

Senate Amendments to House Bill No. 1659

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, 2005, and ending June 30, 2006.....
10 \$ 10,942,069.00.

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, 2005, and ending June 30, 2006.....
18 \$ 121,676,346.00.

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.. \$ 26,465,255.00
26 Travel and Subsistence..... 400,000.00
27 Contractual Services..... 19,912,372.00
28 Commodities..... 1,002,150.00

29 Capital Outlay:

30 Other Than Equipment..... 0.00

31	Equipment.....	365,000.00
32	Subsidies, Loans and Grants.....	<u>84,473,638.00</u>
33	Total.....	\$ 132,618,415.00

34 FUNDING:

35	General Funds.....	\$ 10,942,069.00
36	Special Funds.....	<u>121,676,346.00</u>
37	Total.....	\$ 132,618,415.00

38 AUTHORIZED POSITIONS:

39	Permanent: Full Time.....	289
40	Part Time.....	0
41	Time-Limited: Full Time.....	229
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 2007 do not exceed Fiscal Year 2006
47 funds appropriated for that purpose, unless programs or positions
48 are added to the agency's Fiscal Year 2007 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 2006 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 2006 "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 2005. It is further the intention of the Legislature that
97 the agency's budget request for Fiscal Year 2007 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 2006 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:

	FY2006
<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)	150
RCRA-Permit Actions Taken (Actions)	5
Wst Tires-Compliance Assurance (Actions)	460
Sld Waste-Permits Processed (Permits)	70
SRF Water-Inspections (Sites)	1,700
SRF Water-NPDES Permits Issued (Permits)	300
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	
Quadrangles Mapped (Sites)	8
Test Holes Drilled	12
Mines Inspected	1,000

134 A reporting of the degree to which the performance targets
135 set above have been or are being achieved shall be provided in the
136 agency's budget request submitted to the Joint Legislative Budget
137 Committee for Fiscal Year 2007.

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

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

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

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

165 **SECTION 8.** Of the funds appropriated in Section 2 and
166 allocated in Section 3, an amount no greater than Two Hundred
167 Fifty Thousand Dollars (\$250,000.00) shall be derived from the
168 Pollution Emergency Fund within the Pollution Operating Fund and

169 shall be transferred to the Department of Finance and
170 Administration.

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

178 **SECTION 10.** Of the funds appropriated in Section 2 and
179 allocated in Section 3, an amount no greater than One Hundred
180 Thousand Dollars (\$100,000.00) shall be derived from the Pollution
181 Emergency Fund within the Pollution Operating Fund for transfer to
182 the Department of Environmental Quality - Office of Pollution
183 Control for support of the Household Hazardous Waste Collection
184 Grants Program.

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

194 **SECTION 12.** The Department of Environmental Quality (DEQ)
195 may request that the Mississippi Development Authority (MDA) staff
196 shall provide an economic viability assessment for any complete
197 application or group of related complete applications submitted to
198 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be
199 required to devote extraordinary effort to process the application
200 or group of related applications within the one hundred and eighty
201 (180) days required by Section 49-17-29(3)(c). For purposes of
202 this paragraph, "extraordinary effort" means the constant
203 dedication of more than three (3) full-time equivalent positions

204 for a period of at least one hundred eighty (180) days. The
205 economic viability assessment shall include, but not be limited
206 to: (i) an analysis of the current and future market viability of
207 the project concerning which application(s) has been made to DEQ;
208 and (ii) an analysis of the applicant's economic ability to
209 construct, develop, maintain and operate the project as described
210 in the application(s) submitted to DEQ. If the economic viability
211 assessment concludes that the project is not economically viable
212 for any reason, DEQ shall suspend processing the permit
213 application(s), notwithstanding the provisions of Section 49-17-
214 29(3)(c). Within thirty (30) days of the decision of MDA staff,
215 the permit applicant may present any additional information on its
216 behalf to the Executive Director of MDA, and the Executive
217 Director shall review the MDA staff assessment. If additional
218 information is received in writing from the applicant, the
219 Executive Director of MDA shall make a decision in review of the
220 MDA staff decision within sixty (60) days of the staff decision,
221 and the decision of the Executive Director of MDA shall be the
222 final administrative action of MDA in the matter.

223 **SECTION 13.** The money herein appropriated shall be paid by
224 the State Treasurer out of any money in the State Treasury to the
225 credit of the proper fund or funds as set forth in this act, upon
226 warrants issued by the State Fiscal Officer; and the State Fiscal
227 Officer shall issue his warrants upon requisitions signed by the
228 proper person, officer or officers, in the manner provided by law.

229 **SECTION 14.** This act shall take effect and be in force from
230 and after July 1, 2005.

SS05\HB1659A.J

John O. Gilbert
Secretary of the Senate