

# REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1703: Appropriation; Department of Marine Resources.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 ..... \$       1,977,173.00.

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..... \$       8,713,284.00.

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:

|                                       |    |              |
|---------------------------------------|----|--------------|
| Salaries, Wages and Fringe Benefits.. | \$ | 7,478,215.00 |
| Travel and Subsistence.....           |    | 79,653.00    |

|    |                                     |                   |
|----|-------------------------------------|-------------------|
| 27 | Contractual Services.....           | 1,849,954.00      |
| 28 | Commodities.....                    | 579,530.00        |
| 29 | Capital Outlay:                     |                   |
| 30 | Other Than Equipment.....           | 1,000.00          |
| 31 | Equipment.....                      | 171,105.00        |
| 32 | Vehicles.....                       | 230,000.00        |
| 33 | Wireless Communication Devices..... | 1,000.00          |
| 34 | Subsidies, Loans and Grants.....    | <u>300,000.00</u> |
| 35 | Total.....                          | \$ 10,690,457.00  |

36 FUNDING:

|    |                    |                     |
|----|--------------------|---------------------|
| 37 | General Funds..... | \$ 1,977,173.00     |
| 38 | Special Funds..... | <u>8,713,284.00</u> |
| 39 | Total.....         | \$ 10,690,457.00    |

40 AUTHORIZED POSITIONS:

|    |                              |     |
|----|------------------------------|-----|
| 41 | Permanent: Full Time.....    | 112 |
| 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, to be awarded on July 1, 2007.

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 2008 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 appropriations for "Personal  
66 Services" when annualized, with the exception of escalated funds  
67 and educational benchmarks. If, at the time the agency takes any  
68 action to change "Personal Services", the State Personnel Board  
69 determines that the agency has taken an action which would cause  
70 the agency to exceed this projected annual cost or the Fiscal Year  
71 2008 "Personal Services" appropriated level, when annualized, then  
72 only those actions which reduce the projected annual cost and/or  
73 the appropriation requirement will be processed by the State  
74 Personnel Board until such time as the requirements of this  
75 provision are met. On January 1, 2008, the State Personnel Board  
76 will make adjustments to the structure side of the compliance  
77 report based on data provided by the Legislative Budget Office in  
78 order for agencies to award educational benchmarks.

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

88 No general funds authorized to be expended herein shall be  
89 used to replace federal funds and/or other special funds which are

90 being used for salaries authorized under the provisions of this  
91 act and which are withdrawn and no longer available.

92       **SECTION 4.** It is the intention of the Legislature that the  
93 Department of Marine Resources shall maintain complete accounting  
94 and personnel records related to the expenditure of all funds  
95 appropriated under this act and that such records shall be in the  
96 same format and level of detail as maintained for Fiscal Year  
97 2007. It is further the intention of the Legislature that the  
98 agency's budget request for Fiscal Year 2009 shall be submitted to  
99 the Joint Legislative Budget Committee in a format and level of  
100 detail comparable to the format and level of detail provided  
101 during the Fiscal Year 2008 budget request process.

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

108       **SECTION 6.** In addition to all other sums heretofore  
109 appropriated, the following sum, or so much thereof as may be  
110 necessary, is hereby appropriated out of any money in the State  
111 Treasury to the credit of the Tidelands Fund No. 3452 to the  
112 Department of Marine Resources for the purpose of defraying the  
113 expenses of the tidelands projects for the fiscal year beginning  
114 July 1, 2007, and ending June 30, 2008..... \$ 7,000,000.00.

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

119       Department of Marine Resources Programs  
120               and Matching.....\$ 2,500,000.00  
121       Management.....\$ 1,000,000.00

122 Access Projects.....\$ 2,000,000.00

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

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

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

147 **SECTION 8.** It is the intention of the Legislature that  
148 tidelands funds not otherwise appropriated shall be used for  
149 additional funding of tideland projects and the administration  
150 thereof by the Department of Marine Resources. Expenditures of  
151 excess tidelands funds by the Department of Marine Resources for  
152 supplemental and additional funding and administration of  
153 tidelands projects heretofore or hereafter proposed is authorized

154 and approved. The Department of Marine Resources may escalate the  
155 Tidelands Fund in an amount not to exceed Eight Hundred Thousand  
156 Dollars (\$800,000.00) for the purposes outlined in this section.

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

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

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

174 **SECTION 11.** It is the intention of the Legislature that the  
175 Tidelands Funds shall be expended, at the discretion of the  
176 Department of Marine Resources, only after the members of the  
177 Coastal Delegation of the Legislature have been notified of such  
178 expenditures. Further, the Tidelands funds provided to local  
179 government entities shall not exceed One Hundred Thousand Dollars  
180 (\$100,000.00) for engineering and planning, and an amount not to  
181 exceed Two Hundred Thousand Dollars (\$200,000.00) for acquisition.

182 **SECTION 12.** It is the intention of the Legislature that the  
183 Executive Director of the Department of Marine Resources may  
184 increase major objects of expenditure, provided that other major  
185 objects of expenditure are decreased by a corresponding dollar

186 amount and provided the Executive Director of the Mississippi  
187 Department of Finance and Administration also approves the changes  
188 with written authorization. However, no transfers shall be  
189 authorized which increase or decrease the major object of  
190 expenditure "Salaries, Wages and Fringe Benefits."

191 **SECTION 13.** The money herein appropriated shall be paid by  
192 the State Treasurer out of any money in the State Treasury to the  
193 credit of the proper fund or funds as set forth in this act, upon  
194 warrants issued by the State Fiscal Officer; and the State Fiscal  
195 Officer shall issue his warrants upon requisitions signed by the  
196 proper person, officer or officers, in the manner provided by law.

197 **SECTION 14.** This act shall take effect and be in force from  
198 and after July 1, 2007.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X (SIGNED)  
Stringer

X (SIGNED)  
Gordon

X (SIGNED)  
Frierson

X (SIGNED)  
Gollott

X (SIGNED)  
Read

X (SIGNED)  
Moffatt