

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

To: Appropriations

HOUSE BILL NO. 1554  
(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 2004.

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, 2003, and ending June 30, 2004.....  
10 ..... \$ 12,350,192.00.

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, 2003, and ending June 30, 2004.....  
18 ..... \$ 120,571,148.00.

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.. \$ 27,081,653.00  
27 Travel and Subsistence..... 700,000.00



28	Contractual Services.....	21,228,489.00
29	Commodities.....	1,008,800.00
30	Capital Outlay:	
31	Other Than Equipment.....	0.00
32	Equipment.....	489,025.00
33	Subsidies, Loans and Grants.....	<u>82,413,373.00</u>
34	Total.....	\$ 132,921,340.00

35 FUNDING:

36	General Funds.....	\$ 12,350,192.00
37	Special Funds.....	<u>120,571,148.00</u>
38	Total.....	\$ 132,921,340.00

39 AUTHORIZED POSITIONS:

40	Permanent: Full Time.....	299
41	Part Time.....	0
42	Time-Limited: Full Time.....	219
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 2005 do not exceed Fiscal Year 2004  
48 funds appropriated for that purpose, unless programs or positions  
49 are added to the agency's Fiscal Year 2005 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 2004 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 2004 "Personal Services"



61 appropriated level, when annualized, then only those actions which  
62 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 No general funds authorized to be expended herein shall be  
66 used to replace federal funds and/or other special funds which are  
67 being used for salaries authorized under the provisions of this  
68 act and which are withdrawn and no longer available.

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

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

91 The Executive Director of the Department of Environmental  
92 Quality shall submit to the Department of Finance and  
93 Administration a certified statement providing a detailed



94 explanation for any escalation, including a justification for the  
95 establishment of any new positions or reclassification of existing  
96 positions and the existence of any required matching funds for  
97 those positions, and an assessment of the impact on the agency's  
98 general fund budget for the three (3) fiscal years following the  
99 fiscal year in which the escalation is requested.

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

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

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

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

122       **SECTION 8.** The Department of Environmental Quality (DEQ) may  
123 request that the Mississippi Development Authority (MDA) staff  
124 shall provide an economic viability assessment for any complete  
125 application or group of related complete applications submitted to  
126 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be



127 required to devote extraordinary effort to process the application  
128 or group of related applications within the one hundred and eighty  
129 (180) days required by Section 49-17-29(3)(c). For purposes of  
130 this paragraph, "extraordinary effort" means the constant  
131 dedication of more than three (3) full-time equivalent positions  
132 for a period of at least one hundred eighty (180) days. The  
133 economic viability assessment shall include, but not be limited  
134 to: (i) an analysis of the current and future market viability of  
135 the project concerning which application(s) has been made to DEQ;  
136 and (ii) an analysis of the applicant's economic ability to  
137 construct, develop, maintain and operate the project as described  
138 in the application(s) submitted to DEQ. If the economic viability  
139 assessment concludes that the project is not economically viable  
140 for any reason, DEQ shall suspend processing the permit  
141 application(s), notwithstanding the provisions of Section  
142 49-17-29(3)(c). Within thirty (30) days of the decision of MDA  
143 staff, the permit applicant may present any additional information  
144 on its behalf to the Executive Director of MDA, and the Executive  
145 Director shall review the MDA staff assessment. If additional  
146 information is received in writing from the applicant, the  
147 Executive Director of MDA shall make a decision in review of the  
148 MDA staff decision within sixty (60) days of the staff decision,  
149 and the decision of the Executive Director of MDA shall be the  
150 final administrative action of MDA in the matter.

151 **SECTION 9.** It is the intention of the Legislature that the  
152 Executive Director of the Department of Environmental Quality may  
153 authorize increases in major objects of expenditure in total  
154 amounts not to exceed twenty-five percent (25%) of the  
155 appropriated amount of each major object of expenditure, provided  
156 that other major objects of expenditure are decreased by a  
157 corresponding dollar amount. However, no transfers shall be  
158 authorized which increase the major object of expenditure  
159 "Salaries, Wages and Fringe Benefits."



160           **SECTION 10.** It is the intention of the Legislature that the  
161 Department of Environmental Quality shall be the coordinator for  
162 all Remote Sensing and Geographic Information Systems within the  
163 state, and as such, the lead agency for the State of Mississippi  
164 directed to continue the development and coordination of a Digital  
165 Land Base Computer Model of the State of Mississippi (MDEM).

166           **SECTION 11.** Of the funds appropriated in Section 2 and  
167 allocated in Section 3, an amount no greater than Fifty Thousand  
168 Dollars (\$50,000.00) shall be derived from the Pollution Emergency  
169 Fund within the Pollution Operating Fund for transfer to the  
170 Department of Environmental Quality - Office of Pollution Control  
171 for support of the Household Hazardous Waste Collection Grants  
172 Program.

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

<u>Vendor</u>	<u>Fiscal Year</u>	<u>Amount</u>
Malcolm Pirnie, Inc.	1998	\$ 3,600.00
Overnite Freight Company	1998	\$ 92.96
Cottman Transmission	2001	\$ 1,794.80

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

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

