

By: Representatives Frierson, Eure, Bennett, DeLano, Read, Ladner To: Appropriations

HOUSE BILL NO. 1485 (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 2015.

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 appropriated out of any money in the State General
7 Fund not otherwise appropriated, for the support and maintenance
8 of the Department of Marine Resources for the fiscal year
9 beginning July 1, 2014, and ending June 30, 2015.....
10 .....\$ 1,126,856.00.

11 SECTION 2. The following sum, or so much thereof as may be
12 necessary, is appropriated out of any money in any special fund in
13 the State Treasury to the credit of the Department of Marine
14 Resources for the fiscal year beginning July 1, 2014, and ending
15 June 30, 2015.....\$ 9,607,921.00.

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.** Of the funds appropriated under the provisions of  
20 this act, the following positions are authorized:

21       AUTHORIZED POSITIONS:

22	Permanent:	Full Time.....	100
23		Part Time.....	0
24	Time-Limited:	Full Time.....	46
25		Part Time.....	1

26           Each Marine Conservation Officer and Supervisor shall be  
27 furnished an allowance for uniforms not to exceed Six Hundred  
28 Dollars (\$600.00) per annum.

29           With the funds herein appropriated, it is the intention of  
30 the Legislature that it shall be the agency's responsibility to  
31 make certain that funds required to be appropriated for "Personal  
32 Services" for Fiscal Year 2016 do not exceed Fiscal Year 2015  
33 funds appropriated for that purpose, unless programs or positions  
34 are added to the agency's Fiscal Year 2015 budget by the  
35 Mississippi Legislature. Based on data provided by the  
36 Legislative Budget Office, the State Personnel Board shall  
37 determine and publish the projected annual cost to fully fund all  
38 appropriated positions in compliance with the provisions of this  
39 act. It shall be the responsibility of the agency head to ensure  
40 that no single personnel action increases this projected annual  
41 cost and/or the Fiscal Year 2015 appropriations for "Personal  
42 Services" when annualized, with the exception of escalated funds.  
43 If, at the time the agency takes any action to change "Personal



44 Services," the State Personnel Board determines that the agency  
45 has taken an action which would cause the agency to exceed this  
46 projected annual cost or the Fiscal Year 2015 "Personal Services"  
47 appropriated level, when annualized, then only those actions which  
48 reduce the projected annual cost and/or the appropriation  
49 requirement will be processed by the State Personnel Board until  
50 such time as the requirements of this provision are met.

51 Funds are provided herein for a One Thousand Dollar  
52 (\$1,000.00) salary increase for full-time employees, or pro-rated  
53 for part-time employees, which shall be awarded to each employee  
54 that has not received a salary increase since July 1, 2010, and  
55 that is making an annual salary of less than Thirty Thousand  
56 Dollars (\$30,000.00) as of June 30, 2014.

57 The State Personnel Board shall not approve or process  
58 personnel action for any employee unless the employee has not  
59 received a salary increase since July 1, 2010, and for such an  
60 employee the increased amount shall not exceed Five Percent (5%);  
61 however, the following conditions are to be exempted: the award  
62 of teacher salary increments; the advancement of a trainee/cadet  
63 to the next level of a bona fide career ladder; the award of an  
64 educational benchmark for the attainment of a Certified Public  
65 Accountant License or higher level professional certification; the  
66 immediate replacement of a departing employee with an employee  
67 from within state service at a salary level of the departing  
68 employee or the FY 2015 promotional formula, whichever is less;



69 the emergency appointment of nurses, pharmacists or other health  
70 care and child protection professionals at a salary to be  
71 determined by the State Personnel Board or any other requested  
72 action of the agency that has been specifically authorized by the  
73 Legislature.

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 2014. It is further the intention of the Legislature that the  
93 agency's budget request for Fiscal Year 2016 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 2015 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 an amount not to exceed One Million  
101 Dollars (\$1,000,000.00), in accordance with the rules and  
102 regulations of the Department of Finance and Administration in a  
103 manner consistent with the escalation of federal funds.

104       **SECTION 6.** In addition to all other sums heretofore  
105 appropriated, the following sum, or so much thereof as may be  
106 necessary, is hereby appropriated out of any money in the State  
107 Treasury to the credit of the Tidelands Fund No. 3452 to the  
108 Department of Marine Resources for the purpose of defraying the  
109 expenses of the tidelands projects for the fiscal year beginning  
110 July 1, 2014, and ending June 30, 2015.....\$ 9,787,443.00.

111       With the funds appropriated in this section, the following  
112 projects are authorized:

113	PROJECT NO.	PROJECT ACCESS PROJECTS	AMOUNT
114	Harrison County:		
115	FY15 P07A	Repairs & Improvements to James Hill	
116		Park Bayou	
117		-City of Gulfport .....	\$ 250,000.00
118	FY15 P25A	West Biloxi Boat Launch	



119			-Harrison County Board of		
120			Supervisors .....	\$	200,000.00
121	FY15	P01A	Biloxi Lighthouse Parking & Pier		
122			Improvements		
123			-City of Biloxi .....	\$	100,000.00
124	FY15	P03A	Sherman Canaan Fishing Dock Dredging		
125			-City of Biloxi .....	\$	190,000.00
126	FY15	P31A	Biloxi River Boat Launch		
127			-Harrison County Board of		
128			Supervisors .....	\$	150,000.00
129	FY15	P14A	2015 Harbor Improvements		
130			-City of Long Beach .....	\$	300,000.00
131	FY15	P23A	FY15 Harbor Improvements - Supplemental-		
132			Excursion Pier		
133			-Harrison County Board of Supervisors/		
134			Long Beach Port Commission .....	\$	210,000.00
135	FY15	P15A	FY2015 Harbor Improvements		
136			-City of Pass Christian .....	\$	200,000.00
137	FY15	P06A	D'Iberville Working Waterfront Harbour		
138			-City of D'Iberville .....	\$	200,000.00
139	FY15	P24A	Improvements on Beach at Cowan Rd in		
140			Gulfport and Beauvoir Rd in Biloxi		
141			-Harrison County Board of		
142			Supervisors .....	\$	125,000.00
143	FY15	P35A	Phase One-Rebuild of Interior of Museum		



144			-Maritime & Seafood Interior of		
145			Museum .....	\$	150,000.00
146	Jackson County:				
147	FY15	P10A	Point Park Development Phase III		
148			-City of Pascagoula .....	\$	250,000.00
149	FY15	P47A	Reconfiguration of USM- GCRL Boat Basin		
150			-USM .....	\$	224,640.00
151	FY15	P05A	O.S. Old Fort Bayou Greenway - Phase I		
152			-City of Ocean Springs .....	\$	200,000.00
153	FY15	P21A	Lake Mars Boat Launch Improvements		
154			-Jackson County Board of		
155			Supervisors .....	\$	129,500.00
156	FY15	P46A	Shepard State Park Improvements		
157			-City of Gautier .....	\$	250,000.00
158	FY15	P09A	Pelican Landing Waterfront Improvements		
159			-City of Moss Point .....	\$	145,000.00
160	FY15	P08A	City Park Community Center Phase III		
161			-City of Gautier .....	\$	70,000.00
162	N/A	N/A	Washington Ave, Ft. Bayou Bridge,		
163			Boat Launch .....	\$	230,000.00
164	Hancock County:				
165	FY15	P40A	Marina Observation Deck and Boardwalk		
166			-Diamondhead Property Owners		
167			Association .....	\$	150,000.00
168	FY15	P16A	Public Beach Access & Pedestrian Walkways		



169			with Amenities		
170			-City of Bay St. Louis .....	\$	250,000.00
171	FY15	P32A	McLeod Park Improvements		
172			-Hancock County Board of		
173			Supervisors .....	\$	350,000.00
174	FY15	P17A	Splash Pad Interactive Play		
175			-City of Waveland .....	\$	160,000.00
176	FY15	P18A	Open-Air Pavilion with Lights		
177			-City of Waveland .....	\$	90,000.00
178	FY15	P34A	Curtis Johnson Boat Launch Improvements		
179			-Hancock County Board of		
180			Supervisors .....	\$	50,000.00
181			Deer Island Access Peers (2) .....	\$	500,000.00
182			HWY #90 Pedestrian Overpass .....	\$	100,000.00
183					-----
184			Total Public Access Projects .....	\$	5,224,140.00
185			Total Management Projects .....	\$	3,713,303.00
186			Bond Repayment .....	\$	850,000.00
187					-----
188			Total Tidelands Funds: .....	\$	9,787,443.00

189 Each political subdivision receiving funds authorized in this  
190 section shall be held responsible for complying with Section  
191 29-15-9, Mississippi Code of 1972, and shall be subject to an  
192 audit by the State Auditor and shall submit detailed reports  
193 beginning June 30, and every six (6) months thereafter for the





194 duration of the project to the Department of Marine Resources on  
195 how funds authorized in this section were expended.

196 It is the intention of the Legislature that any political  
197 subdivision seeking to qualify for tidelands funds for the  
198 subsequent fiscal year shall submit a proposal to the Department  
199 of Marine Resources no later than July 1, 2015. All proposals  
200 submitted will be reviewed and evaluated by the Department of  
201 Marine Resources in accordance to department plans and procedures.  
202 Multiphased projects, multiyear projects, proposed projects with  
203 high dollar value and projects that have a record of stacking  
204 funds shall be considered as low priority projects when evaluated.

205 It is the intention of the Legislature that if the amount of  
206 the tidelands funds appropriated in this act exceed the actual  
207 amount of tidelands funds available, the available funds shall be  
208 allocated on a pro rata basis between projects listed in this  
209 section.

210 **SECTION 7.** It is the intention of the Legislature that the  
211 commission shall place any special trust funds appropriated to the  
212 department in a special trust fund and the interest earned on the  
213 principal shall be credited to the special trust fund. Monies in  
214 the fund at the end of the fiscal year shall be retained in the  
215 special trust fund for use in the next succeeding fiscal year.  
216 The department may use the interest earned on the fund to pay  
217 reasonable costs for administering the fund and related projects.



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

222           **SECTION 9.** It is the intention of the Legislature that the  
223 Secretary of State's Office shall not reserve more than five  
224 percent (5%) of the total tidelands funds collected for  
225 administrative purposes. Said five percent (5%) cap shall be  
226 exclusive of any costs of litigation related to the tidelands that  
227 may be incurred by the Secretary of State.

228           **SECTION 10.** It is the intention of the Legislature that  
229 whenever two (2) or more bids are received by this agency for the  
230 purchase of commodities or equipment, and whenever all things  
231 stated in such received bids are equal with respect to price,  
232 quality and service, the Mississippi Industries for the Blind  
233 shall be given preference. A similar preference shall be given to  
234 the Mississippi Industries for the Blind whenever purchases are  
235 made without competitive bids.

236           **SECTION 11.** It is the intention of the Legislature that none  
237 of the funds provided herein shall be used to pay certain  
238 utilities for state furnished housing for any employees. Such  
239 utilities shall include electricity, natural gas, butane, propane,  
240 cable and phone services. Where actual cost cannot be determined,  
241 the agency shall be required to provide meters to be in compliance  
242 with legislative intent. Such state furnished housing shall



243 include single-family and multi-family residences but shall not  
244 include any dormitory residences. Allowances for such utilities  
245 shall be prohibited.

246       **SECTION 12.** It is the intention of the Legislature that the  
247 funds herein appropriated shall be expended in compliance with  
248 Section 27-104-25, Mississippi Code of 1972, that no state agency  
249 shall incur obligations or indebtedness in excess of their  
250 appropriation and that the responsible officers, either personally  
251 or upon their official bonds, shall be held responsible for  
252 actions contrary to this provision.

253       **SECTION 13.** The money herein appropriated shall be paid by  
254 the State Treasurer out of any money in the State Treasury to the  
255 credit of the proper fund or funds as set forth in this act, upon  
256 warrants issued by the State Fiscal Officer; and the State Fiscal  
257 Officer shall issue his warrants upon requisitions signed by the  
258 proper person, officer or officers, in the manner provided by law.

259       **SECTION 14.** This act shall take effect and be in force from  
260 and after July 1, 2014.

