

By: Denny, Shows, Bowles, Flaggs, Henderson, To: Appropriations
Martinson, McBride, Moody

HOUSE BILL NO. 1629
(As Sent to Governor)

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 2001.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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, 2000, and ending June 30, 2001.....
10\$ 17,461,333.00.

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, 2000, and ending June 30, 2001.....
18\$ 94,694,575.00.

19 SECTION 3. Of the funds appropriated under the provisions of
20 Sections 1 and 2, not more than the amounts set forth below shall
21 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...\$ 24,045,426.00

27	Travel and Subsistence.....	935,982.00
28	Contractual Services.....	13,689,741.00
29	Commodities.....	1,316,316.00
30	Capital Outlay:	
31	Other Than Equipment.....	0.00
32	Equipment.....	1,750,071.00
33	Subsidies, Loans and Grants.....	<u>70,418,372.00</u>
34	Total.....	\$ 112,155,908.00
35	FUNDING:	
36	General Funds.....	\$ 17,461,333.00
37	Special Funds.....	<u>94,694,575.00</u>
38	Total.....	\$ 112,155,908.00

39 AUTHORIZED POSITIONS:

40	Permanent: Full Time.....	308
41	Part Time.....	0
42	Time-Limited: Full Time.....	216
43	Part Time.....	0

44 The "Environmental Quality - Consolidated" budget shown above
45 consists of budgets formerly identified as Environmental Quality -
46 Administrative Services, Office of Geology and Energy Resources,
47 Office of Land and Water Resources, Office of Pollution Control
48 and State Revolving Loan Program.

49 With the funds herein appropriated, it is the intention of
50 the Legislature that it shall be the agency's responsibility to
51 make certain that funds required to be appropriated for "Personal
52 Services" for Fiscal Year 2002 do not exceed Fiscal Year 2001
53 funds appropriated for that purpose, unless programs or positions
54 are added to the agency's Fiscal Year 2002 budget by the
55 Mississippi Legislature. Based on data provided by the
56 Legislative Budget Office, the State Personnel Board shall
57 determine and publish the projected annual cost to fully fund all
58 appropriated positions in compliance with the provisions of this
59 act. It shall be the responsibility of the agency head to insure

60 that no single personnel action increases this projected annual
61 cost and/or the Fiscal Year 2001 appropriation for "Personal
62 Services" when annualized. If, at the end of any calendar month,
63 the State Personnel Board determines that the agency has taken
64 action(s) which would cause the agency to exceed this projected
65 annual cost or the Fiscal Year 2001 "Personal Services"
66 appropriated level, when annualized, then only those actions which
67 reduce the projected annual cost and/or the appropriation
68 requirement will be processed by the State Personnel Board until
69 such time as the requirements of this provision are met.

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

74 Unless expressly authorized herein by the Legislature, no
75 funds appropriated shall be expended to pay expenses incurred by
76 more than four (4) employees or other representatives of the
77 agency for attending the same conference, seminar or workshop,
78 either in-state or out-of-state; however, such funds may be
79 expended for expenses incurred by more than four (4) employees or
80 other representatives for attendance at the same conference,
81 seminar or workshop (a) if attendance is required in order to
82 maintain professional certification or licensure, which
83 certification or licensure is required by the employees' job
84 descriptions or by law, or (b) if such expenditure has received
85 the prior written approval of the Department of Finance and
86 Administration.

87 SECTION 4. It is the intent of the Legislature that the
88 Department of Environmental Quality shall have authority to
89 escalate the various budgets in both funds and positions, with the
90 approval of the State Fiscal Officer, from any special funds
91 collected or available, in the current fiscal year or any prior
92 fiscal year, not to exceed Five Million Dollars (\$5,000,000.00),

93 to the agency for expenditure. Upon such approval, the Department
94 of Environmental Quality may expend such funds in the manner
95 authorized by law.

96 The Executive Director of the Department of Environmental
97 Quality shall submit to the Department of Finance and
98 Administration a certified statement providing a detailed
99 explanation for any escalation, including a justification for the
100 establishment of any new positions or reclassification of existing
101 positions and the existence of any required matching funds for
102 those positions, and an assessment of the impact on the agency's
103 general fund budget for the three (3) fiscal years following the
104 fiscal year in which the escalation is requested.

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

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

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

	FY01
<u>Performance Measures</u>	<u>Target</u>
Pollution Control	
Air-compliance assurance activities (actions)	1,730

125

126	Air-permits issued (permits)	490
127		
128	Asbestos-persons certified (persons)	1,100
129		
130	RCRA-inspections (actions)	141
131	RCRA-permit actions taken (actions)	10
132		
133	WST tires-compliance assurance (facilities)	400
134	SLD Waste-permits processed (permits)	140
135		
136	SRF Water-inspections (sites)	2,585
137		
138	SRF Water-NPDES permits issued (permits)	239
139		
140	SRF Admin-Fed/State Match Funds (%)	90
141		
142	Construction Grants	
143	Federal/State Match Funds Awarded (%)	90
144		
145	Recipient compliance with loan agreement (%)	90
146		
147	Land and Water	
148	Water levels measured (actions)	100
149		
150	Test/data collection wells (wells)	2,500
151		
152	Water withdrawal permits issued (permits)	2,000
153		
154	Driller license issued (licenses)	200
155		
156	Dams inspected (dams)	100
157		
158	Geology	

159	Leases/permits issued (items)	3
160		
161	Quadrangles mapped (sites)	9
162		
163	Test holes drilled (tests)	24
164		
165	Mines inspected (mines)	1,250
166		

167 A reporting of the degree to which the performance targets
168 set above have been or are being achieved shall be provided in the
169 agency's budget request submitted to the Joint Legislative Budget
170 Committee for Fiscal Year 2002.

171 SECTION 7. Of the funds appropriated in Section 2 and
172 allocated in Section 3, an amount no greater than Three Hundred
173 Twenty Thousand Dollars (\$320,000.00) shall be derived from the
174 Pollution Emergency Fund within the Pollution Operating Fund and
175 shall be transferred to the Department of Finance and
176 Administration.

177 SECTION 8. Of the funds appropriated in Section 2 and
178 allocated in Section 3, an amount no greater than One Hundred
179 Fifty Thousand Dollars (\$150,000.00) shall be derived from the
180 Pollution Emergency Fund within the Pollution Operating Fund for
181 transfer to the Department of Environmental Quality - Office of
182 Administrative Services for support of Legal Division
183 environmental protection activities.

184 SECTION 9. The Department of Environmental Quality (DEQ) may
185 request that the Department of Economic and Community Development
186 (DECD) staff shall provide an economic viability assessment for
187 any complete application or group of related complete applications
188 submitted to DEQ after July 1, 1999, for which DEQ estimates that
189 DEQ will be required to devote extraordinary effort to process the
190 application or group of related applications within the one
191 hundred and eighty (180) days required by Section 49-17-29(3)(c).

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

195 The economic viability assessment shall include, but not be
196 limited to: (i) An analysis of the current and future market
197 viability of the project concerning which application(s) has been
198 made to DEQ; and (ii) an analysis of the applicant's economic
199 ability to construct, develop, maintain and operate the project as
200 described in the application(s) submitted to DEQ. If the economic
201 viability assessment concludes that the project is not
202 economically viable for any reason, DEQ shall suspend processing
203 the permit application(s), notwithstanding the provisions of
204 Section 49-17-29(3)(c). Within thirty (30) days of the decision
205 of DECD staff, the permit applicant may present any additional
206 information on its behalf to the Executive Director of DECD, and
207 the Executive Director shall review the DECD staff assessment. If
208 additional information is received in writing from the applicant,
209 the Executive Director of DECD shall make a decision in review of
210 the DECD staff decision within sixty (60) days of the staff
211 decision, and the decision of the Executive Director of DECD shall
212 be the final administrative action of DECD in the matter.

213 SECTION 10. The money herein appropriated shall be paid by
214 the State Treasurer out of any money in the State Treasury to the
215 credit of the proper fund or funds as set forth in this act, upon
216 warrants issued by the State Fiscal Officer; and the State Fiscal
217 Officer shall issue his warrants upon requisitions signed by the
218 proper person, officer or officers, in the manner provided by law.

219 SECTION 11. This act shall take effect and be in force from
220 and after July 1, 2000.