

**REPORT OF CONFERENCE COMMITTEE**

**# 2**

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1693: Appropriation; Department of Environmental Quality.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the Senate recede from its Amendment No. 1.
- 2. That the House and Senate adopt the following amendment:

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, 2007, and ending June 30, 2008.....  
10 ..... \$     13,746,436.00.

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, 2007, and ending June 30, 2008.....  
18 ..... \$     125,222,619.00.

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

21           AUTHORIZED POSITIONS:

22           Permanent:	Full Time.....	289
23	Part Time.....	0
24           Time-Limited:	Full Time.....	229
25	Part Time.....	0

26 Funds are provided herein to adjust the Variable Compensation  
27 Plan to ensure that all full-time employees receive a pay increase  
28 equal to the realignment component of the Variable Compensation  
29 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever  
30 is greater, to be awarded on July 1, 2007.

31 With the funds herein appropriated, it is the intention of  
32 the Legislature that it shall be the agency's responsibility to  
33 make certain that funds required to be appropriated for "Personal  
34 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008  
35 funds appropriated for that purpose, unless programs or positions  
36 are added to the agency's Fiscal Year 2008 budget by the  
37 Mississippi Legislature. Based on data provided by the  
38 Legislative Budget Office, the State Personnel Board shall  
39 determine and publish the projected annual cost to fully fund all  
40 appropriated positions in compliance with the provisions of this  
41 act. It shall be the responsibility of the agency head to insure  
42 that no single personnel action increases this projected annual  
43 cost and/or the Fiscal Year 2008 appropriations for "Personal  
44 Services" when annualized, with the exception of escalated funds  
45 and educational benchmarks. If, at the time the agency takes any  
46 action to change "Personal Services", the State Personnel Board  
47 determines that the agency has taken an action which would cause  
48 the agency to exceed this projected annual cost or the Fiscal Year  
49 2008 "Personal Services" appropriated level, when annualized, then  
50 only those actions which reduce the projected annual cost and/or  
51 the appropriation requirement will be processed by the State  
52 Personnel Board until such time as the requirements of this  
53 provision are met. On January 1, 2008, the State Personnel Board  
54 will make adjustments to the structure side of the compliance  
55 report based on data provided by the Legislative Budget Office in  
56 order for agencies to award educational benchmarks.

57 Any transfers or escalations shall be made in accordance with  
58 the terms, conditions and procedures established by law or  
59 allowable under the terms set forth within this act. The State  
60 Personnel Board shall not escalate positions without written  
61 approval from the Department of Finance and Administration. The  
62 Department of Finance and Administration shall not provide written  
63 approval to escalate any funds for salaries and/or positions  
64 without proof of availability of new or additional funds above the  
65 appropriated level.

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

70 **SECTION 4.** It is the intention of the Legislature that the  
71 Department of Environmental Quality shall maintain complete  
72 accounting and personnel records related to the expenditure of all  
73 funds appropriated under this act and that such records shall be  
74 in the same format and level of detail as maintained for Fiscal  
75 Year 2007. It is further the intention of the Legislature that  
76 the agency's budget request for Fiscal Year 2009 shall be  
77 submitted to the Joint Legislative Budget Committee in a format  
78 and level of detail comparable to the format and level of detail  
79 provided during the Fiscal Year 2008 budget request process.

80 **SECTION 5.** In compliance with the "Mississippi Performance  
81 Budget and Strategic Planning Act of 1994," it is the intent of  
82 the Legislature that the funds provided herein shall be utilized  
83 in the most efficient and effective manner possible to achieve the  
84 intended mission of this agency. Based on the funding authorized,  
85 this agency shall make every effort to attain the targeted  
86 performance measures provided below:

87 FY2008  
88 Performance Measures Target

89	Pollution Control	
90	Air-Compliance Assurance Activities (Actions)	905
91	Air-Permits Issued (Permits)	300
92	Asbestos-Persons Certified (Persons)	1,300
93	RCRA-Inspections (Actions)	150
94	RCRA-Permit Actions Taken (Actions)	4
95	Waste Tires-Compliance Assurance (Actions)	440
96	Solid Waste-Permits Processed (Permits)	60
97	SRF Water-Inspections (Sites)	1,700
98	SRF Water-NPDES Permits Issued (Permits)	300
99	SRF Admin-Fed/State Match Funds (%)	90
100	Construction Grants	
101	Federal/State Match Funds Awarded (%)	90
102	Recipient Compliance with Loan Agreement	90
103	Land & Water	
104	Water Levels Measured (Actions)	350
105	Water Withdrawal Permits Issued	1,200
106	Driller Licenses Issued	310
107	Dams Inspected	200
108	Dams Designs Reviewed	50
109	Geology	
110	Quadrangles Mapped (Sites)	6
111	Test Holes Drilled	9
112	Mines Inspected	960

113 A reporting of the degree to which the performance targets  
114 set above have been or are being achieved shall be provided in the  
115 agency's budget request submitted to the Joint Legislative Budget  
116 Committee for Fiscal Year 2009.

117 **SECTION 6.** It is the intent of the Legislature that the  
118 Department of Environmental Quality shall have authority to  
119 escalate the various budgets in both funds and positions, with the  
120 approval of the State Fiscal Officer, from any special funds

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

126 The Executive Director of the Department of Environmental  
127 Quality shall submit to the Department of Finance and  
128 Administration a certified statement providing a detailed  
129 explanation for any escalation, including a justification for the  
130 establishment of any new positions or reclassification of existing  
131 positions and the existence of any required matching funds for  
132 those positions, and an assessment of the impact on the agency's  
133 general fund budget for the three (3) fiscal years following the  
134 fiscal year in which the escalation is requested.

135 **SECTION 7.** It shall be unlawful for any officer, employee or  
136 other person whatsoever to use or permit or authorize the use of  
137 any automobile or any other motor vehicle owned by the State of  
138 Mississippi or any department, agency or institution thereof for  
139 any purpose other than upon the official business of the State of  
140 Mississippi or any agency, department or institution thereof.

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

144 **SECTION 8.** Of the funds appropriated in Section 2, an amount  
145 no greater than Two Hundred Fifty Thousand Dollars (\$250,000.00)  
146 shall be derived from the Pollution Emergency Fund within the  
147 Pollution Operating Fund and shall be transferred to the  
148 Department of Finance and Administration.

149 **SECTION 9.** Of the funds appropriated in Section 2, an amount  
150 no greater than Two Hundred Thousand Dollars (\$200,000.00) shall  
151 be derived from the Pollution Emergency Fund within the Pollution  
152 Operating Fund for transfer to the Department of Environmental

153 Quality - Office of Administrative Services for support of Legal  
154 Division environmental protection activities.

155 **SECTION 10.** Of the funds appropriated in Section 2, an  
156 amount no greater than One Hundred Thousand Dollars (\$100,000.00)  
157 shall be derived from the Pollution Emergency Fund within the  
158 Pollution Operating Fund for transfer to the Department of  
159 Environmental Quality - Office of Pollution Control for support of  
160 the Household Hazardous Waste Collection Grants Program.

161 **SECTION 11.** The Department of Environmental Quality (DEQ)  
162 may request that the Mississippi Development Authority (MDA) staff  
163 shall provide an economic viability assessment for any complete  
164 application or group of related complete applications submitted to  
165 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be  
166 required to devote extraordinary effort to process the application  
167 or group of related applications within the one hundred and eighty  
168 (180) days required by Section 49-17-29(3)(c). For purposes of  
169 this paragraph, "extraordinary effort" means the constant  
170 dedication of more than three (3) full-time equivalent positions  
171 for a period of at least one hundred eighty (180) days. The  
172 economic viability assessment shall include, but not be limited  
173 to: (i) an analysis of the current and future market viability of  
174 the project concerning which application(s) has been made to DEQ;  
175 and (ii) an analysis of the applicant's economic ability to  
176 construct, develop, maintain and operate the project as described  
177 in the application(s) submitted to DEQ. If the economic viability  
178 assessment concludes that the project is not economically viable  
179 for any reason, DEQ shall suspend processing the permit  
180 application(s), notwithstanding the provisions of Section  
181 49-17-29(3)(c). Within thirty (30) days of the decision of MDA  
182 staff, the permit applicant may present any additional information  
183 on its behalf to the Executive Director of MDA, and the Executive  
184 Director shall review the MDA staff assessment. If additional

185 information is received in writing from the applicant, the  
186 Executive Director of MDA shall make a decision in review of the  
187 MDA staff decision within sixty (60) days of the staff decision,  
188 and the decision of the Executive Director of MDA shall be the  
189 final administrative action of MDA in the matter.

190       **SECTION 12.** It is the intention of the Legislature that the  
191 Executive Director of the Department of Environmental Quality  
192 shall have authority to transfer cash from one special fund  
193 treasury fund to another special fund treasury fund under the  
194 control of the Department of Environmental Quality. The purpose  
195 of this authority is to more efficiently use available cash  
196 reserves. It is further the intention of the Legislature that the  
197 Executive Director of the Department of Environmental Quality  
198 shall submit written justification for the transfer to the  
199 Legislative Budget Office and the Department of Finance and  
200 Administration on or before the fifteenth of the month prior to  
201 the effective date of the transfer.

202       **SECTION 13.** It is the intention of the Legislature that  
203 whenever two (2) or more bids are received by this agency for the  
204 purchase of commodities or equipment, and whenever all things  
205 stated in such received bids are equal with respect to price,  
206 quality and service, the Mississippi Industries for the Blind  
207 shall be given preference. A similar preference shall be given to  
208 the Mississippi Industries for the Blind whenever purchases are  
209 made without competitive bids.

210       **SECTION 14.** Of the funds appropriated herein, it is the  
211 intent of the Legislature, subject to the approval of the  
212 Environmental Protection Agency, that the Department of  
213 Environmental Quality shall pay debt service on bonds issued to  
214 provide state matching funds for the State Revolving Loan Fund  
215 with interest earnings derived from the fund.

216           **SECTION 15.** It is the intent of the Legislature that from  
217 the funds available to the Department of Environmental Quality,  
218 the agency may purchase property damage insurance on its motor  
219 vehicles, boats, trailers, motors, and other equipment assigned to  
220 the South Regional Office. This authority shall be available for  
221 funds appropriated in Fiscal Years 2007 and 2008.

222           **SECTION 16.** Of the funds appropriated under the provisions  
223 of Section 2, One Million Seven Hundred Thousand Dollars  
224 (\$1,700,000.00) shall be derived from the Budget Contingency Fund  
225 created in Section 27-103-301, Mississippi Code of 1972, which  
226 shall be allocated as follows:

227           Moving expenses and furniture.....\$1,200,000.00  
228           Environmental Protection Agency  
229                    program compliance activities.....\$ 500,000.00

230           **SECTION 17.** Of the funds appropriated in Section 2, Five  
231 Hundred Thousand Dollars (\$500,000.00) shall be used for the  
232 Mississippi Digital Earth Model project, if such funds become  
233 available.

234           **SECTION 18.** The money herein appropriated shall be paid by  
235 the State Treasurer out of any money in the State Treasury to the  
236 credit of the proper fund or funds as set forth in this act, upon  
237 warrants issued by the State Fiscal Officer; and the State Fiscal  
238 Officer shall issue his warrants upon requisitions signed by the  
239 proper person, officer or officers, in the manner provided by law.

240           **SECTION 19.** This act shall take effect and be in force from  
241 and after July 1, 2007; except for Section 15 which shall take  
242 effect and be in force from and after passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND  
2 MAINTENANCE OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AND FOR  
3 RELATED PURPOSES, FOR THE FISCAL YEAR 2008.

CONFEREES FOR THE HOUSE

X (SIGNED)  
Stringer

X (SIGNED)  
Broomfield

X (SIGNED)  
Gadd

CONFEREES FOR THE SENATE

X (SIGNED)  
Gordon

X (SIGNED)  
Frazier

X (SIGNED)  
Flowers