

By: Representatives Frierson, Shows, Barnett, Capps, Davis, Hamilton (109th), Markham, Miles, Peranich, Read, Vince, Weathersby

To: Appropriations

HOUSE BILL NO. 1733

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND  
2 MAINTENANCE OF THE DEPARTMENT OF MARINE RESOURCES FOR THE FISCAL  
3 YEAR 2005.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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 Marine Resources for the fiscal  
9 year beginning July 1, 2004, and ending June 30, 2005.....  
10 ..... \$ 1,719,069.00.

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 Marine Resources for the fiscal year beginning July 1, 2004, and  
15 ending June 30, 2005..... \$ 8,425,940.00.

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

19 SECTION 3. With the funds appropriated under the provisions  
20 of Sections 1 and 2, the following positions are authorized:

21 AUTHORIZED POSITIONS:

|    |               |                |     |
|----|---------------|----------------|-----|
| 22 | Permanent:    | Full Time..... | 107 |
| 23 |               | Part Time..... | 0   |
| 24 | Time-Limited: | Full Time..... | 51  |
| 25 |               | Part Time..... | 1   |

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

29           With the funds herein appropriated, it is the intention of  
30 the Legislature that it shall be the agency's responsibility to  
31 make certain that funds required to be appropriated for "Personal  
32 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
33 funds appropriated for that purpose, unless programs or positions  
34 are added to the agency's Fiscal Year 2006 budget by the  
35 Mississippi Legislature. Based on data provided by the  
36 Legislative Budget Office, the State Personnel Board shall  
37 determine and publish the projected annual cost to fully fund all  
38 appropriated positions in compliance with the provisions of this  
39 act. It shall be the responsibility of the agency head to insure  
40 that no single personnel action increases this projected annual  
41 cost and/or the Fiscal Year 2005 appropriation for "Personal  
42 Services" when annualized, with the exception of escalated funds.  
43 If, at the time the agency takes any action to change "Personal  
44 Services," the State Personnel Board determines that the agency  
45 has taken an action which would cause the agency to exceed this  
46 projected annual cost or the Fiscal Year 2005 "Personal Services"  
47 appropriated level, when annualized, then only those actions which  
48 reduce the projected annual cost and/or the appropriation  
49 requirement will be processed by the State Personnel Board until  
50 such time as the requirements of this provision are met.

51           Any transfers or escalations shall be made in accordance with  
52 the terms, conditions and procedures established by law or  
53 allowable under the terms set forth within this act. The State  
54 Personnel Board shall not escalate positions without written  
55 approval from the Department of Finance and Administration. The  
56 Department of Finance and Administration shall not provide written  
57 approval to escalate any funds for salaries and/or positions

58 without proof of availability of new or additional funds above the  
59 appropriated level.

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

64 **SECTION 4.** The funds authorized herein shall be used to fund  
65 all operations of the agency with the following prohibitions:

66 (1) The agency shall not fill any current or future vacant  
67 positions;

68 (2) The agency shall not take any action to promote or  
69 otherwise award salary increases through reallocation,  
70 reclassification, realignment, education benchmark, career ladder,  
71 or any other means to increase salaries of employees or positions  
72 except as allowed under the provisions set forth in House Bill No.  
73 1279, 2004 Regular Legislative Session;

74 (3) The agency shall not expend funds for out-of-state  
75 travel except as allowed under the provisions set forth in House  
76 Bill No. 1279, 2004 Regular Legislative Session;

77 (4) The agency shall not expend funds for the purchase of or  
78 contract for cellular phones, two-way radios or pagers, except for  
79 support of employees in the Department of Public Safety and the  
80 Bureau of Narcotics as recommended by Information Technology  
81 Services or as allowed under the provisions set forth in House  
82 Bill No. 1279, 2004 Regular Legislative Session;

83 (5) The agency shall not expend funds to publish or  
84 distribute any annual reports or other publications;

85 (6) The agency shall not expend funds for public relation  
86 activities regarding the functions, programs or services of the  
87 agency except as allowed under the provisions set forth in House  
88 Bill No. 1279, 2004 Regular Legislative Session;

89 (7) The agency shall not advertise the functions, programs  
90 or services of the agency except that the Mississippi Development

91 Authority is authorized to expend funds for advertising to carry  
92 out the purposes of key programs administered by the authority;

93 (8) The agency shall not expend funds for staff development  
94 or training services;

95 (9) The agency shall not expend funds for the purchase of  
96 new or replacement equipment or furniture, excluding lease  
97 purchase payments on agreements in effect upon passage of this  
98 appropriation bill, except as allowed under the provisions set  
99 forth in House Bill No. 1279, 2004 Regular Legislative Session.

100 **SECTION 5.** It is the intention of the Legislature that none  
101 of the funds appropriated above shall be expended unless members  
102 of the Mississippi House of Representatives and Mississippi Senate  
103 are notified at least five (5) days prior to a public ceremony  
104 announcing the award of any grant in their district or any public  
105 announcement or ceremony regarding the groundbreaking or opening  
106 of a facility, roadway or bridge for which the Legislature has  
107 made funds available. Any signage regarding any public event or  
108 any new facility, roadway or bridge shall include the following  
109 language: "Funds were made available for this project by the  
110 Mississippi State Legislature."

111 **SECTION 6.** It is the intention of the Legislature that the  
112 Department of Marine Resources shall maintain complete accounting  
113 and personnel records related to the expenditure of all funds  
114 appropriated under this act and that such records shall be in the  
115 same format and level of detail as maintained for Fiscal Year  
116 2004. It is further the intention of the Legislature that the  
117 agency's budget request for Fiscal Year 2006 shall be submitted to  
118 the Joint Legislative Budget Committee in a format and level of  
119 detail comparable to the format and level of detail provided  
120 during the Fiscal Year 2005 budget request process.

121 **SECTION 7.** It is the intention of the Legislature that the  
122 Department of Marine Resources shall have the authority to  
123 receive, budget and expend funds from any source that may become

124 available to the department in accordance with the rules and  
125 regulations of the Department of Finance and Administration in a  
126 manner consistent with the escalation of federal funds.

127       **SECTION 8.** In addition to all other sums heretofore  
128 appropriated, the following sum, or so much thereof as may be  
129 necessary, is hereby appropriated out of any money in the State  
130 Treasury to the credit of the Tidelands Fund No. 3452 to the  
131 Department of Marine Resources for the purpose of defraying the  
132 expenses of the Tidelands projects for the fiscal year beginning  
133 July 1, 2004, and ending June 30, 2005..... \$ 6,100,000.00.

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

136       Public Access Projects:

| 137 | <b>PROJECT NO.</b> | <b>PUBLIC ACCESS PROJECTS</b>        | <b>AMOUNT</b> |
|-----|--------------------|--------------------------------------|---------------|
| 138 | 2005-P3A           | Schooner Pier/Salt Marsh Creation    | \$ 469,000.00 |
| 139 | 2005-P12A          | Courthouse Road Boat Launch Facility |               |
| 140 |                    | Phase II (Continued)                 | 350,000.00    |
| 141 | 2005-P13A          | Cowen Road Boat Launch Facility      |               |
| 142 |                    | Phase II                             | 50,000.00     |
| 143 | 2005-P14A          | Gulfport Lake Improvements -         |               |
| 144 |                    | Phase II                             | 50,000.00     |
| 145 | 2005-P16A          | FY 2005 Harbor Improvements (City    |               |
| 146 |                    | of Long Beach)                       | 421,000.00    |
| 147 | 2005-P17A          | Audubon Interpretive Center,         |               |
| 148 |                    | Phase I                              | 198,000.00    |
| 149 | 2005-P21A          | Ocean Springs Highway 90 Boat Ramp   | 430,000.00    |
| 150 | 2005-P22A          | The Point Development, Phase I       | 270,465.00    |
| 151 | 2005-P23A          | FY 2005 Harbor Improvements (City    |               |
| 152 |                    | of Pass Christian)                   | 240,000.00    |
| 153 | 2005-P28A          | Hancock County 2005 Tidelands        |               |
| 154 |                    | Program Pearlington Pier             | 100,000.00    |
| 155 | 2005-P31A          | Hancock County Jordan River Water    |               |
| 156 |                    | Access at McLeod Park                | 100,000.00    |

|     |                               |                                    |                     |
|-----|-------------------------------|------------------------------------|---------------------|
| 157 | 2005-P37A                     | Gautier Boat Launch Ramp, Pier,    |                     |
| 158 |                               | Parking and Purchase of            |                     |
| 159 |                               | Property                           | 250,000.00          |
| 160 | 2005-P38A                     | Lake Mars Boat Launching Parking,  |                     |
| 161 |                               | Phase II                           | 120,000.00          |
| 162 | 2005-P40A                     | Racetrack Road Boat Launching and  |                     |
| 163 |                               | Recreational Park, Phase II        | 150,000.00          |
| 164 | 2005-P41A                     | Mississippi Sound Welcome Center   |                     |
| 165 |                               | Public Plaza                       | 500,000.00          |
| 166 | 2005-P7A                      | Property Acquisition and           |                     |
| 167 |                               | Improvements for Waterfront        |                     |
| 168 |                               | Access                             | 200,000.00          |
| 169 | 2005-P25A                     | Waveland Pier/Marina Improvements- |                     |
| 170 |                               | Phase V                            | <u>250,000.00</u>   |
| 171 | Total Public Access Projects: |                                    | 4,148,465.00        |
| 172 | Total Management Projects     |                                    | 898,272.00          |
| 173 | Deer Island Payment . . . . . |                                    | <u>1,053,263.00</u> |
| 174 | Total Tidelands Funds:        |                                    | 6,100,000.00        |

175 Each political subdivision receiving funds authorized in this  
176 section shall be held responsible for complying with Section  
177 29-15-9, Mississippi Code of 1972, and shall be subject to an  
178 audit by the State Auditor and shall submit detailed reports  
179 beginning June 30, and every six (6) months thereafter for the  
180 duration of the project to the Department of Marine Resources on  
181 how funds authorized in this section were expended.

182 It is the intention of the Legislature that any political  
183 subdivision seeking to qualify for tidelands funds for the  
184 subsequent fiscal year shall submit a proposal to the Department  
185 of Marine Resources no later than July 1, 2004. All proposals  
186 submitted will be reviewed and evaluated by the Department of  
187 Marine Resources in accordance to department plans and procedures.  
188 Multiphased projects, multiyear projects, proposed projects with

189 high dollar value and projects that have a record of stacking  
190 funds shall be considered as low priority projects when evaluated.

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

196 **SECTION 9.** The following sum, or so much thereof as may be  
197 necessary, is hereby reappropriated out of any money in the State  
198 Treasury to the credit of the Department of Marine Resources,  
199 Tidelands Fund, which is comprised of special source funds  
200 available to the department, for expenditures pursuant to House  
201 Bill No. 1532, 2003 Regular Session, for the fiscal year beginning  
202 July 1, 2004, and ending June 30, 2005..... \$5,819,273.

203 Notwithstanding the amount reappropriated under the  
204 provisions of this section, in no event shall the amount expended  
205 exceed the balance as of June 30, 2004, or change the purpose for  
206 which the funds were originally authorized except as otherwise  
207 stated in this bill.

208 **SECTION 10.** It is the intention of the Legislature that the  
209 Tidelands funds provided for and remaining in, as indicated by  
210 Form TTF-6, the "City of Biloxi-McDonnell Avenue Boat Launch"  
211 project authorized in House Bill No. 1633, 1999 Regular Session,  
212 and Tidelands funds provided for the "Biloxi Port Commission-West  
213 Biloxi Boat Launch/Marina" project authorized in House Bill No.  
214 1636, 2000 Regular Session, shall be used for the "P32A-Biloxi  
215 Port Commission-Lighthouse Fishing Dock and Bulkheads, Phase VI"  
216 project authorized in House Bill No. 1756, 2002 Regular Session.

217 **SECTION 11.** It is the intention of the Legislature that the  
218 Tidelands funds provided for and remaining in, as indicated by  
219 Form TTF-6, the "P03A-City of Gulfport-Gulfport Lake Improvements"  
220 project authorized in House Bill No. 1756, 2002 Regular Session,  
221 shall be used for the "P04A-City of Gulfport-Cowan Road Boat

222 Launch" project authorized in House Bill No. 1756, 2002 Regular  
223 Session.

224       **SECTION 12.** It is the intention of the Legislature that the  
225 Tidelands funds provided for and remaining in, as indicated by  
226 Form TTF-6, the "P31A-D'Iberville Port Commission-Fountain Beach  
227 Access and Learning Center" project authorized in House Bill No.  
228 1532, 2003 Regular Session, shall be used for the  
229 "P02A-D'Iberville Port Commission-Fountain Beach Public Access and  
230 Habitat Learning Center" project authorized in House Bill No.  
231 1756, 2002 Regular Session.

232       **SECTION 13.** It is the intention of the Legislature that the  
233 Tidelands funds provided for and remaining in, as indicated by  
234 Form TTF-6, the "P07A-City of Gautier-City Park Expansion" project  
235 authorized in House Bill No. 1756, 2002 Regular Session, shall be  
236 used for the "P03A-City of Gautier-City Park Community Center"  
237 project authorized in House Bill No. 1532, 2003 Regular Session.

238       **SECTION 14.** It is the intention of the Legislature that the  
239 Tidelands funds provided for and remaining in, as indicated by  
240 Form TTF-6, the "P13A-City of Pass Christian-Harbor Improvements"  
241 project authorized in House Bill No. 1532, 2003 Regular Session,  
242 shall be used for "P16A-City of Pass Christian-Harbor  
243 Improvements" project authorized in House Bill No. 1756, 2002  
244 Regular Session.

245       **SECTION 15.** It is the intention of the Legislature that the  
246 Tidelands funds provided for and remaining in, as indicated by  
247 Form TTF-6, the "City of Bay St. Louis-Ulman Avenue Pier" project  
248 authorized in House Bill No. 1569, 2001 Regular Session, the  
249 "P01A-City of Bay St. Louis-Ulman Avenue Pier" project authorized  
250 in House Bill No. 1756, 2002 Regular Session, and the  
251 "P01A-Rutherford Pier Improvement, Phase II" project authorized in  
252 House Bill No. 1532, 2003 Regular Session, shall be used for the  
253 "P06A-City of Bay St. Louis-Property Acquisition and Improvements

254 for Parking" project authorized in \_\_\_\_\_. (Requested FY2005  
255 application, if approved for funding in FY2005)

256       **SECTION 16.** It is the intention of the Legislature that the  
257 commission shall place any special trust funds appropriated to the  
258 department in a special trust fund and the interest earned on the  
259 principal shall be credited to the special trust fund. Monies in  
260 the fund at the end of the fiscal year shall be retained in the  
261 special trust fund for use in the next succeeding fiscal year.  
262 The department may use the interest earned on the fund to pay  
263 reasonable costs for administering the fund and related projects.

264       **SECTION 17.** It is the intention of the Legislature that  
265 Tidelands Funds not otherwise appropriated shall be used for  
266 additional funding of tideland projects and the administration  
267 thereof by the Department of Marine Resources. Expenditures of  
268 excess Tidelands Funds by the Department of Marine Resources for  
269 supplemental and additional funding and administration of  
270 tidelands projects heretofore or hereafter proposed is authorized  
271 and approved. The Department of Marine Resources may escalate the  
272 Tidelands Fund in an amount not to exceed Eight Hundred Thousand  
273 Dollars (\$800,000.00) for the purposes outlined in this section.

274       **SECTION 18.** The money herein appropriated shall be paid by  
275 the State Treasurer out of any money in the State Treasury to the  
276 credit of the proper fund or funds as set forth in this act, upon  
277 warrants issued by the State Fiscal Officer; and the State Fiscal  
278 Officer shall issue his warrants upon requisitions signed by the  
279 proper person, officer or officers, in the manner provided by law.

280       **SECTION 19.** This act shall take effect and be in force from  
281 and after July 1, 2004.