

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

To: Appropriations

HOUSE BILL NO. 1741
(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 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 \$ 9,519,764.00.

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 \$ 45,166,533.00.

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..... | 825 |
| 56 | | Part Time..... | 209 |
| 57 | Time-Limited: | Full Time..... | 49 |
| 58 | | Part Time..... | 0 |

59 Each conservation officer and supervisor shall be furnished
60 an allowance for uniforms not to exceed Five Hundred Fifty Dollars
61 (\$550.00) 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.** It is the intention of the Legislature that the
67 Department of Wildlife, Fisheries and Parks shall maintain
68 complete accounting and personnel records related to the
69 expenditure of all funds appropriated under this act and that such
70 records shall be in the same format and level of detail as
71 maintained for Fiscal Year 2004. It is further the intention of
72 the Legislature that the agency's budget request for Fiscal Year
73 2006 shall be submitted to the Joint Legislative Budget Committee
74 in a format and level of detail comparable to the format and level
75 of detail provided during the Fiscal Year 2005 budget request
76 process.

77 **SECTION 7.** In compliance with the "Mississippi Performance
78 Budget and Strategic Planning Act of 1994," it is the intent of
79 the Legislature that the funds provided herein shall be utilized
80 in the most efficient and effective manner possible to achieve the
81 intended mission of this agency. Based on the funding authorized,
82 this agency shall make every effort to attain the targeted
83 performance measures provided below:

| | FY2005 |
|--|---------------|
| <u>Performance Measures</u> | <u>Target</u> |
| Support Services | |
| Hunting & Fishing Licenses Sold (Licenses) | 526,000 |
| Registration of Boats (Boats) | 21,550 |
| Freshwater Fisheries Mgmt | |
| Fish Stock for Public Water (Fish) | 3,650,000 |
| Users of DWFP Lakes (Man-days) | 65,000 |

| | | |
|-----|--|-----------|
| 92 | Game Management | |
| 93 | DMAP Cooperators | 720 |
| 94 | DWFP Management for Hunters (Man-days) | 175,650 |
| 95 | Law Enforcement | |
| 96 | Hunter Education (Persons) | 18,673 |
| 97 | Parks & Recreation | |
| 98 | Overnight Accommodations (Persons) | 674,280 |
| 99 | Water Related Services (Persons) | 95,000 |
| 100 | Day Use Services (Persons) | 3,620,515 |
| 101 | Facilities Repair Projects (Projects) | 3,980 |
| 102 | Historical & Nature Services (Persons) | 86,220 |

| | | |
|-----|---|---------|
| 103 | Museum of Natural Science | |
| 104 | Information Provided (Participants) | 240,000 |
| 105 | Participants in Museum Projects (Persons) | 430,000 |

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

110 **SECTION 8.** With the funds appropriated herein, it is the
111 intention of the Legislature that a reasonable number of
112 Conservation Officers, Conservation Officer Supervisors, District
113 Managers, Area Managers, and Lake Managers shall be employed
114 and/or detailed to both temporary and permanent job assignments in
115 areas other than their county of residence.

116 **SECTION 9.** With the funds appropriated herein, the
117 Mississippi Commission on Wildlife, Fisheries and Parks shall
118 adopt rules and regulations to permit the building, equipment and
119 facilities of the Mississippi Museum of Natural Science, or any
120 portion thereof, to be used by individuals, organizations,
121 associations or other groups or entities for special events,
122 occasions or activities. Such rules and regulations may authorize
123 the commission to establish and collect reasonable fees and
124 charges for the use of such building, equipment and facilities,

125 shall authorize such building, equipment and facilities to be used
126 for such purposes during the regular operating hours of the museum
127 as well as after regular operating hours or at other times when
128 such use will not unreasonably interfere with access to the museum
129 by the general public, may require users to provide security in
130 the form of cash deposits, bond and/or insurance for the care and
131 safekeeping of the building, equipment and facilities, may require
132 users to enter into indemnity agreements to protect the state, its
133 agencies and its officers and employees from liability and may
134 authorize the commission to establish such other terms,
135 conditions, restrictions and limitations from time to time as the
136 commission deems advisable with regard to the use of the museum
137 and its building, equipment and facilities.

138 **SECTION 10.** With the funds herein appropriated, it is the
139 intention of the Legislature that it shall be the agency's
140 responsibility to make certain that funds required to be
141 appropriated for "Personal Services" for Fiscal Year 2006 do not
142 exceed Fiscal Year 2005 funds appropriated for that purpose,
143 unless programs or positions are added to the agency's Fiscal Year
144 2006 budget by the Mississippi Legislature. Based on data
145 provided by the Legislative Budget Office, the State Personnel
146 Board shall determine and publish the projected annual cost to
147 fully fund all appropriated positions in compliance with the
148 provisions of this act. It shall be the responsibility of the
149 agency head to insure that no single personnel action increases
150 this projected annual cost and/or the Fiscal Year 2005
151 appropriation for "Personal Services" when annualized, with the
152 exception of escalated funds. If, at the time the agency takes
153 any action to change "Personal Services," the State Personnel
154 Board determines that the agency has taken an action which would
155 cause the agency to exceed this projected annual cost or the
156 Fiscal Year 2005 "Personal Services" appropriated level, when
157 annualized, then only those actions which reduce the projected

158 annual cost and/or the appropriation requirement will be processed
159 by the State Personnel Board until such time as the requirements
160 of this provision are met.

161 Any transfers or escalations shall be made in accordance with
162 the terms, conditions and procedures established by law or
163 allowable under the terms set forth within this act. The State
164 Personnel Board shall not escalate positions without written
165 approval from the Department of Finance and Administration. The
166 Department of Finance and Administration shall not provide written
167 approval to escalate any funds for salaries and/or positions
168 without proof of availability of new or additional funds above the
169 appropriated level.

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

174 The agency shall not take any action to award salary
175 increases through reallocation, reclassification, realignment,
176 education benchmark or career ladder.

177 **SECTION 11.** Of the funds appropriated in Section 2, the
178 following amount shall come from the Department of Wildlife,
179 Fisheries and Parks Special Pearl River Timber Fund No. 3465, for
180 the purpose of making improvements to the Pearl River Wildlife
181 Management Area..... \$ 150,000.00.

182 **SECTION 12.** The board of supervisors of any county or any
183 group or combination of counties are hereby authorized and
184 empowered to enter into cooperative agreements with each other and
185 with the Commission on Wildlife, Fisheries and Parks for the
186 purpose of creating, improving or restoring parks, public game and
187 fish habitat lying or to be situated wholly or partially within
188 such county or in an adjoining county; and each county is
189 empowered and authorized, in its discretion, to expend a sum not
190 exceeding One Hundred Thousand Dollars (\$100,000.00) from the

191 general county fund for such purposes from which fund they shall
192 reimburse to the Commission on Wildlife, Fisheries and Parks the
193 actual cost of all surveying and engineering projects incurred by
194 the Department of Wildlife, Fisheries and Parks incidental
195 thereto. Such boards of supervisors are further authorized and
196 empowered, in their discretion, to enter into agreements necessary
197 to carry out the purposes of this act with any other county, the
198 United States Forest Service or any other agency if same should be
199 necessary for the acquisition of land by lease or otherwise for
200 such purposes.

201 **SECTION 13.** The Department of Wildlife, Fisheries and Parks
202 is hereby directed to keep an exact accounting of the funds
203 received during each fiscal year by fund and source and an exact
204 accounting of how these funds were expended by fund and
205 program/division. Such information shall be provided to the House
206 and Senate Appropriations Chairmen, Chairman of the House Game and
207 Fish Committee and Chairman of the Senate Wildlife and Fisheries
208 Committee no later than October 1 following the end of the fiscal
209 year.

210 **SECTION 14.** The Department of Wildlife, Fisheries and Parks
211 is authorized to enter into an agreement with the Pearl River
212 Valley Water Supply District to provide for financial support of
213 an additional conservation officer on and around the Ross Barnett
214 Reservoir.

215 The Department of Finance and Administration is authorized to
216 escalate the budget of the Department of Wildlife, Fisheries and
217 Parks for this purpose.

218 **SECTION 15.** It shall be unlawful for any officer, employee
219 or other person whatsoever to use or permit or authorize the use
220 of any automobile or any other motor vehicle owned by the State of
221 Mississippi or any department, agency or institution thereof for
222 any purpose other than upon the official business of the State of
223 Mississippi or any agency, department or institution thereof.

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

227 **SECTION 16.** It is the intention of the Legislature that the
228 Department of Wildlife, Fisheries and Parks shall have the
229 authority to receive, budget and expend funds from any source, not
230 to exceed One Million Dollars (\$1,000,000.00), that may become
231 available to the department in accordance with the rules and
232 regulations of the Department of Finance and Administration.

233 **SECTION 17.** In order to be in compliance with Sections
234 63-1-74 through 63-1-79, funds are herein provided and may be
235 expended by the Department of Wildlife, Fisheries and Parks to pay
236 the costs of commercial driver's licenses for specific employees
237 and/or to reimburse such costs for specific employees who, in the
238 course of their duties and responsibilities, are required to hold
239 a valid Mississippi Commercial Driver's License.

240 **SECTION 18.** It is the intention of the Legislature that the
241 Department of Wildlife, Fisheries and Parks shall have the
242 authority to receive, budget and expend funds from the Mississippi
243 Development Authority in the amount of Four Million Dollars
244 (\$4,000,000.00) as authorized in Section 57-61-32 (1), Mississippi
245 Code of 1972. Such funds are to be used to defray the cost of
246 constructing a North Mississippi Fish Hatchery.

247 **SECTION 19.** The Mississippi Department of Wildlife,
248 Fisheries and Parks is authorized to provide financial support of
249 One Hundred Fifty Thousand Dollars (\$150,000.00) and to enter into
250 an agreement with the Mississippi Cooperative Extension Service
251 for a biology specialist and related supportive cost.

252 The Department of Finance and Administration is authorized to
253 escalate the budget of the Department of Wildlife, Fisheries and
254 Parks for this purpose.

255 **SECTION 20.** Of the funds in Section 2, the Department shall
256 be authorized to purchase and implement a satellite communications

257 system in an amount not to exceed Two Million Two Hundred Thousand
258 Dollars (\$2,200,000.00).

259 **SECTION 21.** It is the intention of the Legislature that the
260 Commission of the Mississippi Wildlife, Fisheries and Parks shall
261 have the authority to close, transfer, lease or sell properties
262 under the department's jurisdiction.

263 Pursuant to the above mentioned authority, the Legislature
264 hereby identifies the following state parks as properties to be
265 promptly disposed of by the Commission through closure, transfer,
266 lease or sale:

267 Casey Jones Museum and State Park,
268 Vaughn, Yazoo County, Mississippi
269 Florewood Plantation State Park
270 Greenwood, Leflore County, Mississippi
271 Sam Dale State Park
272 Daleville, Lauderdale County, Mississippi
273 Nanih Wayia State Park
274 Neshoba County, Mississippi
275 Legion State Park
276 Louisville, Winston County, Mississippi

277 **SECTION 22.** The department is authorized to spend up to
278 twenty-five percent (25%) of revenue in the State Park Timber
279 Endowment Fund, as needed, to operate and maintain the state
280 parks.

281 **SECTION 23.** It is the intention of the Legislature that a
282 DWFP-Conservation Officer I position shall be established and
283 shall be filled and assigned to manage the Mason Creek Game
284 Management Area. Furthermore, it is the intention of the
285 Legislature that a Statewide Coordinator for the Recruitment and
286 Retention of Hunting and Fishing shall be established and shall be
287 filled and assigned to the Central Office.

288 **SECTION 24.** It is the intention of the Legislature that the
289 District Office located at Floewood Plantation State Park shall
290 cease operations at that location as soon as practicable.

291 **SECTION 25.** As funds become available to the department, an
292 amount equal to One Million Five Hundred Thousand Dollars
293 (\$1,500,000.00) may be used for completion of the North
294 Mississippi Fish Hatchery and any repair of levies or dams as
295 deemed necessary by the department.

296 **SECTION 26.** It is the intention of the Legislature that no
297 more than Five Hundred Thousand Dollars (\$500,000.00) be spent
298 from the Motor Vehicle Fund for the purchase of motor vehicles.

299 **SECTION 27.** Notwithstanding any other provision in this act,
300 the career ladder shall be available to any Conservation Officer I
301 hired after December 31, 2003.

302 **SECTION 28.** It is the intention of the Legislature that a
303 joint study committee made up of the House and Senate Wildlife
304 Committees study the efficiency and effectiveness of the agency's
305 district offices.

306 **SECTION 29.** The money herein appropriated shall be paid by
307 the State Treasurer out of any money in the State Treasury to the
308 credit of the proper fund or funds as set forth in this act, upon
309 warrants issued by the State Fiscal Officer; and the State Fiscal
310 Officer shall issue his warrants upon requisitions signed by the
311 proper person, officer or officers, in the manner provided by law.

312 **SECTION 30.** This act shall take effect and be in force from
313 and after July 1, 2004.