

Senate Amendments to House Bill No. 1605

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, 2022, and ending June 30, 2023.....
10\$ 5,941,051.00.

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, 2022, and ending June 30, 2023.....
19\$ 65,494,667.00.

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, 2022, and ending June 30, 2023.....\$ 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 2023.

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.....	489
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 for Personal
55 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds
56 appropriated for that purpose unless programs or positions are
57 added to the agency's Fiscal Year 2023 budget by the Mississippi
58 Legislature. The Legislature shall determine the agency's
59 personal services appropriation, which shall be published by the
60 State Personnel Board. Additionally, the State Personnel Board
61 shall determine and publish the projected annualized payroll costs
62 based on current employees. It shall be the responsibility of the
63 agency head to ensure that actual personnel expenditures for
64 Fiscal Year 2023 do not exceed the data provided by the
65 Legislative Budget Office. If the agency's Fiscal Year 2023
66 projected cost exceeds the annualized costs, no salary actions
67 shall be processed by the State Personnel Board with the exception
68 of new hires that are determined to be essential for the agency.

69 Any transfers or escalations shall be made in accordance with
70 the terms, conditions and procedures established by law or
71 allowable under the terms set forth within this act. The State
72 Personnel Board shall not escalate positions without written
73 approval from the Department of Finance and Administration. The

74 Department of Finance and Administration shall not provide written
75 approval to escalate any funds for salaries and/or positions
76 without proof of availability of new or additional funds above the
77 appropriated level.

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81 act and which are withdrawn and no longer available.

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

86 Funds have been appropriated herein for the purpose of
87 funding Project SEC2 minimum salaries for all employees covered
88 under the Colonel Guy Groff/Neville Kenning Variable Compensation
89 Plan. It shall be the agency's responsibility to ensure that the
90 funds are used to increase all employees' salaries up to the
91 minimum level as determined by the State Personnel Board.

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 2022. It is further the intention of
 105 the Legislature that the agency's budget request for Fiscal Year
 106 2024 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 2023 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:

	FY2023
<u>Performance Measures</u>	<u>Target</u>
119 Support Services	
120 Number of Hunting & Fishing Licenses Sold	460,000
121 Number of Registrations of Boats	50,000
122 Percent Change in License Sales	1.00
123 Percent Change in Boat Registration	1.00
124 Fisheries	

125	Number of Fish Stocked for Public Waters	2,000,000
126	Number of Customers of DWFP Lakes	65,000
127	Number of Participants in Aquatic Education	6,500
128	Number of Access Facilities Built or	
129	Maintained (Boat Ramps)	0
130	Wildlife	
131	MDWFP Mgmt for Hunters & Non-Consumptive	
132	Users (Man-Days)	100,000
133	Research Projects Conducted to Sustain	
134	Healthy & Abundant Wildlife Populations	6
135	Acres of Forest Inventory	500
136	Acres of Prescribed Burning, Waterfowl	
137	Management, & Timber Management on WMA's	
138	to Sustain Healthy & Abundant Wildlife	30,000
139	Percent Change in Number of Research	
140	Projects Conducted to Sustain Healthy &	
141	Abundant Wildlife Populations	50.00
142	Percent Change in Number of Private Land	
143	Acres Influenced	-30.00
144	Percent Change in the Number of Forest	
145	Inventories Conducted	0.00
146	Law Enforcement	
147	Hunter Education (Participants)	11,000
148	Number of Hours Patrolled on Land	175,000
149	Number of Hours Patrolled on Water	75,000
150	Number of Criminal Investigations Conducted	8,000

151	Number of Shooting Sport Programs	1,500
152	Number of Boating Accidents	40
153	Number of Boating Fatalities	0
154	Cost per Student for Hunter Education	48.00
155	Percent Increase in Shooting Sports Program	10.00
156	Percent Change in Number of Boating	
157	Accidents	50.00
158	Percent Change in Boating Related Fatalities	50.00
159	Percent Change in Public Contacts per	
160	Officer/per Day	0.00
161	Special Projects	
162	Improve Use of Special Funds (%)	0.20
163	Motor Vehicle Fund	
164	Number of Vehicles Purchased	40
165	Number of Used Vehicles Sold	40
166	Percent Change in Number of Vehicles in	
167	the Fleet in Order to Maintain Efficient	
168	& Reliable Fleet of Vehicles	1.00
169	Parks	
170	Overnight Accommodation (Cabins/Motels)	160,000
171	Overnight Accommodations (Camping)	750,000
172	Day Use Services (Persons)	400,000
173	Percent Change in Day Use Services	0.00
174	Percent Change in the Prior Year of	
175	Occupancy Rate of Cabins	0.00
176	Museum	

177	Statewide Education Programming	
178	(Participants)	110,000
179	Total Public Programming (Persons)	210,000
180	Number of Visitors to Exhibits	70,000
181	Number of Natural Heritage Records Entered	60,000
182	Percent Change of Students that	
183	Understand the Importance of Natural	
184	Resource Conservation	15.00
185	Percent Change of Visitors to Exhibits	5.00
186	Percent Change in the Number of Natural	
187	Heritage Records	10.00

188 A reporting of the degree to which the performance targets
189 set above have been or are being achieved shall be provided in the
190 agency's budget request submitted to the Joint Legislative Budget
191 Committee for Fiscal Year 2024.

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

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

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

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

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

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

229 their duties and responsibilities, are required to hold a valid
230 Mississippi Commercial Driver's License.

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

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

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

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

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

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

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

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

275 **SECTION 19.** It is the intent of the Legislature that no
276 state-owned wildlife management area be closed and that to the
277 greatest practicable extent, department land management decisions
278 and actions may not result in any net loss of any acreage
279 available for hunting opportunities that existed on July 1, 2006,
280 as provided in Section 49-5-99(4). It is the intention of the

281 Legislature that no state park be closed without legislative
282 approval.

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

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

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

303 **SECTION 23.** It is the intention of the Legislature that the
304 Department of Wildlife, Fisheries and Parks shall have the
305 authority to receive, budget and expend funds from the Gulf and
306 Wildlife Protection Fund, not to exceed Fifty Thousand Dollars

307 (\$50,000.00) for the purpose of preservation, protection,
308 conservation, and acquisition of waters, land and wildlife of this
309 state.

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

317 **SECTION 25.** Of the funds appropriated in Section 1, it is
318 the intention of the Legislature that Fifty-eight Thousand Five
319 Hundred Ninety-three Dollars (\$58,593.00) may be allocated for the
320 Hunter Education program supported from the General Fund court
321 assessments.

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

328 **SECTION 27.** This act shall take effect and be in force from
329 and after July 1, 2022, and shall stand repealed June 29, 2022.

**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 2023.

SS15\HB1605A.J

Eugene S. Clarke
Secretary of the Senate