

**Senate Amendments to House Bill No. 1572**

**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, 2006, and ending June 30, 2007.....  
10 ..... \$     11,802,880.00.

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, 2006, and ending June 30, 2007.....  
18 ..... \$    120,749,185.00.

19       **SECTION 3.** With the funds appropriated under the provisions  
20 of Section 1 and Section 2, the following positions are  
21 authorized:

22       **AUTHORIZED POSITIONS:**

23       Permanent:	Full Time.....	252
24	Part Time.....	0
25       Time-Limited:	Full Time.....	200
26	Part Time.....	0

27       Funds are provided herein to adjust the Variable Compensation  
28 Plan to ensure that all full-time employees receive a pay increase  
29 equal to the realignment component of the Variable Compensation

30 Plan or Twelve Hundred Dollars (\$1,200.00), whichever is greater,  
31 beginning on July 1, 2006.

32 Pursuant to policies established by the State Personnel  
33 Board, agency heads may, on a case by case basis and within funds  
34 available, recommend equity salary adjustments to Fiscal Year 2006  
35 agency appropriation acts where application of limitations result  
36 in awarding one employee a salary increase greater than another  
37 employee within the same agency, with the same job classification  
38 series and greater longevity.

39 With the funds herein appropriated, it is the intention of  
40 the Legislature that it shall be the agency's responsibility to  
41 make certain that funds required to be appropriated for "Personal  
42 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007  
43 funds appropriated for that purpose, unless programs or positions  
44 are added to the agency's Fiscal Year 2008 budget by the  
45 Mississippi Legislature. Based on data provided by the  
46 Legislative Budget Office, the State Personnel Board shall  
47 determine and publish the projected annual cost to fully fund all  
48 appropriated positions in compliance with the provisions of this  
49 act. It shall be the responsibility of the agency head to insure  
50 that no single personnel action increases this projected annual  
51 cost and/or the Fiscal Year 2007 appropriation for "Personal  
52 Services" when annualized, with the exception of escalated funds.  
53 If, at the time the agency takes any action to change "Personal  
54 Services," the State Personnel Board determines that the agency  
55 has taken an action which would cause the agency to exceed this  
56 projected annual cost or the Fiscal Year 2007 "Personal Services"  
57 appropriated level, when annualized, then only those actions which  
58 reduce the projected annual cost and/or the appropriation  
59 requirement will be processed by the State Personnel Board until  
60 such time as the requirements of this provision are met.

61 Any transfers or escalations shall be made in accordance with  
62 the terms, conditions and procedures established by law or  
63 allowable under the terms set forth within this act. The State  
64 Personnel Board shall not escalate positions without written

65 approval from the Department of Finance and Administration. The  
66 Department of Finance and Administration shall not provide written  
67 approval to escalate any funds for salaries and/or positions  
68 without proof of availability of new or additional funds above the  
69 appropriated level.

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

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

87 **SECTION 4.** It is the intention of the Legislature that the  
88 Department of Environmental Quality shall maintain complete  
89 accounting and personnel records related to the expenditure of all  
90 funds appropriated under this act and that such records shall be  
91 in the same format and level of detail as maintained for Fiscal  
92 Year 2006. It is further the intention of the Legislature that  
93 the agency's budget request for Fiscal Year 2008 shall be  
94 submitted to the Joint Legislative Budget Committee in a format  
95 and level of detail comparable to the format and level of detail  
96 provided during the Fiscal Year 2007 budget request process.

97 **SECTION 5.** In compliance with the "Mississippi Performance  
98 Budget and Strategic Planning Act of 1994," it is the intent of  
99 the Legislature that the funds provided herein shall be utilized

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

104	FY2007
105 <u>Performance Measures</u>	<u>Target</u>
106 Pollution Control	
107     Air-Compliance Assurance Activities (Actions)	900
108     Air-Permits Issued (Permits)	250
109     Asbestos-Persons Certified (Persons)	1,200
110     RCRA-Inspections (Actions)	150
111     RCRA-Permit Actions Taken (Actions)	2
112     Waste Tires-Compliance Assurance (Actions)	460
113     Solid Waste-Permits Processed (Permits)	65
114     SRF Water-Inspections (Sites)	1,700
115     SRF Water-NPDES Permits Issued (Permits)	350
116     SRF Admin-Fed/State Match Funds (%)	90
117 Construction Grants	
118     Federal/State Match Funds Awarded (%)	90
119     Recipient Compliance with Loan Agreement	90
120 Land & Water	
121     Water Levels Measured (Actions)	500
122     Water Withdrawal Permits Issued	1,200
123     Driller Licenses Issued	300
124     Dams Inspected	25
125     Dams Designs Reviewed	50
126 Geology	
127     Quadrangles Mapped (Sites)	9
128     Test Holes Drilled	12
129     Mines Inspected	1,050

130     A reporting of the degree to which the performance targets  
 131 set above have been or are being achieved shall be provided in the  
 132 agency's budget request submitted to the Joint Legislative Budget  
 133 Committee for Fiscal Year 2008.

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

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

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

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

161           **SECTION 8.** Of the funds appropriated in Section 2 and  
162 allocated in Section 3, an amount no greater than Two Hundred  
163 Fifty Thousand Dollars (\$250,000.00) shall be derived from the  
164 Pollution Emergency Fund within the Pollution Operating Fund and  
165 shall be transferred to the Department of Finance and  
166 Administration.

167           **SECTION 9.** Of the funds appropriated in Section 2 and  
168 allocated in Section 3, an amount no greater than One Hundred

169 Fifty Thousand Dollars (\$150,000.00) shall be derived from the  
170 Pollution Emergency Fund within the Pollution Operating Fund for  
171 transfer to the Department of Environmental Quality - Office of  
172 Administrative Services for support of Legal Division  
173 environmental protection activities.

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

181 **SECTION 11.** The Department of Environmental Quality (DEQ)  
182 may request that the Mississippi Development Authority (MDA) staff  
183 shall provide an economic viability assessment for any complete  
184 application or group of related complete applications submitted to  
185 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be  
186 required to devote extraordinary effort to process the application  
187 or group of related applications within the one hundred and eighty  
188 (180) days required by Section 49-17-29(3)(c). For purposes of  
189 this paragraph, "extraordinary effort" means the constant  
190 dedication of more than three (3) full-time equivalent positions  
191 for a period of at least one hundred eighty (180) days. The  
192 economic viability assessment shall include, but not be limited  
193 to: (i) an analysis of the current and future market viability of  
194 the project concerning which application(s) has been made to DEQ;  
195 and (ii) an analysis of the applicant's economic ability to  
196 construct, develop, maintain and operate the project as described  
197 in the application(s) submitted to DEQ. If the economic viability  
198 assessment concludes that the project is not economically viable  
199 for any reason, DEQ shall suspend processing the permit  
200 application(s), notwithstanding the provisions of Section  
201 49-17-29(3)(c). Within thirty (30) days of the decision of MDA  
202 staff, the permit applicant may present any additional information  
203 on its behalf to the Executive Director of MDA, and the Executive

204 Director shall review the MDA staff assessment. If additional  
205 information is received in writing from the applicant, the  
206 Executive Director of MDA shall make a decision in review of the  
207 MDA staff decision within sixty (60) days of the staff decision,  
208 and the decision of the Executive Director of MDA shall be the  
209 final administrative action of MDA in the matter.

210       **SECTION 12.** It is the intention of the Legislature that the  
211 Executive Director of the Department of Environmental Quality  
212 shall have authority to transfer cash from one special fund  
213 treasury fund to another special fund treasury fund under the  
214 control of the Department of Environmental Quality. The purpose  
215 of this authority is to more efficiently use available cash  
216 reserves. It is further the intention of the Legislature that the  
217 Executive Director of the Department of Environmental Quality  
218 shall submit written justification for the transfer to the  
219 Legislative Budget Office and the Department of Finance and  
220 Administration on or before the fifteenth of the month prior to  
221 the effective date of the transfer.

222       **SECTION 13.** It is the intention of the Legislature that  
223 whenever two (2) or more bids are received by this agency for the  
224 purchase of commodities or equipment, and whenever all things  
225 stated in such received bids are equal with respect to price,  
226 quality and service, the Mississippi Industries for the Blind  
227 shall be given preference. A similar preference shall be given to  
228 the Mississippi Industries for the Blind whenever purchases are  
229 made without competitive bids.

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

236       **SECTION 15.** This act shall take effect and be in force from  
237 and after July 1, 2006.

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John O. Gilbert  
Secretary of the Senate