

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

To: Appropriations

HOUSE BILL NO. 1657

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 2006.

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, 2005, and ending June 30, 2006  
10 ..... \$ 970,000.00.

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, 2005, and ending June 30, 2006.....  
18 ..... \$ 36,209,037.00.

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, 2005, and ending June 30, 2006..... \$ 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 2006.

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.** Of the funds appropriated under the provisions of  
53 Sections 1 and 2, not more than the amounts set forth below shall  
54 be expended for the respective major objects of such divisions:

55 DIVISION OF WILDLIFE AND FISHERIES

56 BUREAU OF WILDLIFE AND FISHERIES

57 MAJOR OBJECTS OF EXPENDITURE:

58 Personal Services:

59 Salaries, Wages and Fringe Benefits.. \$	18,624,613.00
60 Travel and Subsistence.....	70,000.00

61	Contractual Services.....	5,165,610.00
62	Commodities.....	1,808,503.00
63	Capital Outlay:	
64	Other Than Equipment.....	417,359.00
65	Equipment.....	20,000.00
66	Subsidies, Loans and Grants.....	<u>902,495.00</u>
67	Total.....	\$ 27,008,580.00

68 FUNDING:

69	General Funds.....	\$ 0.00
70	Special Funds.....	<u>27,008,580.00</u>
71	Total.....	\$ 27,008,580.00

72 AUTHORIZED POSITIONS:

73	Permanent: Full Time.....	422
74	Part Time.....	9
75	Time-Limited: Full Time.....	34
76	Part Time.....	0

77 BUREAU OF WILDLIFE AND FISHERIES

78 MOTOR VEHICLE SECTION

79 MAJOR OBJECTS OF EXPENDITURE:

80	Personal Services:	
81	Salaries, Wages and Fringe Benefits..	\$ 0.00
82	Travel and Subsistence.....	0.00
83	Contractual Services.....	0.00
84	Commodities.....	0.00
85	Capital Outlay:	
86	Other Than Equipment.....	0.00
87	Equipment.....	250,000.00
88	Subsidies, Loans and Grants.....	<u>0.00</u>
89	Total.....	\$ 250,000.00

90 FUNDING:

91	General Funds.....	\$ 0.00
92	Special Funds.....	<u>250,000.00</u>
93	Total.....	\$ 250,000.00

94 AUTHORIZED POSITIONS:

95	Permanent:	Full Time.....	0
96		Part Time.....	0
97	Time-Limited:	Full Time.....	0
98		Part Time.....	0

99 Each conservation officer and supervisor shall be furnished  
 100 an allowance for uniforms not to exceed Five Hundred Fifty Dollars  
 101 (\$550.00) per annum.

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

106 DIVISION OF PARKS AND RECREATION

107 MAJOR OBJECTS OF EXPENDITURE:

108 Personal Services:

109	Salaries, Wages and Fringe Benefits..	\$	1,285,981.00
110	Travel and Subsistence.....		65,000.00
111	Contractual Services.....		3,080,180.00
112	Commodities.....		767,400.00
113	Capital Outlay:		
114	Other Than Equipment.....		58,678.00
115	Equipment.....		0.00
116	Subsidies, Loans and Grants.....		<u>1,441,549.00</u>
117	Total.....	\$	6,698,788.00

118 FUNDING:

119	General Funds.....	\$	0.00
120	Special Funds.....		<u>6,698,788.00</u>
121	Total.....	\$	6,698,788.00

122 AUTHORIZED POSITIONS:

123	Permanent:	Full Time.....	272
124		Part Time.....	161
125	Time-Limited:	Full Time.....	0
126		Part Time.....	0

127	MUSEUM OF NATURAL SCIENCE	
128	MAJOR OBJECTS OF EXPENDITURE:	
129	Personal Services:	
130	Salaries, Wages and Fringe Benefits.. \$	1,337,970.00
131	Travel and Subsistence.....	5,616.00
132	Contractual Services.....	1,089,870.00
133	Commodities.....	158,533.00
134	Capital Outlay:	
135	Other Than Equipment.....	14,000.00
136	Equipment.....	0.00
137	Subsidies, Loans and Grants.....	<u>199,680.00</u>
138	Total..... \$	2,805,669.00
139	FUNDING:	
140	General Funds..... \$	970,000.00
141	Special Funds.....	<u>1,835,669.00</u>
142	Total..... \$	2,805,669.00
143	AUTHORIZED POSITIONS:	
144	Permanent: Full Time.....	26
145	Part Time.....	0
146	Time-Limited: Full Time.....	7
147	Part Time.....	0
148	SPECIAL PROJECTS	
149	MAJOR OBJECTS OF EXPENDITURE:	
150	Personal Services:	
151	Salaries, Wages and Fringe Benefits.. \$	0.00
152	Travel and Subsistence.....	1,000.00
153	Contractual Services.....	90,000.00
154	Commodities.....	30,000.00
155	Capital Outlay:	
156	Other Than Equipment.....	80,000.00
157	Equipment.....	0.00
158	Subsidies, Loans and Grants.....	<u>215,000.00</u>
159	Total..... \$	416,000.00

160 FUNDING:

161	General Funds.....	\$	0.00
162	Special Funds.....		<u>416,000.00</u>
163	Total.....	\$	416,000.00

164 AUTHORIZED POSITIONS:

165	Permanent: Full Time.....	0
166	Part Time.....	0
167	Time-Limited: Full Time.....	0
168	Part Time.....	0

169 With the funds herein appropriated, it is the intention of  
170 the Legislature that it shall be the agency's responsibility to  
171 make certain that funds required to be appropriated for "Personal  
172 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006  
173 funds appropriated for that purpose, unless programs or positions  
174 are added to the agency's Fiscal Year 2007 budget by the  
175 Mississippi Legislature. Based on data provided by the  
176 Legislative Budget Office, the State Personnel Board shall  
177 determine and publish the projected annual cost to fully fund all  
178 appropriated positions in compliance with the provisions of this  
179 act. It shall be the responsibility of the agency head to insure  
180 that no single personnel action increases this projected annual  
181 cost and/or the Fiscal Year 2006 appropriation for "Personal  
182 Services" when annualized, with the exception of escalated funds.  
183 If, at the time the agency takes any action to change "Personal  
184 Services," the State Personnel Board determines that the agency  
185 has taken an action which would cause the agency to exceed this  
186 projected annual cost or the Fiscal Year 2006 "Personal Services"  
187 appropriated level, when annualized, then only those actions which  
188 reduce the projected annual cost and/or the appropriation  
189 requirement will be processed by the State Personnel Board until  
190 such time as the requirements of this provision are met.

191 Any transfers or escalations shall be made in accordance with  
192 the terms, conditions and procedures established by law or

193 allowable under the terms set forth within this act. The State  
194 Personnel Board shall not escalate positions without written  
195 approval from the Department of Finance and Administration. The  
196 Department of Finance and Administration shall not provide written  
197 approval to escalate any funds for salaries and/or positions  
198 without proof of availability of new or additional funds above the  
199 appropriated level.

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

204 **SECTION 6.** 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 2005. It is further the intention of  
210 the Legislature that the agency's budget request for Fiscal Year  
211 2007 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 2006 budget request  
214 process.

215 **SECTION 7.** In compliance with the "Mississippi Performance  
216 Budget and Strategic Planning Act of 1994," it is the intent of  
217 the Legislature that the funds provided herein shall be utilized  
218 in the most efficient and effective manner possible to achieve the  
219 intended mission of this agency. Based on the funding authorized,  
220 this agency shall make every effort to attain the targeted  
221 performance measures provided below:

222		FY2006
223	<u>Performance Measures</u>	<u>Target</u>
224	Support Services	
225	Hunting & Fishing Licenses	

226	Sold (Licenses)	526,000
227	Registration of Boats (Boats)	245,000
228	Freshwater Fisheries Mgmt	
229	Fish Stock for Public Water (Fish)	3,650,000
230	Users of DWFP Lakes (Man-days)	65,000
231	Game Management	
232	DMAP Cooperators	720
233	DWFP Management for Hunters (Man-days)	175,650
234	Law Enforcement	
235	Hunter Education (Persons)	18,673
236	Motor Vehicle	
237	Vehicles Purchased (Vehicles)	25
238	Used Vehicle Sales (Vehicles)	50
239	Parks & Recreation	
240	Overnight Accommodations (Persons)	0
241	Water Related Services (Persons)	0
242	Day Use Services (Persons)	0
243	Facilities Repair Projects (Projects)	0
244	Historical & Nature Services (Persons)	0
245	Museum Of Natural Science	
246	Information Provided (Participants)	240,000
247	Participants in Museum Prjs (Persons)	430,000

248 A reporting of the degree to which the performance targets  
249 set above have been or are being achieved shall be provided in the  
250 agency's budget request submitted to the Joint Legislative Budget  
251 Committee for Fiscal Year 2007.

252 **SECTION 8.** With the funds appropriated herein, it is the  
253 intention of the Legislature that a reasonable number of  
254 Conservation Officers, Conservation Officer Supervisors, District  
255 Managers, Area Managers, and Lake Managers shall be employed  
256 and/or detailed to both temporary and permanent job assignments in  
257 areas other than their county of residence.



258           **SECTION 9.** With the funds appropriated herein, the  
259 Mississippi Commission on Wildlife, Fisheries and Parks shall  
260 adopt rules and regulations to permit the building, equipment and  
261 facilities of the Mississippi Museum of Natural Science, or any  
262 portion thereof, to be used by individuals, organizations,  
263 associations or other groups or entities for special events,  
264 occasions or activities. Such rules and regulations may authorize  
265 the commission to establish and collect reasonable fees and  
266 charges for the use of such building, equipment and facilities,  
267 shall authorize such building, equipment and facilities to be used  
268 for such purposes during the regular operating hours of the museum  
269 as well as after regular operating hours or at other times when  
270 such use will not unreasonably interfere with access to the museum  
271 by the general public, may require users to provide security in  
272 the form of cash deposits, bond and/or insurance for the care and  
273 safekeeping of the building, equipment and facilities, may require  
274 users to enter into indemnity agreements to protect the state, its  
275 agencies and its officers and employees from liability and may  
276 authorize the commission to establish such other terms,  
277 conditions, restrictions and limitations from time to time as the  
278 commission deems advisable with regard to the use of the museum  
279 and its building, equipment and facilities.

280           **SECTION 10.** Of the funds appropriated in Section 2, the  
281 following amount shall come from the Department of Wildlife,  
282 Fisheries and Parks Special Pearl River Timber Fund No. 3465, for  
283 the purpose of making improvements to the Pearl River Wildlife  
284 Management Area..... \$ 150,000.00.

285           **SECTION 11.** The board of supervisors of any county or any  
286 group or combination of counties are hereby authorized and  
287 empowered to enter into cooperative agreements with each other and  
288 with the Commission on Wildlife, Fisheries and Parks for the  
289 purpose of creating, improving or restoring parks, public game and  
290 fish habitat lying or to be situated wholly or partially within

291 such county or in an adjoining county; and each county is  
292 empowered and authorized, in its discretion, to expend a sum not  
293 exceeding One Hundred Thousand Dollars (\$100,000.00) from the  
294 general county fund for such purposes from which fund they shall  
295 reimburse to the Commission on Wildlife, Fisheries and Parks the  
296 actual cost of all surveying and engineering projects incurred by  
297 the Department of Wildlife, Fisheries and Parks incidental  
298 thereto. Such boards of supervisors are further authorized and  
299 empowered, in their discretion, to enter into agreements necessary  
300 to carry out the purposes of this act with any other county, the  
301 United States Forest Service or any other agency if same should be  
302 necessary for the acquisition of land by lease or otherwise for  
303 such purposes.

304       **SECTION 12.** The Department of Wildlife, Fisheries and Parks  
305 is hereby directed to keep an exact accounting of the funds  
306 received during each fiscal year by fund and source and an exact  
307 accounting of how these funds were expended by fund and  
308 program/division. Such information shall be provided to the House  
309 and Senate Appropriations Chairmen, Chairman of the House Game and  
310 Fish Committee and Chairman of the Senate Wildlife and Fisheries  
311 Committee no later than October 1 following the end of the fiscal  
312 year.

313       **SECTION 13.** The Department of Wildlife, Fisheries and Parks  
314 is authorized to enter into an agreement with the Pearl River  
315 Valley Water Supply District to provide for financial support of  
316 an additional conservation officer on and around the Ross Barnett  
317 Reservoir.

318       The Department of Finance and Administration is authorized to  
319 escalate the budget of the Department of Wildlife, Fisheries and  
320 Parks for this purpose.

321       **SECTION 14.** It shall be unlawful for any officer, employee  
322 or other person whatsoever to use or permit or authorize the use  
323 of any automobile or any other motor vehicle owned by the State of

324 Mississippi or any department, agency or institution thereof for  
325 any purpose other than upon the official business of the State of  
326 Mississippi or any agency, department or institution thereof.

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

330 **SECTION 15.** It is the intention of the Legislature that the  
331 Department of Wildlife, Fisheries and Parks shall have the  
332 authority to receive, budget and expend funds from any source, not  
333 to exceed One Million Dollars (\$1,000,000.00), that may become  
334 available to the department in accordance with the rules and  
335 regulations of the Department of Finance and Administration.

336 **SECTION 16.** In order to be in compliance with Sections  
337 63-1-74 through 63-1-79, funds are herein provided and may be  
338 expended by the Department of Wildlife, Fisheries and Parks to pay  
339 the costs of commercial driver's licenses for specific employees  
340 and/or to reimburse such costs for specific employees who, in the  
341 course of their duties and responsibilities, are required to hold  
342 a valid Mississippi Commercial Driver's License.

343 **SECTION 17.** It is the intention of the Legislature that the  
344 Department of Wildlife, Fisheries and Parks shall have the  
345 authority to receive, budget and expend funds from the Mississippi  
346 Development Authority in the amount of Four Million Dollars  
347 (\$4,000,000.00) as authorized in Section 57-61-32 (1), Mississippi  
348 Code of 1972. Such funds are to be used to defray the cost of  
349 constructing a North Mississippi Fish Hatchery.

350 **SECTION 18.** The Mississippi Department of Wildlife,  
351 Fisheries and Parks is authorized to provide financial support of  
352 One Hundred Fifty Thousand Dollars (\$150,000.00) and to enter into  
353 an agreement with the Mississippi Cooperative Extension Service  
354 for a biology specialist and related supportive cost.

355 The Department of Finance and Administration is authorized to  
356 escalate the budget of the Department of Wildlife, Fisheries and  
357 Parks for this purpose.

358 **SECTION 19.** It is the intention of the Legislature that the  
359 Commission of the Mississippi Wildlife, Fisheries and Parks shall  
360 have the authority to close, transfer, lease or sell properties  
361 under the department's jurisdiction.

362 Pursuant to the above mentioned authority, the Legislature  
363 hereby identifies the following state parks as properties to be  
364 promptly disposed of by the Commission through closure, transfer,  
365 lease or sale:

366 Casey Jones Museum and State Park,  
367 Vaughn, Yazoo County, Mississippi  
368 Florewood Plantation State Park  
369 Greenwood, Leflore County, Mississippi  
370 Sam Dale State Park  
371 Daleville, Lauderdale County, Mississippi  
372 Nanih Wayia State Park  
373 Neshoba County, Mississippi  
374 Legion State Park  
375 Louisville, Winston County, Mississippi

376 **SECTION 20.** The department is authorized to spend up to  
377 twenty-five percent (25%) of revenue in the State Park Timber  
378 Endowment Fund, as needed, to operate and maintain the state  
379 parks.

380 **SECTION 21.** It is the intention of the Legislature that a  
381 DWFP-Conservation Officer I position shall be established and  
382 shall be filled and assigned to manage the Mason Creek Game  
383 Management Area. Furthermore, it is the intention of the  
384 Legislature that a Statewide Coordinator for the Recruitment and  
385 Retention of Hunting and Fishing shall be established and shall be  
386 filled and assigned to the Central Office.

387           **SECTION 22.** It is the intention of the Legislature that the  
388 District Office located at Florewood Plantation State Park shall  
389 cease operations at that location as soon as practicable.

390           **SECTION 23.** As funds become available to the department, an  
391 amount equal to One Million Five Hundred Thousand Dollars  
392 (\$1,500,000.00) may be used for completion of the North  
393 Mississippi Fish Hatchery and any repair of levies or dams as  
394 deemed necessary by the department.

395           **SECTION 24.** It is the intention of the Legislature that no  
396 more than Two Hundred Fifty Thousand Dollars (\$250,000.00) be  
397 spent from the Motor Vehicle Fund for the purchase of motor  
398 vehicles.

399           **SECTION 25.** Notwithstanding any other provision in this act,  
400 the career ladder shall be available to any Conservation Officer I  
401 hired after December 31, 2003.

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

408           **SECTION 27.** This act shall take effect and be in force from  
409 and after July 1, 2005.