

Senate Amendments to House Bill No. 1412

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, 2021, and ending June 30, 2022.....
10\$ 1,015,569.00.

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, 2021, and ending
15 June 30, 2022.....\$ 47,944,907.00.

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..... | 87 |
| 23 | | Part Time..... | 0 |
| 24 | Time-Limited: | Full Time..... | 74 |
| 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 2023 do not
 32 exceed Fiscal Year 2022 funds appropriated for that purpose unless
 33 programs or positions are added to the agency's Fiscal Year 2022
 34 budget by the Mississippi Legislature. Based on data provided by
 35 the Legislative Budget Office, the State Personnel Board shall
 36 determine and publish the projected annual cost to fully fund all
 37 appropriated positions in compliance with the provisions of this
 38 act. Absent a special situation or circumstance approved by the
 39 State Personnel Board, or unless otherwise authorized by this act,
 40 no state agency shall take any action to promote or otherwise
 41 award salary increases through reallocation or realignment. If
 42 the State Personnel Board determines a special situation or
 43 circumstance exists and approves an action, then the agency and
 44 the State Personnel Board shall provide a monthly report of each
 45 action approved by the State Personnel Board to the chairmen of
 46 the Accountability, Efficiency and Transparency Committees of the
 47 Senate and House of Representatives and the chairmen of the

48 Appropriations Committees of the Senate and House of
49 Representatives. It shall be the responsibility of the agency
50 head to ensure that no single personnel action increases this
51 projected annual cost and/or the Fiscal Year 2022 appropriations
52 for "Personal Services" when annualized, with the exception of
53 escalated funds and the award of benchmarks. If, at the time the
54 agency takes any action to change "Personal Services," the State
55 Personnel Board determines that the agency has taken an action
56 which would cause the agency to exceed this projected annual cost
57 or the Fiscal Year 2022 "Personal Services" appropriated level,
58 when annualized, then only those actions which reduce the
59 projected annual cost and/or the appropriation requirement will be
60 processed by the State Personnel Board until such time as the
61 requirements of this provision are met.

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

71 No general funds authorized to be expended herein shall be
72 used to replace federal funds and/or other special funds which are

73 being used for salaries authorized under the provisions of this
74 act and which are withdrawn and no longer available.

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

79 **SECTION 4.** It is the intention of the Legislature that the
80 Department of Marine Resources shall maintain complete accounting
81 and personnel records related to the expenditure of all funds
82 appropriated under this act and that such records shall be in the
83 same format and level of detail as maintained for Fiscal Year
84 2021. It is further the intention of the Legislature that the
85 agency's budget request for Fiscal Year 2023 shall be submitted to
86 the Joint Legislative Budget Committee in a format and level of
87 detail comparable to the format and level of detail provided
88 during the Fiscal Year 2022 budget request process.

89 **SECTION 5.** In addition to all other sums heretofore
90 appropriated, the following sum, or so much thereof as may be
91 necessary, is hereby appropriated out of any money in the State
92 Treasury to the credit of the Tidelands Fund No. 3345200000 to the
93 Department of Marine Resources for the purpose of defraying the
94 expenses of the tidelands projects for the fiscal year beginning
95 July 1, 2021, and ending June 30, 2022.....\$ 7,349,277.00.

96 Of the funds appropriated within this section, One Million
97 Two Hundred Dollars (\$1,200,000.00) shall be designated for bond
98 repayment.

| | | |
|-----|------------------------------------|-----------------|
| 99 | Total Public Access Projects | \$ 3,074,638.00 |
| 100 | Total Management Projects | \$ 3,074,639.00 |
| 101 | Bond Repayment | \$ 1,200,000.00 |
| 102 | Total Tidelands Funds: | \$ 7,349,277.00 |

103 Each political subdivision receiving funds authorized in this
104 section shall be held responsible for complying with Section
105 29-15-9, Mississippi Code of 1972, and shall be subject to an
106 audit by the State Auditor and shall submit detailed reports
107 beginning June 30, and every six (6) months thereafter for the
108 duration of the project to the Department of Marine Resources on
109 how funds authorized in this section were expended.

110 It is the intention of the Legislature that any political
111 subdivision seeking to qualify for tidelands funds for the
112 subsequent fiscal year shall submit a proposal to the Department
113 of Marine Resources no later than July 1, 2021. All proposals
114 submitted will be reviewed and evaluated by the Department of
115 Marine Resources in accordance to department plans and procedures.
116 Multiphased projects, multiyear projects, proposed projects with
117 high dollar value and projects that have a record of stacking
118 funds shall be considered as low priority projects when evaluated.

119 It is the intention of the Legislature that if the amount of
120 the tidelands funds appropriated in this act exceed the actual
121 amount of tidelands funds available, the available funds shall be
122 allocated on a pro rata basis between projects listed in this
123 section.

124 **SECTION 6.** It is the intention of the Legislature that the
125 department shall place any special trust funds appropriated to the
126 department in a special trust fund and the interest earned on the
127 principal shall be credited to the special trust fund. Monies in
128 the fund at the end of the fiscal year shall be retained in the
129 special trust fund for use in the next succeeding fiscal year.
130 The department may use the interest earned on the fund to pay
131 reasonable costs for administering the fund and related projects.

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

136 **SECTION 8.** It is the intention of the Legislature that the
137 Department of Marine Resources is hereby authorized to pay
138 invoices submitted by the City of Long Beach, MS for reimbursement
139 for prior fiscal year projects in an amount not to exceed Five
140 Thousand Seven Hundred Fifty Dollars (\$5,750.00).

141 **SECTION 9.** It is the intention of the Legislature for the
142 Department of Marine Resources and the Department of Environmental
143 Quality to continue with any agency partnerships, including grant
144 agreements, that provide environmental projects to restore
145 Mississippi's natural resources in the wake of the Deepwater
146 Horizon Oil Spill.

147 **SECTION 10.** It is the intention of the Legislature that
148 whenever two (2) or more bids are received by this agency for the
149 purchase of commodities or equipment, and whenever all things

150 stated in such received bids are equal with respect to price,
151 quality and service, the Mississippi Industries for the Blind
152 shall be given preference. A similar preference shall be given to
153 the Mississippi Industries for the Blind whenever purchases are
154 made without competitive bids.

155 **SECTION 11.** Of the funds appropriated in Section 2,
156 Twenty-seven Million Forty-eight Thousand Four Hundred Ninety-four
157 Dollars (\$27,048,494.00) is provided for the funding of the
158 following Gulf of Mexico Energy Security Act (GOMESA) prior year
159 projects for FY 2022:

- 160 (a) To assist the City of Gulfport with
161 the Mississippi Aquarium.....\$1,636,691.00
- 162 (b) To assist the University of Southern
163 Mississippi with the Ocean Enterprise
164 Project.....\$5,775,410.00
- 165 (c) To assist the Audubon of Mississippi
166 through the Department of Marine Resources
167 for the Audubon Mississippi Coastal
168 Conservation project.....\$223,215.00
- 169 (d) To assist the City of Biloxi with
170 the East Biloxi Boardwalk.....\$1,934,904.00
- 171 (e) To assist the City of Biloxi with the
172 East Biloxi Boardwalk sand re-nourishment.....\$1,000,000.00
- 173 (f) To assist the Department of Marine
174 Resources with the Coffee Creek outfall.....\$1,791,970.00
- 175 (g) To assist the Department of Marine

176 Resources with the Coffee Creek water
 177 quality.....\$822,768.00
 178 (h) To assist the Department of Wildlife,
 179 Fisheries and Parks with the Buccaneer
 180 State Park.....\$2,000,000.00
 181 (i) To assist the City of Biloxi with the
 182 Bayview Avenue Boardwalk.....\$2,653,140.00
 183 (j) To assist the City of Bay St. Louis
 184 with the Ward 6 Boat Launch, Public Water
 185 Access and Restroom Facility.....\$254,865.00
 186 (k) To assist Harrison County with the
 187 Sea Oats and Sand Dunes Creation.....\$105,000.00
 188 (l) To assist the Department of Marine
 189 Resources with the Infinity Science Center.....\$619,018.00
 190 (m) To assist Mississippi State University
 191 with the IMMS Evaluation Study.....\$956,655.00
 192 (n) To assist Jackson County Board
 193 of Supervisors with the Front Beach
 194 Erosion Control.....\$1,773,137.00
 195 (o) To assist the University of Southern
 196 Mississippi with the Aquaculture Depth
 197 Control Unit.....\$98,966.00
 198 (p) To assist the Department of Marine
 199 Resources with GOMESA project management,
 200 development and mitigation.....\$273,147.00
 201 (q) To assist the Department of Marine

202 Resources with an oyster plant.....\$2,000,000.00
 203 (r) To assist the Department of Marine
 204 Resources with the Shellfish Water Quality
 205 Testing.....\$95,000.00
 206 (s) To assist the Department of Marine
 207 Resources with artificial reef Construction.....\$999,966.00
 208 (t) To assist the Department of Marine
 209 Resources with water testing for safety
 210 of seafood consumption.....\$45,262.00
 211 (u) To assist the Department of Marine
 212 Resources with the oyster clutch.....\$503,384.00
 213 (v) To assist the Department of Environmental
 214 Quality with water quality.....\$998,246.00
 215 (w) To assist Hancock County with Water
 216 Sewer Force Crossing.....\$487,750.00

217 **SECTION 12.** It is the intent of the Legislature that the
 218 Department of Marine Resources shall have the authority to expend
 219 funds in an amount not to exceed Ten Million Dollars
 220 (\$10,000,000.00) from funds for the Gulf of Mexico Energy Security
 221 Act (GOMESA) that may become available to the agency in fiscal
 222 year 2022 in accordance with the rules and regulations of the
 223 Department of Finance and Administration in a manner consistent
 224 with the escalation of federal funds.

225 **SECTION 13.** It is the intent of the Legislature that during
 226 the 2021 Regular Session, all new Gulf of Mexico Energy Security
 227 Act (GOMESA) projects for FY 2022 will be listed and appropriated

228 by the Legislature in consultation with the Department of Marine
229 Resources and the Office of the Governor for a total amount not to
230 exceed Ten Million Dollars (\$10,000,000.00).

231 **SECTION 14.** It is the intention of the Legislature that none
232 of the funds provided herein shall be used to pay certain
233 utilities for state furnished housing for any employees. Such
234 utilities shall include electricity, natural gas, butane, propane,
235 cable and phone services. Where actual cost cannot be determined,
236 the agency shall be required to provide meters to be in compliance
237 with legislative intent. Such state furnished housing shall
238 include single-family and multi-family residences but shall not
239 include any dormitory residences. Allowances for such utilities
240 shall be prohibited.

241 **SECTION 15.** It is the intention of the Legislature that the
242 funds herein appropriated shall be expended in compliance with
243 Section 27-104-25, Mississippi Code of 1972, that no state agency
244 shall incur obligations or indebtedness in excess of their
245 appropriation and that the responsible officers, either personally
246 or upon their official bonds, shall be held responsible for
247 actions contrary to this provision.

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

254 **SECTION 17.** This act shall take effect and be in force from
255 and after July 1, 2021, and shall stand repealed June 29, 2021.

**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 2022.

SS15\HB1412A.J

Eugene S. Clarke
Secretary of the Senate