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Chapter No. 90
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HOUSE BILL NO. 1497

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1497

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS FOR THE FISCAL YEAR 2012.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the support and maintenance of the Department of Wildlife, Fisheries and Parks for the fiscal year beginning July 1, 2011, and ending June 30, 2012 . . . . . $ 6,818,268.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the Department of Wildlife, Fisheries and Parks which is comprised of special source funds collected by or otherwise available to the department for the support and maintenance of the department, including the Museum of Natural Science and the Bureau of Parks and Recreation, for the fiscal year beginning July 1, 2011, and ending June 30, 2012 . . . . . $ 66,688,184.00.

The following sum, which is included in the sum appropriated above in this section, is hereby appropriated out of the state excise taxes upon gasoline, oil and other petroleum products to the Fisheries and Wildlife Fund for the fiscal year beginning July 1, 2011, and ending June 30, 2012 . . . . . $ 5,750,000.00.

The State Tax Commission is hereby directed to set aside the amount of this appropriation or any part thereof at any time it

sees fit, out of any collections of taxes upon gasoline, oil and other petroleum products, and to deduct the amounts so set aside from such funds before making distribution thereof. However, provisions shall first be made for the Highway Bonds Sinking Fund, as required under the provisions of Chapter 130, Laws of 1938, and any amendments thereto, and Section 27-5-101, Mississippi Code of 1972.

Any funds available in the Wildlife Heritage Fund may be expended by the Commission on Wildlife, Fisheries and Parks as authorized by law. The department shall make a detailed report to the Legislature regarding the spending of the Wildlife Heritage funds by September 1 for the preceding fiscal year.

SECTION 3. Of the funds appropriated under the provisions of Section 2 to the Bureau of Wildlife and Fisheries, funds in the amount of One Hundred Twenty-five Thousand Three Hundred Thirty-five Dollars ($125,335.00) shall be derived from the Education Enhancement Fund deposited pursuant to Sections 27-65-75 and 27-67-31, Mississippi Code of 1972, for the purpose of defraying the expenses of Project WILD for Fiscal Year 2012.

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

SECTION 5. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	708
	Part Time	103
Time-Limited:	Full Time	45
	Part Time	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2013 do not exceed Fiscal Year 2012 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2012 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2012 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2012 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

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

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are

being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

SECTION 6. Each conservation officer and supervisor shall be furnished an allowance for uniforms not to exceed Five Hundred Fifty Dollars ($550.00) per annum.

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

SECTION 7. It is the intention of the Legislature that the Department of Wildlife, Fisheries and Parks shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2011. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2013 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2012 budget request process.

SECTION 8. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

Performance Measures	FY2012 Target
Support Services	
Hunting & Fishing Licenses Sold (Licenses)	505,000
Registration of Boats (Boats)	55,000
Freshwater Fisheries Mgmt	

Fish Stock for Public Water (Fish)	2,000,000
Users of DWFP Lakes (Man-days)	44,000
Game Management	
DMAP Cooperators	640
DWFP Management for Hunters (Man-days)	214,000
Law Enforcement	
Hunter Education (Persons)	15,000
Motor Vehicle	
Vehicles Purchased (Vehicles)	65
Used Vehicle Sales (Vehicles)	55
Parks & Recreation	
Overnight Accommodations (Persons)	550,224
Water Related Services (Persons)	69,000
Day Use Services (Persons)	2,500,000
Facilities Repair Projects (Projects)	32
Historical & Nature Services (Persons)	87,000
Museum Of Natural Science	
Statewide Educ Programming (Participants)	85,500
Total Public Programming (Persons)	225,500

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2013.

SECTION 9. Of the funds appropriated in Section 2, the following amount shall come from the Department of Wildlife, Fisheries and Parks Special Pearl River Timber Fund No. 3465, for the purpose of making improvements to the Pearl River Wildlife Management Area ..... $ 50,000.00.

SECTION 10. Of the funds appropriated in Section 2 and authorized in Section 9, an amount not to exceed Twenty-five Thousand Dollars ($25,000.00) shall be used to construct signage at the entrance at each Wildlife Management Area, containing

current Wildlife Management Area rules and regulations, and the district commissioner for said Wildlife Management Area.

SECTION 11. Of the funds appropriated within this act, the Commission on Wildlife, Fisheries and Parks may enter into cooperative agreements with the board of supervisors of any county or any group or combination of counties for the purpose of creating, improving or restoring parks, public game and fish habitat lying or to be situated wholly or partially within such county or in an adjoining county; and each county is empowered and authorized, in its discretion, to expend funds from the general county fund for such purposes from which fund they shall reimburse to the Commission on Wildlife, Fisheries and Parks the actual cost of all surveying and engineering projects incurred by the Department of Wildlife, Fisheries and Parks incidental thereto. Such boards of supervisors are further authorized and empowered, in their discretion, to enter into agreements necessary to carry out the purposes of this act with any other county, the United States Forest Service or any other agency if same should be necessary for the acquisition of land by lease or otherwise for such purposes.

SECTION 12. It shall be unlawful for any officer, employee or other person whatsoever to use or permit or authorize the use of any automobile or any other motor vehicle owned by the State of Mississippi or any department, agency or institution thereof for any purpose other than upon the official business of the State of Mississippi or any agency, department or institution thereof.

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

SECTION 13. It is the intention of the Legislature that the Department of Wildlife, Fisheries and Parks shall have the authority to receive, budget and expend funds from any source, not to exceed Three Million Dollars ($3,000,000.00), that may become

available to the department in accordance with the rules and regulations of the Department of Finance and Administration.

SECTION 14. In order to be in compliance with Sections 63-1-74 through 63-1-79, funds are herein provided and may be expended by the Department of Wildlife, Fisheries and Parks to pay the costs of commercial driver's licenses for specific employees and/or to reimburse such costs for specific employees who, in the course of their duties and responsibilities, are required to hold a valid Mississippi Commercial Driver's License.

SECTION 15. The Mississippi Department of Wildlife, Fisheries and Parks is authorized to provide financial support of One Hundred Fifty Thousand Dollars ($150,000.00) and to enter into an agreement with the Mississippi Cooperative Extension Service for a biology specialist and related supportive cost.

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

SECTION 16. The department is authorized to spend up to sixty percent (60%) of revenue in the State Park Timber Endowment Fund, as needed, to operate and maintain the state parks.

SECTION 17. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 18. The Department of Wildlife, Fisheries and Parks shall transfer funds from the Office of Parks and Recreation, at the sole discretion of the Executive Director of the department, to the Mississippi Development Authority, Division of Tourism, for the purpose of advertising and promoting the state parks.

SECTION 19. Of the funds appropriated herein, One Hundred Eighty Thousand Dollars ($180,000.00) shall be provided to fund the Youth Participation Initiative for the purpose of educating children in the areas of hunting, fishing, conservation, and safety.

SECTION 20. The fund created pursuant to Section 49-5-21, Mississippi Code of 1972, and known as the "Fisheries and Wildlife Fund" shall be treated as a special trust fund. All funds derived from the sale of licenses, fees, fines and other revenues received by the department as provided by law, shall be deposited in the Fisheries and Wildlife Fund. In addition, revenue derived from the sale of timber on wildlife management areas, refuges and preserves shall be deposited into an account established for such revenues under the Fisheries and Wildlife Fund. The interest and any investment income earned on the fund shall be credited by the State Treasurer to the Fisheries and Wildlife Fund and shall not be paid into the General Fund. Any unexpended funds remaining in the fund at the end of the fiscal year shall not lapse and shall remain in the fund. Nothing in this section shall prevent the use of said funds from maintenance and upgrade on Wildlife Management Areas and state parks.

SECTION 21. It is the intent of the Legislature that the Mississippi Department of Wildlife, Fisheries and Parks shall have the authority to advertise, bid and enter into multi-year contracts for the purpose of renting or leasing to such entity the right to place a sign on such property under the Department's domain, in accordance with any such rules and regulations of the Bureau of Buildings. All proceeds generated from these activities shall remain with the Department and shall be deposited into the proper special fund. Further, such funds shall be escalated in accordance with procedures for federal fund escalations as established in Section 27-104-21, Mississippi Code of 1972, and expended for the purposes of performing such duties as set forth

by law in accordance with applicable rules and regulations of the State Fiscal Officer.

SECTION 22. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 23. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure will observe the following criteria:

(a) Develop goals and desired result for a campaign.

(b) Evaluate effectiveness through respected advertising standards, including market reach and cost effectiveness.

(c) Seek public service announcements, which would be aired by media without cost.

(d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

(e) Utilize Mississippi-owned media companies when feasible.

SECTION 24. No former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars ($20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts, a written report shall be submitted detailing the cost and need of such contract services to the Chairmen and members of the Senate and House Appropriations Committees.

SECTION 25. It is the intention of the Legislature that no more than One Million Five Hundred Thousand Dollars ($1,500,000.00) be expended from the Motor Vehicle Fund for the purchase of any type of motor vehicle.

SECTION 26. Of the funds provided in this act, an amount not to exceed One Hundred Fifty-five Thousand Dollars ($155,000.00) shall be used to defray the lease expenses of the Little Biloxi Wildlife Management and Wolf River Wildlife Management in accordance with Section 49-5-99(4).

SECTION 27. It is the intention of the Legislature that no state park be closed without legislative approval.

SECTION 28. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 29. This act shall take effect and be in force from and after July 1, 2011.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 4, 2011

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 4, 2011

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

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