

Senate Amendments to House Bill No. 1726

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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\$ 1,025,163.00.

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.....\$ 22,240,293.00.

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.....	91
23		Part Time.....	0
24	Time-Limited:	Full Time.....	73
25		Part Time.....	0

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,
 33 unless programs or positions are added to the agency's Fiscal Year
 34 2021 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 2021
 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 2021 "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 2020. It is further the intention of the Legislature that the

74 agency's budget request for Fiscal Year 2022 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 2021 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, 2020, and ending June 30, 2021.....\$ 10,285,000.00.

85 Of the funds appropriated within this section, One Million
86 One Hundred Ninety-eight Thousand One Hundred Fifty-nine Dollars
87 (\$1,198,159.00) shall be designated for bond repayment, and the
88 following amounts shall be designated for Department of Marine
89 Resources Programs:

90 Management and Matching.....\$ 4,543,420.00
91 Access Projects.....\$ 4,543,421.00

92 Each political subdivision receiving funds authorized in this
93 section shall be held responsible for complying with Section
94 29-15-9, Mississippi Code of 1972, and shall be subject to an
95 audit by the State Auditor and shall submit detailed reports
96 beginning June 30, and every six (6) months thereafter for the
97 duration of the project to the Department of Marine Resources on
98 how funds authorized in this section were expended.

99 It is the intention of the Legislature that any political
100 subdivision seeking to qualify for tidelands funds for the
101 subsequent fiscal year shall submit a proposal to the Department
102 of Marine Resources no later than July 1, 2020. All proposals
103 submitted will be reviewed and evaluated by the Department of
104 Marine Resources in accordance to department plans and procedures.
105 Multiphased projects, multiyear projects, proposed projects with
106 high dollar value and projects that have a record of stacking
107 funds shall be considered as low priority projects when evaluated.

108 It is the intention of the Legislature that if the amount of
109 the tidelands funds appropriated in this act exceed the actual
110 amount of tidelands funds available, the available funds shall be
111 allocated on a pro rata basis between projects listed in this
112 section.

113 **SECTION 6.** It is the intention of the Legislature that the
114 commission shall place any special trust funds appropriated to the
115 department in a special trust fund and the interest earned on the
116 principal shall be credited to the special trust fund. Monies in
117 the fund at the end of the fiscal year shall be retained in the
118 special trust fund for use in the next succeeding fiscal year.
119 The department may use the interest earned on the fund to pay
120 reasonable costs for administering the fund and related projects.

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

125 **SECTION 8.** It is the intention of the Legislature for the
126 Department of Marine Resources and the Department of Environmental
127 Quality to continue with any agency partnerships, including grant
128 agreements, that provide environmental projects to restore
129 Mississippi's natural resources in the wake of the Deepwater
130 Horizon Oil Spill.

131 **SECTION 9.** It is the intention of the Legislature that
132 whenever two (2) or more bids are received by this agency for the
133 purchase of commodities or equipment, and whenever all things
134 stated in such received bids are equal with respect to price,
135 quality and service, the Mississippi Industries for the Blind
136 shall be given preference. A similar preference shall be given to
137 the Mississippi Industries for the Blind whenever purchases are
138 made without competitive bids.

139 **SECTION 10.** It is the intention of the Legislature that none
140 of the funds provided herein shall be used to pay certain
141 utilities for state furnished housing for any employees. Such
142 utilities shall include electricity, natural gas, butane, propane,
143 cable and phone services. Where actual cost cannot be determined,
144 the agency shall be required to provide meters to be in compliance
145 with legislative intent. Such state furnished housing shall
146 include single-family and multi-family residences but shall not
147 include any dormitory residences. Allowances for such utilities
148 shall be prohibited.

149 **SECTION 11.** It is the intention of the Legislature that the
150 funds herein appropriated shall be expended in compliance with

151 Section 27-104-25, Mississippi Code of 1972, that no state agency
152 shall incur obligations or indebtedness in excess of their
153 appropriation and that the responsible officers, either personally
154 or upon their official bonds, shall be held responsible for
155 actions contrary to this provision.

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

162 **SECTION 13.** This act shall take effect and be in force from
163 and after July 1, 2020, and shall stand repealed June 30, 2020.

SS05\HB1726A.J

Eugene S. Clarke
Secretary of the Senate