

By: Representatives Green, McBride, Denny,
Ellzey, Gadd, Nettles, Read, Watson

To: Appropriations

HOUSE BILL NO. 1550
(As Sent to Governor)

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 2004.

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, 2003, and ending June 30, 2004
10 \$ 10,360,779.00.

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, 2003, and ending June 30, 2004.....
18 \$ 50,050,841.00.

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, 2003, and ending June 30, 2004..... \$ 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 during Fiscal Year 2003. The department shall
36 make a detailed report to the Legislature regarding the spending
37 of the Wildlife Heritage funds by September 1 for the preceding
38 Fiscal Year 2003.

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 2004.

46 **SECTION 4.** It is the intention of the Legislature that the
47 Department of Wildlife, Fisheries and Parks shall have the
48 authority to receive, budget and expend funds from the Gulf and
49 Wildlife Protection Fund, not to exceed Three Hundred Fifty
50 Thousand Dollars (\$350,000.00) for the purpose of preservation,
51 protection, conservation, and acquisition of waters, land and
52 wildlife of this state.

53 **SECTION 5.** With the funds appropriated under the provisions
54 of Sections 1 and 2, the following positions are authorized:

55 AUTHORIZED POSITIONS:

56	Permanent:	Full Time.....	823
57		Part Time.....	279
58	Time-Limited:	Full Time.....	51
59		Part Time.....	2



60 Each conservation officer and supervisor shall be furnished
61 an allowance for uniforms not to exceed Four Hundred Fifty Dollars
62 (\$450.00) per annum.

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

67 **SECTION 6.** With the funds appropriated herein, it is the
68 intention of the Legislature that a reasonable number of
69 Conservation Officers, Conservation Officer Supervisors, District
70 Managers, Area Managers, and Lake Managers shall be employed
71 and/or detailed to both temporary and permanent job assignments in
72 areas other than their county of residence.

73 **SECTION 7.** With the funds appropriated herein, the
74 Mississippi Commission on Wildlife, Fisheries and Parks shall
75 adopt rules and regulations to permit the building, equipment and
76 facilities of the Mississippi Museum of Natural Science, or any
77 portion thereof, to be used by individuals, organizations,
78 associations or other groups or entities for special events,
79 occasions or activities. Such rules and regulations may authorize
80 the commission to establish and collect reasonable fees and
81 charges for the use of such building, equipment and facilities,
82 shall authorize such building, equipment and facilities to be used
83 for such purposes during the regular operating hours of the museum
84 as well as after regular operating hours or at other times when
85 such use will not unreasonably interfere with access to the museum
86 by the general public, may require users to provide security in
87 the form of cash deposits, bond and/or insurance for the care and
88 safekeeping of the building, equipment and facilities, may require
89 users to enter into indemnity agreements to protect the state, its
90 agencies and its officers and employees from liability and may
91 authorize the commission to establish such other terms,
92 conditions, restrictions and limitations from time to time as the



93 commission deems advisable with regard to the use of the museum
94 and its building, equipment and facilities.

95 **SECTION 8.** With the funds herein appropriated, it is the
96 intention of the Legislature that it shall be the agency's
97 responsibility to make certain that funds required to be
98 appropriated for "Personal Services" for Fiscal Year 2005 do not
99 exceed Fiscal Year 2004 funds appropriated for that purpose,
100 unless programs or positions are added to the agency's Fiscal Year
101 2005 budget by the Mississippi Legislature. Based on data
102 provided by the Legislative Budget Office, the State Personnel
103 Board shall determine and publish the projected annual cost to
104 fully fund all appropriated positions in compliance with the
105 provisions of this act. It shall be the responsibility of the
106 agency head to insure that no single personnel action increases
107 this projected annual cost and/or the Fiscal Year 2004
108 appropriation for "Personal Services" when annualized. If, at the
109 end of any calendar month, the State Personnel Board determines
110 that the agency has taken action(s) which would cause the agency
111 to exceed this projected annual cost or the Fiscal Year 2004
112 "Personal Services" appropriated level, when annualized, then only
113 those actions which reduce the projected annual cost and/or the
114 appropriation requirement will be processed by the State Personnel
115 Board until such time as the requirements of this provision are
116 met.

117 Any transfers or escalations shall be made in accordance with
118 the terms, conditions and procedures established by law.

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

123 **SECTION 9.** Of the funds appropriated in Section 2, the
124 following amount shall come from the Department of Wildlife,
125 Fisheries and Parks Special Pearl River Timber Fund No. 3465, for



126 the purpose of making improvements to the Pearl River Wildlife
127 Management Area..... \$ 150,000.00.

128 **SECTION 10.** The board of supervisors of any county or any
129 group or combination of counties are hereby authorized and
130 empowered to enter into cooperative agreements with each other and
131 with the Commission on Wildlife, Fisheries and Parks for the
132 purpose of creating, improving or restoring parks, public game and
133 fish habitat lying or to be situated wholly or partially within
134 such county or in an adjoining county; and each county is
135 empowered and authorized, in its discretion, to expend a sum not
136 exceeding One Hundred Thousand Dollars (\$100,000.00) from the
137 general county fund for such purposes from which fund they shall
138 reimburse to the Commission on Wildlife, Fisheries and Parks the
139 actual cost of all surveying and engineering projects incurred by
140 the Department of Wildlife, Fisheries and Parks incidental
141 thereto. Such boards of supervisors are further authorized and
142 empowered, in their discretion, to enter into agreements necessary
143 to carry out the purposes of this act with any other county, the
144 United States Forest Service or any other agency if same should be
145 necessary for the acquisition of land by lease or otherwise for
146 such purposes.

147 **SECTION 11.** The Department of Wildlife, Fisheries and Parks
148 is hereby directed to keep an exact accounting of the funds
149 received during each fiscal year by fund and source and an exact
150 accounting of how these funds were expended by fund and
151 program/division. Such information shall be provided to the House
152 and Senate Appropriations Chairmen, Chairman of the House Game and
153 Fish Committee and Chairman of the Senate Wildlife and Fisheries
154 Committee no later than October 1 following the end of the fiscal
155 year.

156 **SECTION 12.** The Department of Wildlife, Fisheries and Parks
157 is authorized to enter into an agreement with the Pearl River
158 Valley Water Supply District to provide for financial support of



159 an additional conservation officer on and around the Ross Barnett
160 Reservoir.

161 The Department of Finance and Administration is authorized to
162 escalate the budget of the Department of Wildlife, Fisheries and
163 Parks for this purpose.

164 **SECTION 13.** It shall be unlawful for any officer, employee
165 or other person whatsoever to use or permit or authorize the use
166 of any automobile or any other motor vehicle owned by the State of
167 Mississippi or any department, agency or institution thereof for
168 any purpose other than upon the official business of the State of
169 Mississippi or any agency, department or institution thereof.

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

173 **SECTION 14.** It is the intention of the Legislature that the
174 Department of Wildlife, Fisheries and Parks shall have the
175 authority to receive, budget and expend funds from any source, not
176 to exceed Five Hundred Thousand Dollars (\$500,000.00), that may
177 become available to the department in accordance with the rules
178 and regulations of the Department of Finance and Administration.

179 **SECTION 15.** In order to be in compliance with Sections
180 63-1-74 through 63-1-79, funds are herein provided and may be
181 expended by the Department of Wildlife, Fisheries and Parks to pay
182 the costs of commercial driver's licenses for specific employees
183 and/or to reimburse such costs for specific employees who, in the
184 course of their duties and responsibilities, are required to hold
185 a valid Mississippi Commercial Driver's License.

186 **SECTION 16.** It is the intention of the Legislature that the
187 Department of Wildlife, Fisheries and Parks shall have the
188 authority to receive, budget and expend funds from the Mississippi
189 Development Authority in the amount of Four Million Dollars
190 (\$4,000,000.00) as authorized in Section 57-61-32 (1), Mississippi



191 Code of 1972. Such funds are to be used to defray the cost of
192 constructing a North Mississippi Fish Hatchery.

193 **SECTION 17.** The Mississippi Department of Wildlife,
194 Fisheries and Parks is authorized to provide financial support of
195 One Hundred Fifty Thousand Dollars (\$150,000.00) and to enter into
196 an agreement with the Mississippi Cooperative Extension Service
197 for a biology specialist and related supportive cost.

198 The Department of Finance and Administration is authorized to
199 escalate the budget of the Department of Wildlife, Fisheries and
200 Parks for this purpose.

201 **SECTION 18.** It is the intention of the Legislature that PIN
202 8102 shall be converted from time-limited full time to permanent
203 full time status.

204 **SECTION 19.** It is the intention of the Legislature that the
205 Department of Wildlife, Fisheries and Parks shall maintain
206 complete accounting and personnel records related to the
207 expenditure of all funds appropriated under this act and that such
208 records shall be in the same format and level of detail as
209 maintained for Fiscal Year 2003. It is further the intention of
210 the Legislature that the agency's budget request for Fiscal Year
211 2005 shall be submitted to the Joint Legislative Budget Committee
212 in a format and level of detail comparable to the format and level
213 of detail provided during the Fiscal Year 2004 budget request
214 process.

215 **SECTION 20.** It is the intention of the Legislature that a
216 DWFP-Conservation Officer I position be established and filled to
217 be assigned to manage the Mason Creek Game Management Area.
218 Furthermore, it is the intention of the Legislature that a
219 Statewide Coordinator for the Recruitment and Retention of Hunting
220 and Fishing be established and filled to be assigned to the
221 Central Office.

222 **SECTION 21.** Of the funds in Section 2, the department shall
223 implement a One Thousand Dollar (\$1,000.00) realignment to the



224 following job classes: DWFP-Conservation Officer I,
225 DWFP-Conservation Officer II, DWFP-Conservation Officer III,
226 DWFP-Conservation Officer IV, DWFP-Conservation Manager,
227 DWFP-Conservation Supervisor, DWFP-Special Operations Agent I,
228 DWFP-Special Operations Agent II, and DWFP-Special Operations
229 Agent III.

230 **SECTION 22.** Of the funds in Section 2, the Department shall
231 be authorized to purchase and implement a satellite communications
232 system in an amount not to exceed Two Million Two Hundred Thousand
233 Dollars (\$2,200,000.00).

234 **SECTION 23.** The money herein appropriated shall be paid by
235 the State Treasurer out of any money in the State Treasury to the
236 credit of the proper fund or funds as set forth in this act, upon
237 warrants issued by the State Fiscal Officer; and the State Fiscal
238 Officer shall issue his warrants upon requisitions signed by the
239 proper person, officer or officers, in the manner provided by law.

240 **SECTION 24.** This act shall take effect and be in force from
241 and after July 1, 2003.

