

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1793: Appropriation; Department of Wildlife, Fisheries and Parks.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the Senate recede from its Amendment No. 1.

- 2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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, 2002, and ending June 30, 2003
10 \$ 12,059,057.00.

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, 2002, and ending June 30, 2003.....
18 \$ 44,554,337.00.

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, 2002, and ending June 30, 2003..... \$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 during Fiscal Year 2003.

36 **SECTION 3.** Of the funds appropriated under the provisions of
37 Section 2 and allocated in Section 5 to the Bureau of Wildlife and
38 Fisheries, funds in the amount of One Hundred Twenty-five Thousand
39 Three Hundred Thirty-five Dollars (\$125,335.00) shall be derived
40 from the Education Enhancement Fund deposited pursuant to Sections
41 27-65-75 and 27-67-31, Mississippi Code of 1972, for the purpose
42 of defraying the expenses of Project WILD for Fiscal Year 2003.

43 **SECTION 4.** It is the intention of the Legislature that the
44 Department of Wildlife, Fisheries and Parks shall have the
45 authority to receive, budget and expend funds from the Gulf and
46 Wildlife Protection Fund, not to exceed Three Hundred Fifty
47 Thousand Dollars (\$350,000.00) for the purpose of preservation,
48 protection, conservation, and acquisition of waters, land and
49 wildlife of this state.

50 **SECTION 5.** Of the funds appropriated under the provisions of
51 Sections 1 and 2, not more than the amounts set forth below shall
52 be expended for the respective major objects of such divisions:

53 DIVISION OF WILDLIFE AND FISHERIES

54 BUREAU OF WILDLIFE AND FISHERIES

55 MAJOR OBJECTS OF EXPENDITURE:

56 Personal Services:

57 Salaries, Wages and Fringe Benefits.. \$	19,922,103.00
58 Travel and Subsistence.....	130,000.00
59 Contractual Services.....	5,537,011.00
60 Commodities.....	3,170,088.00

61 Capital Outlay:

62 Other Than Equipment.....	625,322.00
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63	Equipment.....	740,111.00
64	Subsidies, Loans and Grants.....	<u>1,247,015.00</u>
65	Total.....	\$ 31,371,650.00

66 FUNDING:

67	General Funds.....	\$ 2,673,349.00
68	Special Funds.....	<u>28,698,301.00</u>
69	Total.....	\$ 31,371,650.00

70 AUTHORIZED POSITIONS:

71	Permanent: Full Time	489
72	Part Time	28
73	Time-Limited: Full Time	42
74	Part Time	0

75 BUREAU OF WILDLIFE AND FISHERIES

76 MOTOR VEHICLE SECTION

77 MAJOR OBJECTS OF EXPENDITURE:

78 Personal Services:

79	Salaries, Wages and Fringe Benefits..	\$ 0.00
80	Travel and Subsistence.....	0.00
81	Contractual Services.....	0.00
82	Commodities.....	0.00
83	Capital Outlay:	
84	Other Than Equipment.....	0.00
85	Equipment.....	1,631,169.00
86	Subsidies, Loans and Grants.....	<u>0.00</u>

87	Total.....	\$ 1,631,169.00
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88 FUNDING:

89	General Funds.....	\$ 0.00
90	Special Funds.....	<u>1,631,169.00</u>
91	Total.....	\$ 1,631,169.00

92 Each conservation officer and supervisor shall be furnished
 93 an allowance for uniforms not to exceed Four Hundred Fifty Dollars
 94 (\$450.00) per annum.

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

99 DIVISION OF PARKS AND RECREATION

100 MAJOR OBJECTS OF EXPENDITURE:

101 Personal Services:

102	Salaries, Wages and Fringe Benefits.. \$	8,728,596.00
103	Travel and Subsistence.....	45,000.00
104	Contractual Services.....	4,426,533.00
105	Commodities.....	1,313,058.00
106	Capital Outlay:	
107	Other Than Equipment.....	86,512.00
108	Equipment.....	331,006.00
109	Subsidies, Loans and Grants.....	<u>913,042.00</u>
110	Total..... \$	15,843,747.00

111 FUNDING:

112	General Funds..... \$	6,838,186.00
113	Special Funds.....	<u>9,005,561.00</u>
114	Total..... \$	15,843,747.00

115 AUTHORIZED POSITIONS:

116	Permanent:	Full Time	303
117		Part Time	250
118	Time-Limited:	Full Time	0
119		Part Time	0

120 Of the funds authorized to be expended by the Bureau of
 121 Fisheries and Wildlife, not more than One Million Five Hundred
 122 Thousand Dollars (\$1,500,000.00) shall be expended by the Bureau
 123 of Fisheries and Wildlife to defray the costs of the Division of
 124 Parks and Recreation of the Department of Wildlife, Fisheries and
 125 Parks.

126 It is the intention of the Legislature that a reasonable
 127 number of Conservation Officers, Conservation Officer Supervisors,
 128 District Managers, Area Managers, and Lake Managers shall be
 129 employed and/or detailed to both temporary and permanent job
 130 assignments in areas other than their county of residence.

131 MUSEUM OF NATURAL SCIENCE

132 MAJOR OBJECTS OF EXPENDITURE:

133 Personal Services:

134	Salaries, Wages and Fringe Benefits.. \$	1,369,580.00
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135	Travel and Subsistence.....	14,252.00
136	Contractual Services.....	1,579,057.00
137	Commodities.....	335,039.00
138	Capital Outlay:	
139	Other Than Equipment.....	150,000.00
140	Equipment.....	23,900.00
141	Subsidies, Loans and Grants.....	<u>145,000.00</u>
142	Total.....	\$ 3,616,828.00

143 FUNDING:

144	General Funds.....	\$ 2,547,522.00
145	Special Funds.....	<u>1,069,306.00</u>
146	Total.....	\$ 3,616,828.00

147 AUTHORIZED POSITIONS:

148	Permanent:	Full Time	28
149		Part Time	1
150	Time-Limited:	Full Time	4
151		Part Time	0

152 With the funds appropriated herein, the Mississippi
153 Commission on Wildlife, Fisheries and Parks shall adopt rules and
154 regulations to permit the building, equipment and facilities of
155 the Mississippi Museum of Natural Science, or any portion thereof,
156 to be used by individuals, organizations, associations or other
157 groups or entities for special events, occasions or activities.
158 Such rules and regulations may authorize the commission to
159 establish and collect reasonable fees and charges for the use of
160 such building, equipment and facilities, shall authorize such
161 building, equipment and facilities to be used for such purposes
162 during the regular operating hours of the museum as well as after
163 regular operating hours or at other times when such use will not
164 unreasonably interfere with access to the museum by the general
165 public, may require users to provide security in the form of cash
166 deposits, bond and/or insurance for the care and safekeeping of
167 the building, equipment and facilities, may require users to enter
168 into indemnity agreements to protect the state, its agencies and
169 its officers and employees from liability and may authorize the
170 commission to establish such other terms, conditions, restrictions

171 and limitations from time to time as the commission deems
172 advisable with regard to the use of the museum and its building,
173 equipment and facilities.

174 SPECIAL PROJECTS

175 MAJOR OBJECTS OF EXPENDITURE:

176 Personal Services:

177	Salaries, Wages and Fringe Benefits.. \$	0.00
178	Travel and Subsistence.....	6,250.00
179	Contractual Services.....	400,000.00
180	Commodities.....	193,750.00
181	Capital Outlay:	
182	Other Than Equipment.....	2,500,000.00
183	Equipment.....	262,500.00
184	Subsidies, Loans and Grants.....	<u>787,500.00</u>
185	Total..... \$	4,150,000.00

186 FUNDING:

187	General Funds..... \$	0.00
188	Special Funds.....	<u>4,150,000.00</u>
189	Total..... \$	4,150,000.00

190 Funds are provided herein to adjust the Variable Compensation
191 Plan to ensure that all full-time employees receive a pay increase
192 equal to fifty percent (50%) of the realignment component of the
193 Variable Compensation Plan or Six Hundred Dollars (\$600.00),
194 whichever is greater, beginning on January 1, 2003.

195 With the funds herein appropriated, it is the intention of
196 the Legislature that it shall be the agency's responsibility to
197 make certain that funds required to be appropriated for "Personal
198 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003
199 funds appropriated for that purpose, unless programs, positions or
200 pay increases are added to the agency's budget by the Mississippi
201 Legislature. Based on data provided by the Legislative Budget
202 Office, the State Personnel Board shall, on July 1, 2002, publish
203 separate annual projection reports, based on July 1, 2002 data,
204 for the period of July 1, 2002 through December 31, 2002, and
205 January 1, 2003 through June 30, 2003, that project the annual
206 cost to fully fund all appropriated positions in compliance with

207 the provisions of this act. It shall be the responsibility of the
208 agency head to ensure that no single personnel action increases
209 this projected cost and/or the Fiscal Year 2003 appropriation for
210 "Personal Services," as annualized on a semi-annual basis in
211 accordance with the provisions of this act. If, at the end of any
212 calendar month, the State Personnel Board determines that the
213 agency has taken action(s) which would cause the agency to exceed
214 this projected annual cost or the Fiscal Year 2003 "Personal
215 Services" appropriated level, when annualized in compliance with
216 the provisions of this act, then only those actions which reduce
217 the projected annual cost and/or the appropriation requirement
218 will be processed by the State Personnel Board until such time as
219 the requirements of this provision are met.

220 It is the intention of the Legislature that the Executive
221 Director of the Department of Wildlife, Fisheries and Parks may
222 transfer between the various divisions authorized herein both
223 funds and positions not to exceed five percent (5%) of the
224 authorized budgets in the aggregate. The Executive Director of
225 the Department of Wildlife, Fisheries and Parks shall submit
226 written justification for the transfer to the Legislative Budget
227 Office and the Department of Finance and Administration on or
228 before the fifteenth of the month prior to the effective date of
229 the transfer.

230 Any transfers or escalations shall be made in accordance with
231 the terms, conditions and procedures established by law.

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

236 **SECTION 6.** Of the funds appropriated in Section 2, and
237 allocated to the Special Projects budget in Section 5, the
238 following amounts shall come from:

239 Department of Wildlife, Fisheries and Parks Special Duck
240 Stamp Fund No. 3470, for the purpose of protecting and propagating
241 migratory waterfowl in accordance with Section 49-7-167,
242 Mississippi Code of 1972.....\$ 500,000.00

243 Department of Wildlife, Fisheries and Parks Special Timber
244 Fund No. 3469, for the purpose of acquiring real estate for the
245 State of Mississippi which will be used to provide hunting and/or
246 fishing activities.....\$2,000,000.00

247 Department of Wildlife, Fisheries and Parks Special Emergency
248 and Renovation Fund No. 346F, for the purpose of emergency repair
249 or renovation activities on state lakes or fish hatcheries.....
250\$ 1,000,000.00

251 Department of Wildlife, Fisheries and Parks Special Pearl
252 River Timber Fund No. 3465, for the purpose of making improvements
253 to the Pearl River Wildlife Management Area.....\$ 150,000.00

254 Department of Wildlife, Fisheries and Parks Special Timber
255 Fund No. 346P, for the purpose of making improvements to
256 parks.....\$ 500,000.00

257 **SECTION 7.** The board of supervisors of any county or any
258 group or combination of counties are hereby authorized and
259 empowered to enter into cooperative agreements with each other and
260 with the Commission on Wildlife, Fisheries and Parks for the
261 purpose of creating, improving or restoring parks, public game and
262 fish habitat lying or to be situated wholly or partially within
263 such county or in an adjoining county; and each county is
264 empowered and authorized, in its discretion, to expend a sum not
265 exceeding One Hundred Thousand Dollars (\$100,000.00) from the
266 general county fund for such purposes from which fund they shall
267 reimburse to the Commission on Wildlife, Fisheries and Parks the
268 actual cost of all surveying and engineering projects incurred by
269 the Department of Wildlife, Fisheries and Parks incidental
270 thereto. Such boards of supervisors are further authorized and
271 empowered, in their discretion, to enter into agreements necessary
272 to carry out the purposes of this act with any other county, the
273 United States Forest Service or any other agency if same should be
274 necessary for the acquisition of land by lease or otherwise for
275 such purposes.

276 **SECTION 8.** The Department of Wildlife, Fisheries and Parks
277 is hereby directed to keep an exact accounting of the funds
278 received during each fiscal year by fund and source and an exact

279 accounting of how these funds were expended by fund and
280 program/division. Such information shall be provided to the House
281 and Senate Appropriations Chairmen, Chairman of the House Game and
282 Fish Committee and Chairman of the Senate Wildlife and Fisheries
283 Committee no later than October 1 following the end of the fiscal
284 year.

285 **SECTION 9.** The Department of Wildlife, Fisheries and Parks
286 is authorized to enter into an agreement with the Pearl River
287 Valley Water Supply District to provide for financial support of
288 an additional conservation officer on and around the Ross Barnett
289 Reservoir.

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

293 **SECTION 10.** It shall be unlawful for any officer, employee
294 or other person whatsoever to use or permit or authorize the use
295 of any automobile or any other motor vehicle owned by the State of
296 Mississippi or any department, agency or institution thereof for
297 any purpose other than upon the official business of the State of
298 Mississippi or any agency, department or institution thereof.

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

302 **SECTION 11.** It is the intention of the Legislature that the
303 Department of Wildlife, Fisheries and Parks shall have the
304 authority to receive, budget and expend funds from any source, not
305 to exceed Five Hundred Thousand Dollars (\$500,000.00), that may
306 become available to the department in accordance with the rules
307 and regulations of the Department of Finance and Administration.
308 None of the funds authorized in this section shall be used to
309 increase the major object of expenditure "Salaries, Wages and
310 Fringe Benefits."

311 **SECTION 12.** In compliance with the "Mississippi Performance
312 Budget and Strategic Planning Act of 1994," it is the intent of
313 the Legislature that the funds provided herein shall be utilized
314 in the most efficient and effective manner possible to achieve the

315 intended mission of this agency. Based on the funding authorized,
316 this agency shall make every effort to attain the targeted
317 performance measures provided below:

	FY2003
<u>Performance Measures</u>	<u>Target</u>
320 Support Services	
321 Hunting and Fishing Licenses Sold (Licenses)	520,000
322 Registration of Boats (Boats)	215,500
323 Freshwater Fisheries Management	
324 Fish Stock for Public Water (Fish)	3,000,000
325 Users of DWFP Lakes (Man-days)	64,000
326 Game Management	
327 DMAP Cooperators	725
328 DWFP Management for Hunters (Man-days)	180,000
329 Law Enforcement	
330 Hunter and Boater Education (Persons)	19,400
331 Motor Vehicle	
332 Vehicles Purchased (Vehicles)	79
333 Used Vehicle Sales (Vehicles)	63
334 Parks & Recreation	
335 Overnight Accommodations (Persons)	674,280
336 Water Related Services (Persons)	93,280
337 Day Use Services (Persons)	3,486,060
338 Facilities Repair Projects (Projects)	3,980
339 Historical and Nature Services (Persons)	86,220
340 Museum Of Natural Science	
341 Information Provided (Participants)	250,000
342 Participants in Museum Projects (Persons)	230,000

343 A reporting of the degree to which the performance targets
344 set above have been or are being achieved shall be provided in the
345 agency's budget request submitted to the Joint Legislative Budget
346 Committee for Fiscal Year 2004.

347 **SECTION 13.** In order to be in compliance with Sections
348 63-1-74 through 63-1-79, funds are herein provided and may be
349 expended by the Department of Wildlife, Fisheries and Parks to pay
350 the costs of commercial driver's licenses for specific employees

351 and/or to reimburse such costs for specific employees who, in the
352 course of their duties and responsibilities, are required to hold
353 a valid Mississippi Commercial Driver's License.

354 **SECTION 14.** It is the intention of the Legislature that the
355 Department of Wildlife, Fisheries and Parks shall have the
356 authority to receive, budget and expend funds from the Mississippi
357 Development Authority in the amount of Four Million Dollars
358 (\$4,000,000.00) as authorized in Section 57-61-32 (1), Mississippi
359 Code of 1972. Such funds are to be used to defray the cost of
360 constructing a North Mississippi Fish Hatchery.

361 **SECTION 15.** Of the funds provided herein, One Hundred Fifty
362 Thousand Dollars (\$150,000.00) is provided to the Department of
363 Wildlife, Fisheries and Parks for the enhancement of marketing of
364 state parks.

365 **SECTION 16.** The Mississippi Department of Wildlife,
366 Fisheries and Parks is authorized to provide financial support of
367 One Hundred Fifty Thousand Dollars (\$150,000.00) and to enter into
368 an agreement with the Mississippi Cooperative Extension Service
369 for a biology specialist and related supportive cost.

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

373 **SECTION 17.** The Department of Wildlife, Fisheries and Parks
374 is authorized to maintain the following job classes as non-state
375 service: DWFP - Enforcement Trainee (Cadet), Special Operations
376 Agent I, Special Operations Agent II and Special Operations Agent
377 III.

378 **SECTION 18.** Of the funds appropriated under the provisions
379 of Sections 1 and 2, so much as necessary shall be used to create
380 a DWFP Assistant Hatchery Manager at the Lyman Hatchery using
381 existing positions in the Wildlife and Fisheries budget.

382 **SECTION 19.** With the funds appropriated herein, the
383 Department of Wildlife, Fisheries and Parks is authorized to make
384 payment for the following invoices from previous fiscal years as
385 follows:

386 Mississippi State Department of Health.....\$1,400.00

387 **SECTION 20.** Of the funds appropriated under the provisions
388 of Section 2, Budget Contingency Funds in the amount of Five
389 Thousand Dollars (\$5,000.00) are provided for the purpose of
390 purchasing and erecting a memorial sign to be located in Front
391 Street Park in Durant honoring the Mississippians killed in the
392 September 11, 2001, terrorist attacks upon the United States of
393 America.

394 **SECTION 21.** The money herein appropriated shall be paid by
395 the State Treasurer out of any money in the State Treasury to the
396 credit of the proper fund or funds as set forth in this act, upon
397 warrants issued by the State Fiscal Officer; and the State Fiscal
398 Officer shall issue his warrants upon requisitions signed by the
399 proper person, officer or officers, in the manner provided by law.

400 **SECTION 22.** This act shall take effect and be in force from
401 and after July 1, 2002.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X _____
Charlie Capps, Jr.

X _____
Jack Gordon

X _____
David L. Green

X _____
Robert G. Huggins

X _____
Warner F. McBride

X _____
Lynn Posey