MISSISSIPPI LEGISLATURE REGULAR SESSION 2003

By: Representatives Green, McBride, Denny, Ellzey, Gadd, Nettles, Read, Watson

To: Appropriations

HOUSE BILL NO. 1532

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF THE DEPARTMENT OF MARINE RESOURCES FOR THE FISCAL YEAR 2004.

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 Marine Resources for the fiscal year beginning July 1, 2003, and ending June 30, 2004..... ..... $ 1,923,373.00.

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 Marine Resources for the fiscal year beginning July 1, 2003, and ending June 30, 2004..... $ 8,095,387.00.

Of the funds appropriated in this section, Three Million Fifty Thousand Dollars ($3,050,000.00) is derived from the state excise taxes upon gasoline, oil and other petroleum products.

SECTION 3. Of the funds appropriated under the provisions of Sections 1 and 2, not more than the amounts set forth below shall be expended for the respective major objects or purpose of expenditure:

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:	
Salaries, Wages and Fringe Benefits.. $	6,000,000.00
Travel and Subsistence.....	100,000.00
Contractual Services.....	1,900,000.00

Commodities		600,000.00
Capital Outlay:		
Other Than Equipment		218,760.00
Equipment		900,000.00
Subsidies, Loans and Grants		300,000.00
Total	$	10,018,760.00

FUNDING:

General Funds	$	1,923,373.00
Special Funds		8,095,387.00
Total	$	10,018,760.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	107
	Part Time	0
Time-Limited:	Full Time	33
	Part Time	4

Each Marine Conservation Officer and Supervisor shall be furnished an allowance for uniforms not to exceed Four Hundred Fifty Dollars ($450.00) per annum.

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 2005 do not exceed Fiscal Year 2004 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2005 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 insure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2004 appropriation for "Personal Services" when annualized. If, at the end of any calendar month, the State Personnel Board determines that the agency has taken

action(s) which would cause the agency to exceed this projected annual cost or the Fiscal Year 2004 "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.

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

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 4. It is the intention of the Legislature that the Department of Marine Resources shall have the authority to receive, budget and expend funds from any source that may become available to the department in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

SECTION 5. In addition to all other sums heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Tidelands Fund No. 3452 to the Department of Marine Resources for the purpose of defraying the expenses of the Tidelands projects for the fiscal year beginning July 1, 2003, and ending June 30, 2004..... $ 5,319,273.00.

With the funds appropriated in this section, the following projects are authorized:

PROJECT NO.	**PUBLIC ACCESS PROJECTS:**	**FINAL ACTION FY 2004**
P23A	Clemont Harbor Pier Extension. . . . .$	100,000.00
P05A	Courthouse Road Boat Launch Facility	250,000.00
P12A	East Pascagoula River Boat Launch	

		and Pier	150,000.00
P34A		Bayhead Swamp & Bayou, Public Access to.	80,350.00
P31A		Fountain Beach Access & Learning Center	150,000.00
P02A		Hiller Park Recreational Pier.	150,000.00
P09A		Pelican Landing, Phase II	200,000.00
P06A		Cowan Road Boat Launch Facility. . . .	150,000.00
P22A		Pearlington Pier Extension, Hancock County	100,000.00
P14A		Garfield-Ladner Pier, Phase IV	200,000.00
P24A		Washington Street Pier	200,000.00
P08A		Long Beach Harbor Improvements	200,000.00
P19A		Old Spanish Fort Boat Launching Ramp and Pier	40,000.00
P20A		Lake Mars Boat Launching & Parking . .	350,000.00
P13A		Harbor Improvements, Pass Christian. .	260,000.00
P03A		City Park Community Center	300,000.00
P28A		Schooner Pier Project.	250,000.00
P01A		Rutherford Pier Improvement, Phase II	150,000.00
		TOTAL PUBLIC ACCESS:	3,280,350.00
TOTAL MANAGEMENT:			972,523.00
Deer Island Payment			1,066,400.00
TOTAL TIDELANDS:			5,319,273.00

Each political subdivision receiving funds authorized in this section shall be held responsible for complying with Section 29-15-9, Mississippi Code of 1972, and shall be subject to an audit by the State Auditor and shall submit detailed reports beginning June 30, and every six (6) months thereafter for the duration of the project to the Department of Marine Resources on how funds authorized in this section were expended.

It is the intention of the Legislature that any political subdivision seeking to qualify for tidelands funds for the subsequent fiscal year shall submit a proposal to the Department of Marine Resources no later than July 1, 2003. All proposals submitted will be reviewed and evaluated by the Department of Marine Resources in accordance to department plans and procedures. Multiphased projects, multiyear projects, proposed projects with high dollar value and projects that have a record of stacking funds shall be considered as low priority projects when evaluated.

It is the intention of the Legislature that if the amount of the Tidelands funds appropriated in this act exceed the actual amount of Tidelands funds available, the available funds shall be made allocated on a pro rata basis between projects listed in this section.

SECTION 6. The following sum, or so much thereof as may be necessary, is hereby reappropriated out of any money in the State Treasury to the credit of the Department of Marine Resources, Tidelands Fund, which is comprised of special source funds available to the department, for expenditures pursuant to House Bill No. 1756, 2002 Regular Session, for the fiscal year beginning July 1, 2003, and ending June 30, 2004..... $5,500,000.00.

SECTION 7. It is the intention of the Legislature that the Tidelands funds provided for the "D'Iberville Marina Complex Phase IV" project authorized in House Bill No. 1633, 1999 Regular Session, and Tidelands funds provided for the "D'Iberville Marina Complex Phase V" project authorized in House Bill No. 1636, Regular Session of 2000, shall be used for the "D'Iberville Port Commission Habitat Educational Park" project.

SECTION 8. It is the intention of the Legislature that the Tidelands funds provided for the "Biloxi Port Commission - Point Cadet Marina - J Pier" project authorized in House Bill No. 1636, Regular Session of 2000, shall be used for the "Biloxi Port Commission - Lighthouse Fishing Dock" project.

SECTION 9. It is the intention of the Legislature that the Tidelands funds provided for the "Restoration West End of Deer Island" project authorized in House Bill No. 1569, Regular Session of 2001, shall be used for the "Deer Island Restoration and Harbor Improvements - Biloxi Port Commission" project.

SECTION 10. It is the intention of the Legislature that the Tidelands funds provided for the "City of Moss Point - Waterfront Development: Pelican Landing" project authorized in House Bill No. 1569, Regular Session of 2001, shall be used for the "River Bend Pier and Boardwalk in Moss Point" project.

SECTION 11. It is the intention of the Legislature that Tidelands funds allocated in this act in the amount of One Hundred Fifty Thousand Dollars ($150,000.00) for the City of Ocean Springs - Phase I East Beach Board Walk project must have been approved by the Mayor and Board of Alderman by September 1, 2002. If the city did not approve the project by September 1, 2002, the funds will be transferred to the Jackson County Board of Supervisors for Phase I of the Lake Mars Boat Launch and Parking project.

SECTION 12. It is the intention of the Legislature that the Department of Marine Resources be allowed to make necessary transfers from the Subsidies, Loans and Grants major object of expenditure to any other major object of expenditure for the purpose of expending Tidelands funds as appropriated in House Bill No. 1756, Regular Session of 2002.

SECTION 13. It is the intention of the Legislature that the commission shall place any special trust funds appropriated to the department in a special trust fund and the interest earned on the principal shall be credited to the special trust fund. Monies in the fund at the end of the fiscal year shall be retained in the special trust fund for use in the next succeeding fiscal year. The department may use the interest earned on the fund to pay reasonable costs for administering the fund and related projects.

SECTION 14. It is the intention of the Legislature that Tidelands Funds not otherwise appropriated shall be used for additional funding of tideland projects and the administration thereof by the Department of Marine Resources. Expenditures of excess Tidelands Funds by the Department of Marine Resources for supplemental and additional funding and administration of tidelands projects heretofore or hereafter proposed is authorized and approved. The Department of Marine Resources may escalate the Tidelands Fund in an amount not to exceed Eight Hundred Thousand Dollars ($800,000.00) for the purposes outlined in this section.

SECTION 15. It is the intention of the Legislature that none of the funds appropriated by this act shall be expended for increased charges for State and School Employees' Health Insurance Plan premium rates assessed by the Department of Finance and Administration in excess of the Fiscal Year 2003 premium rates for the health insurance plan.

SECTION 16. 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 17. This act shall take effect and be in force from and after July 1, 2003.