

By: Representatives Green, McBride,
Frierson, Gadd, Middleton, Pierce

To: Appropriations

HOUSE BILL NO. 1743

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 2005.

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, 2004, and ending June 30, 2005.....
10 \$ 7,421,271.00.

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, 2004, and ending June 30, 2005.....
18 \$ 129,406,452.00.

19 **SECTION 3.** With the funds appropriated under the provisions
20 of Sections 1 and 2, the following positions are authorized:

21 AUTHORIZED POSITIONS:

22	Permanent:	Full Time.....	297
23		Part Time.....	0
24	Time-Limited:	Full Time.....	224
25		Part Time.....	0

26 With the funds herein appropriated, it is the intention of
27 the Legislature that it shall be the agency's responsibility to

28 make certain that funds required to be appropriated for "Personal
29 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
30 funds appropriated for that purpose, unless programs or positions
31 are added to the agency's Fiscal Year 2006 budget by the
32 Mississippi Legislature. Based on data provided by the
33 Legislative Budget Office, the State Personnel Board shall
34 determine and publish the projected annual cost to fully fund all
35 appropriated positions in compliance with the provisions of this
36 act. It shall be the responsibility of the agency head to insure
37 that no single personnel action increases this projected annual
38 cost and/or the Fiscal Year 2005 appropriation for "Personal
39 Services" when annualized, with the exception of escalated funds.
40 If, at the time the agency takes any action to change "Personal
41 Services," the State Personnel Board determines that the agency
42 has taken an action which would cause the agency to exceed this
43 projected annual cost or the Fiscal Year 2005 "Personal Services"
44 appropriated level, when annualized, then only those actions which
45 reduce the projected annual cost and/or the appropriation
46 requirement will be processed by the State Personnel Board until
47 such time as the requirements of this provision are met.

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

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

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

73 **SECTION 4.** The funds authorized herein shall be used to fund
74 all operations of the agency with the following prohibitions:

75 (1) The agency shall not fill any current or future vacant
76 positions;

77 (2) The agency shall not take any action to promote or
78 otherwise award salary increases through reallocation,
79 reclassification, realignment, education benchmark, career ladder,
80 or any other means to increase salaries of employees or positions
81 except as allowed under the provisions set forth in House Bill No.
82 1279, 2004 Regular Legislative Session;

83 (3) The agency shall not expend funds for out-of-state
84 travel except as allowed under the provisions set forth in House
85 Bill No. 1279, 2004 Regular Legislative Session;

86 (4) The agency shall not expend funds for the purchase of or
87 contract for cellular phones, two-way radios or pagers, except for
88 support of employees in the Department of Public Safety and the
89 Bureau of Narcotics as recommended by Information Technology
90 Services or as allowed under the provisions set forth in House
91 Bill No. 1279, 2004 Regular Legislative Session;

92 (5) The agency shall not expend funds to publish or
93 distribute any annual reports or other publications;

94 (6) The agency shall not expend funds for public relation
95 activities regarding the functions, programs or services of the
96 agency except as allowed under the provisions set forth in House
97 Bill No. 1279, 2004 Regular Legislative Session;

98 (7) The agency shall not advertise the functions, programs
99 or services of the agency except that the Mississippi Development
100 Authority is authorized to expend funds for advertising to carry
101 out the purposes of key programs administered by the authority;

102 (8) The agency shall not expend funds for staff development
103 or training services;

104 (9) The agency shall not expend funds for the purchase of
105 new or replacement equipment or furniture, excluding lease
106 purchase payments on agreements in effect upon passage of this
107 appropriation bill, except as allowed under the provisions set
108 forth in House Bill No. 1279, 2004 Regular Legislative Session.

109 **SECTION 5.** It is the intention of the Legislature that none
110 of the funds appropriated above shall be expended unless members
111 of the Mississippi House of Representatives and Mississippi Senate
112 are notified at least five (5) days prior to a public ceremony
113 announcing the award of any grant in their district or any public
114 announcement or ceremony regarding the groundbreaking or opening
115 of a facility, roadway or bridge for which the Legislature has
116 made funds available. Any signage regarding any public event or
117 any new facility, roadway or bridge shall include the following
118 language: "Funds were made available for this project by the
119 Mississippi State Legislature."

120 **SECTION 6.** It is the intention of the Legislature that the
121 Department of Environmental Quality shall maintain complete
122 accounting and personnel records related to the expenditure of all
123 funds appropriated under this act and that such records shall be
124 in the same format and level of detail as maintained for Fiscal
125 Year 2004. It is further the intention of the Legislature that
126 the agency's budget request for Fiscal Year 2006 shall be

127 submitted to the Joint Legislative Budget Committee in a format
 128 and level of detail comparable to the format and level of detail
 129 provided during the Fiscal Year 2005 budget request process.

130 **SECTION 7.** In compliance with the "Mississippi Performance
 131 Budget and Strategic Planning Act of 1994," it is the intent of
 132 the Legislature that the funds provided herein shall be utilized
 133 in the most efficient and effective manner possible to achieve the
 134 intended mission of this agency. Based on the funding authorized,
 135 this agency shall make every effort to attain the targeted
 136 performance measures provided below:

137	FY2005
138 <u>Performance Measures</u>	<u>Target</u>
139 Pollution Control	
140 Air-Compliance Assurance Activities (Actions)	1,100
141 Air-Permits Issued (Permits)	300
142 Asbestos-Persons Certified (Persons)	1,300
143 RCRA-Inspections (Actions)	145
144 RCRA-Permit Actions Taken (Actions)	4
145 Wst Tires-Compliance Assurance (Actions)	475
146 Sld Waste-Permits Processed (Permits)	65
147 SRF Water-Inspections (Sites)	1,850
148 SRF Water-NPDES Permits Issued (Permits)	250
149 SRF Admin-Fed/State Match Funds (percent)	90
150 Construction Grants	
151 Federal/State Match Funds Awarded (percent)	90
152 Recipient Compliance with Loan Agreement	90
153 Land & Water	
154 Water Levels Measured (Actions)	1,000
155 Test/Data Collection Wells	2,500
156 Water Withdrawal Permits Issued	1,200
157 Driller Licenses Issued	300
158 Dams Inspected	150
159 Geology	

160	Leases/Permits Issued	2
161	Quadrangles Mapped (Sites)	8
162	Test Holes Drilled	12
163	Mines Inspected	1,000

164 A reporting of the degree to which the performance targets
165 set above have been or are being achieved shall be provided in the
166 agency's budget request submitted to the Joint Legislative Budget
167 Committee for Fiscal Year 2006.

168 **SECTION 8.** It is the intent of the Legislature that the
169 Department of Environmental Quality shall have authority to
170 escalate the various budgets in both funds and positions, with the
171 approval of the State Fiscal Officer, from any special funds
172 collected or available, in the current fiscal year or any prior
173 fiscal year, not to exceed Five Million Dollars (\$5,000,000.00),
174 to the agency for expenditure. Upon such approval, the Department
175 of Environmental Quality may expend such funds in the manner
176 authorized by law.

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

186 **SECTION 9.** It shall be unlawful for any officer, employee or
187 other person whatsoever to use or permit or authorize the use of
188 any automobile or any other motor vehicle owned by the State of
189 Mississippi or any department, agency or institution thereof for
190 any purpose other than upon the official business of the State of
191 Mississippi or any agency, department or institution thereof.

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

195 **SECTION 10.** Of the funds appropriated in Section 2 and
196 allocated in Section 3, an amount no greater than Three Hundred
197 Twenty Thousand Dollars (\$320,000.00) shall be derived from the
198 Pollution Emergency Fund within the Pollution Operating Fund and
199 shall be transferred to the Department of Finance and
200 Administration.

201 **SECTION 11.** Of the funds appropriated in Section 2 and
202 allocated in Section 3, an amount no greater than One Hundred
203 Fifty Thousand Dollars (\$150,000.00) shall be derived from the
204 Pollution Emergency Fund within the Pollution Operating Fund for
205 transfer to the Department of Environmental Quality - Office of
206 Administrative Services for support of Legal Division
207 environmental protection activities.

208 **SECTION 12.** Of the funds appropriated in Section 2 and
209 allocated in Section 3, an amount no greater than Fifty Thousand
210 Dollars (\$50,000.00) shall be derived from the Pollution Emergency
211 Fund within the Pollution Operating Fund for transfer to the
212 Department of Environmental Quality - Office of Pollution Control
213 for support of the Household Hazardous Waste Collection Grants
214 Program.

215 **SECTION 13.** With the funds appropriated herein, the
216 Department of Environmental Quality is authorized to make payment
217 for expenses incurred during previous fiscal years as follows:

<u>Vendor</u>	<u>Fiscal Year</u>	<u>Amount</u>
219 Buford Plumbing and		
220 Heating Company	2002	\$ 586.99

221 **SECTION 14.** The money herein appropriated shall be paid by
222 the State Treasurer out of any money in the State Treasury to the
223 credit of the proper fund or funds as set forth in this act, upon
224 warrants issued by the State Fiscal Officer; and the State Fiscal

225 Officer shall issue his warrants upon requisitions signed by the
226 proper person, officer or officers, in the manner provided by law.

227 **SECTION 15.** This act shall take effect and be in force from
228 and after July 1, 2004.