

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. 1550: 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, 2003, and ending June 30, 2004
10 \$ 10,360,779.00.

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, 2003, and ending June 30, 2004.....
18 \$ 50,050,841.00.

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, 2003, and ending June 30, 2004..... \$ 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. The department shall
36 make a detailed report to the Legislature regarding the spending
37 of the Wildlife Heritage funds by September 1 for the preceding
38 Fiscal Year 2003.

39 **SECTION 3.** Of the funds appropriated under the provisions of
40 Section 2 to the Bureau of Wildlife and Fisheries, funds in the
41 amount of One Hundred Twenty-five Thousand Three Hundred
42 Thirty-five Dollars (\$125,335.00) shall be derived from the
43 Education Enhancement Fund deposited pursuant to Sections 27-65-75
44 and 27-67-31, Mississippi Code of 1972, for the purpose of
45 defraying the expenses of Project WILD for Fiscal Year 2004.

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

53 **SECTION 5.** With the funds appropriated under the provisions
54 of Sections 1 and 2, the following positions are authorized:

55 AUTHORIZED POSITIONS:

56	Permanent:	Full Time	823
57		Part Time	279
58	Time-Limited:	Full Time	51
59		Part Time	2

60 Each conservation officer and supervisor shall be furnished
61 an allowance for uniforms not to exceed Four Hundred Fifty Dollars
62 (\$450.00) per annum.

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

67 **SECTION 6.** Of the funds authorized to be expended by the
68 Bureau of Fisheries and Wildlife, not more than One Million Five
69 Hundred Thousand Dollars (\$1,500,000.00) shall be expended by the
70 Bureau of Fisheries and Wildlife to defray the costs of the
71 Division of Parks and Recreation of the Department of Wildlife,
72 Fisheries and Parks.

73 **SECTION 7.** With the funds appropriated herein, it is the
74 intention of the Legislature that a reasonable number of
75 Conservation Officers, Conservation Officer Supervisors, District
76 Managers, Area Managers, and Lake Managers shall be employed
77 and/or detailed to both temporary and permanent job assignments in
78 areas other than their county of residence.

79 **SECTION 8.** With the funds appropriated herein, the
80 Mississippi Commission on Wildlife, Fisheries and Parks shall
81 adopt rules and regulations to permit the building, equipment and
82 facilities of the Mississippi Museum of Natural Science, or any
83 portion thereof, to be used by individuals, organizations,
84 associations or other groups or entities for special events,
85 occasions or activities. Such rules and regulations may authorize
86 the commission to establish and collect reasonable fees and
87 charges for the use of such building, equipment and facilities,
88 shall authorize such building, equipment and facilities to be used
89 for such purposes during the regular operating hours of the museum
90 as well as after regular operating hours or at other times when
91 such use will not unreasonably interfere with access to the museum
92 by the general public, may require users to provide security in
93 the form of cash deposits, bond and/or insurance for the care and
94 safekeeping of the building, equipment and facilities, may require
95 users to enter into indemnity agreements to protect the state, its
96 agencies and its officers and employees from liability and may
97 authorize the commission to establish such other terms,
98 conditions, restrictions and limitations from time to time as the

99 commission deems advisable with regard to the use of the museum
100 and its building, equipment and facilities.

101 **SECTION 9.** With the funds herein appropriated, it is the
102 intention of the Legislature that it shall be the agency's
103 responsibility to make certain that funds required to be
104 appropriated for "Personal Services" for Fiscal Year 2005 do not
105 exceed Fiscal Year 2004 funds appropriated for that purpose,
106 unless programs or positions are added to the agency's Fiscal Year
107 2005 budget by the Mississippi Legislature. Based on data
108 provided by the Legislative Budget Office, the State Personnel
109 Board shall determine and publish the projected annual cost to
110 fully fund all appropriated positions in compliance with the
111 provisions of this act. It shall be the responsibility of the
112 agency head to insure that no single personnel action increases
113 this projected annual cost and/or the Fiscal Year 2004
114 appropriation for "Personal Services" when annualized. If, at the
115 end of any calendar month, the State Personnel Board determines
116 that the agency has taken action(s) which would cause the agency
117 to exceed this projected annual cost or the Fiscal Year 2004
118 "Personal Services" appropriated level, when annualized, then only
119 those actions which reduce the projected annual cost and/or the
120 appropriation requirement will be processed by the State Personnel
121 Board until such time as the requirements of this provision are
122 met.

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

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

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

134 **SECTION 11.** The board of supervisors of any county or any

135 group or combination of counties are hereby authorized and
136 empowered to enter into cooperative agreements with each other and
137 with the Commission on Wildlife, Fisheries and Parks for the
138 purpose of creating, improving or restoring parks, public game and
139 fish habitat lying or to be situated wholly or partially within
140 such county or in an adjoining county; and each county is
141 empowered and authorized, in its discretion, to expend a sum not
142 exceeding One Hundred Thousand Dollars (\$100,000.00) from the
143 general county fund for such purposes from which fund they shall
144 reimburse to the Commission on Wildlife, Fisheries and Parks the
145 actual cost of all surveying and engineering projects incurred by
146 the Department of Wildlife, Fisheries and Parks incidental
147 thereto. Such boards of supervisors are further authorized and
148 empowered, in their discretion, to enter into agreements necessary
149 to carry out the purposes of this act with any other county, the
150 United States Forest Service or any other agency if same should be
151 necessary for the acquisition of land by lease or otherwise for
152 such purposes.

153 **SECTION 12.** The Department of Wildlife, Fisheries and Parks
154 is hereby directed to keep an exact accounting of the funds
155 received during each fiscal year by fund and source and an exact
156 accounting of how these funds were expended by fund and
157 program/division. Such information shall be provided to the House
158 and Senate Appropriations Chairmen, Chairman of the House Game and
159 Fish Committee and Chairman of the Senate Wildlife and Fisheries
160 Committee no later than October 1 following the end of the fiscal
161 year.

162 **SECTION 13.** The Department of Wildlife, Fisheries and Parks
163 is authorized to enter into an agreement with the Pearl River
164 Valley Water Supply District to provide for financial support of
165 an additional conservation officer on and around the Ross Barnett
166 Reservoir.

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

170 **SECTION 14.** It shall be unlawful for any officer, employee

171 or other person whatsoever to use or permit or authorize the use
172 of any automobile or any other motor vehicle owned by the State of
173 Mississippi or any department, agency or institution thereof for
174 any purpose other than upon the official business of the State of
175 Mississippi or any agency, department or institution thereof.

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

179 **SECTION 15.** It is the intention of the Legislature that the
180 Department of Wildlife, Fisheries and Parks shall have the
181 authority to receive, budget and expend funds from any source, not
182 to exceed Five Hundred Thousand Dollars (\$500,000.00), that may
183 become available to the department in accordance with the rules
184 and regulations of the Department of Finance and Administration.

185 **SECTION 16.** In order to be in compliance with Sections
186 63-1-74 through 63-1-79, funds are herein provided and may be
187 expended by the Department of Wildlife, Fisheries and Parks to pay
188 the costs of commercial driver's licenses for specific employees
189 and/or to reimburse such costs for specific employees who, in the
190 course of their duties and responsibilities, are required to hold
191 a valid Mississippi Commercial Driver's License.

192 **SECTION 17.** It is the intention of the Legislature that the
193 Department of Wildlife, Fisheries and Parks shall have the
194 authority to receive, budget and expend funds from the Mississippi
195 Development Authority in the amount of Four Million Dollars
196 (\$4,000,000.00) as authorized in Section 57-61-32 (1), Mississippi
197 Code of 1972. Such funds are to be used to defray the cost of
198 constructing a North Mississippi Fish Hatchery.

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

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

207 **SECTION 19.** It is the intention of the Legislature that PIN
208 8102 shall be converted from time-limited full time to permanent
209 full time status.

210 **SECTION 20.** It is the intention of the Legislature that the
211 Department of Wildlife, Fisheries and Parks shall maintain
212 complete accounting and personnel records related to the
213 expenditure of all funds appropriated under this act and that such
214 records shall be in the same format and level of detail as
215 maintained for Fiscal Year 2003. It is further the intention of
216 the Legislature that the agency's budget request for Fiscal Year
217 2005 shall be submitted to the Joint Legislative Budget Committee
218 in a format and level of detail comparable to the format and level
219 of detail provided during the Fiscal Year 2004 budget request
220 process.

221 **SECTION 21.** It is the intention of the Legislature that a
222 DWFP-Conservation Officer I position be established and filled to
223 be assigned to manage the Mason Creek Game Management Area.
224 Furthermore, it is the intention of the Legislature that a
225 Statewide Coordinator for the Recruitment and Retention of Hunting
226 and Fishing be established and filled to be assigned to the
227 Central Office.

228 **SECTION 22.** Of the funds in Section 2, the department shall
229 implement a One Thousand Dollar (\$1,000.00) realignment to the
230 following job classes: DWFP-Conservation Officer I,
231 DWFP-Conservation Officer II, DWFP-Conservation Officer III,
232 DWFP-Conservation Officer IV, DWFP-Conservation Manager,
233 DWFP-Conservation Supervisor, DWFP-Special Operations Agent I,
234 DWFP-Special Operations Agent II, and DWFP-Special Operations
235 Agent III.

236 **SECTION 23.** Of the funds in Section 2, the Department shall
237 be authorized to purchase and implement a satellite communications
238 system in an amount not to exceed Two Million Two Hundred Thousand
239 Dollars (\$2,200,000.00).

240 **SECTION 24.** The money herein appropriated shall be paid by
241 the State Treasurer out of any money in the State Treasury to the
242 credit of the proper fund or funds as set forth in this act, upon

243 warrants issued by the State Fiscal Officer; and the State Fiscal
244 Officer shall issue his warrants upon requisitions signed by the
245 proper person, officer or officers, in the manner provided by law.

246 **SECTION 25.** This act shall take effect and be in force from
247 and after July 1, 2003.

CONFEREES FOR THE HOUSE

X _____

Charlie Capps, Jr.

X _____

David L. Green

X _____

Warner F. McBride

CONFEREES FOR THE SENATE

X _____

Jack Gordon

X _____

Robert G. Huggins

X _____

Lynn Posey