

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

To: Appropriations

HOUSE BILL NO. 1562  
(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 2007.

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, 2006, and ending June 30, 2007.....  
10 ..... \$ 1,848,711.00.

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, 2006, and  
15 ending June 30, 2007..... \$ 8,229,144.00.

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..	\$	6,865,613.00
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.....	213,760.00
31	Equipment.....	187,345.00
32	Subsidies, Loans and Grants.....	<u>300,000.00</u>
33	Total.....	\$ 10,077,855.00

34 FUNDING:

35	General Funds.....	\$ 1,848,711.00
36	Special Funds.....	<u>8,229,144.00</u>
37	Total.....	\$ 10,077,855.00

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 Five Hundred  
45 Dollars (\$500.00) per annum.

46 Funds are provided herein to adjust the Variable Compensation  
47 Plan to ensure that all full-time employees receive a pay increase  
48 equal to the realignment component of the Variable Compensation  
49 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,  
50 with not more than one-half (1/2) to be awarded on July 1, 2006,  
51 with the remainder to be awarded on January 1, 2007.

52 With the funds herein appropriated, it is the intention of  
53 the Legislature that it shall be the agency's responsibility to  
54 make certain that funds required to be appropriated for "Personal  
55 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007  
56 funds appropriated for that purpose, unless programs or positions  
57 are added to the agency's Fiscal Year 2008 budget by the  
58 Mississippi Legislature. Based on data provided by the  
59 Legislative Budget Office, the State Personnel Board shall  
60 determine and publish the projected annual cost to fully fund all

61 appropriated positions in compliance with the provisions of this  
62 act. It shall be the responsibility of the agency head to insure  
63 that no single personnel action increases this projected annual  
64 cost and/or the Fiscal Year 2007 appropriation for "Personal  
65 Services" when annualized, with the exception of escalated funds.  
66 If, at the time the agency takes any action to change "Personal  
67 Services," the State Personnel Board determines that the agency  
68 has taken an action which would cause the agency to exceed this  
69 projected annual cost or the Fiscal Year 2007 "Personal Services"  
70 appropriated level, when annualized, then only those actions which  
71 reduce the projected annual cost and/or the appropriation  
72 requirement will be processed by the State Personnel Board until  
73 such time as the requirements of this provision are met.

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 2006. It is further the intention of the Legislature that the  
93 agency's budget request for Fiscal Year 2008 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 2007 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 accordance with the rules and  
101 regulations of the Department of Finance and Administration in a  
102 manner consistent with the escalation of federal funds.

103       **SECTION 6.** In addition to all other sums heretofore  
104 appropriated, the following sum, or so much thereof as may be  
105 necessary, is hereby appropriated out of any money in the State  
106 Treasury to the credit of the Tidelands Fund No. 3452 to the  
107 Department of Marine Resources for the purpose of defraying the  
108 expenses of the tidelands projects for the fiscal year beginning  
109 July 1, 2006, and ending June 30, 2007..... \$ 4,000,000.00.  
110 Of the funds appropriated within this section, One Million  
111 Thirty-seven Thousand Eight Hundred Eighty-eight Dollars  
112 (\$1,037,888.00) shall be designated for the Deer Island payment.  
113 The remaining balance of Two Million Nine Hundred Sixty-two  
114 Thousand One Hundred Twelve Dollars (\$2,962,112.00) shall only be  
115 used at the discretion of the Department of Marine Resources.

116       Each political subdivision receiving funds authorized in this  
117 section shall be held responsible for complying with Section  
118 29-15-9, Mississippi Code of 1972, and shall be subject to an  
119 audit by the State Auditor and shall submit detailed reports  
120 beginning June 30, and every six (6) months thereafter for the  
121 duration of the project to the Department of Marine Resources on  
122 how funds authorized in this section were expended.

123       It is the intention of the Legislature that any political  
124 subdivision seeking to qualify for tidelands funds for the  
125 subsequent fiscal year shall submit a proposal to the Department  
126 of Marine Resources no later than July 1, 2006. All proposals

127 submitted will be reviewed and evaluated by the Department of  
128 Marine Resources in accordance to department plans and procedures.  
129 Multiphased projects, multiyear projects, proposed projects with  
130 high dollar value and projects that have a record of stacking  
131 funds shall be considered as low priority projects when evaluated.

132       **SECTION 7.** The following sum, or so much thereof as may be  
133 necessary, is hereby reappropriated out of any money in the State  
134 Treasury to the credit of the Department of Marine Resources,  
135 tidelands fund, which is comprised of special source funds  
136 available to the department, for expenditures pursuant to House  
137 Bill No. 67, 2005 Second Extraordinary Session, for the fiscal  
138 year beginning July 1, 2006, and ending June 30, 2007.....  
139 ..... \$8,125,781.00

140       **SECTION 8.** It is the intention of the Legislature that the  
141 commission shall place any special trust funds appropriated to the  
142 department in a special trust fund and the interest earned on the  
143 principal shall be credited to the special trust fund. Monies in  
144 the fund at the end of the fiscal year shall be retained in the  
145 special trust fund for use in the next succeeding fiscal year.  
146 The department may use the interest earned on the fund to pay  
147 reasonable costs for administering the fund and related projects.

148       **SECTION 9.** It is the intention of the Legislature that  
149 tidelands funds not otherwise appropriated shall be used for  
150 additional funding of tideland projects and the administration  
151 thereof by the Department of Marine Resources. Expenditures of  
152 excess tidelands funds by the Department of Marine Resources for  
153 supplemental and additional funding and administration of  
154 tidelands projects heretofore or hereafter proposed is authorized  
155 and approved. The Department of Marine Resources may escalate the  
156 Tidelands Fund in an amount not to exceed Eight Hundred Thousand  
157 Dollars (\$800,000.00) for the purposes outlined in this section.

158       It is the intention of the Legislature that the Department of  
159 Marine Resources be allowed to make necessary transfers from the

160 Subsidies, Loans and Grants category of expenditures to any other  
161 categories of expenditures for the purpose of expending tidelands  
162 funds.

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

167         **SECTION 11.** It is the intention of the Legislature that  
168 whenever two (2) or more bids are received by this agency for the  
169 purchase of commodities or equipment, and whenever all things  
170 stated in such received bids are equal with respect to price,  
171 quality and service, the Mississippi Industries for the Blind  
172 shall be given preference. A similar preference shall be given to  
173 the Mississippi Industries for the Blind whenever purchases are  
174 made without competitive bids.

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

181         **SECTION 13.** This act shall take effect and be in force from  
182 and after July 1, 2006.