

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

To: Appropriations

HOUSE BILL NO. 1649

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND  
2 MAINTENANCE OF THE DEPARTMENT OF MARINE RESOURCES FOR THE FISCAL  
3 YEAR 2006.

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, 2005, and ending June 30, 2006.....  
10 ..... \$ 1,710,485.00.

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, 2005, and  
15 ending June 30, 2006..... \$ 7,733,308.00.

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..	\$	6,231,551.00
26	Travel and Subsistence.....		79,653.00
27	Contractual Services.....		1,851,954.00

28	Commodities.....	579,530.00
29	Capital Outlay:	
30	Other Than Equipment.....	213,760.00
31	Equipment.....	187,345.00
32	Subsidies, Loans and Grants.....	<u>300,000.00</u>
33	Total..... \$	9,443,793.00

34 FUNDING:

35	General Funds..... \$	1,710,485.00
36	Special Funds.....	<u>7,733,308.00</u>
37	Total..... \$	9,443,793.00

38 AUTHORIZED POSITIONS:

39	Permanent: Full Time.....	101
40	Part Time.....	0
41	Time-Limited: Full Time.....	33
42	Part Time.....	3

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 2007 do not exceed Fiscal Year 2006  
50 funds appropriated for that purpose, unless programs or positions  
51 are added to the agency's Fiscal Year 2007 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 2006 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 2006 "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 2005. It is further the intention of the Legislature that the  
87 agency's budget request for Fiscal Year 2007 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 2006 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, 2005, and ending June 30, 2006..... \$ 6,600,000.00.

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

106 Public Access Projects:

107	<b>PROJECT NO.</b>	<b>PUBLIC ACCESS PROJECTS</b>	<b>AMOUNT</b>
108	FY06-P15A	Audubon Interpretative Center, Phase I	\$200,000.00
109	FY06-P04A	Bayou Auguste Reclamation and	
110		Enhancement	175,000.00
111	FY06-P16A	Ocean Springs Highway 90 Boat Ramp	
112		Phase II	200,000.00
113	FY06-P35A	First Phase Sailing Lugger	
114		Construction and "Island Bound"	
115		Program	100,000.00
116	FY06-P01A	Waterfront Access and Improvements	250,000.00
117	FY06-P18A	The Point Development Phase II	250,000.00
118	FY06-P29A	D'Iberville/Tchouticabouffa Boat Launch	200,000.00
119	FY06-P05A	Improvements to Parker Creek Landing	
120		Boat Launch	50,000.00
121	FY06-P30A	Pascagoula River Basin Estuarine	
122		Education Center	100,000.00
123	FY06-P02A	Beach Boardwalk and Pedestrian Pathway	250,000.00
124	FY06-P03A	Hiller Park Piers Phase II	250,000.00
125	FY06-P33A	Public Access to Turkey Creek,	
126		Phase I of I	85,000.00

127	FY06-P21A	Waveland Pier/Marina Improvements -	
128		Phase V	200,000.00
129	FY06-P08A	I-110 Boat Launch Project	200,000.00
130	FY06-P24A	Biloxi River Park	250,000.00
131	FY06-P20A	Beach Boulevard Pedestrian Pathway	200,000.00
132	FY06-P12A	Gulfport Small Craft Harbor Improvements	
133		Project (Pier #2-Phase 1C)	90,000.00
134	FY06-P10A	Gulfport Small Craft Harbor Improvements	
135		Project (Pier #2-Phase 1A)	200,000.00
136	FY06-P27A	Lake Mars Boat Launching Parking,	
137		Phase II	125,000.00
138	FY06-P14A	2006 Harbor Improvements	200,000.00
139	FY06-P22A	Hancock County Seawall Restoration	200,000.00
140	FY06-P19A	2006 Harbor Improvements	200,000.00
141	FY06-P28A	Racetrack Road Boat Launching and	
142		Recreational Park, Phase III	150,000.00
143	FY06-P09A	City Park Community Center - Gautier	
144		Phase II	200,000.00
145	FY06-P34A	Schooner Restoration Project	200,000.00
146	FY06-P31A	Golden Fisherman Park	50,000.00
147	FY06-P32A	Boat Launch Renovation Project	150,000.00
148	FY06-P17A	Ocean Springs Davis Bayou Drainage	
149		Basin	200,000.00
150	FY06-P23A	Hancock County Beach Drainage	
151		Improvements	<u>200,000.00</u>
152	Total	Public Access Projects	\$5,125,000.00
153	Total	Management Projects	\$ 429,219.00
154	Deer Island	Payment	<u>\$1,045,781.00</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, 2005. 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 It is the intention of the Legislature that the Tidelands  
178 funds appropriated in this act for Tidelands Project No. FY06-M19A  
179 Federal Grant Matching Funds - Mississippi Coastal Habitat  
180 Creation and Restoration and Tidelands Project No. FY06-M19A  
181 Federal Grant Matching Funds - Grand Bay NERR Construction be  
182 reallocated on a pro rata basis between projects listed in this  
183 section if the federal funds are not awarded for these two (2)  
184 projects.

185 **SECTION 7.** The following sum, or so much thereof as may be  
186 necessary, is hereby reappropriated out of any money in the State  
187 Treasury to the credit of the Department of Marine Resources,  
188 Tidelands Fund, which is comprised of special source funds  
189 available to the department, for expenditures pursuant to House  
190 Bill No. 1733, 2004 Regular Session, for the fiscal year beginning  
191 July 1, 2005, and ending June 30, 2006..... \$6,600,000.00

192           **SECTION 8.** It is the intention of the Legislature that the  
193 commission shall place any special trust funds appropriated to the  
194 department in a special trust fund and the interest earned on the  
195 principal shall be credited to the special trust fund. Monies in  
196 the fund at the end of the fiscal year shall be retained in the  
197 special trust fund for use in the next succeeding fiscal year.  
198 The department may use the interest earned on the fund to pay  
199 reasonable costs for administering the fund and related projects.

200           **SECTION 9.** It is the intention of the Legislature that  
201 Tidelands Funds not otherwise appropriated shall be used for  
202 additional funding of tideland projects and the administration  
203 thereof by the Department of Marine Resources. Expenditures of  
204 excess Tidelands Funds by the Department of Marine Resources for  
205 supplemental and additional funding and administration of  
206 tidelands projects heretofore or hereafter proposed is authorized  
207 and approved. The Department of Marine Resources may escalate the  
208 Tidelands Fund in an amount not to exceed Eight Hundred Thousand  
209 Dollars (\$800,000.00) for the purposes outlined in this section.

210           It is the intention of the Legislature that the Department of  
211 Marine Resources be allowed to make necessary transfers from the  
212 Subsidies, Loans and Grants category of expenditures to any other  
213 categories of expenditures for the purpose of expending Tidelands  
214 funds.

215           **SECTION 10.** It is the intention of the Legislature that the  
216 Department of Marine Resources has the authorization to move  
217 Tidelands funds between approved projects upon request from entity  
218 and proper completion of Form TTF-6 documentation.

219           **SECTION 11.** The money herein appropriated shall be paid by  
220 the State Treasurer out of any money in the State Treasury to the  
221 credit of the proper fund or funds as set forth in this act, upon  
222 warrants issued by the State Fiscal Officer; and the State Fiscal  
223 Officer shall issue his warrants upon requisitions signed by the  
224 proper person, officer or officers, in the manner provided by law.

225           **SECTION 12.** This act shall take effect and be in force from  
226 and after July 1, 2005.