

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1620: Appropriation; Department of Environmental Quality.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.

2. That the House and Senate adopt the following amendment:

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 hereby appropriated out of any money in the State
7 General Fund not otherwise appropriated, for the support and
8 maintenance of the Department of Environmental Quality for the
9 fiscal year beginning July 1, 2001, and ending June 30, 2002....
10 \$ 15,122,129.00.

11 SECTION 2. The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in any special

13 fund in 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, 2001, and ending June 30, 2002.....
 18 \$ 96,553,689.00.

19 SECTION 3. Of the funds appropriated under the provisions
 20 of Sections 1 and 2, not more than the amounts set forth below
 21 shall be expended for the respective major objects or purposes of
 22 expenditure:

23 ENVIRONMENTAL QUALITY - CONSOLIDATED

24 MAJOR OBJECTS OF EXPENDITURE:

25 Personal Services:

26 Salaries, Wages and Fringe Benefits. \$ 23,596,556.00
 27 Travel and Subsistence..... 626,826.00
 28 Contractual Services..... 12,958,866.00
 29 Commodities..... 1,075,084.00

30 Capital Outlay:

31 Other Than Equipment..... 0.00
 32 Equipment..... 1,000,114.00
 33 Subsidies, Loans and Grants..... 72,418,372.00
 34 Total..... \$ 111,675,818.00

35	FUNDING:	
36	General Funds	\$ 15,122,129.00
37	Special Funds	<u>96,553,689.00</u>
38	Total	\$ 111,675,818.00

39 AUTHORIZED POSITIONS:

40	Permanent:	Full Time	306
41		Part Time	0
42	Time-Limited:	Full Time	210
43		Part Time	0

44 With the funds herein appropriated, it is the intention of
45 the Legislature that it shall be the agency's responsibility to
46 make certain that funds required to be appropriated for "Personal
47 Services" for Fiscal Year 2003 do not exceed Fiscal Year 2002
48 funds appropriated for that purpose, unless programs or positions
49 are added to the agency's Fiscal Year 2003 budget by the
50 Mississippi Legislature. Based on data provided by the
51 Legislative Budget Office, the State Personnel Board shall
52 determine and publish the projected annual cost to fully fund all
53 appropriated positions in compliance with the provisions of this
54 act. It shall be the responsibility of the agency head to insure
55 that no single personnel action increases this projected annual
56 cost and/or the Fiscal Year 2002 appropriation for "Personal

57 Services" when annualized. If, at the end of any calendar month,
58 the State Personnel Board determines that the agency has taken
59 action(s) which would cause the agency to exceed this projected
60 annual cost or the Fiscal Year 2002 "Personal Services"
61 appropriated level, when annualized, then only those actions
62 which reduce the projected annual cost and/or the appropriation
63 requirement will be processed by the State Personnel Board until
64 such time as the requirements of this provision are met.

65 Pursuant to policies established by the State Personnel
66 Board, the agency head may, on a case by case basis and from
67 within funds available, recommend equity salary adjustments.
68 Such adjustments shall not be retroactive and may be made when an
69 employee with greater or equal state service experience and
70 qualifications is being paid less than an employee working in the
71 same job classification within the same agency.

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

76 Unless expressly authorized herein by the Legislature, no
77 funds appropriated shall be expended to pay expenses incurred by
78 more than four (4) employees or other representatives of the

79 agency for attending the same conference, seminar or workshop,
80 either in-state or out-of-state; however, such funds may be
81 expended for expenses incurred by more than four (4) employees or
82 other representatives for attendance at the same conference,
83 seminar or workshop (a) if attendance is required in order to
84 maintain professional certification or licensure, which
85 certification or licensure is required by the employees' job
86 descriptions or by law, or (b) if such expenditure has received
87 the prior written approval of the Department of Finance and
88 Administration.

89 SECTION 4. It is the intent of the Legislature that the
90 Department of Environmental Quality shall have authority to
91 escalate the various budgets in both funds and positions, with
92 the approval of the State Fiscal Officer, from any special funds
93 collected or available, in the current fiscal year or any prior
94 fiscal year, not to exceed Five Million Dollars (\$5,000,000.00),
95 to the agency for expenditure. Upon such approval, the
96 Department of Environmental Quality may expend such funds in the
97 manner authorized by law.

98 The Executive Director of the Department of Environmental
99 Quality shall submit to the Department of Finance and
100 Administration a certified statement providing a detailed

101 explanation for any escalation, including a justification for the
102 establishment of any new positions or reclassification of
103 existing positions and the existence of any required matching
104 funds for those positions, and an assessment of the impact on the
105 agency's general fund budget for the three (3) fiscal years
106 following the fiscal year in which the escalation is requested.

107 SECTION 5. It shall be unlawful for any officer, employee
108 or other person whatsoever to use or permit or authorize the use
109 of any automobile or any other motor vehicle owned by the State
110 of Mississippi or any department, agency or institution thereof
111 for any purpose other than upon the official business of the
112 State of Mississippi or any agency, department or institution
113 thereof.

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

117 SECTION 6. In compliance with the "Mississippi Performance
118 Budget and Strategic Planning Act of 1994," it is the intent of
119 the Legislature that the funds provided herein shall be utilized
120 in the most efficient and effective manner possible to achieve
121 the intended mission of this agency. Based on the funding
122 authorized, this agency shall make every effort to attain the

123	targeted performance measures provided below:	
124		FY02
125	<u>Performance Measures</u>	<u>Target</u>
126	Pollution Control	
127	Air-Compliance Assurance Activities (Actions)	1,730
128	Air-Permits Issued (Permits)	319
129	Asbestos-Persons Certified (Persons)	1,100
130	RCRA-Inspections (Actions)	141
131	RCRA-Permit Actions Taken (Actions)	4
132	Wst Tires-Compliance Assurance (Actions)	415
133	Sld Waste-Pemits Processed (Permits)	100
134	SRF Water-Inspections (Sites)	2,585
135	SRF Water-NPDES Permits Issued (Permits)	236
136	SRF Admin-Fed/State Match Funds (Percent)	90
137	Construction Grants	
138	Federal/State Match Funds Awarded (Percent)	90
139	Recipient Compliance with Loan Agreement	90
140	Land & Water	
141	Water Levels Measured (Actions)	1,100
142	Test/Data Collection Wells	1,650
143	Water Withdrawal Permits Issued	4,000
144	Driller Licenses Issued	200

145	Dams Inspected	120
146	Geology	
147	Leases/Permits Issued	1
148	Quadrangles Mapped (Sites)	10
149	Test Holes Drilled	15
150	Mines Inspected	1,450

151 A reporting of the degree to which the performance targets
152 set above have been or are being achieved shall be provided in
153 the agency's budget request submitted to the Joint Legislative
154 Budget Committee for Fiscal Year 2003.

155 SECTION 7. Of the funds appropriated in Section 2 and
156 allocated in Section 3, an amount no greater than Three Hundred
157 Twenty Thousand Dollars (\$320,000.00) shall be derived from the
158 Pollution Emergency Fund within the Pollution Operating Fund and
159 shall be transferred to the Department of Finance and
160 Administration.

161 SECTION 8. Of the funds appropriated in Section 2 and
162 allocated in Section 3, an amount no greater than One Hundred
163 Fifty Thousand Dollars (\$150,000.00) shall be derived from the
164 Pollution Emergency Fund within the Pollution Operating Fund for
165 transfer to the Department of Environmental Quality - Office of
166 Administrative Services for support of Legal Division

167 environmental protection activities.

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

176 For purposes of this paragraph, "extraordinary effort" means the
177 constant dedication of more than three (3) full-time equivalent
178 positions for a period of at least one hundred eighty (180) days.

179 The economic viability assessment shall include, but not be
180 limited to: (i) An analysis of the current and future market
181 viability of the project concerning which application(s) has been
182 made to DEQ; and (ii) an analysis of the applicant's economic
183 ability to construct, develop, maintain and operate the project
184 as described in the application(s) submitted to DEQ. If the
185 economic viability assessment concludes that the project is not
186 economically viable for any reason, DEQ shall suspend processing
187 the permit application(s), notwithstanding the provisions of
188 Section 49-17-29(3)(c). Within thirty (30) days of the decision

189 of MDA staff, the permit applicant may present any additional
190 information on its behalf to the Executive Director of MDA, and
191 the Executive Director shall review the MDA staff assessment. If
192 additional information is received in writing from the applicant,
193 the Executive Director of MDA shall make a decision in review of
194 the MDA staff decision within sixty (60) days of the staff
195 decision, and the decision of the Executive Director of MDA shall
196 be the final administrative action of MDA in the matter.

197 SECTION 10. It is the intention of the Legislature that the
198 Executive Director of the Department of Environmental Quality may
199 authorize increases in major objects of expenditure in total
200 amounts not to exceed twenty-five percent (25%) of the
201 appropriated amount of each major object of expenditure, provided
202 that other major objects of expenditure are decreased by a
203 corresponding dollar amount. However, no transfers shall be
204 authorized which increase the major object of expenditure
205 "Salaries, Wages and Fringe Benefits."

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SECTION 11. The following sum, or so much as may be necessary, is
 6 hereby reappropriated out of any money in the State General Fund not
 7 otherwise appropriated, to the Department of Environmental Quality for the
 8 purpose of reauthorizing the expenditure of the State General Funds, as
 9 authorized in Senate Bill No. 2531, Regular Session of 2000, for the
 10 purpose of initiating the development of a Digital Land Base Computer
 11 Model of the State of Mississippi, for the fiscal year beginning July 1, 2001,
 12 and ending June 30, 2002.....\$ 400,000.00.

13 It is the intention of the Legislature that with the funds provided in this
 14 section, the Department of Environmental Quality is directed to initiate the
 15 development of a Digital Land Base Computer Model of the State of
 16 Mississippi.

17 Notwithstanding the amount reappropriated under the provisions of
 18 this section, in no event shall the amount expended exceed the unexpended
 19 balance as of June 30, 2001.

20 SECTION 12. With the funds appropriated herein, the Department of
 21 Environmental Quality is authorized to make payment for expenses incurred
 22 during previous fiscal years as follows:

<u>Vendor</u>	<u>Fiscal Year</u>	<u>Amount</u>
Chevron	1998/1999	\$ 150.38
University of Mississippi	1999	\$ 155.69
University of Mississippi	1999	\$ 7,080.97

27 SECTION 13. The money herein appropriated shall be paid by the
 28 State Treasurer out of any money in the State Treasury to the credit of the
 29 proper fund or funds as set forth in this act, upon warrants issued by the
 30 State Fiscal Officer; and the State Fiscal Officer shall issue his warrants

31 upon requisitions signed by the proper person, officer or officers, in the
32 manner provided by law.

33 SECTION 14. This act shall take effect and be in force from and after
34 July 1, 2001.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X _____

X _____

—

Charlie Capps, Jr.

Jack Gordon

X _____

X _____

—

Bill Denny

Vincent Scoper

X _____

—

Warner F. McBride

Johnnie E. Walls, Jr.

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