

**Senate Amendments to House Bill No. 1393**

**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, 2021, and ending June 30, 2022.....  
10 .....\$           4,792,490.00.

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, 2021, and ending June 30, 2022.....  
19 .....\$           67,204,645.00.

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, 2021, and ending June 30, 2022.....\$ 5,750,000.00.

25 The Department of Revenue 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 2022.

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.....	456
50		Part Time.....	0
51	Time-Limited:	Full Time.....	48
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 2023 do not  
56 exceed Fiscal Year 2022 funds appropriated for that purpose unless  
57 programs or positions are added to the agency's Fiscal Year 2022  
58 budget by the Mississippi Legislature. Based on data provided by  
59 the Legislative Budget Office, the State Personnel Board shall  
60 determine and publish the projected annual cost to fully fund all  
61 appropriated positions in compliance with the provisions of this  
62 act. Absent a special situation or circumstance approved by the  
63 State Personnel Board, or unless otherwise authorized by this act,  
64 no state agency shall take any action to promote or otherwise  
65 award salary increases through reallocation or realignment. If  
66 the State Personnel Board determines a special situation or  
67 circumstance exists and approves an action, then the agency and  
68 the State Personnel Board shall provide a monthly report of each  
69 action approved by the State Personnel Board to the chairmen of  
70 the Accountability, Efficiency and Transparency Committees of the  
71 Senate and House of Representatives and the chairmen of the  
72 Appropriations Committees of the Senate and House of  
73 Representatives. It shall be the responsibility of the agency

74 head to ensure that no single personnel action increases this  
75 projected annual cost and/or the Fiscal Year 2022 appropriations  
76 for "Personal Services" when annualized, with the exception of  
77 escalated funds and the award of benchmarks. If, at the time the  
78 agency takes any action to change "Personal Services," the State  
79 Personnel Board determines that the agency has taken an action  
80 which would cause the agency to exceed this projected annual cost  
81 or the Fiscal Year 2022 "Personal Services" appropriated level,  
82 when annualized, then only those actions which reduce the  
83 projected annual cost and/or the appropriation requirement will be  
84 processed by the State Personnel Board until such time as the  
85 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           None of the funds herein appropriated shall be used in  
100 violation of Internal Revenue Service's Publication 15-A relating  
101 to the reporting of income paid to contract employees, as  
102 interpreted by the Office of the State Auditor.

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

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

110           **SECTION 6.** It is the intention of the Legislature that the  
111 Department of Wildlife, Fisheries and Parks shall maintain  
112 complete accounting and personnel records related to the  
113 expenditure of all funds appropriated under this act and that such  
114 records shall be in the same format and level of detail as  
115 maintained for Fiscal Year 2021. It is further the intention of  
116 the Legislature that the agency's budget request for Fiscal Year  
117 2023 shall be submitted to the Joint Legislative Budget Committee  
118 in a format and level of detail comparable to the format and level  
119 of detail provided during the Fiscal Year 2022 budget request  
120 process.

121           **SECTION 7.** In compliance with the "Mississippi Performance  
122 Budget and Strategic Planning Act of 1994," it is the intent of  
123 the Legislature that the funds provided herein shall be utilized  
124 in the most efficient and effective manner possible to achieve the

125 intended mission of this agency. Based on the funding authorized,  
 126 this agency shall make every effort to attain the targeted  
 127 performance measures provided below:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
130 Support Services	
131       Hunting & Fishing Licenses Sold (Number Of)	450,000
132       Registration of Boats (Number Of)	46,000
133       Change in License Sales (%)	1.00
134       Change in Boat Registration (%)	1.00
135 Fisheries	
136       Fish Stock for Public Water (Fish)	2,000,000
137       Number of Customers of DWFP Lakes	65,000
138       Increase in Participation in Aquatic	
139           Education (%)	6,500.00
140       Number of Access Facilities Built or	
141           Maintained (Boat Ramps)	38
142 Wildlife	
143       MDWFP Management for Hunters &	
144           Non-consumptive Users (Man-days)	125,000
145       Research Projects Conducted to Sustain	
146           Healthy & Abundant Wildlife Populations	4
147       Acres of Forest Inventory	10,000
148       Acres of Prescribed Burning, Waterfowl	
149           Management, & Timber Management on WMA's	
150           to sustain Healthy and Abundant	

151	Wildlife	33,500
152	Change in Number of Research Projects	
153	Conducted to Sustain Healthy and	
154	Abundant Wildlife Populations(%)	0.00
155	Change in number of Private Land Acres	
156	Influenced (%)	0.00
157	Change in the number of Forest	
158	Inventories Conducted (%)	0.00
159	Law Enforcement	
160	Hunter Education (Participants)	10,000
161	Number of Hours Patrolled on Land	160,000
162	Number of Hours Patrolled on Water	72,000
163	Number of Criminal Investigations Conducted	8,000
164	Number of Shooting Sport Programs	840
165	Number of Boating Accidents	20
166	Number of Boating Fatalities	5
167	Cost per student for Hunter Education	48.00
168	Increase in Shooting Sports Program (%)	23.00
169	Change in number of Boating Accidents (%)	50.00
170	Change in Boating Related Fatalities (%)	50.00
171	Change in Public Contacts per	
172	Officer/per Day (%)	10.00
173	Special Projects	
174	Improve use of special funds (%)	0.20
175	Motor Vehicle Fund	
176	Vehicles Purchased	41

177	Used Vehicle Sold	41
178	Change in Number of Vehicles in the	
179	Fleet in Order to Maintain Efficient and	
180	Reliable Fleet of Vehicles (%)	3.00
181	Parks	
182	Overnight Accommodation (Cabins/Motels)	450,000
183	Overnight Accommodations (Camping)	745,000
184	Day Use Services (Persons)	300,000
185	Change in Day Use Services (%)	2.00
186	Change in the Prior Year of Occupancy	
187	Rate of Cabins (%)	1.00
188	Museum	
189	Statewide Education Programming	
190	(Participants)	100,000
191	Total Public Programming (Persons)	200,000
192	Number of Visitors to Exhibits	60,000
193	Number of Natural Heritage Records Entered	50,000
194	Increase in Students that Understand the	
195	Importance of Natural Resource	
196	Conservation (%)	15.00
197	Increase of Visitors to Exhibits (%)	5.00
198	Change in the number of Natural Heritage	
199	Records (%)	10.00
200	A reporting of the degree to which the performance targets	
201	set above have been or are being achieved shall be provided in the	



202 agency's budget request submitted to the Joint Legislative Budget  
203 Committee for Fiscal Year 2023.

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

209       **SECTION 9.** Of the funds appropriated within this act, the  
210 Commission on Wildlife, Fisheries and Parks may enter into  
211 cooperative agreements with the board of supervisors of any county  
212 or any group or combination of counties for the purpose of  
213 creating, improving or restoring parks, public game and fish  
214 habitat lying or to be situated wholly or partially within such  
215 county or in an adjoining county; and each county is empowered and  
216 authorized, in its discretion, to expend funds from the general  
217 county fund for such purposes from which fund they shall reimburse  
218 to the Commission on Wildlife, Fisheries and Parks the actual cost  
219 of all surveying and engineering projects incurred by the  
220 Department of Wildlife, Fisheries and Parks incidental thereto.  
221 Such boards of supervisors are further authorized and empowered,  
222 in their discretion, to enter into agreements necessary to carry  
223 out the purposes of this act with any other county, the United  
224 States Forest Service or any other agency if same should be  
225 necessary for the acquisition of land by lease or otherwise for  
226 such purposes.

227           **SECTION 10.** It shall be unlawful for any officer, employee  
228 or other person whatsoever to use or permit or authorize the use  
229 of any automobile or any other motor vehicle owned by the State of  
230 Mississippi or any department, agency or institution thereof for  
231 any purpose other than upon the official business of the State of  
232 Mississippi or any agency, department or institution thereof.

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

236           **SECTION 11.** In order to be in compliance with Section  
237 63-1-201 et seq., funds are herein provided and may be expended by  
238 the Department of Wildlife, Fisheries and Parks to pay the costs  
239 of commercial driver's licenses for specific employees and/or to  
240 reimburse such costs for specific employees who, in the course of  
241 their duties and responsibilities, are required to hold a valid  
242 Mississippi Commercial Driver's License.

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

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

251           **SECTION 14.** It is the intention of the Legislature that  
252 whenever two (2) or more bids are received by this agency for the

253 purchase of commodities or equipment, and whenever all things  
254 stated in such received bids are equal with respect to price,  
255 quality and service, the Mississippi Industries for the Blind  
256 shall be given preference. A similar preference shall be given to  
257 the Mississippi Industries for the Blind whenever purchases are  
258 made without competitive bids.

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

263         **SECTION 16.** The fund created pursuant to Section 49-5-21,  
264 Mississippi Code of 1972, and known as the "Fisheries and Wildlife  
265 Fund" shall be treated as a special trust fund. All funds derived  
266 from the sale of licenses, fees, fines and other revenues received  
267 by the department as provided by law, shall be deposited in the  
268 Fisheries and Wildlife Fund. In addition, revenue derived from  
269 the sale of timber on wildlife management areas, refuges and  
270 preserves shall be deposited into an account established for such  
271 revenues under the Fisheries and Wildlife Fund. The interest and  
272 any investment income earned on the fund shall be credited by the  
273 State Treasurer to the Fisheries and Wildlife Fund and shall not  
274 be paid into the General Fund. Any unexpended funds remaining in  
275 the fund at the end of the fiscal year shall not lapse and shall  
276 remain in the fund. Nothing in this section shall prevent the use  
277 of said funds from maintenance and upgrade on wildlife management  
278 areas.

279           **SECTION 17.** It is the intention of the Legislature that no  
280 more than One Million Three Hundred Thousand Dollars  
281 (\$1,300,000.00) be expended from the Motor Vehicle Fund for the  
282 purchase of any type of motor vehicle.

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

287           **SECTION 19.** It is the intent of the Legislature that no  
288 state-owned wildlife management area be closed and that to the  
289 greatest practicable extent, department land management decisions  
290 and actions may not result in any net loss of any acreage  
291 available for hunting opportunities that existed on July 1, 2006,  
292 as provided in Section 49-5-99(4). It is the intention of the  
293 Legislature that no state park be closed without legislative  
294 approval.

295           **SECTION 20.** It is the intent of the Legislature that the  
296 Mississippi Department of Wildlife, Fisheries and Parks shall have  
297 the authority to enter into multi-year contracts for the purpose  
298 of placing a sign on such state park property under the  
299 department's domain, in accordance with any applicable rules and  
300 regulations. All proceeds generated from these activities shall  
301 remain with the department and shall be deposited into the proper  
302 special fund.

303           **SECTION 21.** It is the intent of the Legislature that from  
304 the funds available to the Department of Wildlife, Fisheries and

305 Parks, the department may purchase and pay premium(s) on property  
306 damage insurance on its motor vehicles, boats, trailers, real  
307 property improvements, buildings, furnishings, and such other  
308 assets as may be appropriate or practical, and/or as required by a  
309 granting entity.

310 **SECTION 22.** Of the funds appropriated under the provisions  
311 of Section 2, One Million Seven Hundred Fifty Thousand Dollars  
312 (\$1,750,000.00) shall be designated for the purpose of defraying  
313 the operational expenses of Special Projects. None of these funds  
314 shall be used for "Personal Services".

315 **SECTION 23.** It is the intention of the Legislature that the  
316 Department of Wildlife, Fisheries and Parks shall have the  
317 authority to receive, budget and expend funds from the Gulf and  
318 Wildlife Protection Fund, not to exceed Fifty Thousand Dollars  
319 (\$50,000.00) for the purpose of preservation, protection,  
320 conservation, and acquisition of waters, land and wildlife of this  
321 state.

322 **SECTION 24.** It is the intention of the Legislature that the  
323 funds herein appropriated shall be expended in compliance with  
324 Section 27-104-25, Mississippi Code of 1972, that no state agency  
325 shall incur obligations or indebtedness in excess of their  
326 appropriation and that the responsible officers, either personally  
327 or upon their official bonds, shall be held responsible for  
328 actions contrary to this provision.

329 **SECTION 25.** Of the funds appropriated in Section 1, it is  
330 the intention of the Legislature that Fifty-eight Thousand Five

331 Hundred Ninety-three Dollars (\$58,593.00) may be allocated for the  
332 Hunter Education program supported from the General Fund court  
333 assessments.

334       **SECTION 26.** The money herein appropriated shall be paid by  
335 the State Treasurer out of any money in the State Treasury to the  
336 credit of the proper fund or funds as set forth in this act, upon  
337 warrants issued by the State Fiscal Officer; and the State Fiscal  
338 Officer shall issue his warrants upon requisitions signed by the  
339 proper person, officer or officers, in the manner provided by law.

340       **SECTION 27.** This act shall take effect and be in force from  
341 and after July 1, 2021, and shall stand repealed June 29, 2021.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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 2022.

SS15\HB1393A.J

Eugene S. Clarke  
Secretary of the Senate