

By: Representatives Read, Eure, Barton,
Bennett, Busby, Clarke, Haney

To: Appropriations

HOUSE BILL NO. 1726
(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 2021.

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 appropriated out of any money in the State General
7 Fund not otherwise appropriated, for the support and maintenance
8 of the Department of Marine Resources for the fiscal year
9 beginning July 1, 2020, and ending June 30, 2021.....
10\$ 1,041,609.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is appropriated out of any money in any special fund in
13 the State Treasury to the credit of the Department of Marine
14 Resources for the fiscal year beginning July 1, 2020, and ending
15 June 30, 2021.....\$ 49,288,787.00.

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.** Of the funds appropriated under the provisions of
20 this act, the following positions are authorized:

21 AUTHORIZED POSITIONS:

22	Permanent:	Full Time.....	104
23		Part Time.....	0
24	Time-Limited:	Full Time.....	78
25		Part Time.....	1

26 Each Marine Conservation Officer and Supervisor shall be
27 furnished an allowance for uniforms not to exceed Six Hundred
28 Dollars (\$600.00) per annum.

29 With the funds herein appropriated, it shall be the agency's
30 responsibility to make certain that funds required to be
31 appropriated for "Personal Services" for Fiscal Year 2022 do not
32 exceed Fiscal Year 2021 funds appropriated for that purpose unless
33 programs or positions are added to the agency's Fiscal Year 2021
34 budget by the Mississippi Legislature. Based on data provided by
35 the Legislative Budget Office, the State Personnel Board shall
36 determine and publish the projected annual cost to fully fund all
37 appropriated positions in compliance with the provisions of this
38 act. Absent a special situation or circumstance approved by the
39 State Personnel Board, or unless otherwise authorized by this act,
40 no state agency shall take any action to promote or otherwise
41 award salary increases through reallocation, reclassification, or
42 realignment. If the State Personnel Board determines a special
43 situation or circumstance exists and approves an action, then the



44 agency and the State Personnel Board shall provide a monthly
45 report of each action approved by the State Personnel Board to the
46 chairmen of the Accountability, Efficiency and Transparency
47 Committees of the Senate and House of Representatives and the
48 chairmen of the Appropriations Committees of the Senate and House
49 of Representatives. It shall be the responsibility of the agency
50 head to ensure that no single personnel action increases this
51 projected annual cost and/or the Fiscal Year 2021 appropriations
52 for "Personal Services" when annualized, with the exception of
53 escalated funds and the award of benchmarks. If, at the time the
54 agency takes any action to change "Personal Services," the State
55 Personnel Board determines that the agency has taken an action
56 which would cause the agency to exceed this projected annual cost
57 or the Fiscal Year 2021 "Personal Services" appropriated level,
58 when annualized, then only those actions which reduce the
59 projected annual cost and/or the appropriation requirement will be
60 processed by the State Personnel Board until such time as the
61 requirements of this provision are met.

62 Any transfers or escalations shall be made in accordance with
63 the terms, conditions and procedures established by law or
64 allowable under the terms set forth within this act. The State
65 Personnel Board shall not escalate positions without written
66 approval from the Department of Finance and Administration. The
67 Department of Finance and Administration shall not provide written
68 approval to escalate any funds for salaries and/or positions



69 without proof of availability of new or additional funds above the
70 appropriated level.

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

75 None of the funds herein appropriated shall be used in
76 violation of Internal Revenue Service's Publication 15-A relating
77 to the reporting of income paid to contract employees, as
78 interpreted by the Office of the State Auditor.

79 **SECTION 4.** It is the intention of the Legislature that the
80 Department of Marine Resources shall maintain complete accounting
81 and personnel records related to the expenditure of all funds
82 appropriated under this act and that such records shall be in the
83 same format and level of detail as maintained for Fiscal Year
84 2020. It is further the intention of the Legislature that the
85 agency's budget request for Fiscal Year 2022 shall be submitted to
86 the Joint Legislative Budget Committee in a format and level of
87 detail comparable to the format and level of detail provided
88 during the Fiscal Year 2021 budget request process.

89 **SECTION 5.** In addition to all other sums heretofore
90 appropriated, the following sum, or so much thereof as may be
91 necessary, is hereby appropriated out of any money in the State
92 Treasury to the credit of the Tidelands Fund No. 3345200000 to the
93 Department of Marine Resources for the purpose of defraying the



94 expenses of the tidelands projects for the fiscal year beginning
 95 July 1, 2020, and ending June 30, 2021.....\$ 7,349,277.00.

96 Of the funds appropriated within this section, One Million
 97 Two Hundred Dollars (\$1,200,000.00) shall be designated for bond
 98 repayment.

99 PROJECT NO. PUBLIC ACCESS PROJECTS AMOUNT

100 Harrison County:

101	FY21-P626-09	West Biloxi Boat Launch		
102		-Harrison County Board		
103		of Supervisors	\$	100,000.00
104	FY21-P601-04	Kuhn Street Boat Ramp Expansion		
105		-City of Biloxi	\$	200,000.00
106	FY21-P603-02	Courthouse Road Boat Launch		
107		Maintenance Dredge		
108		-City of Gulfport	\$	250,000.00
109	FY21-P511-01	Brodie Bayou Public Access		
110		& Restoration, Phase 3		
111		-City of D'Iberville	\$	300,000.00
112	FY21-P613-01	FY2021 Long Beach Harbor Improvements		
113		-City of Long Beach	\$	300,000.00
114	FY21-P600-01	FY2021 East Small Craft		
115		Harbor Improvements		
116		-City of Pass Christian	\$	270,000.00
117	FY21-M999-26	Public Education & Outreach Program		
118		-Institute for Marine Mammal		



119		Studies	\$	100,000.00
120	<u>Jackson County:</u>			
121	FY21-P412-01	Improvements for Public Access		
122		at Porter Avenue and Hwy 90		
123		-City of Ocean Springs	\$	200,000.00
124	FY21-P618-01	Shepard State Park		
125		- City of Gautier	\$	250,000.00
126	FY21-P618-02	Gautier's Mary Walker Bayou		
127		Parks Project		
128		-City of Gautier	\$	100,000.00
129	FY21-P604-01	Point Park Paving and Amenities		
130		-City of Pascagoula	\$	300,000.00
131	FY21-P501-03	Highway 613 Sunset Pier		
132		and Sidewalk Extension		
133		-City of Moss Point	\$	250,000.00
134	FY21-P602-03	Fort Bayou Pier Extension		
135		and Shade Roofs		
136		-Jackson County Board		
137		of Supervisors	\$	244,420.00
138	FY21-P648-03	GCRL Public Access Enhancement		
139		-University of Southern		
140		Mississippi	\$	225,000.00
141	<u>Hancock County:</u>			
142	FY21-P401-03	BSL Municipal Harbor Fuel Dock		
143		Improvements		



144		-City of Bay St. Louis	\$ 250,000.00
145	FY21-P646-03	Pagodas and Showers	
146		-City of Waveland	\$ 240,000.00
147	FY21-P510-01	Diamondhead Noma Drive	
148		Public Access Improvements	
149		-City of Diamondhead	\$ 400,000.00
150	FY21-P610-02	Hancock County Bayou	
151		Caddy Marina Expansion	
152		-Hancock County Board	
153		of Supervisors	\$ 400,000.00
154		Biloxi River Park and Restoration at Eagle Point	
155		-City of Biloxi	\$ 250,000.00
156		Eagle Point Canal Cleanup	
157		-City of Biloxi	\$ 40,000.00
158		Hiller Park Boat Launch	
159		-City of Biloxi	\$ 200,000.00
160		Long Beach Pavilion	
161		-City of Long Beach	\$ 40,000.00
162		Bay St. Louis Oyster Brood Stock Enhancement	\$ 200,000.00
163		Total Public Access Projects	\$ 5,109,420.00
164		Total Management Projects	\$ 1,039,857.00
165		Bond Repayment	\$ 1,200,000.00
166		Total Tidelands Funds:	\$ 7,349,277.00

167 Each political subdivision receiving funds authorized in this
168 section shall be held responsible for complying with Section



169 29-15-9, Mississippi Code of 1972, and shall be subject to an
170 audit by the State Auditor and shall submit detailed reports
171 beginning June 30, and every six (6) months thereafter for the
172 duration of the project to the Department of Marine Resources on
173 how funds authorized in this section were expended.

174 It is the intention of the Legislature that any political
175 subdivision seeking to qualify for tidelands funds for the
176 subsequent fiscal year shall submit a proposal to the Department
177 of Marine Resources no later than July 1, 2020. All proposals
178 submitted will be reviewed and evaluated by the Department of
179 Marine Resources in accordance to department plans and procedures.
180 Multiphased projects, multiyear projects, proposed projects with
181 high dollar value and projects that have a record of stacking
182 funds shall be considered as low priority projects when evaluated.

183 It is the intention of the Legislature that if the amount of
184 the tidelands funds appropriated in this act exceed the actual
185 amount of tidelands funds available, the available funds shall be
186 allocated on a pro rata basis between projects listed in this
187 section.

188 **SECTION 6.** It is the intention of the Legislature that the
189 department shall place any special trust funds appropriated to the
190 department in a special trust fund and the interest earned on the
191 principal shall be credited to the special trust fund. Monies in
192 the fund at the end of the fiscal year shall be retained in the
193 special trust fund for use in the next succeeding fiscal year.



194 The department may use the interest earned on the fund to pay
195 reasonable costs for administering the fund and related projects.

196 **SECTION 7.** It is the intention of the Legislature that the
197 Department of Marine Resources has the authorization to move
198 tidelands funds between approved projects upon request from entity
199 and proper completion of Form TTF-6 documentation.

200 **SECTION 8.** It is the intention of the Legislature that the
201 Department of Marine Resources is hereby authorized to pay
202 invoices submitted by the City of Long Beach, MS for reimbursement
203 for prior fiscal year projects in an amount not to exceed One
204 Hundred Thirty-two Thousand One Hundred Ten Dollars and
205 Twenty-five Cents (\$132,110.25).

206 **SECTION 9.** It is the intention of the Legislature for the
207 Department of Marine Resources and the Department of Environmental
208 Quality to continue with any agency partnerships, including grant
209 agreements, that provide environmental projects to restore
210 Mississippi's natural resources in the wake of the Deepwater
211 Horizon Oil Spill.

212 **SECTION 10.** It is the intention of the Legislature that
213 whenever two (2) or more bids are received by this agency for the
214 purchase of commodities or equipment, and whenever all things
215 stated in such received bids are equal with respect to price,
216 quality and service, the Mississippi Industries for the Blind
217 shall be given preference. A similar preference shall be given to



218 the Mississippi Industries for the Blind whenever purchases are
219 made without competitive bids.

220 **SECTION 11.** Of the funds appropriated under the provisions
221 of Section 1 and 2 for the Department of Marine Resources, the
222 Department shall use these funds to defray the cost of salaries,
223 wages and fringe benefits for any Department employee who was
224 furloughed by the Department on or after July 1, 2020, and these
225 employees shall accrue all leave and statutory benefits as if they
226 were not furloughed.

227 **SECTION 12.** Of the funds appropriated in Section 2, Twenty-
228 seven Million Forty-Eight Thousand Four Hundred Ninety-Four
229 Dollars (\$27,048,494.00) is provided for the funding of the
230 following Gulf of Mexico Energy Security Act (GOMESA) prior year
231 projects for FY 2021:

- 232 (a) To assist the City of Gulfport with
233 the Mississippi Aquarium.....\$1,636,691.00
- 234 (b) To assist the University of Southern
235 Mississippi with the Ocean Enterprise
236 Project.....\$5,775,410.00
- 237 (c) To assist the Audubon of Mississippi
238 through the Department of Marine Resources
239 for the Audubon Mississippi Coastal
240 Conservation project.....\$223,215.00
- 241 (d) To assist the City of Biloxi with
242 the East Biloxi Boardwalk.....\$1,934,904.00



243 (e) To assist the City of Biloxi with the
244 East Biloxi Boardwalk sand re-nourishment.....\$1,000,000.00
245 (f) To assist the Department of Marine
246 Resources with the Coffee Creek outfall.....\$1,791,970.00
247 (g) To assist the Department of Marine
248 Resources with the Coffee Creek water
249 quality.....\$822,768.00
250 (h) To assist the Department of Wildlife,
251 Fisheries and Parks with the Buccaneer
252 State Park.....\$2,000,000.00
253 (i) To assist the City of Biloxi with the
254 Bayview Avenue Boardwalk.....\$2,653,140.00
255 (j) To assist the City of Bay St. Louis
256 with the Ward 6 Boat Launch, Public Water
257 Access and Restroom Facility.....\$254,865.00
258 (k) To assist Harrison County with the
259 Sea Oats and Sand Dunes Creation.....\$105,000.00
260 (l) To assist the Department of Marine
261 Resources with the Infinity Science Center.....\$619,018.00
262 (m) To assist Mississippi State University
263 with the IMMS Evaluation Study.....\$956,655.00
264 (n) To assist Jackson County Board
265 of Supervisors with the Front Beach
266 Erosion Control.....\$1,773,137.00
267 (o) To assist the University of Southern



268 Mississippi with the Aquaculture Depth
269 Control Unit.....\$98,966.00
270 (p) To assist the Department of Marine
271 Resources with GOMESA project management,
272 development and mitigation.....\$273,147.00
273 (q) To assist the Department of Marine
274 Resources with an oyster plant.....\$2,000,000.00
275 (r) To assist the Department of Marine
276 Resources with the Shellfish Water Quality
277 Testing.....\$95,000.00
278 (s) To assist the Department of Marine
279 Resources with artificial reef Construction.....\$999,966.00
280 (t) To assist the Department of Marine
281 Resources with water testing for safety
282 of seafood consumption.....\$45,262.00
283 (u) To assist the Department of Marine
284 Resources with the oyster clutch.....\$503,384.00
285 (v) To assist the Department of Environmental
286 Quality with water quality.....\$998,246.00
287 (w) To assist Hancock County with Water
288 Sewer Force Crossing.....\$487,750.00

289 **SECTION 13.** It is the intent of the Legislature that the
290 Department of Marine Resources shall have the authority to expend
291 funds in an amount not to exceed Ten Million Dollars
292 (\$10,000,000.00) from funds for the Gulf of Mexico Energy Security



293 Act (GOMESA) that may become available to the agency in fiscal
294 year 2021 in accordance with the rules and regulations of the
295 Department of Finance and Administration in a manner consistent
296 with the escalation of federal funds.

297 **SECTION 14.** It is the intent of the Legislature that during
298 the 2021 Regular Session, all new Gulf of Mexico Energy Security
299 Act (GOMESA) projects for FY 2021 will be listed and appropriated
300 by the Legislature in consultation with the Department of Marine
301 Resources and the Office of the Governor for a total amount not to
302 exceed Ten Million Dollars (\$10,000,000.00).

303 **SECTION 15.** It is the intention of the Legislature that none
304 of the funds provided herein shall be used to pay certain
305 utilities for state furnished housing for any employees. Such
306 utilities shall include electricity, natural gas, butane, propane,
307 cable and phone services. Where actual cost cannot be determined,
308 the agency shall be required to provide meters to be in compliance
309 with legislative intent. Such state furnished housing shall
310 include single-family and multi-family residences but shall not
311 include any dormitory residences. Allowances for such utilities
312 shall be prohibited.

313 **SECTION 16.** It is the intention of the Legislature that the
314 funds herein appropriated shall be expended in compliance with
315 Section 27-104-25, Mississippi Code of 1972, that no state agency
316 shall incur obligations or indebtedness in excess of their
317 appropriation and that the responsible officers, either personally



318 or upon their official bonds, shall be held responsible for
319 actions contrary to this provision.

320 **SECTION 17.** The money herein appropriated shall be paid by
321 the State Treasurer out of any money in the State Treasury to the
322 credit of the proper fund or funds as set forth in this act, upon
323 warrants issued by the State Fiscal Officer; and the State Fiscal
324 Officer shall issue his warrants upon requisitions signed by the
325 proper person, officer or officers, in the manner provided by law.

326 **SECTION 18.** This act shall take effect and be in force from
327 and after July 1, 2020.

