

By: Representatives Read, Eure, Baria,
Barton, Bennett, Bounds, Busby, DeLano,
Huddleston (15th), Huddleston (30th), Ladner,
Staples, Sullivan, Turner

To: Appropriations

HOUSE BILL NO. 1606
(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 2019.

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, 2018, and ending June 30, 2019.....
10\$ 1,065,130.00.

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, 2018, and ending
15 June 30, 2019.....\$ 28,103,092.00.

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 2020 do not
32 exceed Fiscal Year 2019 funds appropriated for that purpose,
33 unless programs or positions are added to the agency's Fiscal Year
34 2019 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 2019
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 2019 "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 2018. It is further the intention of the Legislature that the
74 agency's budget request for Fiscal Year 2020 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 2019 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. 3345200000 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, 2018, and ending June 30, 2019.....\$ 10,000,000.00.

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

87 PROJECT NO.	PUBLIC ACCESS PROJECTS	AMOUNT
88 <u>Harrison County:</u>		
89 FY19-P613-02	Harbor Improvements	
90	-City of Long Beach	\$300,000.00
91 FY19-P600-06	Redecking of Existing Piers	
92	-City of Pass Christian	\$275,000.00



93	FY19-P603-05	Bernard and Brickyard Bayou	
94		Blueway Kayak Launch Project	
95		-City of D'Iberville	\$275,000.00
96	FY19-P601-05	Point Cadet Marina and Water's	
97		Edge Boardwalk -City of Biloxi	\$700,000.00
98	FY19-P511-07	Fountain Beach Public Access	
99		Phase 1 & 2 -City of D'Iberville	\$275,000.00
100	FY19-P999-06	Gulf of Mexico Fish Exhibit,	
101		Signage, and Pier Improvements	
102		-Maritime & Seafood Industry Museum	\$75,000.00
103	<u>Jackson County:</u>		
104	FY19-P412-01	Front Beach Infrastructure	
105		Stabilization Improvement	
106		-City of Ocean Springs	\$240,000.00
107	FY19-P602-05	Brittany Avenue Boat Launch	
108		-Parking Lot Expansion Project	
109		-Jackson County Board of Supervisors ..	\$275,000.00
110	FY19-P618-04	Shepard State Park Upgrades	
111		-City of Gautier	\$250,000.00
112	FY19-P501-01	Dantzler Street Alignment	
113		-City of Moss Point	\$150,000.00
114	FY19-P604-05	Point Park Amenities	
115		-City of Pascagoula	\$200,000.00
116	<u>Hancock County:</u>		
117	FY19-P401-04	Harbor Pier 5	



118 -City of Bay St. Louis\$375,000.00
 119 FY19-P646-04 Removal or Derelict Piers and
 120 Structures -City of Waveland\$200,000.00
 121 FY19-P510-04 Montjoy Creek Restoration and
 122 Drainage Improvements
 123 -City of Diamondhead\$200,000.00
 124 Jourdan River Shores Canal Dredging Project
 125 -Hancock County Board of Supervisors ..\$100,000.00
 126 McLeod Park Bathhouse Improvement Project
 127 -Hancock County Board of Supervisors ..\$100,000.00
 128 Point Cadet Engineering and Development Project
 129 -City of Biloxi\$350,000.00
 130 Total Public Access Projects.....\$4,340,000.00
 131 Total Management Projects.....\$4,560,000.00
 132 Bond Repayment.....\$1,100,000.00
 133 Total Tidelands Funds:.....\$10,000,000.00

134 Each political subdivision receiving funds authorized in this
 135 section shall be held responsible for complying with Section
 136 29-15-9, Mississippi Code of 1972, and shall be subject to an
 137 audit by the State Auditor and shall submit detailed reports
 138 beginning June 30, and every six (6) months thereafter for the
 139 duration of the project to the Department of Marine Resources on
 140 how funds authorized in this section were expended.

141 It is the intention of the Legislature that any political
 142 subdivision seeking to qualify for tidelands funds for the



143 subsequent fiscal year shall submit a proposal to the Department
144 of Marine Resources no later than July 1, 2018. All proposals
145 submitted will be reviewed and evaluated by the Department of
146 Marine Resources in accordance to department plans and procedures.
147 Multiphased projects, multiyear projects, proposed projects with
148 high dollar value and projects that have a record of stacking
149 funds shall be considered as low priority projects when evaluated.

150 It is the intention of the Legislature that if the amount of
151 the tidelands funds appropriated in this act exceed the actual
152 amount of tidelands funds available, the available funds shall be
153 allocated on a pro rata basis between projects listed in this
154 section.

155 **SECTION 6.** It is the intention of the Legislature that the
156 commission shall place any special trust funds appropriated to the
157 department in a special trust fund and the interest earned on the
158 principal shall be credited to the special trust fund. Monies in
159 the fund at the end of the fiscal year shall be retained in the
160 special trust fund for use in the next succeeding fiscal year.
161 The department may use the interest earned on the fund to pay
162 reasonable costs for administering the fund and related projects.

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



167 **SECTION 8.** It is the intention of the Legislature for the
168 Department of Marine Resources and the Department of Environmental
169 Quality to continue with any agency partnerships, including grant
170 agreements, that provide environmental projects to restore
171 Mississippi's natural resources in the wake of the Deepwater
172 Horizon Oil Spill.

173 **SECTION 9.** The following sum, or so much thereof as may be
174 necessary, is reappropriated out of any money in the Tidelands
175 Fund No. 3345200000, for the Department of Marine Resources for
176 the purpose of reauthorizing the expenditure of Tidelands Funds
177 3345200000, as authorized in House Bill 1518, 2017 Regular
178 Session, for the fiscal year beginning July 1, 2018, and ending
179 June 30, 2019.....\$300,000.00.

180 Notwithstanding the amount reappropriated under the
181 provisions of this section, in no event shall the amount expended
182 exceed the unexpended balance of June 30, 2018.

183 Of the funds appropriated in this act, the following projects
184 are authorized:

185 PUBLIC ACCESS PROJECTS	AMOUNT
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186 Hancock County:

187 Jourdan River Shores Canal Dredging Project.....	\$150,000.00
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188 McLeod Park Bathhouse Improvement Project.....	\$150,000.00
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189 **SECTION 10.** The following sum, or so much thereof as may be
190 necessary, is reappropriated out of any money in the Tidelands
191 Fund No. 3345200000, for the Department of Marine Resources for



192 the purpose of reauthorizing the expenditure of Tidelands Funds
193 3345200000, as authorized in previous fiscal year appropriations
194 for the purpose of continuing any existing and approved Tideland
195 Fund projects, for the fiscal year beginning July 1, 2018, and
196 ending June 30, 2019.....\$4,200,000.00.

197 Notwithstanding the amount reappropriated under the
198 provisions of this act, in no event shall the amount expended
199 exceed the unexpended balance of June 30, 2018.

200 **SECTION 11.** It is the intention of the Legislature that
201 whenever two (2) or more bids are received by this agency for the
202 purchase of commodities or equipment, and whenever all things
203 stated in such received bids are equal with respect to price,
204 quality and service, the Mississippi Industries for the Blind
205 shall be given preference. A similar preference shall be given to
206 the Mississippi Industries for the Blind whenever purchases are
207 made without competitive bids.

208 **SECTION 12.** It is the intention of the Legislature that none
209 of the funds provided herein shall be used to pay certain
210 utilities for state furnished housing for any employees. Such
211 utilities shall include electricity, natural gas, butane, propane,
212 cable and phone services. Where actual cost cannot be determined,
213 the agency shall be required to provide meters to be in compliance
214 with legislative intent. Such state furnished housing shall
215 include single-family and multi-family residences but shall not



216 include any dormitory residences. Allowances for such utilities
217 shall be prohibited.

218 **SECTION 13.** It is the intention of the Legislature that the
219 funds herein appropriated shall be expended in compliance with
220 Section 27-104-25, Mississippi Code of 1972, that no state agency
221 shall incur obligations or indebtedness in excess of their
222 appropriation and that the responsible officers, either personally
223 or upon their official bonds, shall be held responsible for
224 actions contrary to this provision.

225 **SECTION 14.** The money herein appropriated shall be paid by
226 the State Treasurer out of any money in the State Treasury to the
227 credit of the proper fund or funds as set forth in this act, upon
228 warrants issued by the State Fiscal Officer; and the State Fiscal
229 Officer shall issue his warrants upon requisitions signed by the
230 proper person, officer or officers, in the manner provided by law.

231 **SECTION 15.** This act shall take effect and be in force from
232 and after July 1, 2018.

