

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

To: Appropriations

HOUSE BILL NO. 1703
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE DEPARTMENT OF MARINE RESOURCES FOR THE FISCAL
3 YEAR 2008.

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, 2007, and ending June 30, 2008.....

10 \$ 1,977,173.00.

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, 2007, and
15 ending June 30, 2008..... \$ 8,713,284.00.

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.. | \$ | 7,478,215.00 |
| 26 | Travel and Subsistence..... | | 79,653.00 |
| 27 | Contractual Services..... | | 1,849,954.00 |

| | | | |
|----|-------------------------------------|----|---------------------|
| 28 | Commodities..... | | 579,530.00 |
| 29 | Capital Outlay: | | |
| 30 | Other Than Equipment..... | | 1,000.00 |
| 31 | Equipment..... | | 171,105.00 |
| 32 | Vehicles..... | | 230,000.00 |
| 33 | Wireless Communication Devices..... | | 1,000.00 |
| 34 | Subsidies, Loans and Grants..... | | <u>300,000.00</u> |
| 35 | Total..... | \$ | 10,690,457.00 |
| 36 | FUNDING: | | |
| 37 | General Funds..... | \$ | 1,977,173.00 |
| 38 | Special Funds..... | | <u>8,713,284.00</u> |
| 39 | Total..... | \$ | 10,690,457.00 |

40 AUTHORIZED POSITIONS:

| | | | |
|----|---------------|----------------|-----|
| 41 | Permanent: | Full Time..... | 112 |
| 42 | | Part Time..... | 0 |
| 43 | Time-Limited: | Full Time..... | 33 |
| 44 | | Part Time..... | 3 |

45 Each Marine Conservation Officer and Supervisor shall be
46 furnished an allowance for uniforms not to exceed Five Hundred
47 Dollars (\$500.00) per annum.

48 Funds are provided herein to adjust the Variable Compensation
49 Plan to ensure that all full-time employees receive a pay increase
50 equal to the realignment component of the Variable Compensation
51 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
52 is greater, to be awarded on July 1, 2007.

53 With the funds herein appropriated, it is the intention of
54 the Legislature that it shall be the agency's responsibility to
55 make certain that funds required to be appropriated for "Personal
56 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
57 funds appropriated for that purpose, unless programs or positions
58 are added to the agency's Fiscal Year 2008 budget by the
59 Mississippi Legislature. Based on data provided by the
60 Legislative Budget Office, the State Personnel Board shall

61 determine and publish the projected annual cost to fully fund all
62 appropriated positions in compliance with the provisions of this
63 act. It shall be the responsibility of the agency head to insure
64 that no single personnel action increases this projected annual
65 cost and/or the Fiscal Year 2008 appropriations for "Personal
66 Services" when annualized, with the exception of escalated funds
67 and educational benchmarks. If, at the time the agency takes any
68 action to change "Personal Services", the State Personnel Board
69 determines that the agency has taken an action which would cause
70 the agency to exceed this projected annual cost or the Fiscal Year
71 2008 "Personal Services" appropriated level, when annualized, then
72 only those actions which reduce the projected annual cost and/or
73 the appropriation requirement will be processed by the State
74 Personnel Board until such time as the requirements of this
75 provision are met. On January 1, 2008, the State Personnel Board
76 will make adjustments to the structure side of the compliance
77 report based on data provided by the Legislative Budget Office in
78 order for agencies to award educational benchmarks.

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

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

92 **SECTION 4.** It is the intention of the Legislature that the
93 Department of Marine Resources shall maintain complete accounting

94 and personnel records related to the expenditure of all funds
95 appropriated under this act and that such records shall be in the
96 same format and level of detail as maintained for Fiscal Year
97 2007. It is further the intention of the Legislature that the
98 agency's budget request for Fiscal Year 2009 shall be submitted to
99 the Joint Legislative Budget Committee in a format and level of
100 detail comparable to the format and level of detail provided
101 during the Fiscal Year 2008 budget request process.

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

108 **SECTION 6.** In addition to all other sums heretofore
109 appropriated, the following sum, or so much thereof as may be
110 necessary, is hereby appropriated out of any money in the State
111 Treasury to the credit of the Tidelands Fund No. 3452 to the
112 Department of Marine Resources for the purpose of defraying the
113 expenses of the tidelands projects for the fiscal year beginning
114 July 1, 2007, and ending June 30, 2008..... \$ 7,000,000.00.

115 Of the funds appropriated within this section, One Million
116 Five Hundred Thousand Dollars (\$1,500,000.00) shall be designated
117 for the Deer Island payment. The remaining balance shall be
118 allocated as follows:

119 Department of Marine Resources Programs
120 and Matching.....\$ 2,500,000.00
121 Management.....\$ 1,000,000.00
122 Access Projects.....\$ 2,000,000.00

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, 2007. 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.** It is the intention of the Legislature that the
140 commission shall place any special trust funds appropriated to the
141 department in a special trust fund and the interest earned on the
142 principal shall be credited to the special trust fund. Monies in
143 the fund at the end of the fiscal year shall be retained in the
144 special trust fund for use in the next succeeding fiscal year.
145 The department may use the interest earned on the fund to pay
146 reasonable costs for administering the fund and related projects.

147 **SECTION 8.** It is the intention of the Legislature that
148 tidelands funds not otherwise appropriated shall be used for
149 additional funding of tideland projects and the administration
150 thereof by the Department of Marine Resources. Expenditures of
151 excess tidelands funds by the Department of Marine Resources for
152 supplemental and additional funding and administration of
153 tidelands projects heretofore or hereafter proposed is authorized
154 and approved. The Department of Marine Resources may escalate the
155 Tidelands Fund in an amount not to exceed Eight Hundred Thousand
156 Dollars (\$800,000.00) for the purposes outlined in this section.

157 It is the intention of the Legislature that the Department of
158 Marine Resources be allowed to make necessary transfers from the
159 Subsidies, Loans and Grants category of expenditures to any other

160 categories of expenditures for the purpose of expending tidelands
161 funds.

162 **SECTION 9.** It is the intention of the Legislature that the
163 Department of Marine Resources has the authorization to move
164 tidelands funds between approved projects upon request from entity
165 and proper completion of Form TTF-6 documentation.

166 **SECTION 10.** It is the intention of the Legislature that
167 whenever two (2) or more bids are received by this agency for the
168 purchase of commodities or equipment, and whenever all things
169 stated in such received bids are equal with respect to price,
170 quality and service, the Mississippi Industries for the Blind
171 shall be given preference. A similar preference shall be given to
172 the Mississippi Industries for the Blind whenever purchases are
173 made without competitive bids.

174 **SECTION 11.** It is the intention of the Legislature that the
175 Tidelands Funds shall be expended, at the discretion of the
176 Department of Marine Resources, only after the members of the
177 Coastal Delegation of the Legislature have been notified of such
178 expenditures. Further, the Tidelands funds provided to local
179 government entities shall not exceed One Hundred Thousand Dollars
180 (\$100,000.00) for engineering and planning, and an amount not to
181 exceed Two Hundred Thousand Dollars (\$200,000.00) for acquisition.

182 **SECTION 12.** It is the intention of the Legislature that the
183 Executive Director of the Department of Marine Resources may
184 increase major objects of expenditure, provided that other major
185 objects of expenditure are decreased by a corresponding dollar
186 amount and provided the Executive Director of the Mississippi
187 Department of Finance and Administration also approves the changes
188 with written authorization. However, no transfers shall be
189 authorized which increase or decrease the major object of
190 expenditure "Salaries, Wages and Fringe Benefits."

191 **SECTION 13.** The money herein appropriated shall be paid by
192 the State Treasurer out of any money in the State Treasury to the

193 credit of the proper fund or funds as set forth in this act, upon
194 warrants issued by the State Fiscal Officer; and the State Fiscal
195 Officer shall issue his warrants upon requisitions signed by the
196 proper person, officer or officers, in the manner provided by law.

197 **SECTION 14.** This act shall take effect and be in force from
198 and after July 1, 2007.