

Senate Amendments to House Bill No. 1636

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, 2023, and ending June 30, 2024.....
10\$ 2,704,500.00.

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, 2023, and ending
15 June 30, 2024.....\$ 117,667,565.00.

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 HEADCOUNT:**

22 Permanent: 90

23 Time-Limited: 65

24 With the funds herein appropriated, it shall be the agency's
25 responsibility to make certain that funds required for Personal
26 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds
27 appropriated for that purpose unless programs or positions are
28 added to the agency's Fiscal Year 2024 budget by the Mississippi
29 Legislature. The Legislature shall determine the agency's
30 personal services appropriation, which shall be published by the
31 State Personnel Board. Additionally, the State Personnel Board
32 shall determine and publish the projected annualized payroll costs
33 based on current employees. It shall be the responsibility of the
34 agency head to ensure that actual personnel expenditures for
35 Fiscal Year 2024 do not exceed the data provided by the
36 Legislative Budget Office. If the agency's Fiscal Year 2024
37 projected cost exceeds the annualized costs, no salary actions
38 shall be processed by the State Personnel Board with the exception
39 of new hires that are determined to be essential for the agency.

40 Any transfers or escalations shall be made in accordance with
41 the terms, conditions and procedures established by law or
42 allowable under the terms set forth within this act. The State
43 Personnel Board shall not escalate positions without written
44 approval from the Department of Finance and Administration. The
45 Department of Finance and Administration shall not provide written
46 approval to escalate any funds for salaries and/or positions

47 without proof of availability of new or additional funds above the
48 appropriated level.

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52 act and which are withdrawn and no longer available.

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

57 Funds have been appropriated herein for the purpose of
58 funding Project SEC2 minimum salaries for all employees covered
59 under the Colonel Guy Groff/Neville Kenning Variable Compensation
60 Plan. It shall be the agency's responsibility to ensure that the
61 funds are used to increase all employees' salaries up to the
62 minimum level as determined by the State Personnel Board.

63 **SECTION 4.** It is the intention of the Legislature that the
64 Department of Marine Resources shall maintain complete accounting
65 and personnel records related to the expenditure of all funds
66 appropriated under this act and that such records shall be in the
67 same format and level of detail as maintained for Fiscal Year
68 2023. It is further the intention of the Legislature that the
69 agency's budget request for Fiscal Year 2025 shall be submitted to
70 the Joint Legislative Budget Committee in a format and level of
71 detail comparable to the format and level of detail provided
72 during the Fiscal Year 2024 budget request process.

73 **SECTION 5.** Each Marine Conservation Officer and Supervisor
74 shall be furnished an allowance for uniforms not to exceed Six
75 Hundred Dollars (\$600.00) per annum.

76 **SECTION 6.** In addition to all other sums heretofore
77 appropriated, the following sum, or so much thereof as may be
78 necessary, is hereby appropriated out of any money in the State
79 Treasury to the credit of the Tidelands Fund No. 3345200000 to the
80 Department of Marine Resources for the purpose of defraying the
81 expenses of the tidelands projects for the fiscal year beginning
82 July 1, 2023, and ending June 30, 2024.....\$ 12,455,247.00.

83 Of the funds appropriated within this section, One Million
84 Three Hundred Fifty-seven Thousand Five Hundred Forty-four Dollars
85 (\$1,357,544) shall be designated for bond repayment.

86 Department of Marine Resources Programs:

87 Total Public Access Projects	\$ 5,048,852.00
88 Total Management Projects	\$ 5,048,851.00
89 Prior Year Projects	\$ 1,000,000.00

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

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

99 subsequent fiscal year shall submit a proposal to the Department
100 of Marine Resources no later than July 1, 2023. All proposals
101 submitted will be reviewed and evaluated by the Department of
102 Marine Resources in accordance to department plans and procedures.
103 Multiphased projects, multiyear projects, proposed projects with
104 high dollar value and projects that have a record of stacking
105 funds shall be considered as low priority projects when evaluated.

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

111 **SECTION 7.** It is the intention of the Legislature that the
112 department shall place any special trust funds appropriated to the
113 department in a special trust fund and the interest earned on the
114 principal shall be credited to the special trust fund. Monies in
115 the fund at the end of the fiscal year shall be retained in the
116 special trust fund for use in the next succeeding fiscal year.
117 The department may use the interest earned on the fund to pay
118 reasonable costs for administering the fund and related projects.

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

123 **SECTION 9.** It is the intention of the Legislature for the
124 Department of Marine Resources and the Department of Environmental

125 Quality to continue with any agency partnerships, including grant
126 agreements, that provide environmental projects to restore
127 Mississippi's natural resources in the wake of the Deepwater
128 Horizon Oil Spill.

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

137 **SECTION 11.** Of the funds appropriated in Section 2, Forty-
138 seven Million Six Hundred Forty-one Thousand Two Hundred Seventy-
139 four Dollars (\$47,641,274.00) is provided for the funding of the
140 following Gulf of Mexico Energy Security Act (GOMESA) projects for
141 FY 2024:

142 (a) To assist the University of Southern
143 Mississippi with the Ocean Enterprise Project.....\$ 3,114,002.00

144 (b) To assist the City of Biloxi with the
145 East Biloxi Boardwalk sand re-nourishment.....\$ 894,380.00

146 (c) To assist the Department of Marine
147 Resources with the Coffee Creek Outfall.....\$ 367,638.00

148 (d) To assist the Department of Marine
149 Resources with the Coffee Creek water quality.....\$ 102,241.00

150 (e) To assist the Department of Marine

151	Resources with the Infinity Science Center.....\$	165,967.00
152	(f) To assist Jackson County Board of	
153	Supervisors with the Front Beach Erosion Control....\$	658,740.00
154	(g) To assist the Department of Marine	
155	Resources with GOMESA project management,	
156	development and mitigation.....\$	1,396,227.00
157	(h) To assist the Department of Marine	
158	Resources with artificial reef construction.....\$	744,054.00
159	(i) To assist the Department of Environmental	
160	Quality with water quality.....\$	985,054.00
161	(j) To assist the Department of Marine	
162	Resources with Bonnet Carre Response.....\$	161,132.00
163	(k) To assist Jackson County with a Watershed	
164	Development Plan.....\$	258,368.00
165	(l) To assist the City of Diamondhead with	
166	Marsh Erosion Prevention.....\$	495,000.00
167	(m) To assist the City of Pass Christian with	
168	Sanitary Sewer Pump Station Repairs.....\$	967,575.00
169	(n) To assist Hancock County with Atlantic	
170	Street Sewer Improvements.....\$	2,213,648.00
171	(o) To assist the City of Long Beach with	
172	Small Craft Harbor SE Bulkhead Improvements.....\$	2,188,000.00
173	(p) To assist the Kiln Utility District	
174	with the Jordan River Shores Sewer Force Main	
175	Relocation.....\$	392,378.00
176	(q) To assist the City of Biloxi with	

177	the Point Cadet Living Shoreline.....	\$	764,863.00
178	(r) To assist the Department of Marine		
179	Resources with MS Reef Fish Monitoring and		
180	Assessment.....	\$	70,789.00
181	(s) To assist Hancock County Utility		
182	Authority with Oak Harbor Sewer Improvements.....	\$	2,811,548.00
183	(t) To assist Hancock County Port and Harbor		
184	Commission with Port Bienville Conservation		
185	Management.....	\$	265,010.00
186	(u) To assist the City of Gautier with Water		
187	Quality and Infrastructure Sanitary Sewer.....	\$	2,869,000.00
188	(v) To assist the City of Pascagoula with		
189	Buena Vista Area Drainage.....	\$	498,277.00
190	(w) To assist the City of Pass Christian with		
191	Gravity Sewer System Improvements Phase I.....	\$	1,744,319.00
192	(x) To assist the City of Pascagoula with		
193	Point Park Pier Repair/Improvements.....	\$	347,351.00
194	(y) To assist the Department of Marine		
195	Resources with the Railroad Corner Beneficial		
196	Use Site.....	\$	114,530.00
197	(z) To assist the University of Southern		
198	Mississippi with collection of Fishery-Dependent		
199	information on Blue Crabs.....	\$	99,774.00
200	(aa) To assist the National Oceans and		
201	Applications Research Center with the Cat Island		
202	Baseline Inventory of Seagrass Habitat.....	\$	289,727.00

203 (bb) To assist the National Oceans and
204 Applications Research Center with the Inventory
205 Of Wetlands Habitats.....\$ 369,614.00

206 (cc) To assist the National Oceans and
207 Applications Research Center with the Pelican
208 Key Baseline Hydrographic Survey.....\$ 87,792.00

209 (dd) To assist Mississippi State University
210 with the Evaluation and Monitoring of Marine Mammal
211 and Sea Turtles after Bonnet Carre Spillway
212 Opening.....\$ 2,088,170.00

213 (ee) To assist the American Shrimp Processors
214 Association with the Shrimp Processors Feasibility
215 Study.....\$ 665,918.00

216 (ff) To assist the Jackson County Utility
217 Authority with Septic System Abatements.....\$ 1,800,000.00

218 (gg) To assist the University of Southern
219 Mississippi with the Mississippi Coastal Fishery
220 Resource Assessment.....\$ 381,000.00

221 (hh) To assist the Department of Marine
222 Resources with the Katrina Key Expansion.....\$ 430,000.00

223 (ii) To assist the Secretary of State with
224 the Broadwater Marina Restoration.....\$ 3,678,850.00

225 (jj) To assist the City of Pass Christian
226 with Sewer Pump Station Repairs.....\$ 366,335.00

227 (kk) To assist the City of Diamondhead
228 With Drainage, Flood Prevention and Water Quality

229 Improvements.....\$ 1,193,447.00
 230 (ll) To assist the Department of Marine
 231 Resources with the Bonnet Carre and Mid Breton
 232 Response.....\$ 802,931
 233 (mm) To assist the City of Ocean Springs
 234 with the Front Beach Pub Access and Storm Water
 235 Mitigation Improvements.....\$ 2,614,984.00
 236 (nn) To assist the City of Pass Christian
 237 with Phase II of the Gravity Sewer System
 238 Improvements.....\$ 4,594,986.00
 239 (oo) To assist the Department of Marine
 240 Resources with the Off Bottom Oyster Aquaculture....\$ 1,455,173.00
 241 (pp) To assist the Department of Marine
 242 Resources with the Pelican Key Beneficial
 243 Use Site.....\$ 348,220.00
 244 (qq) To assist the Department of Marine
 245 Resources with Phase II of the Katrina Key
 246 Expansion.....\$ 400,000.00
 247 (rr) To assist the Jackson County Board
 248 of Supervisors with the Pascagoula Beach Open
 249 Channel Outfalls.....\$ 1,339,000.00
 250 (ss) To assist the Department of Marine
 251 Resources with water testing for Seafood
 252 Consumption Safety.....\$ 45,262.00

253 **SECTION 12.** It is the intent of the Legislature that the
 254 Department of Marine Resources shall have the authority to expend

255 funds in an amount not to exceed Seventeen Million Dollars
256 (\$17,000,000.00) from funds for the Gulf of Mexico Energy Security
257 Act (GOMESA) that may become available to the agency in fiscal
258 year 2024 in accordance with the rules and regulations of the
259 Department of Finance and Administration in a manner consistent
260 with the escalation of federal funds.

261 **SECTION 13.** It is the intention of the Legislature that none
262 of the funds provided herein shall be used to pay certain
263 utilities for state furnished housing for any employees. Such
264 utilities shall include electricity, natural gas, butane, propane,
265 cable and phone services. Where actual cost cannot be determined,
266 the agency shall be required to provide meters to be in compliance
267 with legislative intent. Such state furnished housing shall
268 include single-family and multi-family residences but shall not
269 include any dormitory residences. Allowances for such utilities
270 shall be prohibited.

271 **SECTION 14.** It is the intention of the Legislature that the
272 funds herein appropriated shall be expended in compliance with
273 Section 27-104-25, Mississippi Code of 1972, that no state agency
274 shall incur obligations or indebtedness in excess of their
275 appropriation and that the responsible officers, either personally
276 or upon their official bonds, shall be held responsible for
277 actions contrary to this provision.

278 **SECTION 15.** With the funds appropriated herein, the
279 Department of Marine Resources is authorized to make payment for
280 expenses incurred during Fiscal Years 2020 and 2021 as follows:

281	Vendor	Amount	Invoice Date	Fiscal Year
282	Coastal Conservation Assoc.	\$3,175.50	4/16/2020	2020
283	City of Waveland	\$4,050.00	5/31/2020	2020
284	City of Long Beach	\$ 217.50	5/27/2021	2021
285	City of Long Beach	\$ 217.50	6/25/2021	2021
286	City of Long Beach	\$ 270.00	6/30/2021	2021

287 **SECTION 16.** The money herein appropriated shall be paid by
288 the State Treasurer out of any money in the State Treasury to the
289 credit of the proper fund or funds as set forth in this act, upon
290 warrants issued by the State Fiscal Officer; and the State Fiscal
291 Officer shall issue his warrants upon requisitions signed by the
292 proper person, officer or officers, in the manner provided by law.

293 **SECTION 17.** This act shall take effect and be in force from
294 and after July 1, 2023, and shall stand repealed June 29, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE DEPARTMENT OF MARINE RESOURCES FOR THE FISCAL
3 YEAR 2024.

SS15\HB1636A.J

Eugene S. Clarke
Secretary of the Senate