

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

HOUSE BILL NO. 1545 (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 2016.

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, 2015, and ending June 30, 2016.....
10\$ 1,143,945.00.

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, 2015, and ending
15 June 30, 2016.....\$ 19,607,921.00.

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.....	99
23		Part Time.....	0
24	Time-Limited:	Full Time.....	54
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 2017 do not
32 exceed Fiscal Year 2016 funds appropriated for that purpose,
33 unless programs or positions are added to the agency's Fiscal Year
34 2016 budget by the Mississippi Legislature. Based on data
35 provided by the Legislative Budget Office, the State Personnel
36 Board shall determine and publish the projected annual cost to
37 fully fund all appropriated positions in compliance with the
38 provisions of this act. It shall be the responsibility of the
39 agency head to ensure that no single personnel action increases
40 this projected annual cost and/or the Fiscal Year 2016
41 appropriations for "Personal Services" when annualized, with the
42 exception of escalated funds and the award of benchmarks. If, at
43 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 2016 "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 Any transfers or escalations shall be made in accordance with
52 the terms, conditions and procedures established by law or
53 allowable under the terms set forth within this act. The State
54 Personnel Board shall not escalate positions without written
55 approval from the Department of Finance and Administration. The
56 Department of Finance and Administration shall not provide written
57 approval to escalate any funds for salaries and/or positions
58 without proof of availability of new or additional funds above the
59 appropriated level.

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63 act and which are withdrawn and no longer available.

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



68 **SECTION 4.** It is the intention of the Legislature that the
69 Department of Marine Resources shall maintain complete accounting
70 and personnel records related to the expenditure of all funds
71 appropriated under this act and that such records shall be in the
72 same format and level of detail as maintained for Fiscal Year
73 2015. It is further the intention of the Legislature that the
74 agency's budget request for Fiscal Year 2017 shall be submitted to
75 the Joint Legislative Budget Committee in a format and level of
76 detail comparable to the format and level of detail provided
77 during the Fiscal Year 2016 budget request process.

78 **SECTION 5.** In addition to all other sums heretofore
79 appropriated, the following sum, or so much thereof as may be
80 necessary, is hereby appropriated out of any money in the State
81 Treasury to the credit of the Tidelands Fund No. 3452 to the
82 Department of Marine Resources for the purpose of defraying the
83 expenses of the tidelands projects for the fiscal year beginning
84 July 1, 2015, and ending June 30, 2016.....\$ 9,787,443.00.

85 Of the funds appropriated in this section, the following
86 projects are authorized:

87	PROJECT NO.	PROJECT ACCESS PROJECTS	AMOUNT
88	Harrison County:		
89	FY16 P600-01PC	West Bulkhead Wall Reconstruction	
90		-City of Pass Christian \$	74,625.00
91	FY16 P603-01GP	Improvements to Bert Jones	
92		Yacht Basin	



93			- City of Gulfport.....	\$	400,000.00
94	FY16	P612-0101	Fountain Beach Public Access		
95			- City of D'Iberville.....	\$	200,000.00
96	FY16	P613-01LB	FY2016 - Harbor Improvements		
97			- Long Beach Port Commission	.\$	400,000.00
98	FY16	P620-01B1	Hiller Park Waterfront Access		
99			Improvements		
100			- City of Biloxi.....	\$	104,722.00
101	FY16	P620-02B1	Sediment Removal for Public Access		
102			- City of Biloxi.....	\$	225,000.00
103	FY16	P621-01	Public Access Improvements at Camp		
104			- Camp Wilkes.....	\$	75,000.00
105	FY16	P622-02	Beauvoir Land Acquisitions		
106			- Beauvoir.....	\$	75,375.00
107	FY16	P626-01	East City of Biloxi Boat Launch		
108			- Harrison County Board		
109			of Supervisors	\$	100,000.00
110	FY16	P626-04	Merlin Necaise Boat Launch Improvements		
111			- Harrison County Board		
112			of Supervisors.....	\$	100,000.00
113	FY16	P627-02	Rebuild of Museum including Education		
114			Programs & Camp Scholarships		
115			- Maritime and Seafood		
116			Industry Museum.....	\$	100,000.00
117	Jackson County:				



118	FY16	P602-02JC	LeMoynne Boulevard Kayak Launch		
119			- Jackson County Board		
120			of Supervisors	\$	100,000.00
121	FY16	P606-02MGC	MGCCC - Jackson County Johnston		
122			Island Access Pier		
123			- MGCCC - Jackson County		
124			Campus	\$	200,000.00
125	FY16	P618-01	Shepard State Park Improvements		
126			- City of Gautier.....	\$	100,000.00
127	FY16	P618-02	City Park Community Center		
128			Phase III		
129			- City of Gautier.....	\$	250,000.00
130	FY16	P604-03PA	Lowry Island Redevelopment		
131			- City of Pascagoula	\$	200,000.00
132	FY16	P602-03JC	Bayou Cumbest Boat Launch Phase 1		
133			- Jackson County Board of		
134			Supervisors.....	\$	200,000.00
135	FY16	P604-02PA	Beachfront Promenade		
136			- City of Pascagoula	\$	175,000.00
137	FY16	P648-35	Waterfront Access for Education		
138			at Cedar Point		
139			- USM	\$	164,000.00
140	Hancock County:				
141	FY16	P610-02HN	McLeod Park Improvements		
142			- Hancock County	\$	107,000.00



143	FY16	P614-01DH	Enhancement of Rotten Bayou		
144			Watershed Quality including		
145			Bay St. Louis		
146			- City of Diamondhead	\$	493,000.00
147	FY16	P646-01	Public Restroom Facility		
148			- City of Waveland.....	\$	75,000.00
149	FY16	P610-01HN	Washington Street Waterfront		
150			Improvements		
151			- Hancock County.....	\$	75,000.00
152	DMR		- Aquaculture.....	\$	500,000.00
153			Total Public Access Projects.....	\$	4,493,722.00
154			Total Management Projects.....	\$	4,493,721.00
155			Bond Repayment.....	\$	800,000.00
156			Total Tidelands Funds:	\$	9,787,443.00

157 Each political subdivision receiving funds authorized in this
158 section shall be held responsible for complying with Section
159 29-15-9, Mississippi Code of 1972, and shall be subject to an
160 audit by the State Auditor and shall submit detailed reports
161 beginning June 30, and every six (6) months thereafter for the
162 duration of the project to the Department of Marine Resources on
163 how funds authorized in this section were expended.

164 It is the intention of the Legislature that any political
165 subdivision seeking to qualify for tidelands funds for the
166 subsequent fiscal year shall submit a proposal to the Department
167 of Marine Resources no later than July 1, 2015. All proposals



168 submitted will be reviewed and evaluated by the Department of
169 Marine Resources in accordance to department plans and procedures.
170 Multiphased projects, multiyear projects, proposed projects with
171 high dollar value and projects that have a record of stacking
172 funds shall be considered as low priority projects when evaluated.

173 It is the intention of the Legislature that if the amount of
174 the tidelands funds appropriated in this act exceed the actual
175 amount of tidelands funds available, the available funds shall be
176 allocated on a pro rata basis between projects listed in this
177 section.

178 **SECTION 6.** It is the intention of the Legislature that the
179 commission shall place any special trust funds appropriated to the
180 department in a special trust fund and the interest earned on the
181 principal shall be credited to the special trust fund. Monies in
182 the fund at the end of the fiscal year shall be retained in the
183 special trust fund for use in the next succeeding fiscal year.
184 The department may use the interest earned on the fund to pay
185 reasonable costs for administering the fund and related projects.

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

190 **SECTION 8.** It is the intention of the Legislature that
191 whenever two (2) or more bids are received by this agency for the
192 purchase of commodities or equipment, and whenever all things



193 stated in such received bids are equal with respect to price,
194 quality and service, the Mississippi Industries for the Blind
195 shall be given preference. A similar preference shall be given to
196 the Mississippi Industries for the Blind whenever purchases are
197 made without competitive bids.

198 **SECTION 9.** It is the intention of the Legislature that none
199 of the funds provided herein shall be used to pay certain
200 utilities for state furnished housing for any employees. Such
201 utilities shall include electricity, natural gas, butane, propane,
202 cable and phone services. Where actual cost cannot be determined,
203 the agency shall be required to provide meters to be in compliance
204 with legislative intent. Such state furnished housing shall
205 include single-family and multi-family residences but shall not
206 include any dormitory residences. Allowances for such utilities
207 shall be prohibited.

208 **SECTION 10.** It is the intention of the Legislature that the
209 funds herein appropriated shall be expended in compliance with
210 Section 27-104-25, Mississippi Code of 1972, that no state agency
211 shall incur obligations or indebtedness in excess of their
212 appropriation and that the responsible officers, either personally
213 or upon their official bonds, shall be held responsible for
214 actions contrary to this provision.

215 **SECTION 11.** Of the funds appropriated in Section 2, Nine
216 Million Dollars (\$9,000,000.00) is available for the BP
217 Settlement.



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

224 **SECTION 13.** This act shall take effect and be in force from
225 and after July 1, 2015.

