

By: Representatives Broomfield, McBride,
Frierson, Gadd, Hudson, Middleton

To: Appropriations

HOUSE BILL NO. 1570
(As Sent to Governor)

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 2007.

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, 2006, and ending June 30, 2007
10 \$ 9,149,261.00.

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, 2006, and ending June 30, 2007.....
18 \$ 49,038,179.00.

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, 2006, and ending June 30, 2007..... \$ 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 2007.

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, the following positions are authorized:

54 AUTHORIZED POSITIONS:

55	Permanent:	Full Time.....	827
56		Part Time.....	209
57	Time-Limited:	Full Time.....	49
58		Part Time.....	0

59 Funds are provided herein to adjust the Variable Compensation
60 Plan to ensure that all full-time employees receive a pay increase

61 equal to the realignment component of the Variable Compensation
62 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,
63 with not more than one-half (1/2) to be awarded on July 1, 2006,
64 with the remainder to be awarded on January 1, 2007.

65 With the funds herein appropriated, it is the intention of
66 the Legislature that it shall be the agency's responsibility to
67 make certain that funds required to be appropriated for "Personal
68 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
69 funds appropriated for that purpose, unless programs or positions
70 are added to the agency's Fiscal Year 2008 budget by the
71 Mississippi Legislature. Based on data provided by the
72 Legislative Budget Office, the State Personnel Board shall
73 determine and publish the projected annual cost to fully fund all
74 appropriated positions in compliance with the provisions of this
75 act. It shall be the responsibility of the agency head to insure
76 that no single personnel action increases this projected annual
77 cost and/or the Fiscal Year 2007 appropriation for "Personal
78 Services" when annualized, with the exception of escalated funds.
79 If, at the time the agency takes any action to change "Personal
80 Services," the State Personnel Board determines that the agency
81 has taken an action which would cause the agency to exceed this
82 projected annual cost or the Fiscal Year 2007 "Personal Services"
83 appropriated level, when annualized, then only those actions which
84 reduce the projected annual cost and/or the appropriation
85 requirement will be processed by the State Personnel Board until
86 such time as the requirements of this provision are met.

87 Any transfers or escalations shall be made in accordance with
88 the terms, conditions and procedures established by law or
89 allowable under the terms set forth within this act. The State
90 Personnel Board shall not escalate positions without written
91 approval from the Department of Finance and Administration. The
92 Department of Finance and Administration shall not provide written
93 approval to escalate any funds for salaries and/or positions

94 without proof of availability of new or additional funds above the
95 appropriated level.

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

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

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

107 **SECTION 7.** It is the intention of the Legislature that the
108 Department of Wildlife, Fisheries and Parks shall maintain
109 complete accounting and personnel records related to the
110 expenditure of all funds appropriated under this act and that such
111 records shall be in the same format and level of detail as
112 maintained for Fiscal Year 2006. It is further the intention of
113 the Legislature that the agency's budget request for Fiscal Year
114 2008 shall be submitted to the Joint Legislative Budget Committee
115 in a format and level of detail comparable to the format and level
116 of detail provided during the Fiscal Year 2007 budget request
117 process.

118 **SECTION 8.** In compliance with the "Mississippi Performance
119 Budget and Strategic Planning Act of 1994," it is the intent of
120 the Legislature that the funds provided herein shall be utilized
121 in the most efficient and effective manner possible to achieve the
122 intended mission of this agency. Based on the funding authorized,
123 this agency shall make every effort to attain the targeted
124 performance measures provided below:

125 FY2007
126 Performance Measures Target

127	Support Services	
128	Hunting & Fishing Licenses	
129	Sold (Licenses)	528,000
130	Registration of Boats (Boats)	260,000
131	Freshwater Fisheries Mgmt	
132	Fish Stock for Public Water (Fish)	5,000,000
133	Users of DWFP Lakes (Man-days)	68,000
134	Game Management	
135	DMAP Cooperators	730
136	DWFP Management for Hunters (Man-days)	180,000
137	Law Enforcement	
138	Hunter Education (Persons)	19,000
139	Motor Vehicle	
140	Vehicles Purchased (Vehicles)	25
141	Used Vehicle Sales (Vehicles)	50
142	Parks & Recreation	
143	Overnight Accommodations (Persons)	676,000
144	Water Related Services (Persons)	68,000
145	Day Use Services (Persons)	2,650,000
146	Facilities Repair Projects (Projects)	30
147	Historical & Nature Services (Persons)	87,000
148	Museum Of Natural Science	
149	Information Provided (Participants)	255,000
150	Participants in Museum Prjs (Persons)	435,000

151 A reporting of the degree to which the performance targets
152 set above have been or are being achieved shall be provided in the
153 agency's budget request submitted to the Joint Legislative Budget
154 Committee for Fiscal Year 2008.

155 **SECTION 9.** With the funds appropriated herein, it is the
156 intention of the Legislature that a reasonable number of
157 Conservation Officers, Conservation Officer Supervisors, District
158 Managers, Area Managers, and Lake Managers shall be employed

159 and/or detailed to both temporary and permanent job assignments in
160 areas other than their county of residence.

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

166 **SECTION 11.** The board of supervisors of any county or any
167 group or combination of counties are hereby authorized and
168 empowered to enter into cooperative agreements with each other and
169 with the Commission on Wildlife, Fisheries and Parks for the
170 purpose of creating, improving or restoring parks, public game and
171 fish habitat lying or to be situated wholly or partially within
172 such county or in an adjoining county; and each county is
173 empowered and authorized, in its discretion, to expend a sum not
174 exceeding One Hundred Thousand Dollars (\$100,000.00) from the
175 general county fund for such purposes from which fund they shall
176 reimburse to the Commission on Wildlife, Fisheries and Parks the
177 actual cost of all surveying and engineering projects incurred by
178 the Department of Wildlife, Fisheries and Parks incidental
179 thereto. Such boards of supervisors are further authorized and
180 empowered, in their discretion, to enter into agreements necessary
181 to carry out the purposes of this act with any other county, the
182 United States Forest Service or any other agency if same should be
183 necessary for the acquisition of land by lease or otherwise for
184 such purposes.

185 **SECTION 12.** It shall be unlawful for any officer, employee
186 or other person whatsoever to use or permit or authorize the use
187 of any automobile or any other motor vehicle owned by the State of
188 Mississippi or any department, agency or institution thereof for
189 any purpose other than upon the official business of the State of
190 Mississippi or any agency, department or institution thereof.

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

194 **SECTION 13.** It is the intention of the Legislature that the
195 Department of Wildlife, Fisheries and Parks shall have the
196 authority to receive, budget and expend funds from any source, not
197 to exceed One Million Dollars (\$1,000,000.00), that may become
198 available to the department in accordance with the rules and
199 regulations of the Department of Finance and Administration.

200 **SECTION 14.** In order to be in compliance with Sections
201 63-1-74 through 63-1-79, funds are herein provided and may be
202 expended by the Department of Wildlife, Fisheries and Parks to pay
203 the costs of commercial driver's licenses for specific employees
204 and/or to reimburse such costs for specific employees who, in the
205 course of their duties and responsibilities, are required to hold
206 a valid Mississippi Commercial Driver's License.

207 **SECTION 15.** It is the intention of the Legislature that the
208 Department of Wildlife, Fisheries and Parks shall have the
209 authority to receive, budget and expend funds from the Mississippi
210 Development Authority in the amount of Four Million Dollars
211 (\$4,000,000.00) as authorized in Section 57-61-32 (1), Mississippi
212 Code of 1972. Such funds are to be used to defray the cost of
213 constructing a North Mississippi Fish Hatchery.

214 **SECTION 16.** The Mississippi Department of Wildlife,
215 Fisheries and Parks is authorized to provide financial support of
216 One Hundred Fifty Thousand Dollars (\$150,000.00) and to enter into
217 an agreement with the Mississippi Cooperative Extension Service
218 for a biology specialist and related supportive cost.

219 The Department of Finance and Administration is authorized to
220 escalate the budget of the Department of Wildlife, Fisheries and
221 Parks for this purpose.

222 **SECTION 17.** It is the intention of the Legislature that the
223 Commission of the Mississippi Wildlife, Fisheries and Parks shall

224 have the authority to close, transfer, lease or sell properties
225 under the department's jurisdiction.

226 **SECTION 18.** The department is authorized to spend up to
227 twenty-five percent (25%) of revenue in the State Park Timber
228 Endowment Fund, as needed, to operate and maintain the state
229 parks.

230 **SECTION 19.** As funds become available to the department, an
231 amount equal to One Million Five Hundred Thousand Dollars
232 (\$1,500,000.00) may be used for completion of the North
233 Mississippi Fish Hatchery and any repair of levies or dams as
234 deemed necessary by the department.

235 **SECTION 20.** It is the intention of the Legislature that no
236 more than Five Hundred Thousand Dollars (\$500,000.00) be spent
237 from the Motor Vehicle Fund for the purchase of motor vehicles.

238 **SECTION 21.** It is the intention of the Legislature that
239 whenever two (2) or more bids are received by this agency for the
240 purchase of commodities or equipment, and whenever all things
241 stated in such received bids are equal with respect to price,
242 quality and service, the Mississippi Industries for the Blind
243 shall be given preference. A similar preference shall be given to
244 the Mississippi Industries for the Blind whenever purchases are
245 made without competitive bids.

246 **SECTION 22.** Of the funds appropriated under the provisions
247 of Section 2, Three Hundred Thousand Dollars (\$300,000.00) shall
248 be derived from the Budget Contingency Fund, as created in Section
249 27-103-301, Mississippi Code of 1972, to defray the expenses of
250 the Department of Wildlife, Fisheries and Parks.

251 **SECTION 23.** The money herein appropriated shall be paid by
252 the State Treasurer out of any money in the State Treasury to the
253 credit of the proper fund or funds as set forth in this act, upon
254 warrants issued by the State Fiscal Officer; and the State Fiscal
255 Officer shall issue his warrants upon requisitions signed by the
256 proper person, officer or officers, in the manner provided by law.

257 **SECTION 24.** This act shall take effect and be in force from
258 and after July 1, 2006.