

Senate Amendments to House Bill No. 1724

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, 2025, and ending June 30, 2026.....
10\$ 16,173,704.00.

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, 2025, and ending June 30, 2026.....
18\$ 251,588,602.00.

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 2027 do not exceed Fiscal Year 2026 funds
27 appropriated for that purpose unless programs or positions are
28 added to the agency's Fiscal Year 2026 budget by the Mississippi
29 Legislature. The Legislature shall determine the agency's
30 personal services appropriation, which the State Personnel Board
31 shall publish. The agency's personal services appropriation may
32 consist of restricted funds for approved vacancies for Fiscal Year
33 2026 that may be utilized to fill vacant Fiscal Year 2025
34 headcount. It shall be the agency's responsibility to ensure that
35 the funds provided for vacancies are used to increase headcount
36 and not for promotions, title changes, in-range salary adjustments
37 or any other mechanism for increasing salaries for current
38 employees. It is the Legislature's intention that no employee
39 salary falls below the minimum salary established by the
40 Mississippi State Personnel Board.

41 Additionally, the State Personnel Board shall determine and
42 publish the projected annualized payroll costs based on current
43 employees. It shall be the responsibility of the agency head to
44 ensure that actual personnel expenditures for Fiscal Year 2026 do
45 not exceed the data provided by the Legislative Budget Office. If
46 the agency's Fiscal Year 2026 projected cost exceeds the
47 annualized costs, no salary actions shall be processed by the

State Personnel Board except for new hires determined to be essential for the agency.

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

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

None of the funds herein appropriated shall be used in violation of the Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as 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 2025. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2027 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 2026 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:

	FY2026
<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	

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

126	Percent of High Hazard Dams with	
127	Emergency Action Plans	99.00
128	Geology	
129	Percent of Mining Facilities Inspected	95.00
130	Percent of Inspected Mining Facilities	
131	in Compliance with Regulatory	
132	Requirements	88.00

133 Administrative Services

134	Administration as a Percent of Total Budget	5.00
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135 A reporting of the degree to which the performance targets
 136 set above have been or are being achieved shall be provided in the
 137 agency's budget request submitted to the Joint Legislative Budget
 138 Committee for Fiscal Year 2027.

139 **SECTION 6.** It shall be unlawful for any officer, employee or
 140 other person whatsoever to use or permit or authorize the use of
 141 any automobile or any other motor vehicle owned by the State of
 142 Mississippi or any department, agency or institution thereof for
 143 any purpose other than upon the official business of the State of
 144 Mississippi or any agency, department or institution thereof.

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

148 **SECTION 7.** Of the funds appropriated in Section 2, an amount
 149 no greater than Two Hundred Fifty Thousand Dollars (\$250,000.00)
 150 shall be derived from the Pollution Emergency Fund within the
 151 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. Of the funds appropriated in Section 1, Two Million Six Hundred Thirty-five Thousand Dollars (\$2,635,000.00), or so much thereof as may be necessary, is provided for the Clean Water Grant match.

SECTION 10. 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;

178 and (ii) an analysis of the applicant's economic ability to
179 construct, develop, maintain and operate the project as described
180 in the application(s) submitted to DEQ. If the economic viability
181 assessment concludes that the project is not economically viable
182 for any reason, DEQ shall suspend processing the permit
183 application(s), notwithstanding the provisions of Section
184 49-17-29(3)(c). Within thirty (30) days of the decision of MDA
185 staff, the permit applicant may present any additional information
186 on its behalf to the Executive Director of MDA, and the Executive
187 Director shall review the MDA staff assessment. If additional
188 information is received in writing from the applicant, the
189 Executive Director of MDA shall make a decision in review of the
190 MDA staff decision within sixty (60) days of the staff decision,
191 and the decision of the Executive Director of MDA shall be the
192 final administrative action of MDA in the matter.

193 **SECTION 11.** It is the intention of the Legislature that the
194 Executive Director of the Department of Environmental Quality
195 shall have authority to transfer cash from one special fund
196 treasury fund to another special fund treasury fund under the
197 control of the Department of Environmental Quality. The purpose
198 of this authority is to more efficiently use available cash
199 reserves. It is further the intention of the Legislature that the
200 Executive Director of the Department of Environmental Quality
201 shall submit written justification for the transfer to the
202 Legislative Budget Office and the Department of Finance and

Administration on or before the fifteenth of the month prior to the effective date of the transfer.

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

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

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

SECTION 17. Of the funds appropriated in Section 2, Two
Million Dollars (\$2,000,000.00) is provided for the Dam Safety
Grant Program.

SECTION 18. Of the funds appropriated in Section 2, One
Hundred Twenty Thousand Dollars (\$120,000.00), or so much thereof
as may be necessary, shall be derived out of any money in the
State Treasury to the credit of the Project Poppy Fund, as created
in Section 57-1-631, Mississippi Code of 1972, and allocated in a
manner as determined by the Treasurer's Office and One Hundred
Thirty Thousand Dollars (\$130,000.00), or so much thereof as may
be necessary, shall be derived out of any money in the State
Treasury to the credit of the Project Atlas Fund, as created in
Section 57-1-641, Mississippi Code of 1972, and allocated in a
manner as determined by the Treasurer's Office. These funds are
provided for expediting services needed for Project Poppy and
Project Atlas.

SECTION 19. 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 20. Notwithstanding any other provision, the Department of Environmental Quality shall have the authority to escalate its headcount for any additional operational needs related to Coronavirus State Fiscal Recovery Funds, upon approval of the Department of Finance and Administration and the State Personnel Board.

SECTION 21. The following sum, or so much thereof as may be necessary, is reappropriated out of any money in the Capital Expense Fund not otherwise appropriated, for the Department of Environmental Quality for the purpose of reauthorizing the expenditure of Capital Expense Funds as authorized in House Bill 1778, 2024 Regular Session, for the fiscal year beginning July 1, 2025, and ending June 30, 2026.....\$ 2,906,048.00.

This reappropriation is made for the purpose of reauthorizing the expenditure of funds for the Clean Water Grant Program Match.

Notwithstanding the amount reappropriated under this section, the amount that may be expended under the authority of this section shall not exceed the unexpended balance of the funds remaining as of June 30, 2025, from the amount authorized for the

280 previous fiscal year. In addition, this reappropriation shall not
281 change the purpose for which the funds were originally authorized.

282 **SECTION 22.** With the funds appropriated herein, the
283 Department of Environmental Quality is authorized to make payment
284 to certain vendors for expenses incurred during Fiscal Years 2022
285 and 2023 in the total amount.....\$ 44,667.00.

286 **SECTION 23.** The money herein appropriated shall be paid by
287 the State Treasurer out of any money in the State Treasury to the
288 credit of the proper fund or funds as set forth in this act, upon
289 warrants issued by the State Fiscal Officer; and the State Fiscal
290 Officer shall issue his warrants upon requisitions signed by the
291 proper person, officer or officers, in the manner provided by law.

292 **SECTION 24.** This act shall take effect and be in force from
293 and after July 1, 2025, and shall stand repealed from and after
294 June 30, 2025.

**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 2026.

SS15\HB1724A.J

Amanda White
Secretary of the Senate