

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

To: Appropriations

HOUSE BILL NO. 1733
(As Sent to Governor)

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 \$ 1,805,270.00.

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..... \$ 8,578,114.00.

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, not more than the amounts set forth below
21 shall be expended for the respective major objects or purposes of
22 expenditure:

23 MAJOR OBJECTS OF EXPENDITURE:

24 Personal Services:

25	Salaries, Wages and Fringe Benefits..	\$	6,364,624.00
26	Travel and Subsistence.....		100,000.00
27	Contractual Services.....		1,900,000.00

28	Commodities.....	600,000.00
29	Capital Outlay:	
30	Other Than Equipment.....	218,760.00
31	Equipment.....	900,000.00
32	Subsidies, Loans and Grants.....	<u>300,000.00</u>
33	Total.....	\$ 10,383,384.00

34 FUNDING:

35	General Funds.....	\$ 1,805,270.00
36	Special Funds.....	<u>8,578,114.00</u>
37	Total.....	\$ 10,383,384.00

38 AUTHORIZED POSITIONS:

39	Permanent: Full Time.....	107
40	Part Time.....	0
41	Time-Limited: Full Time.....	51
42	Part Time.....	4

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

46 With the funds herein appropriated, it is the intention of
47 the Legislature that it shall be the agency's responsibility to
48 make certain that funds required to be appropriated for "Personal
49 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
50 funds appropriated for that purpose, unless programs or positions
51 are added to the agency's Fiscal Year 2006 budget by the
52 Mississippi Legislature. Based on data provided by the
53 Legislative Budget Office, the State Personnel Board shall
54 determine and publish the projected annual cost to fully fund all
55 appropriated positions in compliance with the provisions of this
56 act. It shall be the responsibility of the agency head to insure
57 that no single personnel action increases this projected annual
58 cost and/or the Fiscal Year 2005 appropriation for "Personal
59 Services" when annualized, with the exception of escalated funds.
60 If, at the time the agency takes any action to change "Personal

61 Services," the State Personnel Board determines that the agency
62 has taken an action which would cause the agency to exceed this
63 projected annual cost or the Fiscal Year 2005 "Personal Services"
64 appropriated level, when annualized, then only those actions which
65 reduce the projected annual cost and/or the appropriation
66 requirement will be processed by the State Personnel Board until
67 such time as the requirements of this provision are met.

68 Any transfers or escalations shall be made in accordance with
69 the terms, conditions and procedures established by law or
70 allowable under the terms set forth within this act. The State
71 Personnel Board shall not escalate positions without written
72 approval from the Department of Finance and Administration. The
73 Department of Finance and Administration shall not provide written
74 approval to escalate any funds for salaries and/or positions
75 without proof of availability of new or additional funds above the
76 appropriated level.

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

81 **SECTION 4.** It is the intention of the Legislature that the
82 Department of Marine Resources shall maintain complete accounting
83 and personnel records related to the expenditure of all funds
84 appropriated under this act and that such records shall be in the
85 same format and level of detail as maintained for Fiscal Year
86 2004. It is further the intention of the Legislature that the
87 agency's budget request for Fiscal Year 2006 shall be submitted to
88 the Joint Legislative Budget Committee in a format and level of
89 detail comparable to the format and level of detail provided
90 during the Fiscal Year 2005 budget request process.

91 **SECTION 5.** It is the intention of the Legislature that the
92 Department of Marine Resources shall have the authority to
93 receive, budget and expend funds from any source that may become

94 available to the department in accordance with the rules and
 95 regulations of the Department of Finance and Administration in a
 96 manner consistent with the escalation of federal funds.

97 **SECTION 6.** In addition to all other sums heretofore
 98 appropriated, the following sum, or so much thereof as may be
 99 necessary, is hereby appropriated out of any money in the State
 100 Treasury to the credit of the Tidelands Fund No. 3452 to the
 101 Department of Marine Resources for the purpose of defraying the
 102 expenses of the Tidelands projects for the fiscal year beginning
 103 July 1, 2004, and ending June 30, 2005..... \$ 6,600,000.00.

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

106 Public Access Projects:

107	PROJECT NO.	PUBLIC ACCESS PROJECTS	AMOUNT
108	2005-M14A	Derelict Vessel Program,	
109		Department of Marine Resources	\$100,000.00
110	2005-M19A	Castille Bayou Project - Gautier	160,000.00
111	2005-M45A	Speckled Trout Management,	
112		USM College of Marine Sciences	250,000.00
113	2005-M69A	WRANPS Inc.	50,000.00
114	Various	USM College of Marine Sciences,	
115		Management Projects	300,000.00
116	2005-P01A	Oyster Bayou - Beauvior	100,000.00
117	2005-P03A	Schooner Pier/Salt Marsh Creation	200,000.00
118	2005-P06A,P07A	Property Acquisition and Improvements	
119		for Waterfront Access	200,000.00
120	2005-P12A	Courthouse Road Boat Launch Facility,	
121		Phase II	100,000.00
122	2005-P13A	Cowan Road Boat Launch Facility,	
123		Phase II	100,000.00
124	2005-P16A	Harbor Improvements, City of Long	
125		Beach	300,000.00
126	2005-P17A	Audubon Interpretive Center, Phase I	200,000.00

127	2005-P21A	Highway 90 Boat Ramp, City of Ocean	
128		Springs	200,000.00
129	2005-P22A	The Point Development, Phase I,	
130		City of Pascagoula	150,000.00
131	2005-P23A	Harbor Improvements, City of	
132		Pass Christian	200,000.00
133	2005-P25A	Pier/Marina Improvements, Phase V,	
134		City of Waveland	100,000.00
135	2005-P26A	Fountain Beach Public Access and Habitat	
136		Learning Center	100,000.00
137	2005-P28A	Pearlington Pier, Hancock County	
138		Board of Supervisors	100,000.00
139	2005-P29A	Washington Street Waterfront Park	
140		Improvements	100,000.00
141	2005-P32A	Beach Park Improvements, Harrison County	
142		Board of Supervisors	100,000.00
143	2005-P36A	Pascagoula River Basin Estuarine	
144		Education Center, Phase I	100,000.00
145	2005-P38A	Lake Mars Boat Launching Parking,	
146		Phase II	120,000.00
147	2005-P40A	Racetrack Road Boat Launching and	
148		Recreation Park, Phase II	150,000.00
149	2005-P41A	Mississippi Sound Welcome Center	
150		Public Plaza	300,000.00
151	2005-P42A	Ship Island Pier - Public Access	<u>100,000.00</u>
152	Total	Public Access Projects	\$3,880,000.00
153	Total	Management Projects	\$1,666,737.00
154	Deer Island	Payment	<u>\$1,053,263.00</u>
155	Total	Tidelands Funds:	\$6,600,000.00

156 Each political subdivision receiving funds authorized in this
157 section shall be held responsible for complying with Section
158 29-15-9, Mississippi Code of 1972, and shall be subject to an
159 audit by the State Auditor and shall submit detailed reports

160 beginning June 30, and every six (6) months thereafter for the
161 duration of the project to the Department of Marine Resources on
162 how funds authorized in this section were expended.

163 It is the intention of the Legislature that any political
164 subdivision seeking to qualify for tidelands funds for the
165 subsequent fiscal year shall submit a proposal to the Department
166 of Marine Resources no later than July 1, 2004. All proposals
167 submitted will be reviewed and evaluated by the Department of
168 Marine Resources in accordance to department plans and procedures.
169 Multiphased projects, multiyear projects, proposed projects with
170 high dollar value and projects that have a record of stacking
171 funds shall be considered as low priority projects when evaluated.

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

177 **SECTION 7.** The following sum, or so much thereof as may be
178 necessary, is hereby reappropriated out of any money in the State
179 Treasury to the credit of the Department of Marine Resources,
180 Tidelands Fund, which is comprised of special source funds
181 available to the department, for expenditures pursuant to House
182 Bill No. 1532, 2003 Regular Session, for the fiscal year beginning
183 July 1, 2004, and ending June 30, 2005..... \$5,819,273.00

184 **SECTION 8.** It is the intention of the Legislature that the
185 Tidelands funds provided for and remaining in, as indicated by
186 Form TTF-6, the "P03A-City of Gulfport-Gulfport Lake Improvements"
187 project authorized in House Bill No. 1756, 2002 Regular Session,
188 shall be used for the "P04A-City of Gulfport-Cowan Road Boat
189 Launch" project authorized in House Bill No. 1756, 2002 Regular
190 Session.

191 **SECTION 9.** It is the intention of the Legislature that the
192 Tidelands funds provided for and remaining in, as indicated by

193 Form TTF-6, the "P31A-D'Iberville Port Commission-Fountain Beach
194 Access and Learning Center" project authorized in House Bill No.
195 1532, 2003 Regular Session, shall be used for the
196 "P02A-D'Iberville Port Commission-Fountain Beach Public Access and
197 Habitat Learning Center" project authorized in House Bill No.
198 1756, 2002 Regular Session.

199 **SECTION 10.** It is the intention of the Legislature that the
200 Tidelands funds provided for and remaining in, as indicated by
201 Form TTF-6, the "P07A-City of Gautier-City Park Expansion" project
202 authorized in House Bill No. 1756, 2002 Regular Session, shall be
203 used for the "P03A-City of Gautier-City Park Community Center"
204 project authorized in House Bill No. 1532, 2003 Regular Session.

205 **SECTION 11.** It is the intention of the Legislature that the
206 Tidelands funds provided for and remaining in, as indicated by
207 Form TTF-6, the "P13A-City of Pass Christian-Harbor Improvements"
208 project authorized in House Bill No. 1532, 2003 Regular Session,
209 shall be used for "P16A-City of Pass Christian-Harbor
210 Improvements" project authorized in House Bill No. 1756, 2002
211 Regular Session.

212 **SECTION 12.** It is the intention of the Legislature that the
213 Tidelands funds provided for and remaining in, as indicated by
214 Form TTF-6, the "City of Bay St. Louis-Ulman Avenue Pier" project
215 authorized in House Bill No. 1569, 2001 Regular Session, the
216 "P01A-City of Bay St. Louis-Ulman Avenue Pier" project authorized
217 in House Bill No. 1756, 2002 Regular Session, and the
218 "P01A-Rutherford Pier Improvement, Phase II" project authorized in
219 House Bill No. 1532, 2003 Regular Session, shall be used for the
220 "P06A,P07A-City of Bay St. Louis-Property Acquisition and
221 Improvements for Parking" project authorized in this appropriation
222 bill.

223 **SECTION 13.** It is the intention of the Legislature that the
224 commission shall place any special trust funds appropriated to the
225 department in a special trust fund and the interest earned on the

226 principal shall be credited to the special trust fund. Monies in
227 the fund at the end of the fiscal year shall be retained in the
228 special trust fund for use in the next succeeding fiscal year.
229 The department may use the interest earned on the fund to pay
230 reasonable costs for administering the fund and related projects.

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

241 **SECTION 15.** It is the intention of the Legislature that
242 Fifty Thousand Dollars (\$50,000.00) of the Tidelands funds
243 provided for and remaining in, as indicated by Form TTF-6, the
244 "P11A-City of Ocean Springs-Fort Bayou Fishing Pier" project
245 authorized in House Bill No. 1756, 2002 Regular Session, shall be
246 used for the "P10A-City of Ocean Springs Fishing Bridge Expansion"
247 project authorized in House Bill No. 1532, 2003 Regular Session
248 and "P21A-City of Ocean Springs-Ocean Springs Highway 90 Boat
249 Ramp" project authorized in House Bill No. 1733, 2004 Regular
250 Session.

251 **SECTION 16.** It is the intention of the Legislature that the
252 Tidelands funds provided for and remaining in, as indicated by
253 Form TTF-6, the "M19A-City of Gautier-Castille Bayou Project"
254 authorized in House Bill No. 1733, 2004 Regular Session, shall be
255 used for the "P03A-City of Gautier-City Park Community Center"
256 project authorized in House Bill No. 1532, 2003 Regular Session.

257 **SECTION 17.** It is the intention of the Legislature that the
258 Tidelands funds provided for and remaining in, as indicated by

259 Form TTF-6, the "P07A-City of Gulfport-Gulfport Small Craft Harbor
260 Dredging" project authorized in House Bill No. 1532, 2003 Regular
261 Session, shall be used for the "P06A-City of Gulfport-Courthouse
262 Road Boat Launch Area-Phase II" project authorized in House Bill
263 No. 1756, 2002 Regular Session.

264 **SECTION 18.** It is the intention of the Legislature that the
265 Department of Marine Resources has the authorization to move
266 Tidelands funds between approved projects upon request from entity
267 and proper completion of Form TTF-6 documentation.

268 **SECTION 19.** The money herein appropriated shall be paid by
269 the State Treasurer out of any money in the State Treasury to the
270 credit of the proper fund or funds as set forth in this act, upon
271 warrants issued by the State Fiscal Officer; and the State Fiscal
272 Officer shall issue his warrants upon requisitions signed by the
273 proper person, officer or officers, in the manner provided by law.

274 **SECTION 20.** This act shall take effect and be in force from
275 and after July 1, 2004.