

Senate Amendments to House Bill No. 1649

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, 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..... \$ 7,733,307.00.

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.. \$ 6,231,550.00
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.....	\$ 9,443,792.00

34 FUNDING:

35	General Funds.....	\$ 1,710,485.00
36	Special Funds.....	<u>7,733,307.00</u>
37	Total.....	\$ 9,443,792.00

38 AUTHORIZED POSITIONS:

39	Permanent: Full Time.....	101
40	Part Time.....	0
41	Time-Limited: Full Time.....	44
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	PROJECT NO.	PUBLIC ACCESS PROJECTS	AMOUNT
108	FY06-P04A	Bayou Auguste Reclamation and	
109		Enhancement -- Biloxi	100,000.00
110	FY06-P16A	Ocean Springs Highway 90 Boat Ramp	
111		Phase II	150,000.00
112	FY06-P35A	First Phase Sailing Lugger Construction	
113		and "Island Bound" Program -	
114		MS. Sound Museum	50,000.00
115	FY06-P01A	Waterfront Access & Improvements	
116		- Bay St. Louis	100,000.00
117	FY06-P18A	The Point Development Phase II	
118		- Pascagoula	100,000.00
119	FY06-P29A	D'Iberville/Tchouticabouffa Boat Launch	100,000.00
120	FY06-M16A	Mississippi Seafood Marketing Program	100,000.00
121	FY06-P30A	Pascagoula River Basin Estuarine	
122		Education Center - MGCCC	100,000.00
123	FY06-M57A	WRANPS	25,000.00
124	FY06-P33A	Public Access to Turkey Creek, Phase I	
125		of I - Gulf Coast Community	
126		Foundation	50,000.00
127	FY06-M19A	Federal Match for Construction	
128		at N.E.R.R.	270,000.00
129	FY06-P08A	I-110 Boat Launch Project - Biloxi	150,000.00
130	FY06-P24A	Biloxi River Park - Harrison County	
131		Board of Supervisors	150,000.00
132	FY06-P20A	Beach Blvd. Pedestrian Pathway	
133		- Waveland	200,000.00
134	FY06-M19A	Federal Match, Habitat Creation	600,000.00
135	Various	USM College of Science and	

136		Technology	300,000.00
137	FY06-P10A	Gulfport Small Craft Harbor	
138		Improvements Project	
139		(Pier #2-Phase 1A)	200,000.00
140	FY06-P27A	Lake Mars Boat Launching Parking	
141		& Access Improvements, Phase II -	
142		Jackson County Board of	
143		Supervisors	150,000.00
144	FY06-P14A	2006 Harbor Improvements - Long Beach	100,000.00
145	FY06-P22A	Hancock County Seawall Restoration	
146		- Hancock County Board of	
147		Supervisors	200,000.00
148	FY06-P19A	FY2006 Harbor Improvements	
149		- Pass Christian	100,000.00
150	FY06-M52A	Land Trust Acquisition, 12-Oaks Project	
151		- Land Trust, Ocean Springs	200,000.00
152	FY06-P09A	City Park Community Center -	
153		Gautier Phase II	100,000.00
154	FY06-P34A	Schooner Restoration Project	
155		- Maritime and Seafood Museum	100,000.00
156	FY06-P31A	Golden Fisherman Park -	
157		Biloxi Bay Chamber	25,000.00
158	FY06-M15A	Derelict Vessel Program, DMR	100,000.00
159	FY06-M36A	USM College of Science and	
160		Technology Speckled Trout	
161		Management	250,000.00
162	FY06-M55A	MS. Sound Welcome Center -	
163		Phase II -- Ohr Museum	<u>200,000.00</u>
164	Total	Public Access Projects	\$4,270,000.00
165	Total	Management Projects	\$1,284,219.00
166	Deer Island	Payment	<u>\$1,045,781.00</u>
167	Total	Tidelands Funds:	\$6,600,000.00

168 Each political subdivision receiving funds authorized in this
169 section shall be held responsible for complying with Section
170 29-15-9, Mississippi Code of 1972, and shall be subject to an

171 audit by the State Auditor and shall submit detailed reports
172 beginning June 30, and every six (6) months thereafter for the
173 duration of the project to the Department of Marine Resources on
174 how funds authorized in this section were expended.

175 It is the intention of the Legislature that any political
176 subdivision seeking to qualify for tidelands funds for the
177 subsequent fiscal year shall submit a proposal to the Department
178 of Marine Resources no later than July 1, 2005. All proposals
179 submitted will be reviewed and evaluated by the Department of
180 Marine Resources in accordance to department plans and procedures.
181 Multiphased projects, multiyear projects, proposed projects with
182 high dollar value and projects that have a record of stacking
183 funds shall be considered as low priority projects when evaluated.

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

189 It is the intention of the Legislature that the Tidelands
190 funds appropriated in this act for Tidelands Project No. FY06-M19A
191 Federal Grant Matching Funds - Mississippi Coastal Habitat
192 Creation and Restoration and Tidelands Project No. FY06-M19A
193 Federal Grant Matching Funds - Grand Bay NERR Construction be
194 reallocated on a pro rata basis between projects listed in this
195 section if the federal funds are not awarded for these two (2)
196 projects.

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

204 **SECTION 8.** It is the intention of the Legislature that the
205 commission shall place any special trust funds appropriated to the

206 department in a special trust fund and the interest earned on the
207 principal shall be credited to the special trust fund. Monies in
208 the fund at the end of the fiscal year shall be retained in the
209 special trust fund for use in the next succeeding fiscal year.
210 The department may use the interest earned on the fund to pay
211 reasonable costs for administering the fund and related projects.

212 **SECTION 9.** It is the intention of the Legislature that
213 Tidelands Funds not otherwise appropriated shall be used for
214 additional funding of tideland projects and the administration
215 thereof by the Department of Marine Resources. Expenditures of
216 excess Tidelands Funds by the Department of Marine Resources for
217 supplemental and additional funding and administration of
218 tidelands projects heretofore or hereafter proposed is authorized
219 and approved. The Department of Marine Resources may escalate the
220 Tidelands Fund in an amount not to exceed Eight Hundred Thousand
221 Dollars (\$800,000.00) for the purposes outlined in this section.

222 It is the intention of the Legislature that the Department of
223 Marine Resources be allowed to make necessary transfers from the
224 Subsidies, Loans and Grants category of expenditures to any other
225 categories of expenditures for the purpose of expending Tidelands
226 funds.

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

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

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

John O. Gilbert
Secretary of the Senate