

By: Representatives Frierson, Eure, Bennett, To: Appropriations
Bounds, Busby, DeLano, Huddleston (15th),
Huddleston (30th), Ladner, Monsour, Read,
Shows, Staples, Sullivan, Turner

HOUSE BILL NO. 1657

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE DEPARTMENT OF MARINE RESOURCES FOR THE FISCAL
3 YEAR 2017.

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, 2016, and ending June 30, 2017.....
10\$ 1,129,117.00.

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, 2016, and ending
15 June 30, 2017.....\$ 19,298,437.00.

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.



SECTION 3. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	99
	Part Time.....	0
Time-Limited:	Full Time.....	65
	Part Time.....	1

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

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2018 do not exceed Fiscal Year 2017 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2017 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2017 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. 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 2017 "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 Any transfers or escalations shall be made in accordance with
52 the terms, conditions and procedures established by law or
53 allowable under the terms set forth within this act. The State
54 Personnel Board shall not escalate positions without written
55 approval from the Department of Finance and Administration. The
56 Department of Finance and Administration shall not provide written
57 approval to escalate any funds for salaries and/or positions
58 without proof of availability of new or additional funds above the
59 appropriated level.

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

64 None of the funds herein appropriated shall be used in
65 violation of Internal Revenue Service's Publication 15-A relating
66 to the reporting of income paid to contract employees, as
67 interpreted by the Office of the State Auditor.



68 **SECTION 4.** It is the intention of the Legislature that the
69 Department of Marine Resources shall maintain complete accounting
70 and personnel records related to the expenditure of all funds
71 appropriated under this act and that such records shall be in the
72 same format and level of detail as maintained for Fiscal Year
73 2016. It is further the intention of the Legislature that the
74 agency's budget request for Fiscal Year 2018 shall be submitted to
75 the Joint Legislative Budget Committee in a format and level of
76 detail comparable to the format and level of detail provided
77 during the Fiscal Year 2017 budget request process.

78 **SECTION 5.** In addition to all other sums heretofore
79 appropriated, the following sum, or so much thereof as may be
80 necessary, is hereby appropriated out of any money in the State
81 Treasury to the credit of the Tidelands Fund No. 3345200000 to the
82 Department of Marine Resources for the purpose of defraying the
83 expenses of the tidelands projects for the fiscal year beginning
84 July 1, 2016, and ending June 30, 2017.....\$ 9,787,443.00.

85 Of the funds appropriated within this section, Eight Hundred
86 Thousand Dollars (\$800,000.00) shall be designated for bond
87 repayment.

88 Department of Marine Resources Programs:

89 Management and Matching.....\$4,493,722.00.

90 Access Projects.....\$4,493,721.00.

91 Each political subdivision receiving funds authorized in this
92 section shall be held responsible for complying with Section



29-15-9, Mississippi Code of 1972, and shall be subject to an audit by the State Auditor and shall submit detailed reports beginning June 30, and every six (6) months thereafter for the duration of the project to the Department of Marine Resources on how funds authorized in this section were expended.

It is the intention of the Legislature that any political subdivision seeking to qualify for tidelands funds for the subsequent fiscal year shall submit a proposal to the Department of Marine Resources no later than July 1, 2016. All proposals submitted will be reviewed and evaluated by the Department of Marine Resources in accordance to department plans and procedures. Multiphased projects, multiyear projects, proposed projects with high dollar value and projects that have a record of stacking funds shall be considered as low priority projects when evaluated.

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

SECTION 6. It is the intention of the Legislature that the commission shall place any special trust funds appropriated to the department in a special trust fund and the interest earned on the principal shall be credited to the special trust fund. Monies in the fund at the end of the fiscal year shall be retained in the special trust fund for use in the next succeeding fiscal year.



The department may use the interest earned on the fund to pay reasonable costs for administering the fund and related projects.

SECTION 7. It is the intention of the Legislature that the Department of Marine Resources has the authorization to move tidelands funds between approved projects upon request from entity and proper completion of Form TTF-6 documentation.

SECTION 8. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 9. It is the intention of the Legislature that none of the funds provided herein shall be used to pay certain utilities for state furnished housing for any employees. Such utilities shall include electricity, natural gas, butane, propane, cable and phone services. Where actual cost cannot be determined, the agency shall be required to provide meters to be in compliance with legislative intent. Such state furnished housing shall include single-family and multi-family residences but shall not include any dormitory residences. Allowances for such utilities shall be prohibited.



142 **SECTION 10.** It is the intention of the Legislature that the
143 funds herein appropriated shall be expended in compliance with
144 Section 27-104-25, Mississippi Code of 1972, that no state agency
145 shall incur obligations or indebtedness in excess of their
146 appropriation and that the responsible officers, either personally
147 or upon their official bonds, shall be held responsible for
148 actions contrary to this provision.

149 **SECTION 11.** The amount of funds appropriated from the State
150 General Fund in this bill are conditioned upon the availability
151 for appropriation of the full amount of the state general funds
152 that were projected in the general fund revenue estimate for
153 fiscal year 2017 that was determined under the provision of
154 Section 27-103-125.

155 If the amount of general funds projected to be available for
156 appropriation for fiscal year 2017 would be reduced by the
157 enactment into law of any revenue bills, as defined in Joint Rule
158 40, that have been passed by the House of Representatives by March
159 17, 2016, then the amount of funds appropriated from the State
160 General Fund in this bill shall be reduced by the same percentage
161 reduction in the amount of general funds that would be available
162 for appropriation for fiscal year 2017, and the reduced amount
163 shall be engrossed into this bill before it is transmitted to
164 Senate.

165 The determination of whether the House has passed any such
166 revenue bills by March 17, 2016, and the amount and percentage of



the resulting reduction in the amount of general funds projected to be available for appropriation for fiscal year 2017, shall be determined by the Legislative Budget Office and certified in writing to the Chairman of the House Appropriations Committee by the Director of the Legislative Budget Office.

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

SECTION 13. This act shall take effect and be in force from and after July 1, 2016; and shall stand repealed from and after June 30, 2016.

