

Senate Amendments to House Bill No. 1693

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, 2007, and ending June 30, 2008.....
10 \$ 13,738,737.00.

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 \$ 121,150,485.00.

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..... | 277 |
| 23 | Part Time..... | 0 |
| 24 Time-Limited: | Full Time..... | 230 |
| 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 Dollars (\$1,000.00), or Three Percent (3%)
30 whichever 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 2009 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 appropriation for "Personal
44 Services" when annualized, with the exception of escalated funds.
45 If, at the time the agency takes any action to change "Personal
46 Services," the State Personnel Board determines that the agency
47 has taken an action which would cause the agency to exceed this
48 projected annual cost or the Fiscal Year 2008 "Personal Services"
49 appropriated level, when annualized, then only those actions which
50 reduce the projected annual cost and/or the appropriation
51 requirement will be processed by the State Personnel Board until
52 such time as the requirements of this provision are met.

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

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65 act and which are withdrawn and no longer available.

| | | |
|-----|---|-------|
| 101 | Pollution Control | |
| 102 | Air-Compliance Assurance Activities (Actions) | 905 |
| 103 | Air-Permits Issued (Permits) | 300 |
| 104 | Asbestos-Persons Certified (Persons) | 1,300 |
| 105 | RCRA-Inspections (Actions) | 150 |
| 106 | RCRA-Permit Actions Taken (Actions) | 4 |
| 107 | Waste Tires-Compliance Assurance (Actions) | 440 |
| 108 | Solid Waste-Permits Processed (Permits) | 60 |
| 109 | SRF Water-Inspections (Sites) | 1,700 |
| 110 | SRF Water-NPDES Permits Issued (Permits) | 300 |
| 111 | SRF Admin-Fed/State Match Funds (%) | 90 |
| 112 | Construction Grants | |
| 113 | Federal/State Match Funds Awarded (%) | 90 |
| 114 | Recipient Compliance with Loan Agreement | 90 |
| 115 | Land & Water | |
| 116 | Water Levels Measured (Actions) | 350 |
| 117 | Water Withdrawal Permits Issued | 1,200 |
| 118 | Driller Licenses Issued | 310 |
| 119 | Dams Inspected | 200 |
| 120 | Dams Designs Reviewed | 50 |
| 121 | Geology | |
| 122 | Quadrangles Mapped (Sites) | 6 |
| 123 | Test Holes Drilled | 9 |
| 124 | Mines Inspected | 960 |

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

129 **SECTION 6.** It is the intent of the Legislature that the
130 Department of Environmental Quality shall have authority to
131 escalate the various budgets in both funds and positions, with the
132 approval of the State Fiscal Officer, from any special funds
133 collected or available, in the current fiscal year or any prior
134 fiscal year, not to exceed Five Million Dollars (\$5,000,000.00),
135 to the agency for expenditure. Upon such approval, the Department

136 of Environmental Quality may expend such funds in the manner
137 authorized by law.

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

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

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

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

161 **SECTION 9.** Of the funds appropriated in Section 2, an amount
162 no greater than Two Hundred Thousand Dollars (\$200,000.00) shall
163 be derived from the Pollution Emergency Fund within the Pollution
164 Operating Fund for transfer to the Department of Environmental
165 Quality - Office of Administrative Services for support of Legal
166 Division environmental protection activities.

167 **SECTION 10.** Of the funds appropriated in Section 2, an
168 amount no greater than One Hundred Thousand Dollars (\$100,000.00)
169 shall be derived from the Pollution Emergency Fund within the
170 Pollution Operating Fund for transfer to the Department of

171 Environmental Quality - Office of Pollution Control for support of
172 the Household Hazardous Waste Collection Grants Program.

173 **SECTION 11.** The Department of Environmental Quality (DEQ)
174 may request that the Mississippi Development Authority (MDA) staff
175 shall provide an economic viability assessment for any complete
176 application or group of related complete applications submitted to
177 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be
178 required to devote extraordinary effort to process the application
179 or group of related applications within the one hundred and eighty
180 (180) days required by Section 49-17-29(3)(c). For purposes of
181 this paragraph, "extraordinary effort" means the constant
182 dedication of more than three (3) full-time equivalent positions
183 for a period of at least one hundred eighty (180) days. The
184 economic viability assessment shall include, but not be limited
185 to: (i) an analysis of the current and future market viability of
186 the project concerning which application(s) has been made to DEQ;
187 and (ii) an analysis of the applicant's economic ability to
188 construct, develop, maintain and operate the project as described
189 in the application(s) submitted to DEQ. If the economic viability
190 assessment concludes that the project is not economically viable
191 for any reason, DEQ shall suspend processing the permit
192 application(s), notwithstanding the provisions of Section
193 49-17-29(3)(c). Within thirty (30) days of the decision of MDA
194 staff, the permit applicant may present any additional information
195 on its behalf to the Executive Director of MDA, and the Executive
196 Director shall review the MDA staff assessment. If additional
197 information is received in writing from the applicant, the
198 Executive Director of MDA shall make a decision in review of the
199 MDA staff decision within sixty (60) days of the staff decision,
200 and the decision of the Executive Director of MDA shall be the
201 final administrative action of MDA in the matter.

202 **SECTION 12.** It is the intention of the Legislature that the
203 Executive Director of the Department of Environmental Quality
204 shall have authority to transfer cash from one special fund
205 treasury fund to another special fund treasury fund under the

206 control of the Department of Environmental Quality. The purpose
207 of this authority is to more efficiently use available cash
208 reserves. It is further the intention of the Legislature that the
209 Executive Director of the Department of Environmental Quality
210 shall submit written justification for the transfer to the
211 Legislative Budget Office and the Department of Finance and
212 Administration on or before the fifteenth of the month prior to
213 the effective date of the transfer.

214 **SECTION 13.** It is the intention of the Legislature that
215 whenever two (2) or more bids are received by this agency for the
216 purchase of commodities or equipment, and whenever all things
217 stated in such received bids are equal with respect to price,
218 quality and service, the Mississippi Industries for the Blind
219 shall be given preference. A similar preference shall be given to
220 the Mississippi Industries for the Blind whenever purchases are
221 made without competitive bids.

222 **SECTION 14.** Of the funds appropriated herein, it is the
223 intent of the Legislature, subject to the approval of the
224 Environmental Protection Agency, that the Department of
225 Environmental Quality shall pay debt service on bonds issued to
226 provide state matching funds for the State Revolving Loan Fund
227 with interest earnings derived from the fund.

228 **SECTION 15.** It is the intent of the Legislature that from
229 the funds appropriated herein, the agency may purchase property
230 damage insurance on its motor vehicles, boats, trailers, motors,
231 and other equipment assigned to the South Regional Office,
232 effective from and after passage.

233 **SECTION 16.** The money herein appropriated shall be paid by
234 the State Treasurer out of any money in the State Treasury to the
235 credit of the proper fund or funds as set forth in this act, upon
236 warrants issued by the State Fiscal Officer; and the State Fiscal
237 Officer shall issue his warrants upon requisitions signed by the
238 proper person, officer or officers, in the manner provided by law.

239 **SECTION 17.** This act shall take effect and be in force from
240 and after July 1, 2007; except for Section 15 which shall take
241 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 YEARS 2007 AND 2008.

LB17\HB1693A.J

John O. Gilbert
Secretary of the Senate