

Senate Amendments to House Bill No. 1691

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, 2007, and ending June 30, 2008
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, 2007, and ending June 30, 2008.....
18 \$ 52,681,603.00.

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 Fifty Thousand Dollars
49 (\$50,000.00) for the purpose of preservation, protection,
50 conservation, and acquisition of waters, land and wildlife of this
51 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..... | 61 |
| 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 One Thousand Dollars (\$1,000.00), or Three Percent (3%)
63 whichever is greater, to be awarded on July 1, 2007.

64 With the funds herein appropriated, it is the intention of
65 the Legislature that it shall be the agency's responsibility to

66 make certain that funds required to be appropriated for "Personal
67 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
68 funds appropriated for that purpose, unless programs or positions
69 are added to the agency's Fiscal Year 2009 budget by the
70 Mississippi Legislature. Based on data provided by the
71 Legislative Budget Office, the State Personnel Board shall
72 determine and publish the projected annual cost to fully fund all
73 appropriated positions in compliance with the provisions of this
74 act. It shall be the responsibility of the agency head to insure
75 that no single personnel action increases this projected annual
76 cost and/or the Fiscal Year 2008 appropriation for "Personal
77 Services" when annualized, with the exception of escalated funds.
78 If, at the time the agency takes any action to change "Personal
79 Services," the State Personnel Board determines that the agency
80 has taken an action which would cause the agency to exceed this
81 projected annual cost or the Fiscal Year 2008 "Personal Services"
82 appropriated level, when annualized, then only those actions which
83 reduce the projected annual cost and/or the appropriation
84 requirement will be processed by the State Personnel Board until
85 such time as the requirements of this provision are met.

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

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

99 The agency shall not take any action to promote or otherwise
100 award salary increases through reallocation, reclassification,

101 realignment, education benchmark, career ladder, or any other
102 means to increase salaries of employees or positions unless
103 specifically exempted by the following conditions: the award of
104 teacher pay increases, the advancement of a trainee/cadet to the
105 next level of a bona fide career ladder, the award of an
106 educational benchmark for the attainment of Certified Public
107 Accountant License or higher level professional certification as
108 determined by the State Personnel Board, the immediate replacement
109 of a departing employee with an individual from within state
110 service or a new hire at a salary level equivalent to that of the
111 departing employee, and the emergency appointment of nurses,
112 pharmacists or other health care professionals at a salary to be
113 determined by the State Personnel Board, unless otherwise
114 authorized in this act.

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

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

122 **SECTION 7.** It is the intention of the Legislature that the
123 Department of Wildlife, Fisheries and Parks shall maintain
124 complete accounting and personnel records related to the
125 expenditure of all funds appropriated under this act and that such
126 records shall be in the same format and level of detail as
127 maintained for Fiscal Year 2007. It is further the intention of
128 the Legislature that the agency's budget request for Fiscal Year
129 2009 shall be submitted to the Joint Legislative Budget Committee
130 in a format and level of detail comparable to the format and level
131 of detail provided during the Fiscal Year 2008 budget request
132 process.

133 **SECTION 8.** In compliance with the "Mississippi Performance
134 Budget and Strategic Planning Act of 1994," it is the intent of
135 the Legislature that the funds provided herein shall be utilized

136 in the most efficient and effective manner possible to achieve the
 137 intended mission of this agency. Based on the funding authorized,
 138 this agency shall make every effort to attain the targeted
 139 performance measures provided below:

| | FY2008 |
|--|---------------|
| <u>Performance Measures</u> | <u>Target</u> |
| 142 Support Services | |
| 143 Hunting & Fishing Licenses | |
| 144 Sold (Licenses) | 528,000 |
| 145 Registration of Boats (Boats) | 260,000 |
| 146 Freshwater Fisheries Mgmt | |
| 147 Fish Stock for Public Water (Fish) | 5,000,000 |
| 148 Users of DWFP Lakes (Man-days) | 68,000 |
| 149 Game Management | |
| 150 DMAP Cooperators | 730 |
| 151 DWFP Management for Hunters (Man-days) | 180,000 |
| 152 Law Enforcement | |
| 153 Hunter Education (Persons) | 19,000 |
| 154 Motor Vehicle | |
| 155 Vehicles Purchased (Vehicles) | 25 |
| 156 Used Vehicle Sales (Vehicles) | 50 |
| 157 Parks & Recreation | |
| 158 Overnight Accommodations (Persons) | 676,000 |
| 159 Water Related Services (Persons) | 68,000 |
| 160 Day Use Services (Persons) | 2,650,000 |
| 161 Facilities Repair Projects (Projects) | 30 |
| 162 Historical & Nature Services (Persons) | 87,000 |
| 163 Museum Of Natural Science | |
| 164 Information Provided (Participants) | 235,500 |
| 165 Participants in Museum Prjs (Persons) | 435,000 |

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

170 **SECTION 9.** Of the funds appropriated in Section 2, the
171 following amount shall come from the Department of Wildlife,
172 Fisheries and Parks Special Pearl River Timber Fund No. 3465, for
173 the purpose of making improvements to the Pearl River Wildlife
174 Management Area..... \$ 50,000.00.

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

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

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

203 **SECTION 12.** It is the intention of the Legislature that the
204 Department of Wildlife, Fisheries and Parks shall have the

205 authority to receive, budget and expend funds from any source, not
206 to exceed One Million Dollars (\$1,000,000.00), that may become
207 available to the department in accordance with the rules and
208 regulations of the Department of Finance and Administration.

209 **SECTION 13.** In order to be in compliance with Sections
210 63-1-74 through 63-1-79, funds are herein provided and may be
211 expended by the Department of Wildlife, Fisheries and Parks to pay
212 the costs of commercial driver's licenses for specific employees
213 and/or to reimburse such costs for specific employees who, in the
214 course of their duties and responsibilities, are required to hold
215 a valid Mississippi Commercial Driver's License.

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

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

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

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

235 **SECTION 17.** As funds become available to the department, an
236 amount equal to One Million Five Hundred Thousand Dollars
237 (\$1,500,000.00) may be used for completion of the North
238 Mississippi Fish Hatchery and any repair of levies or dams as
239 deemed necessary by the department.

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

243 **SECTION 19.** With the funds appropriated herein, it is the
244 intention of the Legislature that a reasonable number of
245 Conservation Officers, Conservation Officer Supervisors, District
246 Managers, Area Managers, and Lake Managers shall be employed
247 and/or detailed to both temporary and permanent job assignments in
248 areas other than their county of residence.

249 **SECTION 20.** It is the intention of the Legislature that the
250 Commission of the Mississippi Wildlife, Fisheries and Parks shall
251 have the authority to close, transfer, lease or sell properties
252 under the department's jurisdiction funds should go to the agency.

253 **SECTION 21.** It is the intention of the Legislature that
254 whenever two (2) or more bids are received by this agency for the
255 purchase of commodities or equipment, and whenever all things
256 stated in such received bids are equal with respect to price,
257 quality and service, the Mississippi Industries for the Blind
258 shall be given preference. A similar preference shall be given to
259 the Mississippi Industries for the Blind whenever purchases are
260 made without competitive bids.

261 **SECTION 22.** It is the intention of the Legislature that the
262 Department of Wildlife, Fisheries and Parks shall have the
263 authority to receive and transfer from any source funds available,
264 not to exceed One Million Three Hundred Fifty Thousand Dollars
265 (\$1,350,000.00), in accordance with rules and regulations of the
266 Department of Finance and Administration in a manner consistent
267 with the escalation of federal funds, for the purpose of
268 transferring funds to Alcorn State Agricultural Programs for
269 providing a Goat/Swine processing facility .

270 **SECTION 23.** The money herein appropriated shall be paid by
271 the State Treasurer out of any money in the State Treasury to the
272 credit of the proper fund or funds as set forth in this act, upon
273 warrants issued by the State Fiscal Officer; and the State Fiscal

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

276 **SECTION 24.** This act shall take effect and be in force from
277 and after July 1, 2007.

LB17\HB1691A.1J

John O. Gilbert
Secretary of the Senate