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Chapter No. 90
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HOUSE BILL NO. 1657

Originated in House  Clerk

HOUSE BILL NO. 1657

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF THE DEPARTMENT OF MARINE RESOURCES FOR THE FISCAL YEAR 2014.

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

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the support and maintenance of the Department of Marine Resources for the fiscal year beginning July 1, 2013, and ending June 30, 2014
..... \$ 1,125,351.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the Department of Marine Resources for the fiscal year beginning July 1, 2013, and ending June 30, 2014 \$ 9,596,884.00.

Of the funds appropriated in this section, Three Million Fifty Thousand Dollars (\$3,050,000.00) is derived from the state excise taxes upon gasoline, oil and other petroleum products.

SECTION 3. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	100
	Part Time	0
Time-Limited:	Full Time	46
	Part Time	1

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

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2015 do not exceed Fiscal Year 2014 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2014 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2014 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal

Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2014 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the FY2014 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board or any other requested action of the agency that has been specifically authorized by the Legislature.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

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

SECTION 4. It is the intention of the Legislature that the Department of Marine Resources shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2013. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2015 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2014 budget request process.

SECTION 5. It is the intention of the Legislature that the Department of Marine Resources shall have the authority to

receive, budget and expend funds from any source that may become available to the department in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

SECTION 6. In addition to all other sums heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Tidelands Fund No. 3452 to the Department of Marine Resources for the purpose of defraying the expenses of the tidelands projects for the fiscal year beginning July 1, 2013, and ending June 30, 2014 \$ 9,787,443.00.

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

Public Access Projects:

PROJECT NO.	PUBLIC ACCESS PROJECTS	AMOUNT
<u>Hancock County</u>		
FY14-P22A	Hancock County McLeod Park Improvements IV	
	-Hancock County Board of Supervisors	300,000.00
FY14-P35A	Floating Docks for Pier #2	
	-Diamondhead Property Owners Assoc	200,000.00
FY14-P01A	Amenities at Carroll Avenue	
	(Bay St. Louis) -City of Bay St. Louis	250,000.00
FY14-P18A	Parks and Leisure -City of Waveland	250,000.00
<u>Jackson County</u>		
FY14-P32A	Fort Bayou Public Access Project	

	-Jackson County Board of Supervisors	300,000.00
FY14-P08A	Graveline Bayou Restoration Project	
	-City of Gautier	250,000.00
FY14-P11A	River City Marina Land Acquisition	
	-City of Moss Point	250,000.00
FY14-P14A	Point Development Phase III	
	-City of Pascagoula	100,000.00
FY14-P15A	Beachfront Promenade Access	
	-City of Pascagoula	150,000.00
FY14-P33A	Paving Bayou Cassote Boat Ramps/Parking	
	-Jackson County Board of Supervisors	65,000.00
FY14-P45A	O.S. YMCA Aquatic Program Center Phase II	
	-MS Gulf Coast YMCA	200,000.00
FY14-P12A	O.S. Old Fort Bayou Greenway - Phase I	
	-City of Oceans Springs	50,000.00

Harrison County

FY14-P10A	FY2014 Harbor Improvements	
	-City of Long Beach	240,000.00
FY14-P28A	Long Beach Pavilion Parking Expansion	
	-Harrison County Board of Supervisors	75,000.00
FY14-P40A	Phase One-Rebuild of Interior Museum with Exhibits -Maritime & Seafood Industry Museum	200,000.00
FY14-P24A	Public Safety and Access Improvements on Beach at Cowan Road in Gulfport and	

	near Beauvoir Road in Biloxi	
	-Harrison County Board of Supervisors	125,000.00
FY14-P25A	West Biloxi Boat Launch	
	-Harrison County Board of Supervisors	350,000.00
FY14-P02A	Public Access to Tidelands Area	
	at Old Brick House -City of Biloxi	185,000.00
FY14-P05A	Tchouticabouffa River Park and Blueway	
	-City of D'Iberville	200,000.00
FY14-P09A	Bert Jones Yacht Basin - (Gulfport Small Craft Harbor) and Adjacent Areas	
	- Reconstruction and Improvements Project	
	-City of Gulfport	225,000.00
FY14-P29A	Causeway Recreational Area	
	-Harrison County Board of Supervisors	175,000.00
FY14-P31A	Biloxi Riverboat Launch	
	-Harrison County Board of Supervisors	<u>204,110.00</u>
Total Public Access Projects		4,344,110.00
Total Management Projects		3,565,177.79
Bond Repayment		850,000.00
Gulf Coast Research		500,000.00
Cat Island Payment as provided for under the MS Coastal Preserve Act (SB 2700)		<u>528,155.21</u>
		9,787,443.00

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

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

It is the intention of the Legislature that any political subdivision seeking to qualify for tidelands funds for the subsequent fiscal year shall submit a proposal to the Department of Marine Resources no later than July 1, 2013. All proposals submitted will be reviewed and evaluated by the Department of Marine Resources in accordance to department plans and procedures. Multiphased projects, multiyear projects, proposed projects with high dollar value and projects that have a record of stacking funds shall be considered as low priority projects when evaluated.

It is the intention of the Legislature that if the amount of the tidelands funds appropriated in this act exceed the actual amount of tidelands funds available, the available funds shall be allocated on a pro rata basis between projects listed in this section, except for the Cat Island Payment.

SECTION 7. It is the intention of the Legislature that the commission shall place any special trust funds appropriated to the department in a special trust fund and the interest earned on the principal shall be credited to the special trust fund. Monies in the fund at the end of the fiscal year shall be retained in the special trust fund for use in the next succeeding fiscal year.

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

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

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

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

SECTION 11. It is the intention of the Legislature that none of the funds provided herein shall be used to pay certain utilities for state furnished housing for any employees. Such utilities shall include electricity, natural gas, butane, propane, cable and phone services. Where actual cost cannot be determined,

the agency shall be required to provide meters to be in compliance with legislative intent. Such state furnished housing shall include single-family and multi-family residences but shall not include any dormitory residences. Allowances for such utilities shall be prohibited.

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

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

SECTION 14. This act shall take effect and be in force from and after July 1, 2013.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 31, 2013



SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 31, 2013



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

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