

Senate Amendments to House Bill No. 1562

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, 2006, and ending June 30, 2007.....
10 \$ 1,864,964.00.

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..... \$ 8,216,328.00.

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.. \$ 6,869,050.00
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.....	\$ 10,081,292.00

34 FUNDING:

35	General Funds.....	\$ 1,864,964.00
36	Special Funds.....	<u>8,216,328.00</u>
37	Total.....	\$ 10,081,292.00

38 AUTHORIZED POSITIONS:

39	Permanent: Full Time.....	103
40	Part Time.....	0
41	Time-Limited: Full Time.....	42
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 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 Twelve Hundred Dollars (\$1,200.00), whichever is greater,
50 beginning on July 1, 2006.

51 Pursuant to policies established by the State Personnel
52 Board, agency heads may, on a case by case basis and within funds
53 available, recommend equity salary adjustments to Fiscal Year 2006
54 agency appropriation acts where application of limitations result
55 in awarding one employee a salary increase greater than another
56 employee within the same agency, with the same job classification
57 series and greater longevity.

58 With the funds herein appropriated, it is the intention of
59 the Legislature that it shall be the agency's responsibility to
60 make certain that funds required to be appropriated for "Personal
61 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
62 funds appropriated for that purpose, unless programs or positions
63 are added to the agency's Fiscal Year 2008 budget by the
64 Mississippi Legislature. Based on data provided by the
65 Legislative Budget Office, the State Personnel Board shall

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

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

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

93 **SECTION 4.** It is the intention of the Legislature that the
94 Department of Marine Resources shall maintain complete accounting
95 and personnel records related to the expenditure of all funds
96 appropriated under this act and that such records shall be in the
97 same format and level of detail as maintained for Fiscal Year
98 2006. It is further the intention of the Legislature that the
99 agency's budget request for Fiscal Year 2008 shall be submitted to
100 the Joint Legislative Budget Committee in a format and level of

101 detail comparable to the format and level of detail provided
102 during the Fiscal Year 2007 budget request process.

103 **SECTION 5.** It is the intention of the Legislature that the
104 Department of Marine Resources shall have the authority to
105 receive, budget and expend funds from any source that may become
106 available to the department in accordance with the rules and
107 regulations of the Department of Finance and Administration in a
108 manner consistent with the escalation of federal funds.

109 **SECTION 6.** In addition to all other sums heretofore
110 appropriated, the following sum, or so much thereof as may be
111 necessary, is hereby appropriated out of any money in the State
112 Treasury to the credit of the Tidelands Fund No. 3452 to the
113 Department of Marine Resources for the purpose of defraying the
114 expenses of the tidelands projects for the fiscal year beginning
115 July 1, 2006, and ending June 30, 2007..... \$ 4,000,000.00.
116 Of the funds appropriated within this section, One Million
117 Thirty-seven Thousand Eight Hundred Eighty-eight Dollars
118 (\$1,037,888.00) shall be designated for the Deer Island payment.
119 The remaining balance of Two Million Nine Hundred Sixty-two
120 Thousand One Hundred Twelve Dollars (\$2,962,112.00) shall only be
121 used at the discretion of the Department of Marine Resources to
122 draw down federal monies.

123 Each political subdivision receiving funds authorized in this
124 section shall be held responsible for complying with Section
125 29-15-9, Mississippi Code of 1972, and shall be subject to an
126 audit by the State Auditor and shall submit detailed reports
127 beginning June 30, and every six (6) months thereafter for the
128 duration of the project to the Department of Marine Resources on
129 how funds authorized in this section were expended.

130 It is the intention of the Legislature that any political
131 subdivision seeking to qualify for tidelands funds for the
132 subsequent fiscal year shall submit a proposal to the Department
133 of Marine Resources no later than July 1, 2006. All proposals
134 submitted will be reviewed and evaluated by the Department of
135 Marine Resources in accordance to department plans and procedures.

136 Multiphased projects, multiyear projects, proposed projects with
137 high dollar value and projects that have a record of stacking
138 funds shall be considered as low priority projects when evaluated.

139 **SECTION 7.** The following sum, or so much thereof as may be
140 necessary, is hereby reappropriated out of any money in the State
141 Treasury to the credit of the Department of Marine Resources,
142 tidelands fund, which is comprised of special source funds
143 available to the department, for expenditures pursuant to House
144 Bill No. 67, 2005 Second Extraordinary Session, for the fiscal
145 year beginning July 1, 2006, and ending June 30, 2007.....
146 \$8,125,781.00

147 **SECTION 8.** It is the intention of the Legislature that the
148 commission shall place any special trust funds appropriated to the
149 department in a special trust fund and the interest earned on the
150 principal shall be credited to the special trust fund. Monies in
151 the fund at the end of the fiscal year shall be retained in the
152 special trust fund for use in the next succeeding fiscal year.
153 The department may use the interest earned on the fund to pay
154 reasonable costs for administering the fund and related projects.

155 **SECTION 9.** It is the intention of the Legislature that
156 tidelands funds not otherwise appropriated shall be used for
157 additional funding of tideland projects and the administration
158 thereof by the Department of Marine Resources. Expenditures of
159 excess tidelands funds by the Department of Marine Resources for
160 supplemental and additional funding and administration of
161 tidelands projects heretofore or hereafter proposed is authorized
162 and approved. The Department of Marine Resources may escalate the
163 Tidelands Fund in an amount not to exceed Eight Hundred Thousand
164 Dollars (\$800,000.00) for the purposes outlined in this section.

165 It is the intention of the Legislature that the Department of
166 Marine Resources be allowed to make necessary transfers from the
167 Subsidies, Loans and Grants category of expenditures to any other
168 categories of expenditures for the purpose of expending tidelands
169 funds.

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

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

182 **SECTION 12.** The money herein appropriated shall be paid by
183 the State Treasurer out of any money in the State Treasury to the
184 credit of the proper fund or funds as set forth in this act, upon
185 warrants issued by the State Fiscal Officer; and the State Fiscal
186 Officer shall issue his warrants upon requisitions signed by the
187 proper person, officer or officers, in the manner provided by law.

188 **SECTION 13.** This act shall take effect and be in force from
189 and after July 1, 2006.

SS05\HB1562A.J

John O. Gilbert
Secretary of the Senate