

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. 1691: 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, 2007, and ending June 30, 2008
 10 \$ 9,692,469.00.

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, 2007, and ending June 30, 2008.....
 18 \$ 53,194,120.00.

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, 2007, and ending June 30, 2008..... \$ 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 2008.

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 Fifty Thousand Dollars
49 (\$50,000.00) for the purpose of preservation, protection,
50 conservation, and acquisition of waters, land and wildlife of this
51 state.

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

54 AUTHORIZED POSITIONS:

55	Permanent:	Full Time.....	828
56		Part Time.....	209
57	Time-Limited:	Full Time.....	61

58 Part Time..... 0

59 Funds are provided herein to adjust the Variable Compensation
60 Plan to ensure that all full-time employees receive a pay increase
61 equal to the realignment component of the Variable Compensation
62 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
63 is greater, to be awarded on July 1, 2007.

64 With the funds herein appropriated, it is the intention of
65 the Legislature that it shall be the agency's responsibility to
66 make certain that funds required to be appropriated for "Personal
67 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
68 funds appropriated for that purpose, unless programs or positions
69 are added to the agency's Fiscal Year 2008 budget by the
70 Mississippi Legislature. Based on data provided by the
71 Legislative Budget Office, the State Personnel Board shall
72 determine and publish the projected annual cost to fully fund all
73 appropriated positions in compliance with the provisions of this
74 act. It shall be the responsibility of the agency head to insure
75 that no single personnel action increases this projected annual
76 cost and/or the Fiscal Year 2008 appropriations for "Personal
77 Services" when annualized, with the exception of escalated funds
78 and educational benchmarks. If, at the time the agency takes any
79 action to change "Personal Services", the State Personnel Board
80 determines that the agency has taken an action which would cause
81 the agency to exceed this projected annual cost or the Fiscal Year
82 2008 "Personal Services" appropriated level, when annualized, then
83 only those actions which reduce the projected annual cost and/or
84 the appropriation requirement will be processed by the State
85 Personnel Board until such time as the requirements of this
86 provision are met. On January 1, 2008, the State Personnel Board
87 will make adjustments to the structure side of the compliance
88 report based on data provided by the Legislative Budget Office in
89 order for agencies to award educational benchmarks.

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

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

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

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

110 **SECTION 7.** It is the intention of the Legislature that the
111 Department of Wildlife, Fisheries and Parks shall maintain
112 complete accounting and personnel records related to the
113 expenditure of all funds appropriated under this act and that such
114 records shall be in the same format and level of detail as
115 maintained for Fiscal Year 2007. It is further the intention of
116 the Legislature that the agency's budget request for Fiscal Year
117 2009 shall be submitted to the Joint Legislative Budget Committee
118 in a format and level of detail comparable to the format and level
119 of detail provided during the Fiscal Year 2008 budget request
120 process.

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

	FY2008
<u>Performance Measures</u>	<u>Target</u>
130 Support Services	
131 Hunting & Fishing Licenses	
132 Sold (Licenses)	528,000
133 Registration of Boats (Boats)	260,000
134 Freshwater Fisheries Mgmt	
135 Fish Stock for Public Water (Fish)	5,000,000
136 Users of DWFP Lakes (Man-days)	68,000
137 Game Management	
138 DMAP Cooperators	730
139 DWFP Management for Hunters (Man-days)	180,000
140 Law Enforcement	
141 Hunter Education (Persons)	19,000
142 Motor Vehicle	
143 Vehicles Purchased (Vehicles)	25
144 Used Vehicle Sales (Vehicles)	50
145 Parks & Recreation	
146 Overnight Accommodations (Persons)	676,000
147 Water Related Services (Persons)	68,000
148 Day Use Services (Persons)	2,650,000
149 Facilities Repair Projects (Projects)	30
150 Historical & Nature Services (Persons)	87,000
151 Museum Of Natural Science	
152 Information Provided (Participants)	235,500

153 Participants in Museum Prjs (Persons) 435,000

154 A reporting of the degree to which the performance targets
155 set above have been or are being achieved shall be provided in the
156 agency's budget request submitted to the Joint Legislative Budget
157 Committee for Fiscal Year 2009.

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

163 **SECTION 10.** The board of supervisors of any county or any
164 group or combination of counties are hereby authorized and
165 empowered to enter into cooperative agreements with each other and
166 with the Commission on Wildlife, Fisheries and Parks for the
167 purpose of creating, improving or restoring parks, public game and
168 fish habitat lying or to be situated wholly or partially within
169 such county or in an adjoining county; and each county is
170 empowered and authorized, in its discretion, to expend a sum not
171 exceeding One Hundred Thousand Dollars (\$100,000.00) from the
172 general county fund for such purposes from which fund they shall
173 reimburse to the Commission on Wildlife, Fisheries and Parks the
174 actual cost of all surveying and engineering projects incurred by
175 the Department of Wildlife, Fisheries and Parks incidental
176 thereto. Such boards of supervisors are further authorized and
177 empowered, in their discretion, to enter into agreements necessary
178 to carry out the purposes of this act with any other county, the
179 United States Forest Service or any other agency if same should be
180 necessary for the acquisition of land by lease or otherwise for
181 such purposes.

182 **SECTION 11.** It shall be unlawful for any officer, employee
183 or other person whatsoever to use or permit or authorize the use
184 of any automobile or any other motor vehicle owned by the State of

185 Mississippi or any department, agency or institution thereof for
186 any purpose other than upon the official business of the State of
187 Mississippi or any agency, department or institution thereof.

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

191 **SECTION 12.** It is the intention of the Legislature that the
192 Department of Wildlife, Fisheries and Parks shall have the
193 authority to receive, budget and expend funds from any source, not
194 to exceed One Million Dollars (\$1,000,000.00), that may become
195 available to the department in accordance with the rules and
196 regulations of the Department of Finance and Administration.

197 **SECTION 13.** In order to be in compliance with Sections
198 63-1-74 through 63-1-79, funds are herein provided and may be
199 expended by the Department of Wildlife, Fisheries and Parks to pay
200 the costs of commercial driver's licenses for specific employees
201 and/or to reimburse such costs for specific employees who, in the
202 course of their duties and responsibilities, are required to hold
203 a valid Mississippi Commercial Driver's License.

204 **SECTION 14.** It is the intention of the Legislature that the
205 Department of Wildlife, Fisheries and Parks shall have the
206 authority to receive, budget and expend funds from the Mississippi
207 Development Authority in the amount of Four Million Dollars
208 (\$4,000,000.00) as authorized in Section 57-61-32 (1), Mississippi
209 Code of 1972. Such funds are to be used to defray the cost of
210 constructing a North Mississippi Fish Hatchery.

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

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

219 **SECTION 16.** The department is authorized to spend up to
220 twenty-five percent (25%) of revenue in the State Park Timber
221 Endowment Fund, as needed, to operate and maintain the state
222 parks.

223 **SECTION 17.** As funds become available to the department, an
224 amount equal to One Million Five Hundred Thousand Dollars
225 (\$1,500,000.00) may be used for completion of the North
226 Mississippi Fish Hatchery and any repair of levies or dams as
227 deemed necessary by the department.

228 **SECTION 18.** It is the intention of the Legislature that no
229 more than Nine Hundred Fifty Thousand Dollars (\$950,000.00) be
230 spent from the Motor Vehicle Fund for the purchase of motor
231 vehicles.

232 **SECTION 19.** It is the intention of the Legislature that
233 whenever two (2) or more bids are received by this agency for the
234 purchase of commodities or equipment, and whenever all things
235 stated in such received bids are equal with respect to price,
236 quality and service, the Mississippi Industries for the Blind
237 shall be given preference. A similar preference shall be given to
238 the Mississippi Industries for the Blind whenever purchases are
239 made without competitive bids.

240 **SECTION 20.** With the funds appropriated herein, it is the
241 intention of the Legislature that a reasonable number of
242 Conservation Officers, Conservation Officer Supervisors, District
243 Managers, Area Managers, and Lake Managers shall be employed
244 and/or detailed to both temporary and permanent job assignments in
245 areas other than their county of residence.

246 **SECTION 21.** It is the intention of the Legislature that the
247 Commission of the Mississippi Wildlife, Fisheries and Parks shall

248 have the authority to close, transfer, lease or sell properties
249 under the department's jurisdiction. Proceeds from such actions
250 shall be retained by the department.

251 **SECTION 22.** Of the funds appropriated in Section 1, it is
252 the intention of the Legislature that Two Million Dollars Nine
253 Hundred Thousand Dollars (\$2,900,000.00) shall be available to
254 defray the expenses of the Museum of Natural Science. Of the
255 positions authorized in Section 5, it is the intention of the
256 Legislature that the following positions are provided to the
257 Museum of Natural Science:

258 Permanent: Full Time.....30
259 Part Time.....13

260 **SECTION 23.** The Department of Wildlife, Fisheries and Parks
261 shall transfer Fourteen Thousand Dollars (\$14,000.00) from the
262 Office of Parks and Recreation, at the sole discretion of the
263 Executive Director of the department, to the Mississippi
264 Development Authority, Division of Tourism, for the purpose of
265 advertising and promoting the state parks.

266 **SECTION 24.** It is the intention of the Legislature that the
267 Department of Wildlife, Fisheries and Parks shall have the
268 authority to accept, budget and expend any source funds not to
269 exceed One Million Three Hundred Fifty Thousand Dollars
270 (\$1,350,000.00) for a goat and swine processing plant at Alcorn
271 State University. Such funds are to be escalated in accordance
272 with procedures for federal fund escalations as established in
273 Section 27-104-21, Mississippi Code of 1972, and expended for the
274 purposes of performing such duties as set forth by law in
275 accordance with applicable rules and regulations of the State
276 Fiscal Officer.

277 **SECTION 25.** In expending the funds appropriated by this act,
278 the Department of Wildlife, Fisheries and Parks shall be subject
279 to the following conditions:

280 (a) The department may lease state park lands within
281 Hugh White State Park and John Kyle State Park and authorize the
282 lessee to construct, maintain and operate overnight accommodation
283 facilities and recreational facilities;

284 (b) Any such lease under paragraph (a) must be approved
285 by the commission on Wildlife, Fisheries and Parks. Before
286 approving Hugh White State Park or John Kyle State Park lands for
287 lease and development, the commission must make an affirmative
288 finding and enter upon its official minutes a statement that the
289 development of that land will not be incompatible with the outdoor
290 recreational purposes and opportunities existing at Hugh White
291 State Park and John Kyle State Park.

292 (c) Facilities to be developed on leased park lands
293 shall be open and available for use by the general public and of
294 such a nature as to promote outdoor recreation or complement the
295 recreational opportunities available at the park.

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

302 **SECTION 27.** This act shall take effect and be in force from
303 and after July 1, 2007.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 2008.

CONFEREES FOR THE HOUSE

X (SIGNED)
Stringer

X (SIGNED)
Broomfield

X (SIGNED)
McBride

CONFEREES FOR THE SENATE

X (SIGNED)
Gordon

X (SIGNED)
Posey

X (SIGNED)
Lee (47th)