

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

To: Appropriations

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1703

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE DEPARTMENT OF MARINE RESOURCES FOR THE FISCAL
3 YEAR 2008.

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, 2007, and ending June 30, 2008.....
10 \$ 1,959,819.00.

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, 2007, and
15 ending June 30, 2008..... \$ 8,537,547.00.

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:

Table with 2 columns: Description and Amount. Rows include Salaries, Wages and Fringe Benefits (\$ 7,421,043.00), Travel and Subsistence (79,653.00), and Contractual Services (1,727,068.00).

28	Commodities.....	568,497.00
29	Capital Outlay:	
30	Other Than Equipment.....	0.00
31	Equipment.....	171,105.00
32	Vehicles.....	230,000.00
33	Wireless Communication Devices.....	0.00
34	Subsidies, Loans and Grants.....	<u>300,000.00</u>
35	Total.....	\$ 10,497,366.00
36	FUNDING:	
37	General Funds.....	\$ 1,959,819.00
38	Special Funds.....	<u>8,537,547.00</u>
39	Total.....	\$ 10,497,366.00

40 AUTHORIZED POSITIONS:

41	Permanent: Full Time.....	107
42	Part Time.....	0
43	Time-Limited: Full Time.....	33
44	Part Time.....	3

45 Each Marine Conservation Officer and Supervisor shall be
46 furnished an allowance for uniforms not to exceed Five Hundred
47 Dollars (\$500.00) per annum.

48 Funds are provided herein to adjust the Variable Compensation
49 Plan to ensure that all full-time employees receive a pay increase
50 equal to the realignment component of the Variable Compensation
51 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
52 is greater.

53 With the funds herein appropriated, it is the intention of
54 the Legislature that it shall be the agency's responsibility to
55 make certain that funds required to be appropriated for "Personal
56 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
57 funds appropriated for that purpose, unless programs or positions
58 are added to the agency's Fiscal Year 2009 budget by the
59 Mississippi Legislature. Based on data provided by the
60 Legislative Budget Office, the State Personnel Board shall

61 determine and publish the projected annual cost to fully fund all
62 appropriated positions in compliance with the provisions of this
63 act. It shall be the responsibility of the agency head to insure
64 that no single personnel action increases this projected annual
65 cost and/or the Fiscal Year 2008 appropriation for "Personal
66 Services" when annualized, with the exception of escalated funds.
67 If, at the time the agency takes any action to change "Personal
68 Services," the State Personnel Board determines that the agency
69 has taken an action which would cause the agency to exceed this
70 projected annual cost or the Fiscal Year 2008 "Personal Services"
71 appropriated level, when annualized, then only those actions which
72 reduce the projected annual cost and/or the appropriation
73 requirement will be processed by the State Personnel Board until
74 such time as the requirements of this provision are met.

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

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

88 **SECTION 4.** It is the intention of the Legislature that the
89 Department of Marine Resources shall maintain complete accounting
90 and personnel records related to the expenditure of all funds
91 appropriated under this act and that such records shall be in the
92 same format and level of detail as maintained for Fiscal Year
93 2007. It is further the intention of the Legislature that the

94 agency's budget request for Fiscal Year 2009 shall be submitted to
95 the Joint Legislative Budget Committee in a format and level of
96 detail comparable to the format and level of detail provided
97 during the Fiscal Year 2008 budget request process.

98 **SECTION 5.** It is the intention of the Legislature that the
99 Department of Marine Resources shall have the authority to
100 receive, budget and expend funds from any source that may become
101 available to the department 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, 2007, and ending June 30, 2008..... \$ 7,000,000.00.

111 Of the funds appropriated within this section, One Million
112 Five Hundred Thousand Dollars (\$1,500,000.00) shall be designated
113 for the Deer Island payment. The remaining balance shall be
114 allocated as follows:

115 Department of Marine Resources Programs
116 and Matching.....\$ 2,500,000.00
117 Maintenance.....\$ 1,000,000.00
118 Access Projects.....\$ 2,000,000.00

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

126 It is the intention of the Legislature that any political
127 subdivision seeking to qualify for tidelands funds for the
128 subsequent fiscal year shall submit a proposal to the Department
129 of Marine Resources no later than July 1, 2007. All proposals
130 submitted will be reviewed and evaluated by the Department of
131 Marine Resources in accordance to department plans and procedures.
132 Multiphased projects, multiyear projects, proposed projects with
133 high dollar value and projects that have a record of stacking
134 funds shall be considered as low priority projects when evaluated.

135 **SECTION 7.** It is the intention of the Legislature that the
136 commission shall place any special trust funds appropriated to the
137 department in a special trust fund and the interest earned on the
138 principal shall be credited to the special trust fund. Monies in
139 the fund at the end of the fiscal year shall be retained in the
140 special trust fund for use in the next succeeding fiscal year.
141 The department may use the interest earned on the fund to pay
142 reasonable costs for administering the fund and related projects.

143 **SECTION 8.** It is the intention of the Legislature that
144 tidelands funds not otherwise appropriated shall be used for
145 additional funding of tideland projects and the administration
146 thereof by the Department of Marine Resources. Expenditures of
147 excess tidelands funds by the Department of Marine Resources for
148 supplemental and additional funding and administration of
149 tidelands projects heretofore or hereafter proposed is authorized
150 and approved. The Department of Marine Resources may escalate the
151 Tidelands Fund in an amount not to exceed Eight Hundred Thousand
152 Dollars (\$800,000.00) for the purposes outlined in this section.

153 It is the intention of the Legislature that the Department of
154 Marine Resources be allowed to make necessary transfers from the
155 Subsidies, Loans and Grants category of expenditures to any other
156 categories of expenditures for the purpose of expending tidelands
157 funds.

158 **SECTION 9.** It is the intention of the Legislature that the
159 Department of Marine Resources has the authorization to move
160 tidelands funds between approved projects upon request from entity
161 and proper completion of Form TTF-6 documentation.

162 **SECTION 10.** It is the intention of the Legislature that
163 whenever two (2) or more bids are received by this agency for the
164 purchase of commodities or equipment, and whenever all things
165 stated in such received bids are equal with respect to price,
166 quality and service, the Mississippi Industries for the Blind
167 shall be given preference. A similar preference shall be given to
168 the Mississippi Industries for the Blind whenever purchases are
169 made without competitive bids.

170 **SECTION 11.** It is the intention of the Legislature that the
171 Tidelands Funds shall be expended, at the discretion of the
172 Department of Marine Resources, only after the members of the
173 Legislature have been notified of such expenditures. Further, the
174 Tidelands funds provided to local government entities shall not
175 exceed One Hundred Thousand Dollars (\$100,000.00) for engineering
176 and planning, and an amount not to exceed Two Hundred Thousand
177 Dollars (\$200,000.00) for acquisition.

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

184 **SECTION 13.** This act shall take effect and be in force from
185 and after July 1, 2007.