

Senate Amendments to House Bill No. 1659

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 appropriated out of any money in the State General
7 Fund not otherwise appropriated, for the support and maintenance
8 of the Department of Wildlife, Fisheries and Parks for the fiscal
9 year beginning July 1, 2019, and ending June 30, 2020.....
10\$ 5,971,906.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is appropriated out of any money in any special fund in
13 the State Treasury to the credit of the Department of Wildlife,
14 Fisheries and Parks which is comprised of special source funds
15 collected by or otherwise available to the department for the
16 support and maintenance of the department, including the Museum of
17 Natural Science and the Bureau of Parks and Recreation, for the
18 fiscal year beginning July 1, 2019, and ending June 30, 2020.....
19\$ 72,980,901.00.

20 The following sum, which is included in the sum appropriated
21 above in this section, is appropriated out of the state excise

22 taxes upon gasoline, oil and other petroleum products to the
23 Fisheries and Wildlife Fund for the fiscal year beginning
24 July 1, 2019, and ending June 30, 2020.....\$ 5,750,000.00.

25 The State Tax Commission is directed to set aside the amount
26 of this appropriation or any part thereof at any time it sees fit,
27 out of any collections of taxes upon gasoline, oil and other
28 petroleum products, and to deduct the amounts so set aside from
29 such funds before making distribution thereof. However,
30 provisions shall first be made for the Highway Bonds Sinking Fund,
31 as required under the provisions of Chapter 130, Laws of 1938, and
32 any amendments thereto, and Section 27-5-101, Mississippi Code of
33 1972.

34 Any funds available in the Wildlife Heritage Fund may be
35 expended by the Commission on Wildlife, Fisheries and Parks as
36 authorized by law. The department shall make a detailed report to
37 the Legislature regarding the spending of the Wildlife Heritage
38 funds by September 1 for the preceding fiscal year.

39 **SECTION 3.** Of the funds appropriated under the provisions of
40 Section 2 to the Bureau of Wildlife and Fisheries, funds in the
41 amount of One Hundred Twenty-five Thousand Three Hundred
42 Thirty-five Dollars (\$125,335.00) shall be derived from the
43 Education Enhancement Fund deposited pursuant to Sections 27-65-75
44 and 27-67-31, Mississippi Code of 1972, for the purpose of
45 defraying the expenses of Project WILD for Fiscal Year 2020.

46 **SECTION 4.** Of the funds appropriated under the provisions of
47 this act, the following positions are authorized:

48 AUTHORIZED POSITIONS:

49	Permanent:	Full Time.....	649
50		Part Time.....	0
51	Time-Limited:	Full Time.....	63
52		Part Time.....	0

53 With the funds herein appropriated, it shall be the agency's
54 responsibility to make certain that funds required to be
55 appropriated for "Personal Services" for Fiscal Year 2021 do not
56 exceed Fiscal Year 2020 funds appropriated for that purpose,
57 unless programs or positions are added to the agency's Fiscal Year
58 2020 budget by the Mississippi Legislature. Based on data
59 provided by the Legislative Budget Office, the State Personnel
60 Board shall determine and publish the projected annual cost to
61 fully fund all appropriated positions in compliance with the
62 provisions of this act. It shall be the responsibility of the
63 agency head to ensure that no single personnel action increases
64 this projected annual cost and/or the Fiscal Year 2020
65 appropriations for "Personal Services" when annualized, with the
66 exception of escalated funds and the award of benchmarks. If, at
67 the time the agency takes any action to change "Personal
68 Services," the State Personnel Board determines that the agency
69 has taken an action which would cause the agency to exceed this
70 projected annual cost or the Fiscal Year 2020 "Personal Services"
71 appropriated level, when annualized, then only those actions which
72 reduce the projected annual cost and/or the appropriation

73 requirement will be processed by the State Personnel Board until
74 such time as the requirements of this provision are met.

75 Any transfers or escalations shall be made in accordance with
76 the terms, conditions and procedures established by law or
77 allowable under the terms set forth within this act. The State
78 Personnel Board shall not escalate positions without written
79 approval from the Department of Finance and Administration. The
80 Department of Finance and Administration shall not provide written
81 approval to escalate any funds for salaries and/or positions
82 without proof of availability of new or additional funds above the
83 appropriated level.

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

88 None of the funds herein appropriated shall be used in
89 violation of Internal Revenue Service's Publication 15-A relating
90 to the reporting of income paid to contract employees, as
91 interpreted by the Office of the State Auditor.

92 **SECTION 5.** Each conservation officer and supervisor shall be
93 furnished an allowance for uniforms not to exceed Five Hundred
94 Fifty Dollars (\$550.00) per annum.

95 Provided further, when any personnel of the Bureau of
96 Wildlife and Fisheries are transferred from one (1) county to
97 another on a permanent assignment, the expense monies now paid on
98 out-of-county duty shall not be applicable.

99 **SECTION 6.** It is the intention of the Legislature that the
100 Department of Wildlife, Fisheries and Parks shall maintain
101 complete accounting and personnel records related to the
102 expenditure of all funds appropriated under this act and that such
103 records shall be in the same format and level of detail as
104 maintained for Fiscal Year 2019. It is further the intention of
105 the Legislature that the agency's budget request for Fiscal Year
106 2021 shall be submitted to the Joint Legislative Budget Committee
107 in a format and level of detail comparable to the format and level
108 of detail provided during the Fiscal Year 2020 budget request
109 process.

110 **SECTION 7.** In compliance with the "Mississippi Performance
111 Budget and Strategic Planning Act of 1994," it is the intent of
112 the Legislature that the funds provided herein shall be utilized
113 in the most efficient and effective manner possible to achieve the
114 intended mission of this agency. Based on the funding authorized,
115 this agency shall make every effort to attain the targeted
116 performance measures provided below:

	FY2020
<u>Performance Measures</u>	<u>Target</u>
Support Services	
Hunting & Fishing Licenses Sold (Number Of)	500,000.00
Registration of Boats (Number Of)	40,000.00
Change in License Sales (%)	0.00
Change in Boat Registration (%)	0.00

124 Fisheries

125	Fish Stock for Public Water (Fish)	2,000,000.00
126	Number of Customers of DWFP Lakes	65,000.00
127	Increase in Participation in Aquatic	
128	Education (%)	0.00
129	Number of Access Facilities Built or	
130	Maintained (Boat Ramps)	38.00
131	Wildlife	
132	MDWFP Management for Hunters &	
133	Non-consumptive Users (Man-days)	200,000.00
134	Research Projects Conducted to Sustain	
135	Healthy & Abundant Wildlife Populations	6.00
136	Acres of Forest Inventory	3000.00
137	Acres of Prescribed Burning, Waterfowl	
138	Management, & Timber Management on WMA's	
139	to sustain Healthy and Abundant	
140	Wildlife	15,000.00
141	Percentage change in number of research	
142	projects conducted to sustain healthy	
143	and abundant wildlife populations.	-60.00
144	% Change in number of Private Land Acres	
145	Influenced	0.00
146	% Change in the number of Forest	
147	Inventories Conducted	-93.00
148	Law Enforcement	
149	Hunter Education (Participants)	10,000.00
150	Number of Hours Patrolled on Land	156,000.00

151	Number of Hours Patrolled on Water	72,000.00
152	Number of Criminal Investigations Conducted	9,000.00
153	Number of Shooting Sport Programs	650.00
154	Number of Boating Accidents	25.00
155	Number of Boating Fatalities	5.00
156	Cost per Boating Fatality	139.00
157	Increase in Shooting Sports Program (%)	10.00
158	Change in number of Boating Accidents (%)	50.00
159	Change in Boating Related Fatalities (%)	5.00
160	Change in Public Contacts per	
161	Officer/per Day (%)	10.00
162	Special Projects	
163	Improve use of special funds (%)	0.20
164	Motor Vehicle Fund	
165	Vehicles Purchased	48.00
166	Used Vehicle Sold	48.00
167	Change in Number of Vehicles in the	
168	Fleet in Order to Maintain Efficient and	
169	Reliable Fleet of Vehicles (%)	10.00
170	Parks	
171	Overnight Accommodation (Cabins/Motels)	142,000.00
172	Overnight Accommodations (Camping)	730,000.00
173	Day Use Services (Persons)	230,000.00
174	Change in Day Use Services (%)	13.00
175	Change in the Prior Year of Occupancy	
176	Rate of Cabins (%)	2.00

177	Museum	
178	Statewide Education Programming	
179	(Participants)	125,000.00
180	Total Public Programming (Persons)	270,000.00
181	Number of Visitors to Exhibits	95,000.00
182	Number of Natural Heritage Records Entered	50,000.00
183	Increase in Students that Understand the	
184	Importance of Natural Resource	
185	Conservation (%)	0.00
186	Increase of Visitors to Exhibits (%)	0.00
187	Change in the number of Natural Heritage	
188	Records (%)	1.00

189 A reporting of the degree to which the performance targets
190 set above have been or are being achieved shall be provided in the
191 agency's budget request submitted to the Joint Legislative Budget
192 Committee for Fiscal Year 2021.

193 **SECTION 8.** Of the funds appropriated in Section 2, the
194 following amount shall come from the Department of Wildlife,
195 Fisheries and Parks Special Pearl River Timber Fund No. 3465, for
196 the purpose of making improvements to the Pearl River Wildlife
197 Management Area.....\$ 50,000.00.

198 **SECTION 9.** Of the funds appropriated within this act, the
199 Commission on Wildlife, Fisheries and Parks may enter into
200 cooperative agreements with the board of supervisors of any county
201 or any group or combination of counties for the purpose of
202 creating, improving or restoring parks, public game and fish

203 habitat lying or to be situated wholly or partially within such
204 county or in an adjoining county; and each county is empowered and
205 authorized, in its discretion, to expend funds from the general
206 county fund for such purposes from which fund they shall reimburse
207 to the Commission on Wildlife, Fisheries and Parks the actual cost
208 of all surveying and engineering projects incurred by the
209 Department of Wildlife, Fisheries and Parks incidental thereto.
210 Such boards of supervisors are further authorized and empowered,
211 in their discretion, to enter into agreements necessary to carry
212 out the purposes of this act with any other county, the United
213 States Forest Service or any other agency if same should be
214 necessary for the acquisition of land by lease or otherwise for
215 such purposes.

216 **SECTION 10.** It shall be unlawful for any officer, employee
217 or other person whatsoever to use or permit or authorize the use
218 of any automobile or any other motor vehicle owned by the State of
219 Mississippi or any department, agency or institution thereof for
220 any purpose other than upon the official business of the State of
221 Mississippi or any agency, department or institution thereof.

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

225 **SECTION 11.** In order to be in compliance with Section
226 63-1-201 et seq., funds are herein provided and may be expended by
227 the Department of Wildlife, Fisheries and Parks to pay the costs
228 of commercial driver's licenses for specific employees and/or to

229 reimburse such costs for specific employees who, in the course of
230 their duties and responsibilities, are required to hold a valid
231 Mississippi Commercial Driver's License.

232 **SECTION 12.** The Mississippi Department of Wildlife,
233 Fisheries and Parks is authorized to provide financial support of
234 One Hundred Seventy-five Thousand Dollars (\$175,000.00) and to
235 enter into an agreement with the Mississippi Cooperative Extension
236 Service for a project specialist and related supportive cost.

237 **SECTION 13.** The department is authorized to spend up to
238 sixty percent (60%) of revenue in the State Park Timber Endowment
239 Fund, as needed, to operate and maintain the state parks.

240 **SECTION 14.** It is the intention of the Legislature that
241 whenever two (2) or more bids are received by this agency for the
242 purchase of commodities or equipment, and whenever all things
243 stated in such received bids are equal with respect to price,
244 quality and service, the Mississippi Industries for the Blind
245 shall be given preference. A similar preference shall be given to
246 the Mississippi Industries for the Blind whenever purchases are
247 made without competitive bids.

248 **SECTION 15.** Of the funds appropriated herein, Two Hundred
249 Thousand Dollars (\$200,000.00) may be provided to fund the Youth
250 Participation Initiative for the purpose of educating children in
251 the areas of hunting, fishing, conservation, and safety.

252 **SECTION 16.** The fund created pursuant to Section 49-5-21,
253 Mississippi Code of 1972, and known as the "Fisheries and Wildlife
254 Fund" shall be treated as a special trust fund. All funds derived

255 from the sale of licenses, fees, fines and other revenues received
256 by the department as provided by law, shall be deposited in the
257 Fisheries and Wildlife Fund. In addition, revenue derived from
258 the sale of timber on wildlife management areas, refuges and
259 preserves shall be deposited into an account established for such
260 revenues under the Fisheries and Wildlife Fund. The interest and
261 any investment income earned on the fund shall be credited by the
262 State Treasurer to the Fisheries and Wildlife Fund and shall not
263 be paid into the General Fund. Any unexpended funds remaining in
264 the fund at the end of the fiscal year shall not lapse and shall
265 remain in the fund. Nothing in this section shall prevent the use
266 of said funds from maintenance and upgrade on wildlife management
267 areas and state parks.

268 **SECTION 17.** It is the intention of the Legislature that no
269 more than One Million Three Hundred Thousand Dollars
270 (\$1,300,000.00) be expended from the Motor Vehicle Fund for the
271 purchase of any type of motor vehicle.

272 **SECTION 18.** The executive director of the Department of
273 Wildlife, Fisheries and Parks is authorized to enter into an
274 agreement with public or private entity to manage any park or
275 parks within the state park system.

276 **SECTION 19.** It is the intent of the Legislature that no
277 state-owned wildlife management area be closed and that to the
278 greatest practicable extent, department land management decisions
279 and actions may not result in any net loss of any acreage
280 available for hunting opportunities that existed on July 1, 2006,

281 as provided in Section 49-5-99(4). It is the intention of the
282 Legislature that no state park be closed without legislative
283 approval.

284 **SECTION 20.** It is the intent of the Legislature that the
285 Mississippi Department of Wildlife, Fisheries and Parks shall have
286 the authority to enter into multi-year contracts for the purpose
287 of placing a sign on such state park property under the
288 department's domain, in accordance with any applicable rules and
289 regulations. All proceeds generated from these activities shall
290 remain with the department and shall be deposited into the proper
291 special fund.

292 **SECTION 21.** It is the intent of the Legislature that from
293 the funds available to the Department of Wildlife, Fisheries and
294 Parks, the department may purchase and pay premium(s) on property
295 damage insurance on its motor vehicles, boats, trailers, real
296 property improvements, buildings, furnishings, and such other
297 assets as may be appropriate or practical, and/or as required by a
298 granting entity.

299 **SECTION 22.** Of the funds appropriated under the provisions
300 of Section 2, One Million Seven Hundred Fifty Thousand Dollars
301 (\$1,750,000.00) shall be designated for the purpose of defraying
302 the operational expenses of Special Projects. None of these funds
303 shall be used for "Personal Services".

304 **SECTION 23.** It is the intention of the Legislature that the
305 Department of Wildlife, Fisheries and Parks shall have the
306 authority to receive, budget and expend funds from the Gulf and

307 Wildlife Protection Fund, not to exceed Fifty Thousand Dollars
308 (\$50,000.00) for the purpose of preservation, protection,
309 conservation, and acquisition of waters, land and wildlife of this
310 state.

311 **SECTION 24.** It is the intention of the Legislature that the
312 funds herein appropriated shall be expended in compliance with
313 Section 27-104-25, Mississippi Code of 1972, that no state agency
314 shall incur obligations or indebtedness in excess of their
315 appropriation and that the responsible officers, either personally
316 or upon their official bonds, shall be held responsible for
317 actions contrary to this provision.

318 **SECTION 25.** The department is authorized to establish an
319 annual golf pass for Mississippi residents, as defined by Section
320 49-7-3, Mississippi Code of 1972, which will allow the holder of
321 such pass to play golf at any golf course operated by the
322 Mississippi Department of Wildlife, Fisheries and Parks, at
323 reduced rates. The department shall have the authority to
324 establish the fee for issuance of the annual golf pass. All funds
325 generated from the sale of the Mississippi resident annual golf
326 pass shall be deposited into the Mississippi Park Fund established
327 by Section 55-3-41, Mississippi Code of 1972.

328 **SECTION 26.** Of the funds appropriated in Section 1, it is
329 the intention of the Legislature that Fifty-eight Thousand Five
330 Hundred Ninety-three Dollars (\$58,593.00) may be allocated for the
331 Hunter Education program supported from the General Fund court
332 assessments.

333 **SECTION 27.** The money herein appropriated shall be paid by
334 the State Treasurer out of any money in the State Treasury to the
335 credit of the proper fund or funds as set forth in this act, upon
336 warrants issued by the State Fiscal Officer; and the State Fiscal
337 Officer shall issue his warrants upon requisitions signed by the
338 proper person, officer or officers, in the manner provided by law.

339 **SECTION 28.** This act shall take effect and be in force from
340 and after July 1, 2019.

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Liz Welch
Secretary of the Senate