

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

House Bill NO. 1789

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, 2002, and ending June 30, 2003.....
10 \$ 13,982,565.00.

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, 2002, and ending June 30, 2003.....
18 \$ 104,709,446.00.

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..	\$	25,223,710.00
27	Travel and Subsistence.....		761,294.00
28	Contractual Services.....		18,372,032.00
29	Commodities.....		1,132,389.00
30	Capital Outlay:		
31	Other Than Equipment.....		0.00
32	Equipment.....		610,265.00
33	Subsidies, Loans and Grants.....		<u>72,592,321.00</u>
34	Total.....	\$	118,692,011.00

35	FUNDING:		
36	General Funds.....	\$	13,982,565.00
37	Special Funds.....		<u>104,709,446.00</u>
38	Total.....	\$	118,692,011.00

39	AUTHORIZED POSITIONS:		
40	Permanent: Full Time.....		304
41	Part Time.....		0
42	Time-Limited: Full Time.....		226
43	Part Time.....		0

44 Funds are provided herein to adjust the Variable Compensation
45 Plan to ensure that all full-time employees receive a pay increase
46 equal to fifty percent (50%) of the realignment component of the
47 Variable Compensation Plan or Six Hundred Dollars (\$600.00),
48 whichever is greater, beginning on January 1, 2003.

49 With the funds herein appropriated, it is the intention of
50 the Legislature that it shall be the agency's responsibility to
51 make certain that funds required to be appropriated for "Personal
52 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003
53 funds appropriated for that purpose, unless programs, positions or
54 pay increases are added to the agency's budget by the Mississippi
55 Legislature. Based on data provided by the Legislative Budget
56 Office, the State Personnel Board shall, on July 1, 2002, publish
57 separate annual projection reports, based on July 1, 2002 data,
58 for the period of July 1, 2002 through December 31, 2002, and
59 January 1, 2003 through June 30, 2003, that project the annual

60 cost to fully fund all appropriated positions in compliance with
61 the provisions of this act. It shall be the responsibility of the
62 agency head to ensure that no single personnel action increases
63 this projected cost and/or the Fiscal Year 2003 appropriation for
64 "Personal Services," as annualized on a semi-annual basis in
65 accordance with the provisions of this act. If, at the end of any
66 calendar month, the State Personnel Board determines that the
67 agency has taken action(s) which would cause the agency to exceed
68 this projected annual cost or the Fiscal Year 2003 "Personal
69 Services" appropriated level, when annualized in compliance with
70 the provisions of this act, then only those actions which reduce
71 the projected annual cost and/or the appropriation requirement
72 will be processed by the State Personnel Board until such time as
73 the requirements of this provision are met.

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

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

91 **SECTION 4.** It is the intent of the Legislature that the
92 Department of Environmental Quality shall have authority to
93 escalate the various budgets in both funds and positions, with the
94 approval of the State Fiscal Officer, from any special funds

95 collected or available, in the current fiscal year or any prior
96 fiscal year, not to exceed Five Million Dollars (\$5,000,000.00),
97 to the agency for expenditure. Upon such approval, the Department
98 of Environmental Quality may expend such funds in the manner
99 authorized by law.

100 The Executive Director of the Department of Environmental
101 Quality shall submit to the Department of Finance and
102 Administration a certified statement providing a detailed
103 explanation for any escalation, including a justification for the
104 establishment of any new positions or reclassification of existing
105 positions and the existence of any required matching funds for
106 those positions, and an assessment of the impact on the agency's
107 general fund budget for the three (3) fiscal years following the
108 fiscal year in which the escalation is requested.

109 **SECTION 5.** It shall be unlawful for any officer, employee or
110 other person whatsoever to use or permit or authorize the use of
111 any automobile or any other motor vehicle owned by the State of
112 Mississippi or any department, agency or institution thereof for
113 any purpose other than upon the official business of the State of
114 Mississippi or any agency, department or institution thereof.

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

118 **SECTION 6.** In compliance with the "Mississippi Performance
119 Budget and Strategic Planning Act of 1994," it is the intent of
120 the Legislature that the funds provided herein shall be utilized
121 in the most efficient and effective manner possible to achieve the
122 intended mission of this agency. Based on the funding authorized,
123 this agency shall make every effort to attain the targeted
124 performance measures provided below:

	FY2003
<u>Performance Measures</u>	<u>Target</u>
Pollution Control	
Air-Compliance Assurance Activities (Actions)	1,730
Air-Permits Issued (Permits)	319

130	Asbestos-Persons Certified (Persons)	1,100
131	RCRA-Inspections (Actions)	141
132	RCRA-Permit Actions Taken (Actions)	4
133	Wst Tires-Compliance Assurance (Actions)	415
134	Sld Waste-Permits Processed (Permits)	100
135	SRF Water-Inspections (Sites)	2,585
136	SRF Water-NPDES Permits Issued (Permits)	236
137	SRF Admin-Fed/State Match Funds (Percent)	90
138	Construction Grants	
139	Federal/State Match Funds Awarded (Percent)	90
140	Recipient Compliance with Loan Agreement	90
141	Land & Water	
142	Water Levels Measured (Actions)	250
143	Test/Data Collection Wells	3,900
144	Water Withdrawal Permits Issued	3,600
145	Driller Licenses Issued	175
146	Dams Inspected	100
147	Geology	
148	Leases/Permits Issued	3
149	Quadrangles Mapped (Sites)	12
150	Test Holes Drilled	24
151	Mines Inspected	1,250

152 A reporting of the degree to which the performance targets
153 set above have been or are being achieved shall be provided in the
154 agency's budget request submitted to the Joint Legislative Budget
155 Committee for Fiscal Year 2004.

156 **SECTION 7.** Of the funds appropriated in Section 2 and
157 allocated in Section 3, an amount no greater than Three Hundred
158 Twenty Thousand Dollars (\$320,000.00) shall be derived from the
159 Pollution Emergency Fund within the Pollution Operating Fund and
160 shall be transferred to the Department of Finance and
161 Administration.

162 **SECTION 8.** Of the funds appropriated in Section 2 and
163 allocated in Section 3, an amount no greater than One Hundred
164 Fifty Thousand Dollars (\$150,000.00) shall be derived from the

165 Pollution Emergency Fund within the Pollution Operating Fund for
166 transfer to the Department of Environmental Quality - Office of
167 Administrative Services for support of Legal Division
168 environmental protection activities.

169 **SECTION 9.** The Department of Environmental Quality (DEQ) may
170 request that the Mississippi Development Authority (MDA) staff
171 shall provide an economic viability assessment for any complete
172 application or group of related complete applications submitted to
173 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be
174 required to devote extraordinary effort to process the application
175 or group of related applications within the one hundred and eighty
176 (180) days required by Section 49-17-29(3)(c). For purposes of
177 this paragraph, "extraordinary effort" means the constant
178 dedication of more than three (3) full-time equivalent positions
179 for a period of at least one hundred eighty (180) days. The
180 economic viability assessment shall include, but not be limited
181 to: (i) An analysis of the current and future market viability
182 of the project concerning which application(s) has been made to
183 DEQ; and (ii) an analysis of the applicant's economic ability to
184 construct, develop, maintain and operate the project as described
185 in the application(s) submitted to DEQ. If the economic viability
186 assessment concludes that the project is not economically viable
187 for any reason, DEQ shall suspend processing the permit
188 application(s), notwithstanding the provisions of Section
189 49-17-29(3)(c). Within thirty (30) days of the decision of MDA
190 staff, the permit applicant may present any additional information
191 on its behalf to the Executive Director of MDA, and the Executive
192 Director shall review the MDA staff assessment. If additional
193 information is received in writing from the applicant, the
194 Executive Director of MDA shall make a decision in review of the
195 MDA staff decision within sixty (60) days of the staff decision,
196 and the decision of the Executive Director of MDA shall be the
197 final administrative action of MDA in the matter.

198 **SECTION 10.** It is the intention of the Legislature that the
199 Executive Director of the Department of Environmental Quality may

200 authorize increases in major objects of expenditure in total
201 amounts not to exceed twenty-five percent (25%) of the
202 appropriated amount of each major object of expenditure, provided
203 that other major objects of expenditure are decreased by a
204 corresponding dollar amount. However, no transfers shall be
205 authorized which increase the major object of expenditure
206 "Salaries, Wages and Fringe Benefits."

207 **SECTION 11.** The money herein appropriated shall be paid by
208 the State Treasurer out of any money in the State Treasury to the
209 credit of the proper fund or funds as set forth in this act, upon
210 warrants issued by the State Fiscal Officer; and the State Fiscal
211 Officer shall issue his warrants upon requisitions signed by the
212 proper person, officer or officers, in the manner provided by law.

213 **SECTION 12.** This act shall take effect and be in force from
214 and after July 1, 2002.