

By: Representatives Frierson, Eure, Bennett, DeLano, Read, Ladner To: Appropriations

HOUSE BILL NO. 1485 (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 2015.

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, 2014, and ending June 30, 2015.....
10\$ 1,126,856.00.

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, 2014, and ending
15 June 30, 2015.....\$ 9,607,921.00.

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.....	100
23		Part Time.....	0
24	Time-Limited:	Full Time.....	46
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 is the intention of
30 the Legislature that it shall be the agency's responsibility to
31 make certain that funds required to be appropriated for "Personal
32 Services" for Fiscal Year 2016 do not exceed Fiscal Year 2015
33 funds appropriated for that purpose, unless programs or positions
34 are added to the agency's Fiscal Year 2015 budget by the
35 Mississippi Legislature. Based on data provided by the
36 Legislative Budget Office, the State Personnel Board shall
37 determine and publish the projected annual cost to fully fund all
38 appropriated positions in compliance with the provisions of this
39 act. It shall be the responsibility of the agency head to ensure
40 that no single personnel action increases this projected annual
41 cost and/or the Fiscal Year 2015 appropriations for "Personal
42 Services" when annualized, with the exception of escalated funds.
43 If, at the time the agency takes any action to change "Personal



44 Services," the State Personnel Board determines that the agency
45 has taken an action which would cause the agency to exceed this
46 projected annual cost or the Fiscal Year 2015 "Personal Services"
47 appropriated level, when annualized, then only those actions which
48 reduce the projected annual cost and/or the appropriation
49 requirement will be processed by the State Personnel Board until
50 such time as the requirements of this provision are met.

51 Funds are provided herein for a One Thousand Dollar
52 (\$1,000.00) salary increase for full-time employees, or pro-rated
53 for part-time employees, which shall be awarded to each employee
54 that has not received a salary increase since July 1, 2010, and
55 that is making an annual salary of less than Thirty Thousand
56 Dollars (\$30,000.00) as of June 30, 2014.

57 The State Personnel Board shall not approve or process
58 personnel action for any employee unless the employee has not
59 received a salary increase since July 1, 2010, and for such an
60 employee the increased amount shall not exceed Five Percent (5%);
61 however, the following conditions are to be exempted: the award
62 of teacher salary increments; the advancement of a trainee/cadet
63 to the next level of a bona fide career ladder; the award of an
64 educational benchmark for the attainment of a Certified Public
65 Accountant License or higher level professional certification; the
66 immediate replacement of a departing employee with an employee
67 from within state service at a salary level of the departing
68 employee or the FY 2015 promotional formula, whichever is less;



69 the emergency appointment of nurses, pharmacists or other health
70 care and child protection professionals at a salary to be
71 determined by the State Personnel Board or any other requested
72 action of the agency that has been specifically authorized by the
73 Legislature.

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 2014. It is further the intention of the Legislature that the
93 agency's budget request for Fiscal Year 2016 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 2015 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 an amount not to exceed One Million
101 Dollars (\$1,000,000.00), 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, 2014, and ending June 30, 2015.....\$ 9,787,443.00.

111 With the funds appropriated in this section, the following
112 projects are authorized:

113	PROJECT NO.	PROJECT ACCESS PROJECTS	AMOUNT
114	Harrison County:		
115	FY15 P07A	Repairs & Improvements to James Hill	
116		Park Bayou	
117		-City of Gulfport	\$ 250,000.00
118	FY15 P25A	West Biloxi Boat Launch	



119			-Harrison County Board of		
120			Supervisors	\$	200,000.00
121	FY15	P01A	Biloxi Lighthouse Parking & Pier		
122			Improvements		
123			-City of Biloxi	\$	100,000.00
124	FY15	P03A	Sherman Canaan Fishing Dock Dredging		
125			-City of Biloxi	\$	190,000.00
126	FY15	P31A	Biloxi River Boat Launch		
127			-Harrison County Board of		
128			Supervisors	\$	150,000.00
129	FY15	P14A	2015 Harbor Improvements		
130			-City of Long Beach	\$	300,000.00
131	FY15	P23A	FY15 Harbor Improvements - Supplemental-		
132			Excursion Pier		
133			-Harrison County Board of Supervisors/		
134			Long Beach Port Commission	\$	210,000.00
135	FY15	P15A	FY2015 Harbor Improvements		
136			-City of Pass Christian	\$	200,000.00
137	FY15	P06A	D'Iberville Working Waterfront Harbour		
138			-City of D'Iberville	\$	200,000.00
139	FY15	P24A	Improvements on Beach at Cowan Rd in		
140			Gulfport and Beauvoir Rd in Biloxi		
141			-Harrison County Board of		
142			Supervisors	\$	125,000.00
143	FY15	P35A	Phase One-Rebuild of Interior of Museum		



144			-Maritime & Seafood Interior of		
145			Museum	\$	150,000.00
146	Jackson County:				
147	FY15	P10A	Point Park Development Phase III		
148			-City of Pascagoula	\$	250,000.00
149	FY15	P47A	Reconfiguration of USM- GCRL Boat Basin		
150			-USM	\$	224,640.00
151	FY15	P05A	O.S. Old Fort Bayou Greenway - Phase I		
152			-City of Ocean Springs	\$	200,000.00
153	FY15	P21A	Lake Mars Boat Launch Improvements		
154			-Jackson County Board of		
155			Supervisors	\$	129,500.00
156	FY15	P46A	Shepard State Park Improvements		
157			-City of Gautier	\$	250,000.00
158	FY15	P09A	Pelican Landing Waterfront Improvements		
159			-City of Moss Point	\$	145,000.00
160	FY15	P08A	City Park Community Center Phase III		
161			-City of Gautier	\$	70,000.00
162	N/A	N/A	Washington Ave, Ft. Bayou Bridge,		
163			Boat Launch	\$	230,000.00
164	Hancock County:				
165	FY15	P40A	Marina Observation Deck and Boardwalk		
166			-Diamondhead Property Owners		
167			Association	\$	150,000.00
168	FY15	P16A	Public Beach Access & Pedestrian Walkways		



169			with Amenities		
170			-City of Bay St. Louis	\$	250,000.00
171	FY15	P32A	McLeod Park Improvements		
172			-Hancock County Board of		
173			Supervisors	\$	350,000.00
174	FY15	P17A	Splash Pad Interactive Play		
175			-City of Waveland	\$	160,000.00
176	FY15	P18A	Open-Air Pavilion with Lights		
177			-City of Waveland	\$	90,000.00
178	FY15	P34A	Curtis Johnson Boat Launch Improvements		
179			-Hancock County Board of		
180			Supervisors	\$	50,000.00
181			Deer Island Access Peers (2)	\$	500,000.00
182			HWY #90 Pedestrian Overpass	\$	100,000.00
183					-----
184			Total Public Access Projects	\$	5,224,140.00
185			Total Management Projects	\$	3,713,303.00
186			Bond Repayment	\$	850,000.00
187					-----
188			Total Tidelands Funds:	\$	9,787,443.00

189 Each political subdivision receiving funds authorized in this
190 section shall be held responsible for complying with Section
191 29-15-9, Mississippi Code of 1972, and shall be subject to an
192 audit by the State Auditor and shall submit detailed reports
193 beginning June 30, and every six (6) months thereafter for the



194 duration of the project to the Department of Marine Resources on
195 how funds authorized in this section were expended.

196 It is the intention of the Legislature that any political
197 subdivision seeking to qualify for tidelands funds for the
198 subsequent fiscal year shall submit a proposal to the Department
199 of Marine Resources no later than July 1, 2015. All proposals
200 submitted will be reviewed and evaluated by the Department of
201 Marine Resources in accordance to department plans and procedures.
202 Multiphased projects, multiyear projects, proposed projects with
203 high dollar value and projects that have a record of stacking
204 funds shall be considered as low priority projects when evaluated.

205 It is the intention of the Legislature that if the amount of
206 the tidelands funds appropriated in this act exceed the actual
207 amount of tidelands funds available, the available funds shall be
208 allocated on a pro rata basis between projects listed in this
209 section.

210 **SECTION 7.** It is the intention of the Legislature that the
211 commission shall place any special trust funds appropriated to the
212 department in a special trust fund and the interest earned on the
213 principal shall be credited to the special trust fund. Monies in
214 the fund at the end of the fiscal year shall be retained in the
215 special trust fund for use in the next succeeding fiscal year.
216 The department may use the interest earned on the fund to pay
217 reasonable costs for administering the fund and related projects.



218 **SECTION 8.** It is the intention of the Legislature that the
219 Department of Marine Resources has the authorization to move
220 tidelands funds between approved projects upon request from entity
221 and proper completion of Form TTF-6 documentation.

222 **SECTION 9.** It is the intention of the Legislature that the
223 Secretary of State's Office shall not reserve more than five
224 percent (5%) of the total tidelands funds collected for
225 administrative purposes. Said five percent (5%) cap shall be
226 exclusive of any costs of litigation related to the tidelands that
227 may be incurred by the Secretary of State.

228 **SECTION 10.** It is the intention of the Legislature that
229 whenever two (2) or more bids are received by this agency for the
230 purchase of commodities or equipment, and whenever all things
231 stated in such received bids are equal with respect to price,
232 quality and service, the Mississippi Industries for the Blind
233 shall be given preference. A similar preference shall be given to
234 the Mississippi Industries for the Blind whenever purchases are
235 made without competitive bids.

236 **SECTION 11.** It is the intention of the Legislature that none
237 of the funds provided herein shall be used to pay certain
238 utilities for state furnished housing for any employees. Such
239 utilities shall include electricity, natural gas, butane, propane,
240 cable and phone services. Where actual cost cannot be determined,
241 the agency shall be required to provide meters to be in compliance
242 with legislative intent. Such state furnished housing shall



243 include single-family and multi-family residences but shall not
244 include any dormitory residences. Allowances for such utilities
245 shall be prohibited.

246 **SECTION 12.** It is the intention of the Legislature that the
247 funds herein appropriated shall be expended in compliance with
248 Section 27-104-25, Mississippi Code of 1972, that no state agency
249 shall incur obligations or indebtedness in excess of their
250 appropriation and that the responsible officers, either personally
251 or upon their official bonds, shall be held responsible for
252 actions contrary to this provision.

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

259 **SECTION 14.** This act shall take effect and be in force from
260 and after July 1, 2014.

