

By: Representatives Read, Eure, Barton,  
Bennett, Busby, Clarke, Haney

To: Appropriations

HOUSE BILL NO. 1726

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND  
2 MAINTENANCE OF THE DEPARTMENT OF MARINE RESOURCES FOR THE FISCAL  
3 YEAR 2021.

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, 2020, and ending June 30, 2021.....  
10 .....\$ 1,096,431.00.

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, 2020, and ending  
15 June 30, 2021.....\$ 22,240,293.00.

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.....	91
23		Part Time.....	0
24	Time-Limited:	Full Time.....	73
25		Part Time.....	0

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 shall be the agency's  
30 responsibility to make certain that funds required to be  
31 appropriated for "Personal Services" for Fiscal Year 2022 do not  
32 exceed Fiscal Year 2021 funds appropriated for that purpose,  
33 unless programs or positions are added to the agency's Fiscal Year  
34 2021 budget by the Mississippi Legislature. Based on data  
35 provided by the Legislative Budget Office, the State Personnel  
36 Board shall determine and publish the projected annual cost to  
37 fully fund all appropriated positions in compliance with the  
38 provisions of this act. It shall be the responsibility of the  
39 agency head to ensure that no single personnel action increases  
40 this projected annual cost and/or the Fiscal Year 2021  
41 appropriations for "Personal Services" when annualized, with the  
42 exception of escalated funds and the award of benchmarks. If, at  
43 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 2021 "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 2020. It is further the intention of the Legislature that the  
74 agency's budget request for Fiscal Year 2022 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 2021 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, 2020, and ending June 30, 2021.....\$       11,000,000.00.

85           Of the funds appropriated within this section, One Million  
86 One Hundred Ninety-eight Thousand One Hundred Fifty-nine Dollars  
87 (\$1,198,159.00) shall be designated for bond repayment.

88 Department of Marine Resources Programs:

89           Management and Matching.....\$     4,900,920.00  
90           Access Projects.....\$     4,900,921.00

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



93 29-15-9, Mississippi Code of 1972, and shall be subject to an  
94 audit by the State Auditor and shall submit detailed reports  
95 beginning June 30, and every six (6) months thereafter for the  
96 duration of the project to the Department of Marine Resources on  
97 how funds authorized in this section were expended.

98 It is the intention of the Legislature that any political  
99 subdivision seeking to qualify for tidelands funds for the  
100 subsequent fiscal year shall submit a proposal to the Department  
101 of Marine Resources no later than July 1, 2020. All proposals  
102 submitted will be reviewed and evaluated by the Department of  
103 Marine Resources in accordance to department plans and procedures.  
104 Multiphased projects, multiyear projects, proposed projects with  
105 high dollar value and projects that have a record of stacking  
106 funds shall be considered as low priority projects when evaluated.

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

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



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

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

124 **SECTION 8.** It is the intention of the Legislature for the  
125 Department of Marine Resources and the Department of Environmental  
126 Quality to continue with any agency partnerships, including grant  
127 agreements, that provide environmental projects to restore  
128 Mississippi's natural resources in the wake of the Deepwater  
129 Horizon Oil Spill.

130 **SECTION 9.** It is the intention of the Legislature that  
131 whenever two (2) or more bids are received by this agency for the  
132 purchase of commodities or equipment, and whenever all things  
133 stated in such received bids are equal with respect to price,  
134 quality and service, the Mississippi Industries for the Blind  
135 shall be given preference. A similar preference shall be given to  
136 the Mississippi Industries for the Blind whenever purchases are  
137 made without competitive bids.

138 **SECTION 10.** It is the intention of the Legislature that none  
139 of the funds provided herein shall be used to pay certain  
140 utilities for state furnished housing for any employees. Such  
141 utilities shall include electricity, natural gas, butane, propane,  
142 cable and phone services. Where actual cost cannot be determined,



143 the agency shall be required to provide meters to be in compliance  
144 with legislative intent. Such state furnished housing shall  
145 include single-family and multi-family residences but shall not  
146 include any dormitory residences. Allowances for such utilities  
147 shall be prohibited.

148 **SECTION 11.** It is the intention of the Legislature that the  
149 funds herein appropriated shall be expended in compliance with  
150 Section 27-104-25, Mississippi Code of 1972, that no state agency  
151 shall incur obligations or indebtedness in excess of their  
152 appropriation and that the responsible officers, either personally  
153 or upon their official bonds, shall be held responsible for  
154 actions contrary to this provision.

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

161 **SECTION 13.** This act shall take effect and be in force from  
162 and after July 1, 2020, and shall stand repealed June 30, 2020.

