

Senate Amendments to House Bill No. 1392

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 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, 2021, and ending June 30, 2022.....
10\$ 9,922,683.00.

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, 2021, and ending June 30, 2022.....
18\$ 249,131,012.00.

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.....	241
23		Part Time.....	0
24	Time-Limited:	Full Time.....	232
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 2023 do not
29 exceed Fiscal Year 2022 funds appropriated for that purpose unless
30 programs or positions are added to the agency's Fiscal Year 2022
31 budget by the Mississippi Legislature. Based on data provided by
32 the Legislative Budget Office, the State Personnel Board shall
33 determine and publish the projected annual cost to fully fund all
34 appropriated positions in compliance with the provisions of this
35 act. Absent a special situation or circumstance approved by the
36 State Personnel Board, or unless otherwise authorized by this act,
37 no state agency shall take any action to promote or otherwise
38 award salary increases through reallocation or realignment. If
39 the State Personnel Board determines a special situation or
40 circumstance exists and approves an action, then the agency and
41 the State Personnel Board shall provide a monthly report of each
42 action approved by the State Personnel Board to the chairmen of
43 the Accountability, Efficiency and Transparency Committees of the
44 Senate and House of Representatives and the chairmen of the
45 Appropriations Committees of the Senate and House of
46 Representatives. It shall be the responsibility of the agency
47 head to ensure that no single personnel action increases this

48 projected annual cost and/or the Fiscal Year 2022 appropriations
49 for "Personal Services" when annualized, with the exception of
50 escalated funds and the award of benchmarks. If, at the time the
51 agency takes any action to change "Personal Services," the State
52 Personnel Board determines that the agency has taken an action
53 which would cause the agency to exceed this projected annual cost
54 or the Fiscal Year 2022 "Personal Services" appropriated level,
55 when annualized, then only those actions which reduce the
56 projected annual cost and/or the appropriation requirement will be
57 processed by the State Personnel Board until such time as the
58 requirements of this provision are met.

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

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

72 None of the funds herein appropriated shall be used in
73 violation of Internal Revenue Service's Publication 15-A relating

74 to the reporting of income paid to contract employees, as
75 interpreted by the Office of the State Auditor.

76 **SECTION 4.** It is the intention of the Legislature that the
77 Department of Environmental Quality shall maintain complete
78 accounting and personnel records related to the expenditure of all
79 funds appropriated under this act and that such records shall be
80 in the same format and level of detail as maintained for Fiscal
81 Year 2021. It is further the intention of the Legislature that
82 the agency's budget request for Fiscal Year 2023 shall be
83 submitted to the Joint Legislative Budget Committee in a format
84 and level of detail comparable to the format and level of detail
85 provided during the Fiscal Year 2022 budget request process.

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

	FY2022
<u>Performance Measures</u>	<u>Target</u>
Pollution Control	
Days with Air Advisories (%)	5.00
Air Permits Modified/Issued in a Timely	
Manner (%)	50.00
Counties that Meet NAAQ Standards (%)	75.00

100	Air Facilities Inspected (%)	35.00
101	Air Facilities in Compliance with	
102	Regulatory Requirements (%)	85.00
103	Waste Permits Issued/Modified in a	
104	Timely Manner (%)	50.00
105	Waste Facilities Inspected (%)	55.00
106	Inspected Waste Facilities in Compliance	
107	with Regulatory Requirements (%)	93.00
108	Citizens Who Have Access to Recycling	
109	Programs (%)	55.00
110	Underground Storage Tanks in Compliance	
111	with Regulatory Requirements (%)	75.00
112	Contaminated Sites That Have Completed	
113	Assessment (%)	61.00
114	Contaminated Sites That Have Completed	
115	Remediation (%)	20.00
116	Waters That Have Acceptable Quality for	
117	Their Designed Use (%)	56.00
118	NPDES Permits Issued/Modified in a	
119	Timely Manner (%)	70.00
120	NPDES Majors Inspected Per Year (%)	50.00
121	NPDES Majors in Compliance (%)	66.00
122	Staff with Expertise in the National	
123	Incident Management System (%)	70.00
124	Construction Grants	
125	SRF Loan Recipients in Compliance with	

126	Loan Agreements (%)	90.00
127	Land & Water	
128	Annual Prioritized Water Resource Areas	
129	Adequately Characterized (%)	79.00
130	Groundwater Use Permits Issued/Modified (%)	95.00
131	Surface Water Use Permits	
132	Issued/Modified (%)	95.00
133	Water Use Reported (%)	80.00
134	High Hazard Dams with Emergency Action	
135	Plans (%)	75.00
136	Geology	
137	Mining Facilities Inspected (%)	95.00
138	Inspected Mining Facilities in	
139	Compliance with Regulatory Requirements	
140	(%)	85.00
141	Administrative Services	
142	Administration as a Percentage of Total	
143	Budget (%)	5.00

144 A reporting of the degree to which the performance targets
145 set above have been or are being achieved shall be provided in the
146 agency's budget request submitted to the Joint Legislative Budget
147 Committee for Fiscal Year 2023.

148 **SECTION 6.** It shall be unlawful for any officer, employee or
149 other person whatsoever to use or permit or authorize the use of
150 any automobile or any other motor vehicle owned by the State of
151 Mississippi or any department, agency or institution thereof for

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

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

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

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

169 **SECTION 9.** The Department of Environmental Quality (DEQ) may
170 request that the Mississippi Development Authority (MDA) staff
171 shall provide an economic viability assessment for any complete
172 application or group of related complete applications submitted to
173 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be
174 required to devote extraordinary effort to process the application
175 or group of related applications within the one hundred eighty
176 (180) days required by Section 49-17-29(3)(c). For purposes of
177 this paragraph, "extraordinary effort" means the constant

178 dedication of more than three (3) full-time equivalent positions
179 for a period of at least one hundred eighty (180) days. The
180 economic viability assessment shall include, but not be limited
181 to: (i) an analysis of the current and future market viability of
182 the project concerning which application(s) has been made to DEQ;
183 and (ii) an analysis of the applicant's economic ability to
184 construct, develop, maintain and operate the project as described
185 in the application(s) submitted to DEQ. If the economic viability
186 assessment concludes that the project is not economically viable
187 for any reason, DEQ shall suspend processing the permit
188 application(s), notwithstanding the provisions of Section
189 49-17-29(3)(c). Within thirty (30) days of the decision of MDA
190 staff, the permit applicant may present any additional information
191 on its behalf to the Executive Director of MDA, and the Executive
192 Director shall review the MDA staff assessment. If additional
193 information is received in writing from the applicant, the
194 Executive Director of MDA shall make a decision in review of the
195 MDA staff decision within sixty (60) days of the staff decision,
196 and the decision of the Executive Director of MDA shall be the
197 final administrative action of MDA in the matter.

198 **SECTION 10.** It is the intention of the Legislature that the
199 Executive Director of the Department of Environmental Quality
200 shall have authority to transfer cash from one special fund
201 treasury fund to another special fund treasury fund under the
202 control of the Department of Environmental Quality. The purpose
203 of this authority is to more efficiently use available cash

204 reserves. It is further the intention of the Legislature that the
205 Executive Director of the Department of Environmental Quality
206 shall submit written justification for the transfer to the
207 Legislative Budget Office and the Department of Finance and
208 Administration on or before the fifteenth of the month prior to
209 the effective date of the transfer.

210 **SECTION 11.** It is the intention of the Legislature that
211 whenever two (2) or more bids are received by this agency for the
212 purchase of commodities or equipment, and whenever all things
213 stated in such received bids are equal with respect to price,
214 quality and service, the Mississippi Industries for the Blind
215 shall be given preference. A similar preference shall be given to
216 the Mississippi Industries for the Blind whenever purchases are
217 made without competitive bids.

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

223 **SECTION 13.** It is the intent of the Legislature that from
224 the funds available to the Department of Environmental Quality,
225 the agency may purchase and pay premiums on property damage
226 insurance on its motor vehicles, boats, trailers, motors, and
227 other equipment assigned to the South Regional Office.

228 **SECTION 14.** Of the funds appropriated in Section 2, an
229 amount not greater than Two Hundred Thousand Dollars (\$200,000.00)

230 shall be derived from the Pollution Emergency Fund within the
231 Pollution Operating Fund for transfer to the Department of
232 Environmental Quality to be used for dam and reservoir
233 inspections, inventory, and reporting.

234 **SECTION 15.** It is the intention of the Legislature for the
235 Department of Environmental Quality to continue with any
236 agreements with Mississippi state agencies, including grant
237 agreements, that provide environmental projects to restore
238 Mississippi's natural resources in the wake of the Deepwater
239 Horizon Oil Spill.

240 **SECTION 16.** With the funds appropriated herein, the
241 Department of Environmental Quality is authorized to make payment
242 to certain vendors for expenses incurred during 2019 to certain
243 vendors as follows:

244	United States Geological Survey.....	\$	3,212.86
245	United States Geological Survey.....	\$	3,220.84
246	MS Department of Marine Resources.....	\$	21,304.99
247	MS Department of Marine Resources.....	\$	53,891.74
248	Quitman County Board of Supervisors.....	\$	6,530.00

249 **SECTION 17.** It is the intention of the Legislature that the
250 funds herein appropriated shall be expended in compliance with
251 Section 27-104-25, Mississippi Code of 1972, that no state agency
252 shall incur obligations or indebtedness in excess of their
253 appropriation and that the responsible officers, either personally
254 or upon their official bonds, shall be held responsible for
255 actions contrary to this provision.

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

262 **SECTION 19.** This act shall take effect and be in force from
263 and after July 1, 2021, and shall stand repealed June 29, 2021.

**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 2022.

SS15\HB1392A.J

Eugene S. Clarke
Secretary of the Senate