MISSISSIPPI LEGISLATURE

By: Representatives Denny, Shows, Bowles, Flaggs, Henderson, Martinson, McBride, Moody

To: Appropriations

MISSISSIPPI LEGISLATURE  REGULAR SESSION 2003

By: Representatives Denny, Shows, Bowles, Flaggs, Henderson, Martinson, McBride, Moody

To: Appropriations

HOUSE BILL NO. 1554
(As Sent to Governor)


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

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the support and maintenance of the Department of Environmental Quality for the fiscal year beginning July 1, 2003, and ending June 30, 2004...

.............................................. $ 12,350,192.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the Department of Environmental Quality which is comprised of special source funds collected by or otherwise available to the department, for the support of the various offices of the department for the fiscal year beginning July 1, 2003, and ending June 30, 2004...

.............................................. $ 120,571,148.00.

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

ENVIRONMENTAL QUALITY - CONSOLIDATED

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits.. $ 27,081,653.00

Travel and Subsistence.............. 700,000.00
Contractual Services....................... 21,228,489.00
Commodities................................ 1,008,800.00
Capital Outlay:
   Other Than Equipment...................... 0.00
   Equipment............................... 489,025.00
   Subsidies, Loans and Grants................. 82,413,373.00
Total................................ $ 132,921,340.00

FUNDING:
   General Funds............................ $ 12,350,192.00
   Special Funds............................ 120,571,148.00
Total................................ $ 132,921,340.00

AUTHORIZED POSITIONS:
   Permanent: Full Time...................... 299
   Part Time.................................. 0
   Time-Limited: Full Time................... 219
   Part Time.................................. 0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2005 do not exceed Fiscal Year 2004 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2005 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to insure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2004 appropriation for "Personal Services" when annualized. If, at the end of any calendar month, the State Personnel Board determines that the agency has taken action(s) which would cause the agency to exceed this projected annual cost or the Fiscal Year 2004 "Personal Services"
appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

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

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

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

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

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

It is the intent of the Legislature that motor vehicles
authorized to be owned and operated by this agency shall comply

SECTION 6. Of the funds appropriated in Section 2 and
allocated in Section 3, an amount no greater than Three Hundred
Twenty Thousand Dollars ($320,000.00) shall be derived from the
Pollution Emergency Fund within the Pollution Operating Fund and
shall be transferred to the Department of Finance and
Administration.

SECTION 7. Of the funds appropriated in Section 2 and
allocated in Section 3, an amount no greater than One Hundred
Fifty Thousand Dollars ($150,000.00) shall be derived from the
Pollution Emergency Fund within the Pollution Operating Fund for
transfer to the Department of Environmental Quality - Office of
Administrative Services for support of Legal Division
environmental protection activities.

SECTION 8. 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 and 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;
and (ii) an analysis of the applicant's economic ability to
construct, develop, maintain and operate the project as described
in the application(s) submitted to DEQ. If the economic viability
assessment concludes that the project is not economically viable
for any reason, DEQ shall suspend processing the permit
application(s), notwithstanding the provisions of Section
49-17-29(3)(c). Within thirty (30) days of the decision of MDA
staff, the permit applicant may present any additional information
on its behalf to the Executive Director of MDA, and the Executive
Director shall review the MDA staff assessment. If additional
information is received in writing from the applicant, the
Executive Director of MDA shall make a decision in review of the
MDA staff decision within sixty (60) days of the staff decision,
and the decision of the Executive Director of MDA shall be the
final administrative action of MDA in the matter.

SECTION 9. It is the intention of the Legislature that the
Executive Director of the Department of Environmental Quality may
authorize increases in major objects of expenditure in total
amounts not to exceed twenty-five percent (25%) of the
appropriated amount of each major object of expenditure, provided
that other major objects of expenditure are decreased by a
Corresponding dollar amount. However, no transfers shall be
authorized which increase the major object of expenditure
"Salaries, Wages and Fringe Benefits."
SECTION 10. It is the intention of the Legislature that the Department of Environmental Quality shall be the coordinator for all Remote Sensing and Geographic Information Systems within the state, and as such, the lead agency for the State of Mississippi directed to continue the development and coordination of a Digital Land Base Computer Model of the State of Mississippi (MDEM).

SECTION 11. Of the funds appropriated in Section 2 and allocated in Section 3, an amount no greater than Fifty Thousand Dollars ($50,000.00) 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 12. With the funds appropriated herein, the Department of Environmental Quality is authorized to make payment for expenses incurred during previous fiscal years as follows:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malcolm Pirnie, Inc.</td>
<td>1998</td>
<td>$ 3,600.00</td>
</tr>
<tr>
<td>Overnite Freight Company</td>
<td>1998</td>
<td>$ 92.96</td>
</tr>
<tr>
<td>Cottman Transmission</td>
<td>2001</td>
<td>$ 1,794.80</td>
</tr>
</tbody>
</table>

SECTION 13. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 14. This act shall take effect and be in force from and after July 1, 2003.