

Senate Amendments to House Bill No. 1604

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, 2022, and ending June 30, 2023.....
10\$ 10,768,959.00.

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, 2022, and ending June 30, 2023.....
18\$ 249,778,171.00.

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.....	214
23		Part Time.....	0
24	Time-Limited:	Full Time.....	193
25		Part Time.....	0

26 With the funds herein appropriated, it shall be the agency's
27 responsibility to make certain that funds required for Personal
28 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds
29 appropriated for that purpose unless programs or positions are
30 added to the agency's Fiscal Year 2023 budget by the Mississippi
31 Legislature. The Legislature shall determine the agency's
32 personal services appropriation, which shall be published by the
33 State Personnel Board. Additionally, the State Personnel Board
34 shall determine and publish the projected annualized payroll costs
35 based on current employees. It shall be the responsibility of the
36 agency head to ensure that actual personnel expenditures for
37 Fiscal Year 2023 do not exceed the data provided by the
38 Legislative Budget Office. If the agency's Fiscal Year 2023
39 projected cost exceeds the annualized costs, no salary actions
40 shall be processed by the State Personnel Board with the exception
41 of new hires that are determined to be essential for the agency.

42 Any transfers or escalations shall be made in accordance with
43 the terms, conditions and procedures established by law or
44 allowable under the terms set forth within this act. The State
45 Personnel Board shall not escalate positions without written
46 approval from the Department of Finance and Administration. The
47 Department of Finance and Administration shall not provide written

48 approval to escalate any funds for salaries and/or positions
49 without proof of availability of new or additional funds above the
50 appropriated level.

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54 act and which are withdrawn and no longer available.

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

59 Funds have been appropriated herein for the purpose of
60 funding Project SEC2 minimum salaries for all employees covered
61 under the Colonel Guy Groff/Neville Kenning Variable Compensation
62 Plan. It shall be the agency's responsibility to ensure that the
63 funds are used to increase all employees' salaries up to the
64 minimum level as determined by the State Personnel Board.

65 **SECTION 4.** It is the intention of the Legislature that the
66 Department of Environmental Quality shall maintain complete
67 accounting and personnel records related to the expenditure of all
68 funds appropriated under this act and that such records shall be
69 in the same format and level of detail as maintained for Fiscal
70 Year 2022. It is further the intention of the Legislature that
71 the agency's budget request for Fiscal Year 2024 shall be
72 submitted to the Joint Legislative Budget Committee in a format

73 and level of detail comparable to the format and level of detail
74 provided during the Fiscal Year 2023 budget request process.

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

	FY2023
<u>Performance Measures</u>	<u>Target</u>
Pollution Control	
Percent of Days with Air Advisories	5.00
Percent of Air Permits Modified/Issued in a Timely Manner	50.00
Percent of Counties that Meet NAAQ Standards	75.00
Percent of Air Facilities Inspected	35.00
Percent of Air Facilities in Compliance with Regulatory Requirements	85.00
Percent of Waste Permits Issued/Modified in a Timely Manner	60.00
Percent of Waste Facilities Inspected	60.00
Percent of Inspected Waste Facilities in Compliance with Regulatory Requirements	65.00
Percent of Citizens who Have Access to Recycling Programs	55.00

99	Percent of Underground Storage Tanks in	
100	Compliance with Regulatory Requirements	60.00
101	Percent of Contaminated Sites That Have	
102	Completed Assessment	50.00
103	Percent of Contaminated Sites That Have	
104	Completed Remediation	5.00
105	Percent of Waters That Have Acceptable	
106	Quality for Their Designed Use	56.00
107	Percent of NPDES Permits Issued/Modified	
108	in a Timely Manner	70.00
109	Percent of NPDES Majors Inspected per Year	50.00
110	Percent of NPDES Majors in Compliance	66.00
111	Percent of Staff with Expertise in the	
112	National Incident Management System	70.00
113	Construction Grants	
114	Percent of SRF Loan Recipients in	
115	Compliance with Loan Agreements	90.00
116	Land & Water	
117	Percent of Annual Prioritized Water	
118	Resource Areas Adequately Characterized	80.00
119	Percent of Groundwater Use Permits	
120	Issued/Modified	95.00
121	Percent of Surface Water Use Permits	
122	Issued/Modified	95.00
123	Percent of Water Use Reported	80.00
124	Percent of High Hazard Dams with	

125	Emergency Action Plans	80.00
126	Geology	
127	Percent of Mining Facilities Inspected	95.00
128	Percent of Inspected Mining Facilities	
129	in Compliance with Regulatory	
130	Requirements	85.00

131 Administrative Services

132	Administration as a Percent of Total Budget	5.00
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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 2024.

137 **SECTION 6.** 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
 140 Mississippi or any department, agency or institution thereof for
 141 any purpose other than upon the official business of the State of
 142 Mississippi or any agency, department or institution thereof.

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

146 **SECTION 7.** Of the funds appropriated in Section 2, an amount
 147 no greater than Two Hundred Fifty Thousand Dollars (\$250,000.00)
 148 shall be derived from the Pollution Emergency Fund within the
 149 Pollution Operating Fund for transfer to the Department of

150 Environmental Quality - Office of Administrative Services for
151 support of Legal Division environmental protection activities.

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

158 **SECTION 9.** The Department of Environmental Quality (DEQ) may
159 request that the Mississippi Development Authority (MDA) staff
160 shall provide an economic viability assessment for any complete
161 application or group of related complete applications submitted to
162 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be
163 required to devote extraordinary effort to process the application
164 or group of related applications within the one hundred eighty
165 (180) days required by Section 49-17-29(3)(c). For purposes of
166 this paragraph, "extraordinary effort" means the constant
167 dedication of more than three (3) full-time equivalent positions
168 for a period of at least one hundred eighty (180) days. The
169 economic viability assessment shall include, but not be limited
170 to: (i) an analysis of the current and future market viability of
171 the project concerning which application(s) has been made to DEQ;
172 and (ii) an analysis of the applicant's economic ability to
173 construct, develop, maintain and operate the project as described
174 in the application(s) submitted to DEQ. If the economic viability
175 assessment concludes that the project is not economically viable

176 for any reason, DEQ shall suspend processing the permit
177 application(s), notwithstanding the provisions of Section
178 49-17-29(3)(c). Within thirty (30) days of the decision of MDA
179 staff, the permit applicant may present any additional information
180 on its behalf to the Executive Director of MDA, and the Executive
181 Director shall review the MDA staff assessment. If additional
182 information is received in writing from the applicant, the
183 Executive Director of MDA shall make a decision in review of the
184 MDA staff decision within sixty (60) days of the staff decision,
185 and the decision of the Executive Director of MDA shall be the
186 final administrative action of MDA in the matter.

187 **SECTION 10.** It is the intention of the Legislature that the
188 Executive Director of the Department of Environmental Quality
189 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
215 insurance on its motor vehicles, boats, trailers, motors, and
216 other equipment assigned to the South Regional Office.

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

223 **SECTION 15.** It is the intention of the Legislature for the
224 Department of Environmental Quality to continue with any
225 agreements with Mississippi state agencies, including grant
226 agreements, that provide environmental projects to restore

227 Mississippi's natural resources in the wake of the Deepwater
228 Horizon Oil Spill.

229 **SECTION 16.** It is the intention of the Legislature that the
230 funds herein appropriated shall be expended in compliance with
231 Section 27-104-25, Mississippi Code of 1972, that no state agency
232 shall incur obligations or indebtedness in excess of their
233 appropriation and that the responsible officers, either personally
234 or upon their official bonds, shall be held responsible for
235 actions contrary to this provision.

236 **SECTION 17.** The money herein appropriated shall be paid by
237 the State Treasurer out of any money in the State Treasury to the
238 credit of the proper fund or funds as set forth in this act, upon
239 warrants issued by the State Fiscal Officer; and the State Fiscal
240 Officer shall issue his warrants upon requisitions signed by the
241 proper person, officer or officers, in the manner provided by law.

242 **SECTION 18.** This act shall take effect and be in force from
243 and after July 1, 2022, and shall stand repealed June 29, 2022.

**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 2023.

SS15\HB1604A.J

Eugene S. Clarke
Secretary of the Senate