

Senate Amendments to House Bill No. 1616

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, 2023, and ending
10 June 30, 2024.....\$ 12,011,148.00.

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, 2023, and ending
18 June 30, 2024.....\$ 248,212,077.00.

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

21 **AUTHORIZED HEADCOUNT:**

22 Permanent: 235

23 Time-Limited: 193

24 With the funds herein appropriated, it shall be the agency's
25 responsibility to make certain that funds required for Personal
26 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds
27 appropriated for that purpose unless programs or positions are
28 added to the agency's Fiscal Year 2024 budget by the Mississippi
29 Legislature. The Legislature shall determine the agency's
30 personal services appropriation, which shall be published by the
31 State Personnel Board. Additionally, the State Personnel Board
32 shall determine and publish the projected annualized payroll costs
33 based on current employees. It shall be the responsibility of the
34 agency head to ensure that actual personnel expenditures for
35 Fiscal Year 2024 do not exceed the data provided by the
36 Legislative Budget Office. If the agency's Fiscal Year 2024
37 projected cost exceeds the annualized costs, no salary actions
38 shall be processed by the State Personnel Board with the exception
39 of new hires that are determined to be essential for the agency.

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

47 without proof of availability of new or additional funds above the
48 appropriated level.

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52 act and which are withdrawn and no longer available.

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

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

63 **SECTION 4.** It is the intention of the Legislature that the
64 Department of Environmental Quality shall maintain complete
65 accounting and personnel records related to the expenditure of all
66 funds appropriated under this act and that such records shall be
67 in the same format and level of detail as maintained for Fiscal
68 Year 2023. It is further the intention of the Legislature that
69 the agency's budget request for Fiscal Year 2025 shall be
70 submitted to the Joint Legislative Budget Committee in a format
71 and level of detail comparable to the format and level of detail
72 provided during the Fiscal Year 2024 budget request process.

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

	FY2024
<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
Percent of Underground Storage Tanks in Compliance with Regulatory Requirements	60.00

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

125 Percent of Mining Facilities Inspected 95.00
126 Percent of Inspected Mining Facilities
127 in Compliance with Regulatory
128 Requirements 85.00

129 Administrative Services

130 Administration as a Percent of Total Budget 5.00

131 A reporting of the degree to which the performance targets
132 set above have been or are being achieved shall be provided in the
133 agency's budget request submitted to the Joint Legislative Budget
134 Committee for Fiscal Year 2025.

135 **SECTION 6.** 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 7.** 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 for transfer to the Department of
148 Environmental Quality - Office of Administrative Services for
149 support of Legal Division environmental protection activities.

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

156 **SECTION 9.** Of the funds appropriated in Section 2, Four
157 Million Four Hundred Ninety Thousand Dollars (\$4,490,000.00), or
158 so much thereof, is provided for the Clean Water Grant match.

159 **SECTION 10.** The Department of Environmental Quality (DEQ)
160 may request that the Mississippi Development Authority (MDA) staff
161 shall provide an economic viability assessment for any complete
162 application or group of related complete applications submitted to
163 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be
164 required to devote extraordinary effort to process the application
165 or group of related applications within the one hundred eighty
166 (180) days required by Section 49-17-29(3)(c). For purposes of
167 this paragraph, "extraordinary effort" means the constant
168 dedication of more than three (3) full-time equivalent positions
169 for a period of at least one hundred eighty (180) days. The
170 economic viability assessment shall include, but not be limited
171 to: (i) an analysis of the current and future market viability of
172 the project concerning which application(s) has been made to DEQ;
173 and (ii) an analysis of the applicant's economic ability to
174 construct, develop, maintain and operate the project as described
175 in the application(s) submitted to DEQ. If the economic viability

176 assessment concludes that the project is not economically viable
177 for any reason, DEQ shall suspend processing the permit
178 application(s), notwithstanding the provisions of Section
179 49-17-29(3)(c). Within thirty (30) days of the decision of MDA
180 staff, the permit applicant may present any additional information
181 on its behalf to the Executive Director of MDA, and the Executive
182 Director shall review the MDA staff assessment. If additional
183 information is received in writing from the applicant, the
184 Executive Director of MDA shall make a decision in review of the
185 MDA staff decision within sixty (60) days of the staff decision,
186 and the decision of the Executive Director of MDA shall be the
187 final administrative action of MDA in the matter.

188 **SECTION 11.** It is the intention of the Legislature that the
189 Executive Director of the Department of Environmental Quality
190 shall have authority to transfer cash from one special fund
191 treasury fund to another special fund treasury fund under the
192 control of the Department of Environmental Quality. The purpose
193 of this authority is to more efficiently use available cash
194 reserves. It is further the intention of the Legislature that the
195 Executive Director of the Department of Environmental Quality
196 shall submit written justification for the transfer to the
197 Legislative Budget Office and the Department of Finance and
198 Administration on or before the fifteenth of the month prior to
199 the effective date of the transfer.

200 **SECTION 12.** It is the intention of the Legislature that
201 whenever two (2) or more bids are received by this agency for the

202 purchase of commodities or equipment, and whenever all things
203 stated in such received bids are equal with respect to price,
204 quality and service, the Mississippi Industries for the Blind
205 shall be given preference. A similar preference shall be given to
206 the Mississippi Industries for the Blind whenever purchases are
207 made without competitive bids.

208 **SECTION 13.** Of the funds appropriated herein, it is the
209 intent of the Legislature that the Department of Environmental
210 Quality shall pay debt service on bonds issued to provide state
211 matching funds for the State Revolving Loan Fund with interest
212 earnings derived from the fund.

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

219 **SECTION 15.** It is the intention of the Legislature for the
220 Department of Environmental Quality to continue with any
221 agreements with Mississippi state agencies, including grant
222 agreements, that provide environmental projects to restore
223 Mississippi's natural resources in the wake of the Deepwater
224 Horizon Oil Spill.

225 **SECTION 16.** Of the funds appropriated in Section 2, One
226 Million Dollars (\$1,000,000.00) is provided for the purpose of
227 assessment, remediation, operation and maintenance, cost-sharing,

228 oversight, and administration of water, land, and air
229 contamination projects within the State of Mississippi pursuant to
230 the 2020 settlement in The State of Mississippi ex rel. Lynn
231 Fitch, Attorney General vs. EnPro, Inc., et.al.; Cause No.
232 CV-2017-19-JMY2.

233 **SECTION 17.** It is the intention of the Legislature that the
234 funds herein appropriated shall be expended in compliance with
235 Section 27-104-25, Mississippi Code of 1972, that no state agency
236 shall incur obligations or indebtedness in excess of their
237 appropriation and that the responsible officers, either personally
238 or upon their official bonds, shall be held responsible for
239 actions contrary to this provision.

240 **SECTION 18.** Notwithstanding any other provision, the
241 Department of Environmental Quality shall have the authority to
242 escalate its headcount for any additional operational needs
243 related to Coronavirus State Fiscal Recovery Funds, upon approval
244 of the Department of Finance and Administration and the State
245 Personnel Board.

246 **SECTION 19.** The money herein appropriated shall be paid by
247 the State Treasurer out of any money in the State Treasury to the
248 credit of the proper fund or funds as set forth in this act, upon
249 warrants issued by the State Fiscal Officer; and the State Fiscal
250 Officer shall issue his warrants upon requisitions signed by the
251 proper person, officer or officers, in the manner provided by law.

252 **SECTION 20.** This act shall take effect and be in force from
253 and after July 1, 2023, and shall stand repealed June 29, 2023.

**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 2024.

SS15\HB1616A.J

Eugene S. Clarke
Secretary of the Senate