

By: Representatives DeLano, Haney

To: Ways and Means

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1385

1 AN ACT TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE
2 DESIGNATED AS THE GULF COAST RESTORATION FUND; TO PROVIDE THAT
3 MONIES IN THE SPECIAL FUND SHALL BE USED BY THE DEPARTMENT OF
4 MARINE RESOURCES, UPON APPROPRIATION BY THE LEGISLATURE, BASED
5 UPON THE RECOMMENDATION OF THE BOARD OF TRUSTEES OF THE GULF COAST
6 RESTORATION FUND TO PROVIDE ASSISTANCE TO ENTITIES FOR THE PURPOSE
7 OF PROMOTING ECOLOGICAL HABITAT, PROMOTING ECONOMIC DEVELOPMENT
8 AND OVERALL COMMUNITY BENEFIT; TO CREATE THE BOARD OF TRUSTEES OF
9 THE GULF COAST RESTORATION FUND; TO PROVIDE FOR THE COMPOSITION OF
10 THE BOARD OF TRUSTEES; TO PROVIDE THAT THE BOARD OF TRUSTEES OF
11 THE GULF COAST RESTORATION FUND SHALL REVIEW APPLICATIONS FOR
12 ASSISTANCE UNDER THIS ACT AND MAKE RECOMMENDATIONS FOR ASSISTANCE
13 TO THE DEPARTMENT OF MARINE RESOURCES; AND FOR RELATED PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 **SECTION 1.** (1) (a) There is created in the State Treasury
16 a special fund to be designated as the "Gulf Coast Restoration
17 Fund." The special fund shall consist of funds appropriated or
18 otherwise made available by the Legislature in any manner and
19 funds from any other source designated for deposit into such fund.
20 Unexpended amounts remaining in the fund at the end of a fiscal
21 year shall not lapse into the State General Fund, and any
22 investment earnings or interest earned on amounts in the fund
23 shall be deposited to the credit of the fund. Monies in the fund



24 shall be used by the Department of Marine Resources, upon
25 appropriation by the Legislature, based upon the recommendation of
26 the Board of Trustees of the Gulf Coast Restoration Fund to
27 provide assistance to entities for the purpose of enhancing
28 ecological habitat, promoting economic development, and overall
29 community benefit.

30 (b) The Department of Marine Resources shall establish
31 a program for providing assistance to entities for the purpose of
32 enhancing ecological habitat, promoting economic development, and
33 overall community benefit. Assistance provided under this section
34 may be made in the form of loans and/or grants based upon the
35 recommendation of the Board of Trustees of the Gulf Coast
36 Restoration Fund. Repayments of loans made under this section
37 shall be deposited into the Gulf Coast Restoration Fund.

38 (2) (a) (i) There is established a Board of Trustees of
39 the Gulf Coast Restoration Fund (board of trustees) to review
40 applications for assistance under this section and make
41 recommendations to the Department of Marine Resources for
42 assistance under this section. The board of trustees shall
43 consist of nine (9) members as follows:

44 1. Three (3) voting members appointed by the
45 Governor as follows:

46 a. One (1) member who shall be a
47 resident of Hancock County, Mississippi;



48 b. One (1) member who shall be a
49 resident of Harrison County, Mississippi; and

50 c. One (1) member who shall be a
51 resident of Jackson County, Mississippi.

52 A member appointed under this item 2 may be an elected official.
53 Each member appointed under this item 1 shall serve at the will
54 and pleasure of the Governor and may be removed from the board of
55 trustees by the Governor. Except as otherwise provided in this
56 item 1, such members shall serve for the length of the term of the
57 Governor and shall be eligible for reappointment.

58 2. Three (3) voting members appointed by the
59 Lieutenant Governor as follows:

60 a. One (1) member who shall be a
61 resident of Hancock County, Mississippi;

62 b. One (1) member who shall be a
63 resident of Harrison County, Mississippi; and

64 c. One (1) member who shall be a
65 resident of Jackson County, Mississippi.

66 A member appointed under this item 2 may be an elected official.
67 Each member appointed under this item 2 shall serve at the will
68 and pleasure of the Lieutenant Governor and may be removed from
69 the board of trustees by the Lieutenant Governor. Except as
70 otherwise provided in this item 2, such members shall serve for
71 the length of the term of the Lieutenant Governor and shall be
72 eligible for reappointment.



73 3. Three (3) voting members representing the
74 following county-designated economic development entity:

75 a. One (1) member shall be the executive
76 director of the Hancock County Development Commission;

77 b. One (1) member shall be the executive
78 director of the Harrison County Development Commission; and

79 c. One (1) member shall be the executive
80 director of the Jackson County Economic Development Foundation.

81 (b) Members of the board of trustees shall serve
82 without compensation, but shall be reimbursed for each day's
83 official duties of the board at the same per diem as established
84 by Section 25-3-69, and actual travel and expenses as established
85 by Section 25-3-41.

86 (c) The board of trustees shall annually elect one
87 (1) member to serve as chairman of the board and one (1) member to
88 serve as vice chairman of the board. The vice chairman shall act
89 as chairman in the absence of or upon the disability of the
90 chairman or if there is a vacancy in the office of chairman.

91 (d) All expenses of the board of trustees in
92 carrying out its duties and responsibilities under this subsection
93 (2), including the payment of per diem and expenses of the members
94 of the board, shall be paid from funds appropriated to the
95 Department of Marine Resources for that purpose.

96 (e) The board of trustees shall have all powers
97 necessary to implement and carry out the purposes and provisions



98 of this subsection (2), including, but not limited to, the
99 following express powers:

100 1. To contract for necessary goods and
101 services, to employ necessary personnel, and to engage the
102 services of other persons for administrative and technical
103 assistance in carrying out its duties and responsibilities under
104 this subsection (2); and

105 2. To enter into other contracts and/or
106 agreements that the board of trustees determines to be necessary
107 in carrying out its duties and responsibilities under this
108 subsection (2).

109 (f) (i) The board of trustees shall establish a
110 procedure for accepting and reviewing applications for assistance
111 under this section.

112 (ii) An entity desiring assistance under this
113 section must submit an application for assistance to the board of
114 trustees. The application must include a description of the
115 purpose for which assistance is requested, the type and amount of
116 assistance requested and any other information required by the
117 board of trustees. Each application must demonstrate how use of
118 assistance will leverage additional benefit or future savings to
119 the State General Fund.

120 (iii) The board of trustees shall review an
121 application for assistance and determine whether the applicant
122 should receive assistance under this section. If the board of



123 trustees determines that an applicant should receive assistance,
124 then the board of trustees shall prepare a recommendation for
125 assistance. A recommendation for assistance shall provide the
126 purpose for which the assistance is to be provided, the type of
127 assistance to be provided in the form of loan and/or grant funds,
128 the amount of assistance to be provided, whether the applicant
129 must provide matching funds and any other information determined
130 necessary by the board of trustees. The board of trustees shall
131 provide its recommendation for assistance to the Department of
132 Marine Resources and the department shall use funds from the Gulf
133 Coast Restoration Fund for the purpose of providing the
134 assistance.

135 (iv) The board of trustees shall establish a
136 procedure to monitor performance and ensure conformity to the
137 original commitments for all recipients of assistance. The board
138 of trustees in conjunction with Department of Marine Resources
139 shall require performance measures for each award of assistance to
140 ensure a return on the project is achieved. The board of trustees
141 shall take all actions necessary, including but not limited to,
142 suspension of distributions, to ensure any assistance awarded
143 meets or exceeds original application of assistance.

144 (3) The Department of Marine Resources shall file an annual
145 report with the Governor, the Secretary of the Senate and the
146 Clerk of the House of Representatives not later than December 1 of



147 each year, including detailing information regarding the following
148 specific areas:

149 (a) Receipts and expenditures of the funds under this
150 section used for administration of the Gulf Coast Restoration
151 Fund;

152 (b) Overview of applications reviewed and a detailed
153 description of applications recommended by the board of trustees
154 for assistance for the current year;

155 (c) Schedule of all applications awarded funds under
156 this section detailing status of progress, start date, anticipated
157 completion date, benchmark achievements, and any modifications to
158 the original application after receipt of assistance; and

159 (d) Statement from the executive director of Department
160 of Marine Resources regarding effectiveness and efficiency of the
161 fund and documenting any recommendations to ensure goals of the
162 fund are achieved. The executive director shall also provide any
163 areas of concern with past, present, and future administration of
164 the fund.

165 (4) The Department of Marine Resources shall have all powers
166 necessary to implement and administer the program established
167 under this section, and the department shall promulgate rules and
168 regulations, in accordance with the Mississippi Administrative
169 Procedures Law, necessary for the implementation of this section.



170 **SECTION 2.** This act shall take effect and be in force from
171 and after July 1, 2016, and shall stand repealed from and after
172 June 30, 2016.

