

Senate Amendments to House Bill No. 1703

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, 2007, and ending June 30, 2008.....
10 \$ 1,974,159.00.

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..... \$ 8,489,158.00.

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.. \$ 7,464,835.00
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..... 0.00

31	Equipment.....	72,345.00
32	Vehicles.....	115,000.00
33	Wireless Communication Devices.....	0.00
34	Subsidies, Loans and Grants.....	<u>300,000.00</u>
35	Total.....	\$ 10,463,317.00

36 FUNDING:

37	General Funds.....	\$ 1,974,159.00
38	Special Funds.....	<u>8,489,158.00</u>
39	Total.....	\$ 10,463,317.00

40 AUTHORIZED POSITIONS:

41	Permanent: Full Time.....	93
42	Part Time.....	0
43	Time-Limited: Full Time.....	45
44	Part Time.....	2

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 Dollars (\$1,000.00), or Three Percent (3%)
52 whichever 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 2009 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 appropriation for "Personal

66 Services" when annualized, with the exception of escalated funds.
67 If, at the time the agency takes any action to change "Personal
68 Services," the State Personnel Board determines that the agency
69 has taken an action which would cause the agency to exceed this
70 projected annual cost or the Fiscal Year 2008 "Personal Services"
71 appropriated level, when annualized, then only those actions which
72 reduce the projected annual cost and/or the appropriation
73 requirement will be processed by the State Personnel Board until
74 such time as the requirements of this provision are met.

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

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87 act and which are withdrawn and no longer available.

88 The agency shall not take any action to promote or otherwise
89 award salary increases through reallocation, reclassification,
90 realignment, education benchmark, career ladder, or any other
91 means to increase salaries of employees or positions unless
92 specifically exempted by the following conditions: the award of
93 teacher pay increases, the advancement of a trainee/cadet to the
94 next level of a bona fide career ladder, the award of an
95 educational benchmark for the attainment of Certified Public
96 Accountant License or higher level professional certification as
97 determined by the State Personnel Board, the immediate replacement
98 of a departing employee with an individual from within state
99 service or a new hire at a salary level equivalent to that of the
100 departing employee, and the emergency appointment of nurses,

101 pharmacists or other health care professionals at a salary to be
102 determined by the State Personnel Board, unless otherwise
103 authorized in this act.

104 **SECTION 4.** It is the intention of the Legislature that the
105 Department of Marine Resources shall maintain complete accounting
106 and personnel records related to the expenditure of all funds
107 appropriated under this act and that such records shall be in the
108 same format and level of detail as maintained for Fiscal Year
109 2007. It is further the intention of the Legislature that the
110 agency's budget request for Fiscal Year 2009 shall be submitted to
111 the Joint Legislative Budget Committee in a format and level of
112 detail comparable to the format and level of detail provided
113 during the Fiscal Year 2008 budget request process.

114 **SECTION 5.** It is the intention of the Legislature that the
115 Department of Marine Resources shall have the authority to
116 receive, budget and expend funds from any source that may become
117 available to the department in accordance with the rules and
118 regulations of the Department of Finance and Administration in a
119 manner consistent with the escalation of federal funds.

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

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

131 Department of Marine Resources Programs
132 and Matching.....\$ 2,500,000.00
133 Maintenance.....\$ 1,000,000.00
134 Access Projects.....\$ 2,000,000.00

135 Each political subdivision receiving funds authorized in this
136 section shall be held responsible for complying with Section
137 29-15-9, Mississippi Code of 1972, and shall be subject to an
138 audit by the State Auditor and shall submit detailed reports
139 beginning June 30, and every six (6) months thereafter for the
140 duration of the project to the Department of Marine Resources on
141 how funds authorized in this section were expended.

142 It is the intention of the Legislature that any political
143 subdivision seeking to qualify for tidelands funds for the
144 subsequent fiscal year shall submit a proposal to the Department
145 of Marine Resources no later than July 1, 2007. All proposals
146 submitted will be reviewed and evaluated by the Department of
147 Marine Resources in accordance to department plans and procedures.
148 Multiphased projects, multiyear projects, proposed projects with
149 high dollar value and projects that have a record of stacking
150 funds shall be considered as low priority projects when evaluated.

151 **SECTION 7.** It is the intention of the Legislature that
152 tidelands funds not otherwise appropriated shall be used for
153 additional funding of tideland projects and the administration
154 thereof by the Department of Marine Resources. Expenditures of
155 excess tidelands funds by the Department of Marine Resources for
156 supplemental and additional funding and administration of
157 tidelands projects heretofore or hereafter proposed is authorized
158 and approved. The Department of Marine Resources may escalate the
159 Tidelands Fund in an amount not to exceed Eight Hundred Thousand
160 Dollars (\$800,000.00) for the purposes outlined in this section.

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

166 **SECTION 8.** It is the intention of the Legislature that the
167 Department of Marine Resources has the authorization to move
168 tidelands funds between approved projects upon request from entity
169 and proper completion of Form TTF-6 documentation.

170 **SECTION 9.** It is the intention of the Legislature that
171 whenever two (2) or more bids are received by this agency for the
172 purchase of commodities or equipment, and whenever all things
173 stated in such received bids are equal with respect to price,
174 quality and service, the Mississippi Industries for the Blind
175 shall be given preference. A similar preference shall be given to
176 the Mississippi Industries for the Blind whenever purchases are
177 made without competitive bids.

178 **SECTION 10.** It is the intention of the Legislature that the
179 Tidelands Funds shall be expended, at the discretion of the
180 Department of Marine Resources, only after the members of the
181 Legislature have been notified of such expenditures. Further, the
182 Tidelands funds provided to local government entities shall not
183 exceed One Hundred Thousand Dollars (\$100,000.00) for engineering
184 and planning, and an amount not to exceed Two Hundred Thousand
185 Dollars (\$200,000.00) for acquisition.

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

192 **SECTION 12.** This act shall take effect and be in force from
193 and after July 1, 2007.

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John O. Gilbert
Secretary of the Senate