

**\*\*\*Adopted\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1620**

**By Senator(s) Committee**

**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 hereby appropriated out of any money in the State  
7 General Fund not otherwise appropriated, for the support and  
8 maintenance of the Department of Environmental Quality for the  
9 fiscal year beginning July 1, 2001, and ending June 30, 2002.....  
10 ..... \$     15,122,129.00.

11           SECTION 2. The following sum, or so much thereof as may be  
12 necessary, is hereby appropriated out of any money in any special  
13 fund in the State Treasury to the credit of the Department of  
14 Environmental Quality which is comprised of special source funds  
15 collected by or otherwise available to the department, for the  
16 support of the various offices of the department for the fiscal  
17 year beginning July 1, 2001, and ending June 30, 2002.....  
18 ..... \$     98,214,806.00.

19           SECTION 3. Of the funds appropriated under the provisions of  
20 Sections 1 and 2, not more than the amounts set forth below shall  
21 be expended for the respective major objects or purposes of

22 expenditure:

23 ENVIRONMENTAL QUALITY - CONSOLIDATED

24 MAJOR OBJECTS OF EXPENDITURE:

25 Personal Services:

26 Salaries, Wages and Fringe Benefits.. \$ 23,596,556.00

27 Travel and Subsistence..... 626,826.00

28 Contractual Services..... 12,958,866.00

29 Commodities..... 1,075,084.00

30 Capital Outlay:

31 Other Than Equipment..... 0.00

32 Equipment..... 1,161,231.00

33 Subsidies, Loans and Grants..... 73,918,372.00

34 Total..... \$ 113,336,935.00

35 FUNDING:

36 General Funds..... \$ 15,122,129.00

37 Special Funds..... 98,214,806.00

38 Total..... \$ 113,336,935.00

39 AUTHORIZED POSITIONS:

40 Permanent: Full Time..... 301

41 Part Time..... 0

42 Time-Limited: Full Time..... 205

43 Part Time..... 0

44 With the funds herein appropriated, it is the intention of  
45 the Legislature that it shall be the agency's responsibility to  
46 make certain that funds required to be appropriated for "Personal  
47 Services" for Fiscal Year 2003 do not exceed Fiscal Year 2002  
48 funds appropriated for that purpose, unless programs or positions  
49 are added to the agency's Fiscal Year 2003 budget by the  
50 Mississippi Legislature. Based on data provided by the  
51 Legislative Budget Office, the State Personnel Board shall

52 determine and publish the projected annual cost to fully fund all  
53 appropriated positions in compliance with the provisions of this  
54 act. It shall be the responsibility of the agency head to insure  
55 that no single personnel action increases this projected annual  
56 cost and/or the Fiscal Year 2002 appropriation for "Personal  
57 Services" when annualized. If, at the end of any calendar month,  
58 the State Personnel Board determines that the agency has taken  
59 action(s) which would cause the agency to exceed this projected  
60 annual cost or the Fiscal Year 2002 "Personal Services"  
61 appropriated level, when annualized, then only those actions which  
62 reduce the projected annual cost and/or the appropriation  
63 requirement will be processed by the State Personnel Board until  
64 such time as the requirements of this provision are met.

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

69 Unless expressly authorized herein by the Legislature, no  
70 funds appropriated shall be expended to pay expenses incurred by  
71 more than four (4) employees or other representatives of the  
72 agency for attending the same conference, seminar or workshop,  
73 either in-state or out-of-state; however, such funds may be  
74 expended for expenses incurred by more than four (4) employees or  
75 other representatives for attendance at the same conference,  
76 seminar or workshop (a) if attendance is required in order to  
77 maintain professional certification or licensure, which  
78 certification or licensure is required by the employees' job  
79 descriptions or by law, or (b) if such expenditure has received  
80 the prior written approval of the Department of Finance and  
81 Administration.

82 SECTION 4. It is the intent of the Legislature that the  
83 Department of Environmental Quality shall have authority to  
84 escalate the various budgets in both funds and positions, with the  
85 approval of the State Fiscal Officer, from any special funds  
86 collected or available, in the current fiscal year or any prior  
87 fiscal year, not to exceed Five Million Dollars (\$5,000,000.00),  
88 to the agency for expenditure. Upon such approval, the Department  
89 of Environmental Quality may expend such funds in the manner  
90 authorized by law.

91 The Executive Director of the Department of Environmental  
92 Quality shall submit to the Department of Finance and  
93 Administration a certified statement providing a detailed  
94 explanation for any escalation, including a justification for the  
95 establishment of any new positions or reclassification of existing  
96 positions and the existence of any required matching funds for  
97 those positions, and an assessment of the impact on the agency's  
98 general fund budget for the three (3) fiscal years following the  
99 fiscal year in which the escalation is requested.

100 SECTION 5. It shall be unlawful for any officer, employee or  
101 other person whatsoever to use or permit or authorize the use of  
102 any automobile or any other motor vehicle owned by the State of  
103 Mississippi or any department, agency or institution thereof for  
104 any purpose other than upon the official business of the State of  
105 Mississippi or any agency, department or institution thereof.

106 It is the intent of the Legislature that motor vehicles  
107 authorized to be owned and operated by this agency shall comply  
108 with Sections 25-1-77 through 25-1-93, Mississippi Code of 1972.

109 SECTION 6. In compliance with the "Mississippi Performance  
110 Budget and Strategic Planning Act of 1994," it is the intent of  
111 the Legislature that the funds provided herein shall be utilized

112 in the most efficient and effective manner possible to achieve the  
 113 intended mission of this agency. Based on the funding authorized,  
 114 this agency shall make every effort to attain the targeted  
 115 performance measures provided below:

116		FY02
117	<u>Performance Measures</u>	<u>Target</u>
118	Pollution Control	
119	Air-Compliance Assurance Activities (Actions)	1,730
120	Air-Permits Issued (Permits)	319
121	Asbestos-Persons Certified (Persons)	1,100
122	RCRA-Inspections (Actions)	141
123	RCRA-Permit Actions Taken (Actions)	4
124	Wst Tires-Compliance Assurance (Actions)	415
125	Sld Waste-Pemits Processed (Permits)	100
126	SRF Water-Inspections (Sites)	2,585
127	SRF Water-NPDES Permits Issued (Permits)	236
128	SRF Admin-Fed/State Match Funds (Percent)	90
129	Construction Grants	
130	Federal/State Match Funds Awarded (Percent)	90
131	Recipient Compliance with Loan Agreement	90
132	Land & Water	
133	Water Levels Measured (Actions)	1,100
134	Test/Data Collection Wells	1,650
135	Water Withdrawal Permits Issued	4,000
136	Driller Licenses Issued	200
137	Dams Inspected	120
138	Geology	
139	Leases/Permits Issued	1
140	Quadrangles Mapped (Sites)	10
141	Test Holes Drilled	15

142 Mines Inspected 1,450

143 A reporting of the degree to which the performance targets  
144 set above have been or are being achieved shall be provided in the  
145 agency's budget request submitted to the Joint Legislative Budget  
146 Committee for Fiscal Year 2003.

147 SECTION 7. Of the funds appropriated in Section 2 and  
148 allocated in Section 3, an amount no greater than Three Hundred  
149 Twenty Thousand Dollars (\$320,000.00) shall be derived from the  
150 Pollution Emergency Fund within the Pollution Operating Fund and  
151 shall be transferred to the Department of Finance and  
152 Administration.

153 SECTION 8. Of the funds appropriated in Section 2 and  
154 allocated in Section 3, an amount no greater than One Hundred  
155 Fifty Thousand Dollars (\$150,000.00) shall be derived from the  
156 Pollution Emergency Fund within the Pollution Operating Fund for  
157 transfer to the Department of Environmental Quality - Office of  
158 Administrative Services for support of Legal Division  
159 environmental protection activities.

160 SECTION 9. The Department of Environmental Quality (DEQ) may  
161 request that the Mississippi Development Authority (MDA) staff  
162 shall provide an economic viability assessment for any complete  
163 application or group of related complete applications submitted to  
164 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be  
165 required to devote extraordinary effort to process the application  
166 or group of related applications within the one hundred and eighty  
167 (180) days required by Section 49-17-29(3)(c). For purposes of  
168 this paragraph, "extraordinary effort" means the constant  
169 dedication of more than three (3) full-time equivalent positions  
170 for a period of at least one hundred eighty (180) days. The  
171 economic viability assessment shall include, but not be limited

172 to: (i) An analysis of the current and future market viability  
173 of the project concerning which application(s) has been made to  
174 DEQ; and (ii) an analysis of the applicant's economic ability to  
175 construct, develop, maintain and operate the project as described  
176 in the application(s) submitted to DEQ. If the economic viability  
177 assessment concludes that the project is not economically viable  
178 for any reason, DEQ shall suspend processing the permit  
179 application(s), notwithstanding the provisions of Section  
180 49-17-29(3)(c). Within thirty (30) days of the decision of MDA  
181 staff, the permit applicant may present any additional information  
182 on its behalf to the Executive Director of MDA, and the Executive  
183 Director shall review the MDA staff assessment. If additional  
184 information is received in writing from the applicant, the  
185 Executive Director of MDA shall make a decision in review of the  
186 MDA staff decision within sixty (60) days of the staff decision,  
187 and the decision of the Executive Director of MDA shall be the  
188 final administrative action of MDA in the matter.

189 SECTION 10. It is the intention of the Legislature that the  
190 Executive Director of the Department of Environmental Quality may  
191 authorize increases in major objects of expenditure in total  
192 amounts not to exceed twenty-five percent (25%) of the  
193 appropriated amount of each major object of expenditure, provided  
194 that other major objects of expenditure are decreased by a  
195 corresponding dollar amount. However, no transfers shall be  
196 authorized which increase the major object of expenditure  
197 "Salaries, Wages and Fringe Benefits."

198 SECTION 11. The following sum, or so much thereof as may be  
199 necessary, is hereby reappropriated out of any money in the State  
200 General Fund not otherwise appropriated, to the Department of  
201 Environmental Quality for the purpose of reauthorizing the

202 expenditure of State General Funds, as authorized in Senate Bill  
203 No. 2531, Regular Session of 2000, for the fiscal year beginning  
204 July 1, 2001, and ending June 30, 2002.....\$ 400,000.00.

205 Notwithstanding the amount reappropriated under the  
206 provisions of this section, in no event shall the amount expended  
207 exceed the unexpended balance as of June 30, 2001.

208 SECTION 12. The money herein appropriated shall be paid by  
209 the State Treasurer out of any money in the State Treasury to the  
210 credit of the proper fund or funds as set forth in this act, upon  
211 warrants issued by the State Fiscal Officer; and the State Fiscal  
212 Officer shall issue his warrants upon requisitions signed by the  
213 proper person, officer or officers, in the manner provided by law.

214 SECTION 13. This act shall take effect and be in force from  
215 and after July 1, 2001.