

Senate Amendments to House Bill No. 1570

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:

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 \$ 9,124,000.00.

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 \$ 42,731,736.00.

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.** 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.....	688
56		Part Time.....	168
57	Time-Limited:	Full Time.....	37
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 Twelve Hundred Dollars (\$1,200.00), whichever is greater,
63 beginning on July 1, 2006.

64 Pursuant to policies established by the State Personnel
65 Board, agency heads may, on a case by case basis and within funds

66 available, recommend equity salary adjustments to Fiscal Year 2006
67 agency appropriation acts where application of limitations result
68 in awarding one employee a salary increase greater than another
69 employee within the same agency, with the same job classification
70 series and greater longevity.

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

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

100 without proof of availability of new or additional funds above the
101 appropriated level.

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

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

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

113 **SECTION 7.** It is the intention of the Legislature that the
114 Department of Wildlife, Fisheries and Parks shall maintain
115 complete accounting and personnel records related to the
116 expenditure of all funds appropriated under this act and that such
117 records shall be in the same format and level of detail as
118 maintained for Fiscal Year 2006. It is further the intention of
119 the Legislature that the agency's budget request for Fiscal Year
120 2008 shall be submitted to the Joint Legislative Budget Committee
121 in a format and level of detail comparable to the format and level
122 of detail provided during the Fiscal Year 2007 budget request
123 process.

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

131		FY2007
132	<u>Performance Measures</u>	<u>Target</u>
133	Support Services	
134	Hunting & Fishing Licenses	

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

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

161 **SECTION 9.** With the funds appropriated herein, it is the
162 intention of the Legislature that a reasonable number of
163 Conservation Officers, Conservation Officer Supervisors, District
164 Managers, Area Managers, and Lake Managers shall be employed
165 and/or detailed to both temporary and permanent job assignments in
166 areas other than their county of residence.

167 **SECTION 10.** Of the funds appropriated in Section 2, the
168 following amount shall come from the Department of Wildlife,
169 Fisheries and Parks Special Pearl River Timber Fund No. 3465, for

170 the purpose of making improvements to the Pearl River Wildlife
171 Management Area..... \$ 150,000.00.

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

191 **SECTION 12.** It shall be unlawful for any officer, employee
192 or other person whatsoever to use or permit or authorize the use
193 of any automobile or any other motor vehicle owned by the State of
194 Mississippi or any department, agency or institution thereof for
195 any purpose other than upon the official business of the State of
196 Mississippi or any agency, department or institution thereof.

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

200 **SECTION 13.** It is the intention of the Legislature that the
201 Department of Wildlife, Fisheries and Parks shall have the
202 authority to receive, budget and expend funds from any source, not
203 to exceed One Million Dollars (\$1,000,000.00), that may become

204 available to the department in accordance with the rules and
205 regulations of the Department of Finance and Administration.

206 **SECTION 14.** In order to be in compliance with Sections
207 63-1-74 through 63-1-79, funds are herein provided and may be
208 expended by the Department of Wildlife, Fisheries and Parks to pay
209 the costs of commercial driver's licenses for specific employees
210 and/or to reimburse such costs for specific employees who, in the
211 course of their duties and responsibilities, are required to hold
212 a valid Mississippi Commercial Driver's License.

213 **SECTION 15.** It is the intention of the Legislature that the
214 Department of Wildlife, Fisheries and Parks shall have the
215 authority to receive, budget and expend funds from the Mississippi
216 Development Authority in the amount of Four Million Dollars
217 (\$4,000,000.00) as authorized in Section 57-61-32 (1), Mississippi
218 Code of 1972. Such funds are to be used to defray the cost of
219 constructing a North Mississippi Fish Hatchery.

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

225 The Department of Finance and Administration is authorized to
226 escalate the budget of the Department of Wildlife, Fisheries and
227 Parks for this purpose.

228 **SECTION 17.** It is the intention of the Legislature that the
229 Commission of the Mississippi Wildlife, Fisheries and Parks shall
230 have the authority to close, transfer, lease or sell properties
231 under the department's jurisdiction.

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

236 **SECTION 19.** As funds become available to the department, an
237 amount equal to One Million Five Hundred Thousand Dollars
238 (\$1,500,000.00) may be used for completion of the North

239 Mississippi Fish Hatchery and any repair of levies or dams as
240 deemed necessary by the department.

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

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

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

258 **SECTION 23.** This act shall take effect and be in force from
259 and after July 1, 2006.

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John O. Gilbert
Secretary of the Senate