

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

To: Appropriations

HOUSE BILL NO. 75

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 \$ 8,781,129.00.

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 \$ 45,446,590.00.

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.** With the funds appropriated under the provisions
53 of Sections 1 and 2, the following positions are authorized:

54 AUTHORIZED POSITIONS:

55	Permanent:	Full Time.....	825
56		Part Time.....	209
57	Time-Limited:	Full Time.....	51
58		Part Time.....	0

59 **SECTION 6.** Each conservation officer and supervisor shall be
60 furnished an allowance for uniforms not to exceed Five Hundred
61 Fifty Dollars (\$550.00) per annum.

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

66 **SECTION 7.** With the funds herein appropriated, it is the
67 intention of the Legislature that it shall be the agency's
68 responsibility to make certain that funds required to be
69 appropriated for "Personal Services" for Fiscal Year 2007 do not
70 exceed Fiscal Year 2006 funds appropriated for that purpose,
71 unless programs or positions are added to the agency's Fiscal Year
72 2007 budget by the Mississippi Legislature. Based on data
73 provided by the Legislative Budget Office, the State Personnel
74 Board shall determine and publish the projected annual cost to
75 fully fund all appropriated positions in compliance with the
76 provisions of this act. It shall be the responsibility of the
77 agency head to insure that no single personnel action increases
78 this projected annual cost and/or the Fiscal Year 2006
79 appropriation for "Personal Services" when annualized, with the
80 exception of escalated funds. If, at the time the agency takes
81 any action to change "Personal Services," the State Personnel
82 Board determines that the agency has taken an action which would
83 cause the agency to exceed this projected annual cost or the
84 Fiscal Year 2006 "Personal Services" appropriated level, when
85 annualized, then only those actions which reduce the projected
86 annual cost and/or the appropriation requirement will be processed
87 by the State Personnel Board until such time as the requirements
88 of this provision are met.

89 Any transfers or escalations shall be made in accordance with
90 the terms, conditions and procedures established by law or
91 allowable under the terms set forth within this act. The State

92 Personnel Board shall not escalate positions without written
93 approval from the Department of Finance and Administration. The
94 Department of Finance and Administration shall not provide written
95 approval to escalate any funds for salaries and/or positions
96 without proof of availability of new or additional funds above the
97 appropriated level.

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

102 The agency shall not take any action to promote or otherwise
103 award salary increases through reallocation, reclassification,
104 realignment, education benchmark, career ladder, or any other
105 means to increase salaries of employees or positions unless
106 specifically exempted by the following conditions: the award of
107 teacher pay increases, the advancement of a trainee/cadet to the
108 next level of a bona fide career ladder, the award of an
109 educational benchmark for the attainment of Certified Public
110 Accountant License or higher level professional certification as
111 determined by the State Personnel Board, the immediate replacement
112 of a departing employee with an individual from within state
113 service or a new hire at a salary level equivalent to that of the
114 departing employee, and the emergency appointment of nurses,
115 pharmacists or other health care professionals at a salary to be
116 determined by the State Personnel Board, unless otherwise
117 authorized in this act.

118 **SECTION 8.** It is the intention of the Legislature that the
119 Department of Wildlife, Fisheries and Parks shall maintain
120 complete accounting and personnel records related to the
121 expenditure of all funds appropriated under this act and that such
122 records shall be in the same format and level of detail as
123 maintained for Fiscal Year 2005. It is further the intention of
124 the Legislature that the agency's budget request for Fiscal Year

125 2007 shall be submitted to the Joint Legislative Budget Committee
126 in a format and level of detail comparable to the format and level
127 of detail provided during the Fiscal Year 2006 budget request
128 process.

129 **SECTION 9.** In compliance with the "Mississippi Performance
130 Budget and Strategic Planning Act of 1994," it is the intent of
131 the Legislature that the funds provided herein shall be utilized
132 in the most efficient and effective manner possible to achieve the
133 intended mission of this agency. Based on the funding authorized,
134 this agency shall make every effort to attain the targeted
135 performance measures provided below:

	FY2006
<u>Performance Measures</u>	<u>Target</u>
Support Services	
Hunting & Fishing Licenses	
Sold (Licenses)	526,000
Registration of Boats (Boats)	245,000
Freshwater Fisheries Mgmt	
Fish Stock for Public Water (Fish)	3,650,000
Users of DWFP Lakes (Man-days)	65,000
Game Management	
DMAP Cooperators	720
DWFP Management for Hunters (Man-days)	175,650
Law Enforcement	
Hunter Education (Persons)	18,673
Motor Vehicle	
Vehicles Purchased (Vehicles)	25
Used Vehicle Sales (Vehicles)	50
Parks & Recreation	
Overnight Accommodations (Persons)	674,280
Water Related Services (Persons)	66,000
Day Use Services (Persons)	2,500,000
Facilities Repair Projects (Projects)	29

158	Historical & Nature Services (Persons)	86,220
159	Museum Of Natural Science	
160	Information Provided (Participants)	240,000
161	Participants in Museum Prjs (Persons)	430,000

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

166 **SECTION 10.** With the funds appropriated herein, it is the
167 intention of the Legislature that a reasonable number of
168 Conservation Officers, Conservation Officer Supervisors, District
169 Managers, Area Managers, and Lake Managers shall be employed
170 and/or detailed to both temporary and permanent job assignments in
171 areas other than their county of residence.

172 **SECTION 11.** Of the funds appropriated in Section 2, the
173 following amount shall come from the Department of Wildlife,
174 Fisheries and Parks Special Pearl River Timber Fund No. 3465, for
175 the purpose of making improvements to the Pearl River Wildlife
176 Management Area..... \$ 150,000.00.

177 **SECTION 12.** The board of supervisors of any county or any
178 group or combination of counties are hereby authorized and
179 empowered to enter into cooperative agreements with each other and
180 with the Commission on Wildlife, Fisheries and Parks for the
181 purpose of creating, improving or restoring parks, public game and
182 fish habitat lying or to be situated wholly or partially within
183 such county or in an adjoining county; and each county is
184 empowered and authorized, in its discretion, to expend a sum not
185 exceeding One Hundred Thousand Dollars (\$100,000.00) from the
186 general county fund for such purposes from which fund they shall
187 reimburse to the Commission on Wildlife, Fisheries and Parks the
188 actual cost of all surveying and engineering projects incurred by
189 the Department of Wildlife, Fisheries and Parks incidental
190 thereto. Such boards of supervisors are further authorized and

191 empowered, in their discretion, to enter into agreements necessary
192 to carry out the purposes of this act with any other county, the
193 United States Forest Service or any other agency if same should be
194 necessary for the acquisition of land by lease or otherwise for
195 such purposes.

196 **SECTION 13.** It shall be unlawful for any officer, employee
197 or other person whatsoever to use or permit or authorize the use
198 of any automobile or any other motor vehicle owned by the State of
199 Mississippi or any department, agency or institution thereof for
200 any purpose other than upon the official business of the State of
201 Mississippi or any agency, department or institution thereof.

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

205 **SECTION 14.** It is the intention of the Legislature that the
206 Department of Wildlife, Fisheries and Parks shall have the
207 authority to receive, budget and expend funds from any source, not
208 to exceed One Million Dollars (\$1,000,000.00), that may become
209 available to the department in accordance with the rules and
210 regulations of the Department of Finance and Administration.

211 **SECTION 15.** In order to be in compliance with Sections
212 63-1-74 through 63-1-79, funds are herein provided and may be
213 expended by the Department of Wildlife, Fisheries and Parks to pay
214 the costs of commercial driver's licenses for specific employees
215 and/or to reimburse such costs for specific employees who, in the
216 course of their duties and responsibilities, are required to hold
217 a valid Mississippi Commercial Driver's License.

218 **SECTION 16.** It is the intention of the Legislature that the
219 Department of Wildlife, Fisheries and Parks shall have the
220 authority to receive, budget and expend funds from the Mississippi
221 Development Authority in the amount of Four Million Dollars
222 (\$4,000,000.00) as authorized in Section 57-61-32 (1), Mississippi

223 Code of 1972. Such funds are to be used to defray the cost of
224 constructing a North Mississippi Fish Hatchery.

225 **SECTION 17.** The Mississippi Department of Wildlife,
226 Fisheries and Parks is authorized to provide financial support of
227 One Hundred Fifty Thousand Dollars (\$150,000.00) and to enter into
228 an agreement with the Mississippi Cooperative Extension Service
229 for a biology specialist and related supportive cost.

230 The Department of Finance and Administration is authorized to
231 escalate the budget of the Department of Wildlife, Fisheries and
232 Parks for this purpose.

233 **SECTION 18.** It is the intention of the Legislature that the
234 Commission of the Mississippi Wildlife, Fisheries and Parks shall
235 have the authority to close, transfer, lease or sell properties
236 under the department's jurisdiction.

237 **SECTION 19.** The department is authorized to spend up to
238 twenty-five percent (25%) of revenue in the State Park Timber
239 Endowment Fund, as needed, to operate and maintain the state
240 parks.

241 **SECTION 20.** As funds become available to the department, an
242 amount equal to One Million Five Hundred Thousand Dollars
243 (\$1,500,000.00) may be used for completion of the North
244 Mississippi Fish Hatchery and any repair of levies or dams as
245 deemed necessary by the department.

246 **SECTION 21.** It is the intention of the Legislature that no
247 more than Five Hundred Thousand Dollars (\$500,000.00) be spent
248 from the Motor Vehicle Fund for the purchase of motor vehicles.

249 **SECTION 22.** The money herein appropriated shall be paid by
250 the State Treasurer out of any money in the State Treasury to the
251 credit of the proper fund or funds as set forth in this act, upon
252 warrants issued by the State Fiscal Officer; and the State Fiscal
253 Officer shall issue his warrants upon requisitions signed by the
254 proper person, officer or officers, in the manner provided by law.

255 **SECTION 23.** This act shall take effect and be in force from
256 and after July 1, 2005.