

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1562: Appropriation; Department of Marine Resources.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

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, 2006, and ending June 30, 2007.....
10 \$ 1,848,711.00.

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, 2006, and
15 ending June 30, 2007..... \$ 8,229,144.00.

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..	\$ 6,865,613.00
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.....	\$ 10,077,855.00

34 FUNDING:

35	General Funds.....	\$ 1,848,711.00
36	Special Funds.....	<u>8,229,144.00</u>
37	Total.....	\$ 10,077,855.00

38 AUTHORIZED POSITIONS:

39	Permanent: Full Time.....	107
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 Five Hundred
45 Dollars (\$500.00) per annum.

46 Funds are provided herein to adjust the Variable Compensation
47 Plan to ensure that all full-time employees receive a pay increase
48 equal to the realignment component of the Variable Compensation
49 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,
50 with not more than one-half (1/2) to be awarded on July 1, 2006,
51 with the remainder to be awarded on January 1, 2007.

52 With the funds herein appropriated, it is the intention of
53 the Legislature that it shall be the agency's responsibility to
54 make certain that funds required to be appropriated for "Personal
55 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
56 funds appropriated for that purpose, unless programs or positions
57 are added to the agency's Fiscal Year 2008 budget by the
58 Mississippi Legislature. Based on data provided by the

59 Legislative Budget Office, the State Personnel Board shall
60 determine and publish the projected annual cost to fully fund all
61 appropriated positions in compliance with the provisions of this
62 act. It shall be the responsibility of the agency head to insure
63 that no single personnel action increases this projected annual
64 cost and/or the Fiscal Year 2007 appropriation for "Personal
65 Services" when annualized, with the exception of escalated funds.
66 If, at the time the agency takes any action to change "Personal
67 Services," the State Personnel Board determines that the agency
68 has taken an action which would cause the agency to exceed this
69 projected annual cost or the Fiscal Year 2007 "Personal Services"
70 appropriated level, when annualized, then only those actions which
71 reduce the projected annual cost and/or the appropriation
72 requirement will be processed by the State Personnel Board until
73 such time as the requirements of this provision are met.

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

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

87 **SECTION 4.** It is the intention of the Legislature that the
88 Department of Marine Resources shall maintain complete accounting
89 and personnel records related to the expenditure of all funds
90 appropriated under this act and that such records shall be in the

91 same format and level of detail as maintained for Fiscal Year
92 2006. It is further the intention of the Legislature that the
93 agency's budget request for Fiscal Year 2008 shall be submitted to
94 the Joint Legislative Budget Committee in a format and level of
95 detail comparable to the format and level of detail provided
96 during the Fiscal Year 2007 budget request process.

97 **SECTION 5.** It is the intention of the Legislature that the
98 Department of Marine Resources shall have the authority to
99 receive, budget and expend funds from any source that may become
100 available to the department in accordance with the rules and
101 regulations of the Department of Finance and Administration in a
102 manner consistent with the escalation of federal funds.

103 **SECTION 6.** In addition to all other sums heretofore
104 appropriated, the following sum, or so much thereof as may be
105 necessary, is hereby appropriated out of any money in the State
106 Treasury to the credit of the Tidelands Fund No. 3452 to the
107 Department of Marine Resources for the purpose of defraying the
108 expenses of the tidelands projects for the fiscal year beginning
109 July 1, 2006, and ending June 30, 2007..... \$ 4,000,000.00.
110 Of the funds appropriated within this section, One Million
111 Thirty-seven Thousand Eight Hundred Eighty-eight Dollars
112 (\$1,037,888.00) shall be designated for the Deer Island payment.
113 The remaining balance of Two Million Nine Hundred Sixty-two
114 Thousand One Hundred Twelve Dollars (\$2,962,112.00) shall only be
115 used at the discretion of the Department of Marine Resources.

116 Each political subdivision receiving funds authorized in this
117 section shall be held responsible for complying with Section
118 29-15-9, Mississippi Code of 1972, and shall be subject to an
119 audit by the State Auditor and shall submit detailed reports
120 beginning June 30, and every six (6) months thereafter for the
121 duration of the project to the Department of Marine Resources on
122 how funds authorized in this section were expended.

123 It is the intention of the Legislature that any political
124 subdivision seeking to qualify for tidelands funds for the
125 subsequent fiscal year shall submit a proposal to the Department
126 of Marine Resources no later than July 1, 2006. All proposals
127 submitted will be reviewed and evaluated by the Department of
128 Marine Resources in accordance to department plans and procedures.
129 Multiphased projects, multiyear projects, proposed projects with
130 high dollar value and projects that have a record of stacking
131 funds shall be considered as low priority projects when evaluated.

132 **SECTION 7.** The following sum, or so much thereof as may be
133 necessary, is hereby reappropriated out of any money in the State
134 Treasury to the credit of the Department of Marine Resources,
135 tidelands fund, which is comprised of special source funds
136 available to the department, for expenditures pursuant to House
137 Bill No. 67, 2005 Second Extraordinary Session, for the fiscal
138 year beginning July 1, 2006, and ending June 30, 2007.....
139 \$8,125,781.00

140 **SECTION 8.** It is the intention of the Legislature that the
141 commission shall place any special trust funds appropriated to the
142 department in a special trust fund and the interest earned on the
143 principal shall be credited to the special trust fund. Monies in
144 the fund at the end of the fiscal year shall be retained in the
145 special trust fund for use in the next succeeding fiscal year.
146 The department may use the interest earned on the fund to pay
147 reasonable costs for administering the fund and related projects.

148 **SECTION 9.** It is the intention of the Legislature that
149 tidelands funds not otherwise appropriated shall be used for
150 additional funding of tideland projects and the administration
151 thereof by the Department of Marine Resources. Expenditures of
152 excess tidelands funds by the Department of Marine Resources for
153 supplemental and additional funding and administration of
154 tidelands projects heretofore or hereafter proposed is authorized

155 and approved. The Department of Marine Resources may escalate the
156 Tidelands Fund in an amount not to exceed Eight Hundred Thousand
157 Dollars (\$800,000.00) for the purposes outlined in this section.

158 It is the intention of the Legislature that the Department of
159 Marine Resources be allowed to make necessary transfers from the
160 Subsidies, Loans and Grants category of expenditures to any other
161 categories of expenditures for the purpose of expending tidelands
162 funds.

163 **SECTION 10.** It is the intention of the Legislature that the
164 Department of Marine Resources has the authorization to move
165 tidelands funds between approved projects upon request from entity
166 and proper completion of Form TTF-6 documentation.

167 **SECTION 11.** It is the intention of the Legislature that
168 whenever two (2) or more bids are received by this agency for the
169 purchase of commodities or equipment, and whenever all things
170 stated in such received bids are equal with respect to price,
171 quality and service, the Mississippi Industries for the Blind
172 shall be given preference. A similar preference shall be given to
173 the Mississippi Industries for the Blind whenever purchases are
174 made without competitive bids.

175 **SECTION 12.** The money herein appropriated shall be paid by
176 the State Treasurer out of any money in the State Treasury to the
177 credit of the proper fund or funds as set forth in this act, upon
178 warrants issued by the State Fiscal Officer; and the State Fiscal
179 Officer shall issue his warrants upon requisitions signed by the

180 proper person, officer or officers, in the manner provided by law.

181 **SECTION 13.** This act shall take effect and be in force from

182 and after July 1, 2006.

CONFEREES FOR THE HOUSE

X (SIGNED)
Stringer

X (SIGNED)
Read

X (SIGNED)
Frierson

CONFEREES FOR THE SENATE

X (SIGNED)
Gordon

X (SIGNED)
Gollott

X (SIGNED)
Moffatt