

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

To: Appropriations

HOUSE BILL NO. 1691

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 2008.

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, 2007, and ending June 30, 2008
10 \$ 8,800,053.00.

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, 2007, and ending June 30, 2008.....
18 \$ 44,714,835.00.

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, 2007, and ending June 30, 2008..... \$ 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 2008.

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 amount set forth below shall
54 be expended for the respective major objects or purposes of
55 expenditure:

56 MAJOR OBJECTS OF EXPENDITURE:

57 Personal Services:

58	Salaries, Wages and Fringe Benefits.. \$	32,160,633.00
59	Travel and Subsistence.....	0.00
60	Contractual Services.....	11,009,693.00

61	Commodities.....		5,022,236.00
62	Capital Outlay:		
63	Other Than Equipment.....		1,674,878.00
64	Equipment.....		935,364.00
65	Vehicles.....		500,000.00
66	Wireless Communication Devices.....		0.00
67	Subsidies, Loans and Grants.....		<u>2,212,084.00</u>
68	Total.....	\$	53,514,888.00
69	FUNDING:		
70	General Funds.....	\$	8,800,053.00
71	Special Funds.....		<u>44,714,835.00</u>
72	Total.....	\$	53,514,888.00

73 AUTHORIZED POSITIONS:

74	Permanent:	Full Time.....	634
75		Part Time.....	86
76	Time-Limited:	Full Time.....	43
77		Part Time.....	0

78 Funds are provided herein to adjust the Variable Compensation
79 Plan to ensure that all full-time employees receive a pay increase
80 equal to the realignment component of the Variable Compensation
81 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
82 is greater.

83 With the funds herein appropriated, it is the intention of
84 the Legislature that it shall be the agency's responsibility to
85 make certain that funds required to be appropriated for "Personal
86 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
87 funds appropriated for that purpose, unless programs or positions
88 are added to the agency's Fiscal Year 2009 budget by the
89 Mississippi Legislature. Based on data provided by the
90 Legislative Budget Office, the State Personnel Board shall
91 determine and publish the projected annual cost to fully fund all
92 appropriated positions in compliance with the provisions of this
93 act. It shall be the responsibility of the agency head to insure

94 that no single personnel action increases this projected annual
95 cost and/or the Fiscal Year 2008 appropriation for "Personal
96 Services" when annualized, with the exception of escalated funds.
97 If, at the time the agency takes any action to change "Personal
98 Services," the State Personnel Board determines that the agency
99 has taken an action which would cause the agency to exceed this
100 projected annual cost or the Fiscal Year 2008 "Personal Services"
101 appropriated level, when annualized, then only those actions which
102 reduce the projected annual cost and/or the appropriation
103 requirement will be processed by the State Personnel Board until
104 such time as the requirements of this provision are met.

105 Any transfers or escalations shall be made in accordance with
106 the terms, conditions and procedures established by law or
107 allowable under the terms set forth within this act. The State
108 Personnel Board shall not escalate positions without written
109 approval from the Department of Finance and Administration. The
110 Department of Finance and Administration shall not provide written
111 approval to escalate any funds for salaries and/or positions
112 without proof of availability of new or additional funds above the
113 appropriated level.

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

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

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

125 **SECTION 7.** It is the intention of the Legislature that the
126 Department of Wildlife, Fisheries and Parks shall maintain

127 complete accounting and personnel records related to the
 128 expenditure of all funds appropriated under this act and that such
 129 records shall be in the same format and level of detail as
 130 maintained for Fiscal Year 2007. It is further the intention of
 131 the Legislature that the agency's budget request for Fiscal Year
 132 2009 shall be submitted to the Joint Legislative Budget Committee
 133 in a format and level of detail comparable to the format and level
 134 of detail provided during the Fiscal Year 2008 budget request
 135 process.

136 **SECTION 8.** In compliance with the "Mississippi Performance
 137 Budget and Strategic Planning Act of 1994," it is the intent of
 138 the Legislature that the funds provided herein shall be utilized
 139 in the most efficient and effective manner possible to achieve the
 140 intended mission of this agency. Based on the funding authorized,
 141 this agency shall make every effort to attain the targeted
 142 performance measures provided below:

	FY2008
<u>Performance Measures</u>	<u>Target</u>
145 Support Services	
146 Hunting & Fishing Licenses	
147 Sold (Licenses)	528,000
148 Registration of Boats (Boats)	260,000
149 Freshwater Fisheries Mgmt	
150 Fish Stock for Public Water (Fish)	5,000,000
151 Users of DWFP Lakes (Man-days)	68,000
152 Game Management	
153 DMAP Cooperators	730
154 DWFP Management for Hunters (Man-days)	180,000
155 Law Enforcement	
156 Hunter Education (Persons)	19,000
157 Motor Vehicle	
158 Vehicles Purchased (Vehicles)	25
159 Used Vehicle Sales (Vehicles)	50

160	Parks & Recreation	
161	Overnight Accommodations (Persons)	676,000
162	Water Related Services (Persons)	68,000
163	Day Use Services (Persons)	2,650,000
164	Facilities Repair Projects (Projects)	30
165	Historical & Nature Services (Persons)	87,000
166	Museum Of Natural Science	
167	Information Provided (Participants)	235,500
168	Participants in Museum Prjs (Persons)	435,000

169 A reporting of the degree to which the performance targets
170 set above have been or are being achieved shall be provided in the
171 agency's budget request submitted to the Joint Legislative Budget
172 Committee for Fiscal Year 2009.

173 **SECTION 9.** Of the funds appropriated in Section 2, the
174 following amount shall come from the Department of Wildlife,
175 Fisheries and Parks Special Pearl River Timber Fund No. 3465, for
176 the purpose of making improvements to the Pearl River Wildlife
177 Management Area..... \$ 150,000.00.

178 **SECTION 10.** The board of supervisors of any county or any
179 group or combination of counties are hereby authorized and
180 empowered to enter into cooperative agreements with each other and
181 with the Commission on Wildlife, Fisheries and Parks for the
182 purpose of creating, improving or restoring parks, public game and
183 fish habitat lying or to be situated wholly or partially within
184 such county or in an adjoining county; and each county is
185 empowered and authorized, in its discretion, to expend a sum not
186 exceeding One Hundred Thousand Dollars (\$100,000.00) from the
187 general county fund for such purposes from which fund they shall
188 reimburse to the Commission on Wildlife, Fisheries and Parks the
189 actual cost of all surveying and engineering projects incurred by
190 the Department of Wildlife, Fisheries and Parks incidental
191 thereto. Such boards of supervisors are further authorized and
192 empowered, in their discretion, to enter into agreements necessary

193 to carry out the purposes of this act with any other county, the
194 United States Forest Service or any other agency if same should be
195 necessary for the acquisition of land by lease or otherwise for
196 such purposes.

197 **SECTION 11.** It shall be unlawful for any officer, employee
198 or other person whatsoever to use or permit or authorize the use
199 of any automobile or any other motor vehicle owned by the State of
200 Mississippi or any department, agency or institution thereof for
201 any purpose other than upon the official business of the State of
202 Mississippi or any agency, department or institution thereof.

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

206 **SECTION 12.** It is the intention of the Legislature that the
207 Department of Wildlife, Fisheries and Parks shall have the
208 authority to receive, budget and expend funds from any source, not
209 to exceed One Million Dollars (\$1,000,000.00), that may become
210 available to the department in accordance with the rules and
211 regulations of the Department of Finance and Administration.

212 **SECTION 13.** In order to be in compliance with Sections
213 63-1-74 through 63-1-79, funds are herein provided and may be
214 expended by the Department of Wildlife, Fisheries and Parks to pay
215 the costs of commercial driver's licenses for specific employees
216 and/or to reimburse such costs for specific employees who, in the
217 course of their duties and responsibilities, are required to hold
218 a valid Mississippi Commercial Driver's License.

219 **SECTION 14.** It is the intention of the Legislature that the
220 Department of Wildlife, Fisheries and Parks shall have the
221 authority to receive, budget and expend funds from the Mississippi
222 Development Authority in the amount of Four Million Dollars
223 (\$4,000,000.00) as authorized in Section 57-61-32 (1), Mississippi
224 Code of 1972. Such funds are to be used to defray the cost of
225 constructing a North Mississippi Fish Hatchery.

226 **SECTION 15.** The Mississippi Department of Wildlife,
227 Fisheries and Parks is authorized to provide financial support of
228 One Hundred Fifty Thousand Dollars (\$150,000.00) and to enter into
229 an agreement with the Mississippi Cooperative Extension Service
230 for a biology specialist and related supportive cost.

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

234 **SECTION 16.** The department is authorized to spend up to
235 twenty-five percent (25%) of revenue in the State Park Timber
236 Endowment Fund, as needed, to operate and maintain the state
237 parks.

238 **SECTION 17.** As funds become available to the department, an
239 amount equal to One Million Five Hundred Thousand Dollars
240 (\$1,500,000.00) may be used for completion of the North
241 Mississippi Fish Hatchery and any repair of levies or dams as
242 deemed necessary by the department.

243 **SECTION 18.** It is the intention of the Legislature that no
244 more than Five Hundred Thousand Dollars (\$500,000.00) be spent
245 from the Motor Vehicle Fund for the purchase of motor vehicles.

246 **SECTION 19.** It is the intention of the Legislature that
247 whenever two (2) or more bids are received by this agency for the
248 purchase of commodities or equipment, and whenever all things
249 stated in such received bids are equal with respect to price,
250 quality and service, the Mississippi Industries for the Blind
251 shall be given preference. A similar preference shall be given to
252 the Mississippi Industries for the Blind whenever purchases are
253 made without competitive bids.

254 **SECTION 20.** The money herein appropriated shall be paid by
255 the State Treasurer out of any money in the State Treasury to the
256 credit of the proper fund or funds as set forth in this act, upon
257 warrants issued by the State Fiscal Officer; and the State Fiscal

258 Officer shall issue his warrants upon requisitions signed by the
259 proper person, officer or officers, in the manner provided by law.

260 **SECTION 21.** This act shall take effect and be in force from
261 and after July 1, 2007.