

**REPORT OF CONFERENCE COMMITTEE**

**# 4**

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

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

212 **SECTION 15.** The department is authorized to spend up to  
213 twenty-five percent (25%) of revenue in the State Park Timber  
214 Endowment Fund, as needed, to operate and maintain the state  
215 parks.

216           **SECTION 16.** As funds become available to the department, an  
217 amount up to, but not to exceed, One Million Five Hundred Thousand  
218 Dollars (\$1,500,000.00) may be used for any repair or maintenance  
219 of levies or dams as deemed necessary by the Department of  
220 Wildlife, Fisheries and Parks.

221           **SECTION 17.** It is the intention of the Legislature that no  
222 more than Nine Hundred Fifty Thousand Dollars (\$950,000.00) be  
223 spent from the Motor Vehicle Fund for the purchase of motor  
224 vehicles.

225           **SECTION 18.** It is the intention of the Legislature that  
226 whenever two (2) or more bids are received by this agency for the  
227 purchase of commodities or equipment, and whenever all things  
228 stated in such received bids are equal with respect to price,  
229 quality and service, the Mississippi Industries for the Blind  
230 shall be given preference. A similar preference shall be given to  
231 the Mississippi Industries for the Blind whenever purchases are  
232 made without competitive bids.

233           **SECTION 19.** With the funds appropriated herein, it is the  
234 intention of the Legislature that a reasonable number of  
235 Conservation Officers, Conservation Officer Supervisors, District  
236 Managers, Area Managers, and Lake Managers shall be employed  
237 and/or detailed to both temporary and permanent job assignments in  
238 areas other than their county of residence.

239           **SECTION 20.** It is the intention of the Legislature that the  
240 Commission of the Mississippi Wildlife, Fisheries and Parks shall  
241 have the authority to close, transfer, lease or sell properties  
242 under the department's jurisdiction. Proceeds from such actions  
243 shall be retained by the department.

244           **SECTION 21.** Of the funds appropriated in Section 1, it is  
245 the intention of the Legislature that Two Million Dollars Nine  
246 Hundred Thousand Dollars (\$2,900,000.00) shall be available to  
247 defray the expenses of the Museum of Natural Science. Of the



248 positions authorized in Section 5, it is the intention of the  
249 Legislature that the following positions are provided to the  
250 Museum of Natural Science:

251           Permanent:       Full Time.....30  
252                            Part Time.....13

253           **SECTION 22.** The Department of Wildlife, Fisheries and Parks  
254 shall transfer Fourteen Thousand Dollars (\$14,000.00) from the  
255 Office of Parks and Recreation, at the sole discretion of the  
256 Executive Director of the department, to the Mississippi  
257 Development Authority, Division of Tourism, for the purpose of  
258 advertising and promoting the state parks.

259           **SECTION 23.** It is the intention of the Legislature that the  
260 Department of Wildlife, Fisheries and Parks shall have the  
261 authority to accept, budget and expend any source funds not to  
262 exceed One Million Three Hundred Fifty Thousand Dollars  
263 (\$1,350,000.00) for a goat and swine processing plant at Alcorn  
264 State University. Such funds are to be escalated in accordance  
265 with procedures for federal fund escalations as established in  
266 Section 27-104-21, Mississippi Code of 1972, and expended for the  
267 purposes of performing such duties as set forth by law in  
268 accordance with applicable rules and regulations of the State  
269 Fiscal Officer.

270           **SECTION 24.** The money herein appropriated shall be paid by  
271 the State Treasurer out of any money in the State Treasury to the  
272 credit of the proper fund or funds as set forth in this act, upon  
273 warrants issued by the State Fiscal Officer; and the State Fiscal  
274 Officer shall issue his warrants upon requisitions signed by the  
275 proper person, officer or officers, in the manner provided by law.

276           **SECTION 25.** This act shall take effect and be in force from  
277 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

(NOT SIGNED)  
Lee (47th)