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Chapter No. 95

13/HR12/A473SG

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HOUSE BILL NO. 1669

Originated in House  Clerk

HOUSE BILL NO. 1669

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS FOR THE FISCAL YEAR 2014.

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, 2013, and ending June 30, 2014 .
..... \$ 8,710,051.00.

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, 2013, and ending
June 30, 2014 \$ 63,723,166.00.

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, 2013, and ending June 30, 2014 \$ 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 2014.

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	659
	Part Time	98
Time-Limited:	Full Time	42
	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 2015 do not exceed Fiscal Year 2014 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2014 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 2014 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 2014 "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.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification; the immediate replacement of a departing employee

with an employee from within state service at a salary level of the departing employee or the FY2014 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board or any other requested action of the agency that has been specifically authorized by the Legislature.

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 2013. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2015 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 2014 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:

	FY2014
<u>Performance Measures</u>	<u>Target</u>
Support Services	
Hunting & Fishing Licenses	
Sold (Licenses)	560,000

Registration of Boats (Boats)	55,000
Fisheries	
Fish Stock for Public Water (Fish)	1,900,000
Users of DWFP Lakes (Man-days)	45,000
Wildlife	
DMAP Cooperators	640
DWFP Management for Hunters (Man-days)	220,000
Law Enforcement	
Hunter Education (Persons)	11,500
Motor Vehicle Fund	
Vehicles Purchased (Vehicles)	65
Used Vehicle Sales (Vehicles)	70
Parks	
Overnight Accommodations (Persons)	646,752
Water Related Services (Persons)	55,480
Day Use Services (Persons)	478,256
Facilities Repair Projects (Projects)	1,000
Museum	
Statewide Educ Programming (Participants)	71,824
Total Public Programming (Persons)	284,580

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 2015.

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 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 11. 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 12. 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 Five Million Dollars (\$5,000,000.00), that may become available to the department in accordance with the rules and regulations of the Department of Finance and Administration.

SECTION 13. 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 14. 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 15. 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 16. 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 17. Of the funds appropriated herein, Two Hundred Thousand Dollars (\$200,000.00) may be provided to fund the Youth Participation Initiative for the purpose of educating children in the areas of hunting, fishing, conservation, and safety.

SECTION 18. 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 19. 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 20. It is the intention of the Legislature that no state park be closed without legislative approval.

SECTION 21. 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 22. It is the intent of the Legislature that no wildlife management area be closed and that to the greatest practicable extent, department land management decisions and actions may not result in any net loss of any acreage available

for hunting opportunities that existed on July 1, 2006, as provided in Section 49-5-99(4).

SECTION 23. 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 24. It is the intent of the Legislature that from the funds available to the Department of Wildlife, Fisheries and Parks, the department may purchase and pay premium(s) on property damage insurance on its motor vehicles, boats, trailers, real property improvements, buildings, furnishings, and such other assets as may be appropriate or practical, and/or as required by a granting entity.

SECTION 25. Of the funds appropriated under the provisions of Section 2, the amount of One Hundred Twenty Thousand Dollars

(\$120,000.00) shall be derived out of any money in the State Treasury to the credit of the Budget Contingency Fund, as created in Section 27-103-301, Mississippi Code of 1972, and allocated in a manner as determined by the Treasurer's Office, to defray the costs of repairs to Great River Road State Park located in Rosedale, Mississippi.

SECTION 26. Of the funds appropriated under the provisions of Section 2, One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000.00) shall be designated for the purpose of defraying the operational expenses of Special Projects. None of these funds shall be used for "Personal Services".

SECTION 27. Of the funds appropriated under the provisions of Section 1, the Department of Wildlife, Fisheries and Parks is authorized to realign two hundred and fifty (250) DWFP Law Enforcement PINs in accordance with the recommendation from the State Personnel Board to the Legislature during the 2013 Regular Legislative Session at a total cost not to exceed One Million One Hundred Thousand Dollars (\$1,100,000.00).

SECTION 28. Of the funds appropriated under the provisions of Section 1, the amount of Fifty Thousand Dollars (\$50,000.00) shall be designated for the Scenic Rivers Development Alliance project.

SECTION 29. It is the intention of the Legislature that the funds herein appropriated shall be expended in compliance with Section 27-104-25, Mississippi Code of 1972, that no state agency

shall incur obligations or indebtedness in excess of their appropriation and that the responsible officers, either personally or upon their official bonds, shall be held responsible for actions contrary to this provision.

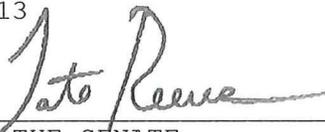
SECTION 30. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 31. This act shall take effect and be in force from and after July 1, 2013.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 1, 2013


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 31, 2013


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

10:21 am
4-23-13