

**Senate Amendments to House Bill No. 1733**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

**AMENDMENT NO. 1**

**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 Marine Resources for the fiscal  
9 year beginning July 1, 2004, and ending June 30, 2005.....  
10 ..... \$       1,776,451.00.

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..... \$       7,086,876.00.

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.....	103
23	Part Time.....	0
24       Time-Limited:	Full Time.....	46
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.** It is the intention of the Legislature that the  
65 Department of Marine Resources shall maintain complete accounting

66 and personnel records related to the expenditure of all funds  
 67 appropriated under this act and that such records shall be in the  
 68 same format and level of detail as maintained for Fiscal Year  
 69 2004. It is further the intention of the Legislature that the  
 70 agency's budget request for Fiscal Year 2006 shall be submitted to  
 71 the Joint Legislative Budget Committee in a format and level of  
 72 detail comparable to the format and level of detail provided  
 73 during the Fiscal Year 2005 budget request process.

74 **SECTION 5.** It is the intention of the Legislature that the  
 75 Department of Marine Resources shall have the authority to  
 76 receive, budget and expend funds from any source that may become  
 77 available to the department in accordance with the rules and  
 78 regulations of the Department of Finance and Administration in a  
 79 manner consistent with the escalation of federal funds.

80 **SECTION 6.** In addition to all other sums heretofore  
 81 appropriated, the following sum, or so much thereof as may be  
 82 necessary, is hereby appropriated out of any money in the State  
 83 Treasury to the credit of the Tidelands Fund No. 3452 to the  
 84 Department of Marine Resources for the purpose of defraying the  
 85 expenses of the Tidelands projects for the fiscal year beginning  
 86 July 1, 2004, and ending June 30, 2005..... \$ 5,000,000.00.

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

89 Public Access Projects:

90	<b>PROJECT NO.</b>	<b>PUBLIC ACCESS PROJECTS</b>	<b>AMOUNT</b>
91	2005-P1A	Oyster Bayou - Beauvior	\$ 100,000.00
92	2005-P3A	Schooner Pier/Salt Marsh	
93		Creation	200,000.00
94	2005-P12A	Courthouse Road Boat Launch	
95		Facility Phase II	100,000.00
96	2005-P14A	Gulfport Lake Improvements-	
97		Phase II	50,000.00
98	2005-P13A	Cowen Road Boat Launch	
99		facility-Phase II	50,000.00
100	2005-P16A	Harbor Improvements, City of	

101		Long Beach	200,000.00
102	2005-P32A	Beach Park Improvements,	
103		Harrison Co. Board of	
104		Supervisors	100,000.00
105	2005-P21A	Highway 90 Boat Ramp,	
106		City of Ocean Springs	200,000.00
107	2005-P22A	The Point Development,	
108		Phase I, City of Pascagoula	150,000.00
109	2005-P23A	Harbor Improvements,	
110		City of Pass Christian	50,000.00
111	2005-P28A	Pearlington Pier, Hancock	
112		County Board of Supervisors	100,000.00
113	2005-P31A	Jordan River Water Access	
114		at McLeod Park	100,000.00
115	2005-M45A	Speckled Trout Management,	
116		USM College of Marine	
117		Sciences	250,000.00
118	No #	USM College of Marine Sciences,	
119		Management Projects	300,000.00
120	2005-M14A	Derelect Vessel Program,	
121		Department of Marine	
122		Resources	100,000.00
123	2005-P36A	Pascagoula River Basin	
124		Estuarine Education Center,	
125		Phase I	100,000.00
126	2005-P38A	Lake Mars Boat Launching Parking,	
127		Phase II	120,000.00
128	2005-P40A	Racetrack Road Boat Launching	
129		and Recreation Park,	
130		Phase II	150,000.00
131	2005-P41A	Mississippi Sound Welcome	
132		Center Public Plaza	200,000.00
133	2005-P7A	Property Acquisition and	
134		Improvements for Waterfront	
135		Access	200,000.00

136	2005-P25A	Pier/Marina Improvements-Phase V,	
137		City of Waveland	100,000.00
138	No#	WRANPS Inc.	<u>30,000.00</u>
139	Total	Public Access Projects	2,950,000.00
140	Total	Other Management Projects	996,737.00
141	Deer Island	Payment	<u>1,053,263.00</u>
142	Total	Tidelands Funds:	5,000,000.00

143 Each political subdivision receiving funds authorized in this  
144 section shall be held responsible for complying with Section  
145 29-15-9, Mississippi Code of 1972, and shall be subject to an  
146 audit by the State Auditor and shall submit detailed reports  
147 beginning June 30, and every six (6) months thereafter for the  
148 duration of the project to the Department of Marine Resources on  
149 how funds authorized in this section were expended.

150 It is the intention of the Legislature that any political  
151 subdivision seeking to qualify for tidelands funds for the  
152 subsequent fiscal year shall submit a proposal to the Department  
153 of Marine Resources no later than July 1, 2005. All proposals  
154 submitted will be reviewed and evaluated by the Department of  
155 Marine Resources in accordance to department plans and procedures.  
156 Multiphased projects, multiyear projects, proposed projects with  
157 high dollar value and projects that have a record of stacking  
158 funds shall be considered as low priority projects when evaluated.

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

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

171 Notwithstanding the amount reappropriated under the  
172 provisions of this section, in no event shall the amount expended  
173 exceed the balance as of June 30, 2004, or change the purpose for  
174 which the funds were originally authorized except as otherwise  
175 stated in this bill.

176 **SECTION 8.** It is the intention of the Legislature that the  
177 Tidelands funds provided for and remaining in, as indicated by  
178 Form TTF-6, the "City of Biloxi-McDonnell Avenue Boat Launch"  
179 project authorized in House Bill No. 1633, 1999 Regular Session,  
180 and Tidelands funds provided for the "Biloxi Port Commission-West  
181 Biloxi Boat Launch/Marina" project authorized in House Bill No.  
182 1636, 2000 Regular Session, shall be used for the "P32A-Biloxi  
183 Port Commission-Lighthouse Fishing Dock and Bulkheads, Phase VI"  
184 project authorized in House Bill No. 1756, 2002 Regular Session.

185 **SECTION 9.** It is the intention of the Legislature that the  
186 Tidelands funds provided for and remaining in, as indicated by  
187 Form TTF-6, the "P03A-City of Gulfport-Gulfport Lake Improvements"  
188 project authorized in House Bill No. 1756, 2002 Regular Session,  
189 shall be used for the "P04A-City of Gulfport-Cowan Road Boat  
190 Launch" project authorized in House Bill No. 1756, 2002 Regular  
191 Session.

192 **SECTION 10.** It is the intention of the Legislature that the  
193 Tidelands funds provided for and remaining in, as indicated by  
194 Form TTF-6, the "P31A-D'Iberville Port Commission-Fountain Beach  
195 Access and Learning Center" project authorized in House Bill No.  
196 1532, 2003 Regular Session, shall be used for the  
197 "P02A-D'Iberville Port Commission-Fountain Beach Public Access and  
198 Habitat Learning Center" project authorized in House Bill No.  
199 1756, 2002 Regular Session.

200 **SECTION 11.** It is the intention of the Legislature that the  
201 Tidelands funds provided for and remaining in, as indicated by  
202 Form TTF-6, the "P07A-City of Gautier-City Park Expansion" project  
203 authorized in House Bill No. 1756, 2002 Regular Session, shall be  
204 used for the "P03A-City of Gautier-City Park Community Center"  
205 project authorized in House Bill No. 1532, 2003 Regular Session.

206           **SECTION 12.** It is the intention of the Legislature that the  
207 Tidelands funds provided for and remaining in, as indicated by  
208 Form TTF-6, the "P13A-City of Pass Christian-Harbor Improvements"  
209 project authorized in House Bill No. 1532, 2003 Regular Session,  
210 shall be used for "P16A-City of Pass Christian-Harbor  
211 Improvements" project authorized in House Bill No. 1756, 2002  
212 Regular Session.

213           **SECTION 13.** It is the intention of the Legislature that the  
214 Tidelands funds provided for and remaining in, as indicated by  
215 Form TTF-6, the "City of Bay St. Louis-Ulman Avenue Pier" project  
216 authorized in House Bill No. 1569, 2001 Regular Session, the  
217 "P01A-City of Bay St. Louis-Ulman Avenue Pier" project authorized  
218 in House Bill No. 1756, 2002 Regular Session, and the  
219 "P01A-Rutherford Pier Improvement, Phase II" project authorized in  
220 House Bill No. 1532, 2003 Regular Session, shall be used for the  
221 "P06A-City of Bay St. Louis-Property Acquisition and Improvements  
222 for Parking" project authorized in \_\_\_\_\_. (Requested FY2005  
223 application, if approved for funding in FY2005)

224           **SECTION 14.** It is the intention of the Legislature that the  
225 commission shall place any special trust funds appropriated to the  
226 department in a special trust fund and the interest earned on the  
227 principal shall be credited to the special trust fund. Monies in  
228 the fund at the end of the fiscal year shall be retained in the  
229 special trust fund for use in the next succeeding fiscal year.  
230 The department may use the interest earned on the fund to pay  
231 reasonable costs for administering the fund and related projects.

232           **SECTION 15.** It is the intention of the Legislature that  
233 Tidelands Funds not otherwise appropriated shall be used for  
234 additional funding of tideland projects and the administration  
235 thereof by the Department of Marine Resources. Expenditures of  
236 excess Tidelands Funds by the Department of Marine Resources for  
237 supplemental and additional funding and administration of  
238 tidelands projects heretofore or hereafter proposed is authorized  
239 and approved. The Department of Marine Resources may escalate the

240 Tidelands Fund in an amount not to exceed Eight Hundred Thousand  
241 Dollars (\$800,000.00) for the purposes outlined in this section.

242         **SECTION 16.** The money herein appropriated shall be paid by  
243 the State Treasurer out of any money in the State Treasury to the  
244 credit of the proper fund or funds as set forth in this act, upon  
245 warrants issued by the State Fiscal Officer; and the State Fiscal  
246 Officer shall issue his warrants upon requisitions signed by the  
247 proper person, officer or officers, in the manner provided by law.

248         **SECTION 17.** This act shall take effect and be in force from  
249 and after July 1, 2004.

SS05\HB1733A.J

John O. Gilbert  
Secretary of the Senate