

**Senate Amendments to House Bill No. 1743**

**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 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, 2004, and ending June 30, 2005.....  
10 ..... \$     11,384,250.00.

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, 2004, and ending June 30, 2005.....  
18 ..... \$     126,648,321.00.

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

23       **MAJOR OBJECTS OF EXPENDITURE:**

24       Personal Services:

25             Salaries, Wages and Fringe Benefits.. \$     26,980,006.00  
26             Travel and Subsistence.....             565,418.00  
27             Contractual Services.....             24,063,648.00  
28             Commodities.....             1,019,550.00

29       Capital Outlay:

30             Other Than Equipment.....             0.00

31	Equipment.....	930,311.00
32	Subsidies, Loans and Grants.....	<u>84,473,638.00</u>
33	Total.....	\$ 138,032,571.00

34 FUNDING:

35	General Funds.....	\$ 11,384,250.00
36	Special Funds.....	<u>126,648,321.00</u>
37	Total.....	\$ 138,032,571.00

38 AUTHORIZED POSITIONS:

39	Permanent: Full Time.....	297
40	Part Time.....	0
41	Time-Limited: Full Time.....	224
42	Part Time.....	0

43 With the funds herein appropriated, it is the intention of  
44 the Legislature that it shall be the agency's responsibility to  
45 make certain that funds required to be appropriated for "Personal  
46 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
47 funds appropriated for that purpose, unless programs or positions  
48 are added to the agency's Fiscal Year 2006 budget by the  
49 Mississippi Legislature. Based on data provided by the  
50 Legislative Budget Office, the State Personnel Board shall  
51 determine and publish the projected annual cost to fully fund all  
52 appropriated positions in compliance with the provisions of this  
53 act. It shall be the responsibility of the agency head to insure  
54 that no single personnel action increases this projected annual  
55 cost and/or the Fiscal Year 2005 appropriation for "Personal  
56 Services" when annualized, with the exception of escalated funds.  
57 If, at the time the agency takes any action to change "Personal  
58 Services," the State Personnel Board determines that the agency  
59 has taken an action which would cause the agency to exceed this  
60 projected annual cost or the Fiscal Year 2005 "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 Any transfers or escalations shall be made in accordance with  
66 the terms, conditions and procedures established by law or  
67 allowable under the terms set forth within this act. The State  
68 Personnel Board shall not escalate positions without written  
69 approval from the Department of Finance and Administration. The  
70 Department of Finance and Administration shall not provide written  
71 approval to escalate any funds for salaries and/or positions  
72 without proof of availability of new or additional funds above the  
73 appropriated level.

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 intention of the Legislature that the  
92 Department of Environmental Quality shall maintain complete  
93 accounting and personnel records related to the expenditure of all  
94 funds appropriated under this act and that such records shall be  
95 in the same format and level of detail as maintained for Fiscal  
96 Year 2004. It is further the intention of the Legislature that  
97 the agency's budget request for Fiscal Year 2006 shall be  
98 submitted to the Joint Legislative Budget Committee in a format

99 and level of detail comparable to the format and level of detail  
100 provided during the Fiscal Year 2005 budget request process.

101 **SECTION 5.** In compliance with the "Mississippi Performance  
102 Budget and Strategic Planning Act of 1994," it is the intent of  
103 the Legislature that the funds provided herein shall be utilized  
104 in the most efficient and effective manner possible to achieve the  
105 intended mission of this agency. Based on the funding authorized,  
106 this agency shall make every effort to attain the targeted  
107 performance measures provided below:

	FY2005
<u>Performance Measures</u>	<u>Target</u>
Pollution Control	
Air-Compliance Assurance Activities (Actions)	1,100
Air-Permits Issued (Permits)	300
Asbestos-Persons Certified (Persons)	1,300
RCRA-Inspections (Actions)	145
RCRA-Permit Actions Taken (Actions)	4
Wst Tires-Compliance Assurance (Actions)	475
Sld Waste-Permits Processed (Permits)	65
SRF Water-Inspections (Sites)	1,850
SRF Water-NPDES Permits Issued (Permits)	250
SRF Admin-Fed/State Match Funds (percent)	90
Construction Grants	
Federal/State Match Funds Awarded (percent)	90
Recipient Compliance with Loan Agreement	90
Land & Water	
Water Levels Measured (Actions)	1,000
Test/Data Collection Wells	2,500
Water Withdrawal Permits Issued	1,200
Driller Licenses Issued	300
Dams Inspected	150
Geology	
Leases/Permits Issued	2
Quadrangles Mapped (Sites)	8
Test Holes Drilled	12

134 Mines Inspected 1,000

135 A reporting of the degree to which the performance targets  
136 set above have been or are being achieved shall be provided in the  
137 agency's budget request submitted to the Joint Legislative Budget  
138 Committee for Fiscal Year 2006.

139 **SECTION 6.** It is the intent of the Legislature that the  
140 Department of Environmental Quality shall have authority to  
141 escalate the various budgets in both funds and positions, with the  
142 approval of the State Fiscal Officer, from any special funds  
143 collected or available, in the current fiscal year or any prior  
144 fiscal year, not to exceed Five Million Dollars (\$5,000,000.00),  
145 to the agency for expenditure. Upon such approval, the Department  
146 of Environmental Quality may expend such funds in the manner  
147 authorized by law.

148 The Executive Director of the Department of Environmental  
149 Quality shall submit to the Department of Finance and  
150 Administration a certified statement providing a detailed  
151 explanation for any escalation, including a justification for the  
152 establishment of any new positions or reclassification of existing  
153 positions and the existence of any required matching funds for  
154 those positions, and an assessment of the impact on the agency's  
155 general fund budget for the three (3) fiscal years following the  
156 fiscal year in which the escalation is requested.

157 **SECTION 7.** It shall be unlawful for any officer, employee or  
158 other person whatsoever to use or permit or authorize the use of  
159 any automobile or any other motor vehicle owned by the State of  
160 Mississippi or any department, agency or institution thereof for  
161 any purpose other than upon the official business of the State of  
162 Mississippi or any agency, department or institution thereof.

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

166 **SECTION 8.** Of the funds appropriated in Section 2 and  
167 allocated in Section 3, an amount no greater than Three Hundred  
168 Twenty Thousand Dollars (\$320,000.00) shall be derived from the

169 Pollution Emergency Fund within the Pollution Operating Fund and  
170 shall be transferred to the Department of Finance and  
171 Administration.

172 **SECTION 9.** Of the funds appropriated in Section 2 and  
173 allocated in Section 3, an amount no greater than One Hundred  
174 Fifty Thousand Dollars (\$150,000.00) shall be derived from the  
175 Pollution Emergency Fund within the Pollution Operating Fund for  
176 transfer to the Department of Environmental Quality - Office of  
177 Administrative Services for support of Legal Division  
178 environmental protection activities.

179 **SECTION 10.** Of the funds appropriated in Section 2 and  
180 allocated in Section 3, an amount no greater than Fifty Thousand  
181 Dollars (\$50,000.00) shall be derived from the Pollution Emergency  
182 Fund within the Pollution Operating Fund for transfer to the  
183 Department of Environmental Quality - Office of Pollution Control  
184 for support of the Household Hazardous Waste Collection Grants  
185 Program.

186 **SECTION 11.** It is the intention of the Legislature that the  
187 Executive Director of the Department of Environmental Quality may  
188 authorize increases in major objects of expenditure in total  
189 amounts not to exceed twenty-five percent (25%) of the  
190 appropriated amount of each major object of expenditure, provided  
191 that other major objects of expenditure are decreased by a  
192 corresponding dollar amount. However, no transfers shall be  
193 authorized which increase the major object of expenditure  
194 "Salaries, Wages and Fringe Benefits."

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

<u>Vendor</u>	<u>Fiscal Year</u>	<u>Amount</u>
199 Buford Plumbing and		
200 Heating Company	2002	\$ 586.99

201 **SECTION 13.** The money herein appropriated shall be paid by  
202 the State Treasurer out of any money in the State Treasury to the  
203 credit of the proper fund or funds as set forth in this act, upon

204 warrants issued by the State Fiscal Officer; and the State Fiscal  
205 Officer shall issue his warrants upon requisitions signed by the  
206 proper person, officer or officers, in the manner provided by law.

207         **SECTION 14.** This act shall take effect and be in force from  
208 and after July 1, 2004.

SS05\HB1743A.J

John O. Gilbert  
Secretary of the Senate