

By: Representatives Green, McBride,
Frierson, Gadd, Middleton, Pierce

To: Appropriations

HOUSE BILL NO. 1741

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 2005.

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, 2004, and ending June 30, 2005
10 \$ 6,519,764.00.

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, 2004, and ending June 30, 2005.....
18 \$ 47,564,538.00.

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, 2004, and ending June 30, 2005..... \$ 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 2005.

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 Three Hundred Fifty
49 Thousand Dollars (\$350,000.00) for the purpose of preservation,
50 protection, conservation, and acquisition of waters, land and
51 wildlife of this state.

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

54 AUTHORIZED POSITIONS:

55	Permanent:	Full Time.....	730
56		Part Time.....	95
57	Time-Limited:	Full Time.....	40
58		Part Time.....	0

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

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

66 **SECTION 6.** The funds authorized herein shall be used to fund
67 all operations of the agency with the following prohibitions:

68 (1) The agency shall not fill any current or future vacant
69 positions;

70 (2) The agency shall not take any action to promote or
71 otherwise award salary increases through reallocation,
72 reclassification, realignment, education benchmark, career ladder,
73 or any other means to increase salaries of employees or positions
74 except as allowed under the provisions set forth in House Bill No.
75 1279, 2004 Regular Legislative Session;

76 (3) The agency shall not expend funds for out-of-state
77 travel except as allowed under the provisions set forth in House
78 Bill No. 1279, 2004 Regular Legislative Session;

79 (4) The agency shall not expend funds for the purchase of or
80 contract for cellular phones, two-way radios or pagers, except for
81 support of employees in the Department of Public Safety and the
82 Bureau of Narcotics as recommended by Information Technology
83 Services or as allowed under the provisions set forth in House
84 Bill No. 1279, 2004 Regular Legislative Session;

85 (5) The agency shall not expend funds to publish or
86 distribute any annual reports or other publications;

87 (6) The agency shall not expend funds for public relation
88 activities regarding the functions, programs or services of the
89 agency except as allowed under the provisions set forth in House
90 Bill No. 1279, 2004 Regular Legislative Session;

91 (7) The agency shall not advertise the functions, programs
92 or services of the agency except that the Mississippi Development
93 Authority is authorized to expend funds for advertising to carry
94 out the purposes of key programs administered by the authority;

95 (8) The agency shall not expend funds for staff development
96 or training services;

97 (9) The agency shall not expend funds for the purchase of
98 new or replacement equipment or furniture, excluding lease
99 purchase payments on agreements in effect upon passage of this
100 appropriation bill, except as allowed under the provisions set
101 forth in House Bill No. 1279, 2004 Regular Legislative Session.

102 **SECTION 7.** It is the intention of the Legislature that none
103 of the funds appropriated above shall be expended unless members
104 of the Mississippi House of Representatives and Mississippi Senate
105 are notified at least five (5) days prior to a public ceremony
106 announcing the award of any grant in their district or any public
107 announcement or ceremony regarding the groundbreaking or opening
108 of a facility, roadway or bridge for which the Legislature has
109 made funds available. Any signage regarding any public event or
110 any new facility, roadway or bridge shall include the following
111 language: "Funds were made available for this project by the
112 Mississippi State Legislature."

113 **SECTION 8.** It is the intention of the Legislature that the
114 Department of Wildlife, Fisheries and Parks shall maintain
115 complete accounting and personnel records related to the
116 expenditure of all funds appropriated under this act and that such
117 records shall be in the same format and level of detail as
118 maintained for Fiscal Year 2004. It is further the intention of
119 the Legislature that the agency's budget request for Fiscal Year
120 2006 shall be submitted to the Joint Legislative Budget Committee
121 in a format and level of detail comparable to the format and level
122 of detail provided during the Fiscal Year 2005 budget request
123 process.

124 **SECTION 9.** In compliance with the "Mississippi Performance
 125 Budget and Strategic Planning Act of 1994," it is the intent of
 126 the Legislature that the funds provided herein shall be utilized
 127 in the most efficient and effective manner possible to achieve the
 128 intended mission of this agency. Based on the funding authorized,
 129 this agency shall make every effort to attain the targeted
 130 performance measures provided below:

131		FY2005
132	<u>Performance Measures</u>	<u>Target</u>
133	Support Services	
134	Hunting & Fishing Licenses Sold (Licenses)	526,000
135	Registration of Boats (Boats)	21,550
136	Freshwater Fisheries Mgmt	
137	Fish Stock for Public Water (Fish)	3,650,000
138	Users of DWFP Lakes (Man-days)	65,000
139	Game Management	
140	DMAP Cooperators	720
141	DWFP Management for Hunters (Man-days)	175,650
142	Law Enforcement	
143	Hunter Education (Persons)	18,673
144	Parks & Recreation	
145	Overnight Accommodations (Persons)	674,280
146	Water Related Services (Persons)	95,000
147	Day Use Services (Persons)	3,620,515
148	Facilities Repair Projects (Projects)	3,980
149	Historical & Nature Services (Persons)	86,220
150	Museum Of Natural Science	
151	Information Provided (Participants)	240,000
152	Participants in Museum Projects (Persons)	430,000

153 A reporting of the degree to which the performance targets
 154 set above have been or are being achieved shall be provided in the
 155 agency's budget request submitted to the Joint Legislative Budget
 156 Committee for Fiscal Year 2006.

157 **SECTION 10.** With the funds appropriated herein, it is the
158 intention of the Legislature that a reasonable number of
159 Conservation Officers, Conservation Officer Supervisors, District
160 Managers, Area Managers, and Lake Managers shall be employed
161 and/or detailed to both temporary and permanent job assignments in
162 areas other than their county of residence.

163 **SECTION 11.** With the funds appropriated herein, the
164 Mississippi Commission on Wildlife, Fisheries and Parks shall
165 adopt rules and regulations to permit the building, equipment and
166 facilities of the Mississippi Museum of Natural Science, or any
167 portion thereof, to be used by individuals, organizations,
168 associations or other groups or entities for special events,
169 occasions or activities. Such rules and regulations may authorize
170 the commission to establish and collect reasonable fees and
171 charges for the use of such building, equipment and facilities,
172 shall authorize such building, equipment and facilities to be used
173 for such purposes during the regular operating hours of the museum
174 as well as after regular operating hours or at other times when
175 such use will not unreasonably interfere with access to the museum
176 by the general public, may require users to provide security in
177 the form of cash deposits, bond and/or insurance for the care and
178 safekeeping of the building, equipment and facilities, may require
179 users to enter into indemnity agreements to protect the state, its
180 agencies and its officers and employees from liability and may
181 authorize the commission to establish such other terms,
182 conditions, restrictions and limitations from time to time as the
183 commission deems advisable with regard to the use of the museum
184 and its building, equipment and facilities.

185 **SECTION 12.** With the funds herein appropriated, it is the
186 intention of the Legislature that it shall be the agency's
187 responsibility to make certain that funds required to be
188 appropriated for "Personal Services" for Fiscal Year 2006 do not
189 exceed Fiscal Year 2005 funds appropriated for that purpose,

190 unless programs or positions are added to the agency's Fiscal Year
191 2006 budget by the Mississippi Legislature. Based on data
192 provided by the Legislative Budget Office, the State Personnel
193 Board shall determine and publish the projected annual cost to
194 fully fund all appropriated positions in compliance with the
195 provisions of this act. It shall be the responsibility of the
196 agency head to insure that no single personnel action increases
197 this projected annual cost and/or the Fiscal Year 2005
198 appropriation for "Personal Services" when annualized, with the
199 exception of escalated funds. If, at the time the agency takes
200 any action to change "Personal Services," the State Personnel
201 Board determines that the agency has taken an action which would
202 cause the agency to exceed this projected annual cost or the
203 Fiscal Year 2005 "Personal Services" appropriated level, when
204 annualized, then only those actions which reduce the projected
205 annual cost and/or the appropriation requirement will be processed
206 by the State Personnel Board until such time as the requirements
207 of this provision are met.

208 Any transfers or escalations shall be made in accordance with
209 the terms, conditions and procedures established by law or
210 allowable under the terms set forth within this act. The State
211 Personnel Board shall not escalate positions without written
212 approval from the Department of Finance and Administration. The
213 Department of Finance and Administration shall not provide written
214 approval to escalate any funds for salaries and/or positions
215 without proof of availability of new or additional funds above the
216 appropriated level.

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

221 **SECTION 13.** Of the funds appropriated in Section 2, the
222 following amount shall come from the Department of Wildlife,

223 Fisheries and Parks Special Pearl River Timber Fund No. 3465, for
224 the purpose of making improvements to the Pearl River Wildlife
225 Management Area..... \$ 150,000.00.

226 **SECTION 14.** The board of supervisors of any county or any
227 group or combination of counties are hereby authorized and
228 empowered to enter into cooperative agreements with each other and
229 with the Commission on Wildlife, Fisheries and Parks for the
230 purpose of creating, improving or restoring parks, public game and
231 fish habitat lying or to be situated wholly or partially within
232 such county or in an adjoining county; and each county is
233 empowered and authorized, in its discretion, to expend a sum not
234 exceeding One Hundred Thousand Dollars (\$100,000.00) from the
235 general county fund for such purposes from which fund they shall
236 reimburse to the Commission on Wildlife, Fisheries and Parks the
237 actual cost of all surveying and engineering projects incurred by
238 the Department of Wildlife, Fisheries and Parks incidental
239 thereto. Such boards of supervisors are further authorized and
240 empowered, in their discretion, to enter into agreements necessary
241 to carry out the purposes of this act with any other county, the
242 United States Forest Service or any other agency if same should be
243 necessary for the acquisition of land by lease or otherwise for
244 such purposes.

245 **SECTION 15.** The Department of Wildlife, Fisheries and Parks
246 is hereby directed to keep an exact accounting of the funds
247 received during each fiscal year by fund and source and an exact
248 accounting of how these funds were expended by fund and
249 program/division. Such information shall be provided to the House
250 and Senate Appropriations Chairmen, Chairman of the House Game and
251 Fish Committee and Chairman of the Senate Wildlife and Fisheries
252 Committee no later than October 1 following the end of the fiscal
253 year.

254 **SECTION 16.** The Department of Wildlife, Fisheries and Parks
255 is authorized to enter into an agreement with the Pearl River

256 Valley Water Supply District to provide for financial support of
257 an additional conservation officer on and around the Ross Barnett
258 Reservoir.

259 The Department of Finance and Administration is authorized to
260 escalate the budget of the Department of Wildlife, Fisheries and
261 Parks for this purpose.

262 **SECTION 17.** It shall be unlawful for any officer, employee
263 or other person whatsoever to use or permit or authorize the use
264 of any automobile or any other motor vehicle owned by the State of
265 Mississippi or any department, agency or institution thereof for
266 any purpose other than upon the official business of the State of
267 Mississippi or any agency, department or institution thereof.

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

271 **SECTION 18.** It is the intention of the Legislature that the
272 Department of Wildlife, Fisheries and Parks shall have the
273 authority to receive, budget and expend funds from any source, not
274 to exceed Five Hundred Thousand Dollars (\$500,000.00), that may
275 become available to the department in accordance with the rules
276 and regulations of the Department of Finance and Administration.

277 **SECTION 19.** In order to be in compliance with Sections
278 63-1-74 through 63-1-79, funds are herein provided and may be
279 expended by the Department of Wildlife, Fisheries and Parks to pay
280 the costs of commercial driver's licenses for specific employees
281 and/or to reimburse such costs for specific employees who, in the
282 course of their duties and responsibilities, are required to hold
283 a valid Mississippi Commercial Driver's License.

284 **SECTION 20.** It is the intention of the Legislature that the
285 Department of Wildlife, Fisheries and Parks shall have the
286 authority to receive, budget and expend funds from the Mississippi
287 Development Authority in the amount of Four Million Dollars
288 (\$4,000,000.00) as authorized in Section 57-61-32 (1), Mississippi

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

291 **SECTION 21.** The Mississippi Department of Wildlife,
292 Fisheries and Parks is authorized to provide financial support of
293 One Hundred Fifty Thousand Dollars (\$150,000.00) and to enter into
294 an agreement with the Mississippi Cooperative Extension Service
295 for a biology specialist and related supportive cost.

296 The Department of Finance and Administration is authorized to
297 escalate the budget of the Department of Wildlife, Fisheries and
298 Parks for this purpose.

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

303 **SECTION 23.** None of the funds provided herein shall be
304 expended to pay the costs of more than three (3) district offices.

305 **SECTION 24.** The money herein appropriated shall be paid by
306 the State Treasurer out of any money in the State Treasury to the
307 credit of the proper fund or funds as set forth in this act, upon
308 warrants issued by the State Fiscal Officer; and the State Fiscal
309 Officer shall issue his warrants upon requisitions signed by the
310 proper person, officer or officers, in the manner provided by law.

311 **SECTION 25.** This act shall take effect and be in force from
312 and after July 1, 2004.