directed to keep an exact accounting of the funds
306 received during each fiscal year by fund and source and an exact
307 accounting of how these funds were expended by fund and
308 program/division. Such information shall be provided to the House
309 and Senate Appropriations Chairmen, Chairman of the House Game and
310 Fish Committee and Chairman of the Senate Wildlife and Fisheries
311 Committee no later than October 1 following the end of the fiscal
312 year.

313 **SECTION 13.** The Department of Wildlife, Fisheries and Parks
314 is authorized to enter into an agreement with the Pearl River
315 Valley Water Supply District to provide for financial support of
316 an additional conservation officer on and around the Ross Barnett
317 Reservoir.

318 The Department of Finance and Administration is authorized to
319 escalate the budget of the Department of Wildlife, Fisheries and
320 Parks for this purpose.

321 **SECTION 14.** It shall be unlawful for any officer, employee
322 or other person whatsoever to use or permit or authorize the use
323 of any automobile or any other motor vehicle owned by the State of

324 Mississippi or any department, agency or institution thereof for
325 any purpose other than upon the official business of the State of
326 Mississippi or any agency, department or institution thereof.

327 It is the intent of the Legislature that motor vehicles
328 authorized to be owned and operated by this agency shall comply
329 with Sections 25-1-77 through 25-1-93, Mississippi Code of 1972.

330 **SECTION 15.** It is the intention of the Legislature that the
331 Department of Wildlife, Fisheries and Parks shall have the
332 authority to receive, budget and expend funds from any source, not
333 to exceed One Million Dollars (\$1,000,000.00), that may become
334 available to the department in accordance with the rules and
335 regulations of the Department of Finance and Administration.

336 **SECTION 16.** In order to be in compliance with Sections
337 63-1-74 through 63-1-79, funds are herein provided and may be
338 expended by the Department of Wildlife, Fisheries and Parks to pay
339 the costs of commercial driver's licenses for specific employees
340 and/or to reimburse such costs for specific employees who, in the
341 course of their duties and responsibilities, are required to hold
342 a valid Mississippi Commercial Driver's License.

343 **SECTION 17.** It is the intention of the Legislature that the
344 Department of Wildlife, Fisheries and Parks shall have the
345 authority to receive, budget and expend funds from the Mississippi
346 Development Authority in the amount of Four Million Dollars
347 (\$4,000,000.00) as authorized in Section 57-61-32 (1), Mississippi
348 Code of 1972. Such funds are to be used to defray the cost of
349 constructing a North Mississippi Fish Hatchery.

350 **SECTION 18.** The Mississippi Department of Wildlife,
351 Fisheries and Parks is authorized to provide financial support of
352 One Hundred Fifty Thousand Dollars (\$150,000.00) and to enter into
353 an agreement with the Mississippi Cooperative Extension Service
354 for a biology specialist and related supportive cost.

355 The Department of Finance and Administration is authorized to
356 escalate the budget of the Department of Wildlife, Fisheries and
357 Parks for this purpose.

358 **SECTION 19.** It is the intention of the Legislature that the
359 Commission of the Mississippi Wildlife, Fisheries and Parks shall
360 have the authority to close, transfer, lease or sell properties
361 under the department's jurisdiction.

362 Pursuant to the above mentioned authority, the Legislature
363 hereby identifies the following state parks as properties to be
364 promptly disposed of by the Commission through closure, transfer,
365 lease or sale:

366 Casey Jones Museum and State Park,
367 Vaughn, Yazoo County, Mississippi
368 Floewood Plantation State Park
369 Greenwood, Leflore County, Mississippi
370 Sam Dale State Park
371 Daleville, Lauderdale County, Mississippi
372 Nanah Wayia State Park
373 Neshoba County, Mississippi
374 Legion State Park
375 Louisville, Winston County, Mississippi

376 **SECTION 20.** The department is authorized to spend up to
377 twenty-five percent (25%) of revenue in the State Park Timber
378 Endowment Fund, as needed, to operate and maintain the state
379 parks.

380 **SECTION 21.** It is the intention of the Legislature that a
381 DWFP-Conservation Officer I position shall be established and
382 shall be filled and assigned to manage the Mason Creek Game
383 Management Area. Furthermore, it is the intention of the
384 Legislature that a Statewide Coordinator for the Recruitment and
385 Retention of Hunting and Fishing shall be established and shall be
386 filled and assigned to the Central Office.

387 **SECTION 22.** It is the intention of the Legislature that the
388 District Office located at Floewood Plantation State Park shall
389 cease operations at that location as soon as practicable.

390 **SECTION 23.** As funds become available to the department, an
391 amount equal to One Million Five Hundred Thousand Dollars
392 (\$1,500,000.00) may be used for completion of the North
393 Mississippi Fish Hatchery and any repair of levies or dams as
394 deemed necessary by the department.

395 **SECTION 24.** It is the intention of the Legislature that no
396 more than Two Hundred Fifty Thousand Dollars (\$250,000.00) be
397 spent from the Motor Vehicle Fund for the purchase of motor
398 vehicles.

399 **SECTION 25.** Notwithstanding any other provision in this act,
400 the career ladder shall be available to any Conservation Officer I
401 hired after December 31, 2003.

402 **SECTION 26.** The money herein appropriated shall be paid by
403 the State Treasurer out of any money in the State Treasury to the
404 credit of the proper fund or funds as set forth in this act, upon
405 warrants issued by the State Fiscal Officer; and the State Fiscal
406 Officer shall issue his warrants upon requisitions signed by the
407 proper person, officer or officers, in the manner provided by law.

408 **SECTION 27.** This act shall take effect and be in force from
409 and after July 1, 2005.