

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

House Bill NO. 1554

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, 2003, and ending June 30, 2004.....
10 \$ 12,350,192.00.

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, 2003, and ending June 30, 2004.....
18 \$ 120,571,148.00.

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..	\$	27,081,653.00
27	Travel and Subsistence.....		700,000.00
28	Contractual Services.....		21,228,489.00
29	Commodities.....		1,008,800.00
30	Capital Outlay:		
31	Other Than Equipment.....		0.00
32	Equipment.....		489,025.00
33	Subsidies, Loans and Grants.....		<u>82,413,373.00</u>
34	Total.....	\$	132,921,340.00

35	FUNDING:		
36	General Funds.....	\$	12,350,192.00
37	Special Funds.....		<u>120,571,148.00</u>
38	Total.....	\$	132,921,340.00

39	AUTHORIZED POSITIONS:		
40	Permanent: Full Time.....		299
41	Part Time.....		0
42	Time-Limited: Full Time.....		219
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 2005 do not exceed Fiscal Year 2004
48 funds appropriated for that purpose, unless programs or positions
49 are added to the agency's Fiscal Year 2005 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 2004 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 2004 "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.** Of the funds appropriated in Section 2 and
110 allocated in Section 3, an amount no greater than Three Hundred
111 Twenty Thousand Dollars (\$320,000.00) shall be derived from the
112 Pollution Emergency Fund within the Pollution Operating Fund and
113 shall be transferred to the Department of Finance and
114 Administration.

115 **SECTION 7.** Of the funds appropriated in Section 2 and
116 allocated in Section 3, an amount no greater than One Hundred
117 Fifty Thousand Dollars (\$150,000.00) shall be derived from the
118 Pollution Emergency Fund within the Pollution Operating Fund for
119 transfer to the Department of Environmental Quality - Office of
120 Administrative Services for support of Legal Division
121 environmental protection activities.

122 **SECTION 8.** The Department of Environmental Quality (DEQ) may
123 request that the Mississippi Development Authority (MDA) staff
124 shall provide an economic viability assessment for any complete
125 application or group of related complete applications submitted to
126 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be
127 required to devote extraordinary effort to process the application
128 or group of related applications within the one hundred and eighty
129 (180) days required by Section 49-17-29(3)(c). For purposes of

130 this paragraph, "extraordinary effort" means the constant
131 dedication of more than three (3) full-time equivalent positions
132 for a period of at least one hundred eighty (180) days. The
133 economic viability assessment shall include, but not be limited
134 to: (i) An analysis of the current and future market viability
135 of the project concerning which application(s) has been made to
136 DEQ; and (ii) an analysis of the applicant's economic ability to
137 construct, develop, maintain and operate the project as described
138 in the application(s) submitted to DEQ. If the economic viability
139 assessment concludes that the project is not economically viable
140 for any reason, DEQ shall suspend processing the permit
141 application(s), notwithstanding the provisions of Section
142 49-17-29(3)(c). Within thirty (30) days of the decision of MDA
143 staff, the permit applicant may present any additional information
144 on its behalf to the Executive Director of MDA, and the Executive
145 Director shall review the MDA staff assessment. If additional
146 information is received in writing from the applicant, the
147 Executive Director of MDA shall make a decision in review of the
148 MDA staff decision within sixty (60) days of the staff decision,
149 and the decision of the Executive Director of MDA shall be the
150 final administrative action of MDA in the matter. Within thirty
151 (30) days of the final decision of MDA staff, the Executive
152 Director of MDA shall make a report of such final decisions to the
153 Chairmen of the Committees on Appropriations, Economic
154 Development, Tourism and Parks, and Environmental Protection,
155 Conservation and Water Resources in the Senate, and to the
156 Chairmen of the Committees on Appropriations, Conservation and
157 Water Resources in the House of Representatives.

158 **SECTION 9.** It is the intention of the Legislature that the
159 Executive Director of the Department of Environmental Quality may
160 authorize increases in major objects of expenditure in total
161 amounts not to exceed twenty-five percent (25%) of the
162 appropriated amount of each major object of expenditure, provided
163 that other major objects of expenditure are decreased by a
164 corresponding dollar amount. However, no transfers shall be

165 authorized which increase the major object of expenditure
166 "Salaries, Wages and Fringe Benefits."

167 **SECTION 10.** It is the intention of the Legislature that the
168 Department of Environmental Quality shall be the coordinator for
169 all Remote Sensing and Geographic Information Systems within the
170 state, and as such, the lead agency for the State of Mississippi
171 directed to continue the development and coordination of a Digital
172 Land Base Computer Model of the State of Mississippi (MDEM).

173 **SECTION 11.** Of the funds appropriated in Section 2 and
174 allocated in Section 3, an amount no greater than Fifty Thousand
175 Dollars (\$50,000.00) shall be derived from the Pollution Emergency
176 Fund within the Pollution Operating Fund for transfer to the
177 Department of Environmental Quality - Office of Pollution Control
178 for support of the Household Hazardous Waste Collection Grants
179 Program.

180 **SECTION 12.** With the funds appropriated herein, the
181 Department of Environmental Quality is authorized to make payment
182 for expenses incurred during previous fiscal years as follows:

<u>Vendor</u>	<u>Fiscal Year</u>	<u>Amount</u>
184 Malcolm Pirnie, Inc.	1998	\$ 3,600.00
185 Overnite Freight Company	1998	\$ 92.96
186 Cottman Transmission	2001	\$ 1,794.80

187 **SECTION 13.** In compliance with the "Mississippi Performance
188 Budget and Strategic Planning Act of 1994," it is the intent of
189 the Legislature that the funds provided herein shall be utilized
190 in the most efficient and effective manner possible to achieve the
191 intended mission of this agency. Based on the funding authorized,
192 this agency shall make every effort to attain the targeted
193 performance measures provided below:

	FY2004
<u>Performance Measures</u>	<u>Target</u>
196 Pollution Control	
197 Air-Compliance Assurance Activities (Actions)	1,325
198 Air-Permits Issued (Permits)	340
199 Asbestos-Persons Certified (Persons)	1,200

200	RCRA-Inspections (Actions)	145
201	RCRA-Permit Actions Taken (Actions)	4
202	Wst Tires-Compliance Assurance (Actions)	455
203	Sld Waste-Permits Processed (Permits)	75
204	SRF Water-Inspections (Sites)	2,200
205	SRF Water-NPDES Permits Issued (Permits)	250
206	SRF Admin-Fed/State Match Funds (Percent)	90
207	Construction Grants	
208	Federal/State Match Funds Awarded (Percent)	90
209	Recipient Compliance with Loan Agreement	90
210	Land and Water	
211	Water Levels Measured (Actions)	1,000
212	Test/Data Collection Wells	2,000
213	Water Withdrawal Permits Issued	1,500
214	Driller Licenses Issued	200
215	Dams Inspected	150
216	Geology	
217	Leases/Permits Issued	1
218	Quadrangles Mapped (Sites)	12
219	Test Holes Drilled	15
220	Mines Inspected	1,250

221 A reporting of the degree to which the performance targets
222 set above have been or are being achieved shall be provided in the
223 agency's budget request submitted to the Joint Legislative Budget
224 Committee for Fiscal Year 2005.

225 **SECTION 14.** The money herein appropriated shall be paid by
226 the State Treasurer out of any money in the State Treasury to the
227 credit of the proper fund or funds as set forth in this act, upon
228 warrants issued by the State Fiscal Officer; and the State Fiscal
229 Officer shall issue his warrants upon requisitions signed by the
230 proper person, officer or officers, in the manner provided by law.

231 **SECTION 15.** This act shall take effect and be in force from
232 and after July 1, 2003.