

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1657**

**BY: Committee**

**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 appropriated out of any money in the State General  
7 Fund not otherwise appropriated, for the support and maintenance  
8 of the Department of Environmental Quality for the fiscal year  
9 beginning July 1, 2019, and ending June 30, 2020.....  
10 .....\$       10,118,768.00.

11       **SECTION 2.** The following sum, or so much thereof as may be  
12 necessary, is appropriated out of any money in any special fund in  
13 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, 2019, and ending June 30, 2020.....  
18 .....\$ 260,173,226.00.

19 **SECTION 3.** Of the funds appropriated under the provisions of  
20 this act, the following positions are authorized:

21 AUTHORIZED POSITIONS:

22	Permanent:	Full Time.....	274
23		Part Time.....	0
24	Time-Limited:	Full Time.....	236
25		Part Time.....	0

26 With the funds herein appropriated, it shall be the agency's  
27 responsibility to make certain that funds required to be  
28 appropriated for "Personal Services" for Fiscal Year 2021 do not  
29 exceed Fiscal Year 2020 funds appropriated for that purpose,  
30 unless programs or positions are added to the agency's Fiscal Year  
31 2020 budget by the Mississippi Legislature. Based on data  
32 provided by the Legislative Budget Office, the State Personnel  
33 Board shall determine and publish the projected annual cost to  
34 fully fund all appropriated positions in compliance with the  
35 provisions of this act. It shall be the responsibility of the  
36 agency head to ensure that no single personnel action increases  
37 this projected annual cost and/or the Fiscal Year 2020  
38 appropriations for "Personal Services" when annualized, with the  
39 exception of escalated funds and the award of benchmarks. If, at



40 the time the agency takes any action to change "Personal  
41 Services," the State Personnel Board determines that the agency  
42 has taken an action which would cause the agency to exceed this  
43 projected annual cost or the Fiscal Year 2020 "Personal Services"  
44 appropriated level, when annualized, then only those actions which  
45 reduce the projected annual cost and/or the appropriation  
46 requirement will be processed by the State Personnel Board until  
47 such time as the requirements of this provision are met.

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

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

61 None of the funds herein appropriated shall be used in  
62 violation of Internal Revenue Service's Publication 15-A relating  
63 to the reporting of income paid to contract employees, as  
64 interpreted by the Office of the State Auditor.



**SECTION 4.** It is the intention of the Legislature that the Department of Environmental Quality shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2019. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2021 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2020 budget request process.

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

	FY2020
<u>Performance Measures</u>	<u>Target</u>
Pollution Control	
Days with Air Advisories (%)	10.00
Air Permits Modified/Issued in a Timely Manner (%)	50.00
Counties that Meet NAAQ Standards (%)	75.00
Air Facilities Inspected (%)	35.00



90	Air Facilities in Compliance with	
91	Regulatory Requirements (%)	85.00
92	Waste Permits Issued/Modified in a	
93	Timely Manner (%)	50.00
94	Waste Facilities Inspected (%)	45.00
95	Inspected Waste Facilities in Compliance	
96	with Regulatory Requirements (%)	80.00
97	Citizens Who Have Access to Recycling	
98	Programs (%)	55.00
99	Underground Storage Tanks in Compliance	
100	with Regulatory Requirements (%)	75.00
101	Contaminated Sites That Have Completed	
102	Assessment (%)	61.00
103	Contaminated Sites That Have Completed	
104	Remediation (%)	20.00
105	Waters That Have Acceptable Quality for	
106	Their Designed Use (%)	56.00
107	NPDES Permits Issued/Modified in a	
108	Timely Manner (%)	50.00
109	NPDES Majors Inspected Per Year (%)	50.00
110	NPDES Majors in Compliance (%)	50.00
111	Staff with Expertise in the National	
112	Incident Management System (%)	50.00
113	Construction Grants	
114	SRF Loan Recipients in Compliance with	



115	Loan Agreements (%)	90.00
116	Land & Water	
117	Annual Prioritized Water Resource Areas	
118	Adequately Characterized (%)	75.00
119	Groundwater Use Permits Issued/Modified (%)	95.00
120	Surface Water Use Permits	
121	Issued/Modified (%)	95.00
122	Water Use Reported (%)	80.00
123	High Hazard Dams with Emergency Action	
124	Plans (%)	75.00
125	Geology	
126	Mining Facilities Inspected (%)	95.00
127	Inspected Mining Facilities in	
128	Compliance with Regulatory Requirements	
129	(%)	85.00
130	Administrative Services	
131	Administration as a Percentage of Total	
132	Budget (%)	5.00
133	A reporting of the degree to which the performance targets	
134	set above have been or are being achieved shall be provided in the	
135	agency's budget request submitted to the Joint Legislative Budget	
136	Committee for Fiscal Year 2021.	
137	<b>SECTION 6.</b> It shall be unlawful for any officer, employee or	
138	other person whatsoever to use or permit or authorize the use of	
139	any automobile or any other motor vehicle owned by the State of	



Mississippi or any department, agency or institution thereof for any purpose other than upon the official business of the State of Mississippi or any agency, department or institution thereof.

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

**SECTION 7.** Of the funds appropriated in Section 2, an amount no greater than Two Hundred Fifty Thousand Dollars (\$250,000.00) shall be derived from the Pollution Emergency Fund within the Pollution Operating Fund for transfer to the Department of Environmental Quality - Office of Administrative Services for support of Legal Division environmental protection activities.

**SECTION 8.** Of the funds appropriated in Section 2, an amount no greater than One Hundred Thousand Dollars (\$100,000.00) shall be derived from the Pollution Emergency Fund within the Pollution Operating Fund for transfer to the Department of Environmental Quality - Office of Pollution Control for support of the Household Hazardous Waste Collection Grants Program.

**SECTION 9.** The Department of Environmental Quality (DEQ) may request that the Mississippi Development Authority (MDA) staff shall provide an economic viability assessment for any complete application or group of related complete applications submitted to DEQ after July 1, 1999, for which DEQ estimates that DEQ will be required to devote extraordinary effort to process the application or group of related applications within the one hundred eighty



(180) days required by Section 49-17-29(3)(c). For purposes of this paragraph, "extraordinary effort" means the constant dedication of more than three (3) full-time equivalent positions for a period of at least one hundred eighty (180) days. The economic viability assessment shall include, but not be limited to: (i) an analysis of the current and future market viability of the project concerning which application(s) has been made to DEQ; and (ii) an analysis of the applicant's economic ability to construct, develop, maintain and operate the project as described in the application(s) submitted to DEQ. If the economic viability assessment concludes that the project is not economically viable for any reason, DEQ shall suspend processing the permit application(s), notwithstanding the provisions of Section 49-17-29(3)(c). Within thirty (30) days of the decision of MDA staff, the permit applicant may present any additional information on its behalf to the Executive Director of MDA, and the Executive Director shall review the MDA staff assessment. If additional information is received in writing from the applicant, the Executive Director of MDA shall make a decision in review of the MDA staff decision within sixty (60) days of the staff decision, and the decision of the Executive Director of MDA shall be the final administrative action of MDA in the matter.

**SECTION 10.** It is the intention of the Legislature that the Executive Director of the Department of Environmental Quality shall have authority to transfer cash from one special fund





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

199       **SECTION 11.** It is the intention of the Legislature that  
200 whenever two (2) or more bids are received by this agency for the  
201 purchase of commodities or equipment, and whenever all things  
202 stated in such received bids are equal with respect to price,  
203 quality and service, the Mississippi Industries for the Blind  
204 shall be given preference. A similar preference shall be given to  
205 the Mississippi Industries for the Blind whenever purchases are  
206 made without competitive bids.

207       **SECTION 12.** Of the funds appropriated herein, it is the  
208 intent of the Legislature that the Department of Environmental  
209 Quality shall pay debt service on bonds issued to provide state  
210 matching funds for the State Revolving Loan Fund with interest  
211 earnings derived from the fund.

212       **SECTION 13.** It is the intent of the Legislature that from  
213 the funds available to the Department of Environmental Quality,  
214 the agency may purchase and pay premiums on property damage



insurance on its motor vehicles, boats, trailers, motors, and other equipment assigned to the South Regional Office.

**SECTION 14.** Of the funds appropriated in Section 2, an amount not greater than Two Hundred Thousand Dollars (\$200,000.00) shall be derived from the Pollution Emergency Fund within the Pollution Operating Fund for transfer to the Department of Environmental Quality to be used for dam and reservoir inspections, inventory, and reporting.

**SECTION 15.** Of the funds appropriated herein, it is the intention of the Legislature that the repayment of outstanding state revolving loans issued to loan recipients in Hancock County may be extended not to exceed ten (10) years beyond any repayment period remaining on outstanding revolving loans issued from the Mississippi Water Pollution Control Revolving Fund.

**SECTION 16.** It is the intention of the Legislature for the Department of Environmental Quality to continue with any agreements with Mississippi state agencies, including grant agreements, that provide environmental projects to restore Mississippi's natural resources in the wake of the Deepwater Horizon Oil Spill.

**SECTION 17.** It is the intention of the Legislature that the funds herein appropriated shall be expended in compliance with Section 27-104-25, Mississippi Code of 1972, that no state agency shall incur obligations or indebtedness in excess of their appropriation and that the responsible officers, either personally



or upon their official bonds, shall be held responsible for  
actions contrary to this provision.

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

**SECTION 19.** This act shall take effect and be in force from  
and after July 1, 2019.

