

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.