

Senate Amendments to House Bill No. 1778

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, 2024, and ending June 30, 2025.....
10\$ 15,412,435.00.

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, 2024, and ending June 30, 2025.....
18\$ 248,933,629.00.

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

21 **AUTHORIZED HEADCOUNT:**

22 Permanent: 212

23 Time-Limited: 165

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 2026 do not exceed Fiscal Year 2025 funds
27 appropriated for that purpose unless programs or positions are
28 added to the agency's Fiscal Year 2025 budget by the Mississippi
29 Legislature. The Legislature shall determine the agency's personal
30 services appropriation, which the State Personnel Board shall
31 publish. In accordance with applicable laws, if an agency
32 determines that its personal services amount is insufficient, the
33 agency must contact the State Personnel Board. Any adjustment to
34 the personal services amount must be approved by the State
35 Personnel Director and the State Fiscal Officer after consultation
36 with the Legislative Budget Office. Any adjustment shall be
37 reported to the Legislative Budget Office and the House and Senate
38 Appropriations Chairmen. The agency's personal services
39 appropriation may consist of restricted funds for approved
40 vacancies for Fiscal Year 2025 that may not be utilized for active
41 Fiscal Year 2024 headcount. It shall be the agency's
42 responsibility to ensure that the funds provided for vacancies are
43 used to increase headcount and not for promotions, title changes,
44 in-range salary adjustments, or any other mechanism for increasing
45 salaries for current employees. If the State Personnel Board
46 determines that an agency has used provided vacancy funds for any
47 of the mechanisms previously listed, the State Personnel Board

48 shall not process any additional salary actions for the agency in
49 the current fiscal year, except for new hires determined by the
50 State Personnel Board to be essential for the agency. It is the
51 Legislature's intention that no employee salary falls below the
52 minimum salary established by the Mississippi State Personnel
53 Board.

54 Additionally, the State Personnel Board shall determine and
55 publish the projected annualized payroll costs based on current
56 employees. It shall be the responsibility of the agency head to
57 ensure that actual personnel expenditures for Fiscal Year 2025 do
58 not exceed the data provided by the Legislative Budget Office. If
59 the agency's projected cost for Fiscal Year 2025 exceeds the
60 annualized costs, no salary actions shall be processed by the
61 State Personnel Board except for new hires determined to be
62 essential for the agency.

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

72 No general funds authorized to be expended herein shall be
73 used to replace federal funds and/or other special funds used for

74 salaries authorized under the provisions of this act and which are
75 withdrawn and no longer available.

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

80 **SECTION 4.** It is the intention of the Legislature that the
81 Department of Environmental Quality shall maintain complete
82 accounting and personnel records related to the expenditure of all
83 funds appropriated under this act and that such records shall be
84 in the same format and level of detail as maintained for Fiscal
85 Year 2024. It is further the intention of the Legislature that
86 the agency's budget request for Fiscal Year 2026 shall be
87 submitted to the Joint Legislative Budget Committee in a format
88 and level of detail comparable to the format and level of detail
89 provided during the Fiscal Year 2025 budget request process.

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

	FY2025
<u>Performance Measures</u>	<u>Target</u>
Pollution Control	

100	Percent of Days with Air Advisories	5.00
101	Percent of Air Permits Modified/Issued	
102	in a Timely Manner	50.00
103	Percent of Counties That Meet NAAQ Standards	75.00
104	Percent of Air Facilities Inspected	35.00
105	Percent of Air Facilities in Compliance	
106	with Regulatory Requirements	85.00
107	Percent of Waste Permits Issued/Modified	
108	in a Timely Manner	60.00
109	Percent of Waste Facilities Inspected	60.00
110	Percent of Inspected Waste Facilities in	
111	Compliance with Regulatory Requirements	65.00
112	Percent of Citizens who Have Access to	
113	Recycling Programs	55.00
114	Percent of Underground Storage Tanks in	
115	Compliance with Regulatory Requirements	60.00
116	Percent of Contaminated Sites That Have	
117	Completed Assessment	50.00
118	Percent of Contaminated Sites That Have	
119	Completed Remediation	5.00
120	Percent of Waters That Have Acceptable	
121	Quality for Their Designed Use	56.00
122	Percent of NPDES Permits Issued/Modified	
123	in a Timely Manner	70.00
124	Percent of NPDES Majors in Compliance	66.00
125	Percent of Staff with Expertise in the	

126	National Incident Management System	70.00
127	Percent of NPDES Majors Inspected per Year	50.00
128	Construction Grants	
129	Percent of SRF Loan Recipients in	
130	Compliance with Loan Agreements	90.00
131	Land & Water	
132	Percent of Annual Prioritized Water	
133	Resource Areas Adequately Characterized	80.00
134	Percent of Groundwater Use Permits	
135	Issued/Modified	90.00
136	Percent of Surface Water Use Permits	
137	Issued/Modified	90.00
138	Percent of Water Use Reported	80.00
139	Percent of High Hazard Dams with	
140	Emergency Action Plans	98.00
141	Geology	
142	Percent of Mining Facilities Inspected	95.00
143	Percent of Inspected Mining Facilities	
144	in Compliance with Regulatory	
145	Requirements	85.00
146	Administrative Services	
147	Administration as a Percent of Total Budget	5.00
148	A reporting of the degree to which the performance targets	
149	set above have been or are being achieved shall be provided in the	
150	agency's budget request submitted to the Joint Legislative Budget	
151	Committee for Fiscal Year 2026.	

152 **SECTION 6.** It shall be unlawful for any officer, employee or
153 other person whatsoever to use or permit or authorize the use of
154 any automobile or any other motor vehicle owned by the State of
155 Mississippi or any department, agency or institution thereof for
156 any purpose other than upon the official business of the State of
157 Mississippi or any agency, department or institution thereof.

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

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

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

173 **SECTION 9.** Of the funds appropriated in Section 1, Two
174 Million Six Hundred Thirty-five Thousand Dollars (\$2,635,000.00),
175 or so much thereof, is provided for the Clean Water Grant match.

176 **SECTION 10.** The Department of Environmental Quality (DEQ)
177 may request that the Mississippi Development Authority (MDA) staff

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

203 and the decision of the Executive Director of MDA shall be the
204 final administrative action of MDA in the matter.

205 **SECTION 11.** It is the intention of the Legislature that the
206 Executive Director of the Department of Environmental Quality
207 shall have authority to transfer cash from one special fund
208 treasury fund to another special fund treasury fund under the
209 control of the Department of Environmental Quality. The purpose
210 of this authority is to more efficiently use available cash
211 reserves. It is further the intention of the Legislature that the
212 Executive Director of the Department of Environmental Quality
213 shall submit written justification for the transfer to the
214 Legislative Budget Office and the Department of Finance and
215 Administration on or before the fifteenth of the month prior to
216 the effective date of the transfer.

217 **SECTION 12.** It is the intention of the Legislature that
218 whenever two (2) or more bids are received by this agency for the
219 purchase of commodities or equipment, and whenever all things
220 stated in such received bids are equal with respect to price,
221 quality and service, the Mississippi Industries for the Blind
222 shall be given preference. A similar preference shall be given to
223 the Mississippi Industries for the Blind whenever purchases are
224 made without competitive bids.

225 **SECTION 13.** Of the funds appropriated herein, it is the
226 intent of the Legislature that the Department of Environmental
227 Quality shall pay debt service on bonds issued to provide state

228 matching funds for the State Revolving Loan Fund with interest
229 earnings derived from the fund.

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

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

242 **SECTION 16.** Of the funds appropriated in Section 2, One
243 Million Dollars (\$1,000,000.00) is provided for the purpose of
244 assessment, remediation, operation and maintenance, cost-sharing,
245 oversight, and administration of water, land, and air
246 contamination projects within the State of Mississippi pursuant to
247 the 2020 settlement in The State of Mississippi ex rel. Lynn
248 Fitch, Attorney General vs. EnPro, Inc., et.al.; Cause No.
249 CV-2017-19-JMY2.

250 **SECTION 17.** It is the intention of the Legislature that the
251 funds herein appropriated shall be expended in compliance with
252 Section 27-104-25, Mississippi Code of 1972, that no state agency
253 shall incur obligations or indebtedness in excess of their

254 appropriation and that the responsible officers, either personally
255 or upon their official bonds, shall be held responsible for
256 actions contrary to this provision.

257 **SECTION 18.** Notwithstanding any other provision, the
258 Department of Environmental Quality shall have the authority to
259 escalate its headcount for any additional operational needs
260 related to Coronavirus State Fiscal Recovery Funds, upon approval
261 of the Department of Finance and Administration and the State
262 Personnel Board.

263 **SECTION 19.** With the funds appropriated herein, the
264 Department of Environmental Quality is authorized to make payment
265 to certain vendors for expenses incurred during 2021 and 2022 to
266 certain vendors in the total amount.....\$ 843,889.59.

267 **SECTION 20.** The money herein appropriated shall be paid by
268 the State Treasurer out of any money in the State Treasury to the
269 credit of the proper fund or funds as set forth in this act, upon
270 warrants issued by the State Fiscal Officer; and the State Fiscal
271 Officer shall issue his warrants upon requisitions signed by the
272 proper person, officer or officers, in the manner provided by law.

273 **SECTION 21.** This act shall take effect and be in force from
274 and after July 1, 2024, and shall stand repealed June 29, 2024.

**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 2025.

SS15\HB1778A.J

Amanda White
Secretary of the Senate