

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

To: Appropriations

HOUSE BILL NO. 67
(As Passed the House)

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE DEPARTMENT OF MARINE RESOURCES FOR THE FISCAL
3 YEAR 2006.

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, 2005, and ending June 30, 2006.....
10 \$ 1,723,977.00.

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, 2005, and
15 ending June 30, 2006..... \$ 8,105,380.00.

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..	\$	6,310,930.00
26	Travel and Subsistence.....		79,653.00
27	Contractual Services.....		2,158,139.00

28	Commodities.....	579,530.00
29	Capital Outlay:	
30	Other Than Equipment.....	213,760.00
31	Equipment.....	187,345.00
32	Subsidies, Loans and Grants.....	<u>300,000.00</u>
33	Total..... \$	9,829,357.00

34 FUNDING:

35	General Funds..... \$	1,723,977.00
36	Special Funds.....	<u>8,105,380.00</u>
37	Total..... \$	9,829,357.00

38 AUTHORIZED POSITIONS:

39	Permanent: Full Time.....	107
40	Part Time.....	0
41	Time-Limited: Full Time.....	33
42	Part Time.....	3

43 Each Marine Conservation Officer and Supervisor shall be
44 furnished an allowance for uniforms not to exceed Four Hundred
45 Fifty Dollars (\$450.00) per annum.

46 With the funds herein appropriated, it is the intention of
47 the Legislature that it shall be the agency's responsibility to
48 make certain that funds required to be appropriated for "Personal
49 Services" for Fiscal Year 2007 do not exceed Fiscal Year 2006
50 funds appropriated for that purpose, unless programs or positions
51 are added to the agency's Fiscal Year 2007 budget by the
52 Mississippi Legislature. Based on data provided by the
53 Legislative Budget Office, the State Personnel Board shall
54 determine and publish the projected annual cost to fully fund all
55 appropriated positions in compliance with the provisions of this
56 act. It shall be the responsibility of the agency head to insure
57 that no single personnel action increases this projected annual
58 cost and/or the Fiscal Year 2006 appropriation for "Personal
59 Services" when annualized, with the exception of escalated funds.
60 If, at the time the agency takes any action to change "Personal

61 Services," the State Personnel Board determines that the agency
62 has taken an action which would cause the agency to exceed this
63 projected annual cost or the Fiscal Year 2006 "Personal Services"
64 appropriated level, when annualized, then only those actions which
65 reduce the projected annual cost and/or the appropriation
66 requirement will be processed by the State Personnel Board until
67 such time as the requirements of this provision are met.

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

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

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

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

97 **SECTION 4.** It is the intention of the Legislature that the
98 Department of Marine Resources shall maintain complete accounting
99 and personnel records related to the expenditure of all funds
100 appropriated under this act and that such records shall be in the
101 same format and level of detail as maintained for Fiscal Year
102 2005. It is further the intention of the Legislature that the
103 agency's budget request for Fiscal Year 2007 shall be submitted to
104 the Joint Legislative Budget Committee in a format and level of
105 detail comparable to the format and level of detail provided
106 during the Fiscal Year 2006 budget request process.

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

113 **SECTION 6.** In addition to all other sums heretofore
114 appropriated, the following sum, or so much thereof as may be
115 necessary, is hereby appropriated out of any money in the State
116 Treasury to the credit of the Tidelands Fund No. 3452 to the
117 Department of Marine Resources for the purpose of defraying the
118 expenses of the tidelands projects for the fiscal year beginning
119 July 1, 2005, and ending June 30, 2006..... \$ 8,125,781.00.

120 With the funds appropriated in this section, the following
121 projects are authorized:

122 Public Access Projects:

123	PROJECT NO.	PUBLIC ACCESS PROJECTS	AMOUNT
124	FY06-P04A	Bayou Auguste Reclamation and	
125		Enhancement -- Biloxi	100,000.00
126	FY06-P35A	First Phase Sailing Lugger Construction	

127		and "Island Bound" Program -	
128		Mississippi Sound Museum	50,000.00
129	FY06-P01A	Waterfront Access & Improvements	
130		- Bay St. Louis	200,000.00
131	FY06-P18A	The Point Development Phase II	
132		- Pascagoula	100,000.00
133	FY06-P29A	D'Iberville/Tchouticabouffa Boat Launch	100,000.00
134	FY06-P30A	Pascagoula River Basin Estuarine	
135		Education Center - MGCCC	100,000.00
136	FY06-P33A	Public Access to Turkey Creek, Phase I	
137		of I - Gulf Coast Community	
138		Foundation	85,000.00
139	FY06-P08A	I-110 Boat Launch Project - Biloxi	150,000.00
140	FY06-P24A	Biloxi River Park - Harrison County	
141		Board of Supervisors	150,000.00
142	FY06-P20A	Beach Blvd. Pedestrian Pathway	
143		- Waveland	150,000.00
144	FY06-P10A	Gulfport Small Craft Harbor	
145		Improvements Project	
146		(Pier #2-Phase 1A)	200,000.00
147	FY06-P27A	Lake Mars Boat Launching Parking	
148		& Access Improvements, Phase II -	
149		Jackson County Board of	
150		Supervisors	150,000.00
151	FY06-P14A	2006 Harbor Improvements - Long Beach	200,000.00
152	FY06-P22A	Hancock County Seawall Restoration	
153		- Hancock County Board of	
154		Supervisors	200,000.00
155	FY06-P19A	FY2006 Harbor Improvements	
156		- Pass Christian	200,000.00
157	FY06-P09A	City Park Community Center -	
158		Gautier Phase II	150,000.00
159	FY06-P34A	Schooner Restoration Project	

160		- Maritime and Seafood Museum	200,000.00
161	FY06-P31A	Golden Fisherman Park -	
162		Biloxi Bay Chamber	50,000.00
163	FY06-P32A	Boat Launch Renovation Project	50,000.00
164	FY06-P05A	Improvements to Parker Creek Landing	
165		Boat Launch	50,000.00
166	FY06-P02A	Beach Boardwalk & Pedestrian Pathway	150,000.00
167	FY06-P03A	Hiller Park Piers Phase II	150,000.00
168	FY06-P21A	Waveland Pier/Marina Improvements,	
169		Phase V	100,000.00
170	FY06-P28A	Racetrack Road Boat Launching &	
171		Recreational Park, Phase III	100,000.00
172	FY06-P15A	Audubon Interpretative Center, Phase I	100,000.00
173	FY06-M16A	Mississippi Seafood Marketing Program	100,000.00
174	FY06-M57A	WRANPS	25,000.00
175	FY06-M19A	Federal Match for Construction	
176		at N.E.R.R.	270,000.00
177	FY06-M19A	Federal Match, Habitat Creation	600,000.00
178	Various	USM College of Science and	
179		Technology	300,000.00
180	FY06-M52A	Land Trust Acquisition, 12-Oaks Project	
181		- Land Trust, Ocean Springs	100,000.00
182	FY06-M15A	Derelict Vessel Program, DMR	100,000.00
183	FY06-M36A	USM College of Science and	
184		Technology Speckled Trout	
185		Management	250,000.00
186	FY06-M55A	Mississippi Sound Welcome Center -	
187		Phase II -- Ohr Museum	<u>200,000.00</u>
188	Total	Public Access Projects	\$5,180,000.00
189	Total	Management Projects	\$1,900,000.00
190	Deer Island	Payment	<u>\$1,045,781.00</u>
191	Total	Tidelands Funds:	\$8,125,781.00

192 Each political subdivision receiving funds authorized in this
193 section shall be held responsible for complying with Section
194 29-15-9, Mississippi Code of 1972, and shall be subject to an
195 audit by the State Auditor and shall submit detailed reports
196 beginning June 30, and every six (6) months thereafter for the
197 duration of the project to the Department of Marine Resources on
198 how funds authorized in this section were expended.

199 It is the intention of the Legislature that any political
200 subdivision seeking to qualify for tidelands funds for the
201 subsequent fiscal year shall submit a proposal to the Department
202 of Marine Resources no later than July 1, 2005. All proposals
203 submitted will be reviewed and evaluated by the Department of
204 Marine Resources in accordance to department plans and procedures.
205 Multiphased projects, multiyear projects, proposed projects with
206 high dollar value and projects that have a record of stacking
207 funds shall be considered as low priority projects when evaluated.

208 It is the intention of the Legislature that if the amount of
209 the tidelands funds appropriated in this act exceed the actual
210 amount of tidelands funds available, the available funds shall be
211 allocated on a pro rata basis between projects listed in this
212 section, except for the Deer Island Payment.

213 It is the intention of the Legislature that the tidelands
214 funds appropriated in this act for Tidelands Project No. FY06-M19A
215 Federal Grant Matching Funds - Mississippi Coastal Habitat
216 Creation and Restoration and Tidelands Project No. FY06-M19A
217 Federal Grant Matching Funds - Grand Bay NERR Construction be
218 reallocated on a pro rata basis between projects listed in this
219 section if the federal funds are not awarded for these two (2)
220 projects.

221 **SECTION 7.** The following sum, or so much thereof as may be
222 necessary, is hereby reappropriated out of any money in the State
223 Treasury to the credit of the Department of Marine Resources,
224 tidelands fund, which is comprised of special source funds

225 available to the department, for expenditures pursuant to House
226 Bill No. 1733, 2004 Regular Session, for the fiscal year beginning
227 July 1, 2005, and ending June 30, 2006..... \$6,600,000.00

228 **SECTION 8.** It is the intention of the Legislature that the
229 commission shall place any special trust funds appropriated to the
230 department in a special trust fund and the interest earned on the
231 principal shall be credited to the special trust fund. Monies in
232 the fund at the end of the fiscal year shall be retained in the
233 special trust fund for use in the next succeeding fiscal year.
234 The department may use the interest earned on the fund to pay
235 reasonable costs for administering the fund and related projects.

236 **SECTION 9.** It is the intention of the Legislature that
237 tidelands funds not otherwise appropriated shall be used for
238 additional funding of tideland projects and the administration
239 thereof by the Department of Marine Resources. Expenditures of
240 excess tidelands funds by the Department of Marine Resources for
241 supplemental and additional funding and administration of
242 tidelands projects heretofore or hereafter proposed is authorized
243 and approved. The Department of Marine Resources may escalate the
244 Tidelands Fund in an amount not to exceed Eight Hundred Thousand
245 Dollars (\$800,000.00) for the purposes outlined in this section.

246 It is the intention of the Legislature that the Department of
247 Marine Resources be allowed to make necessary transfers from the
248 Subsidies, Loans and Grants category of expenditures to any other
249 categories of expenditures for the purpose of expending tidelands
250 funds.

251 **SECTION 10.** It is the intention of the Legislature that the
252 Department of Marine Resources has the authorization to move
253 tidelands funds between approved projects upon request from entity
254 and proper completion of Form TTF-6 documentation.

255 **SECTION 11.** Of the funds provided herein, the sum of Three
256 Hundred Six Thousand One Hundred Eighty-five Dollars (\$306,185.00)
257 is hereby assessed on any nonfederal special funds and shall be

258 deposited to the Budget Contingency Fund created in Section
259 27-103-301, Mississippi Code of 1972, on or before October 1,
260 2005, for the purpose of reimbursing the State of Mississippi for
261 administrative costs.

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

268 **SECTION 13.** This act shall take effect and be in force from
269 and after July 1, 2005.