

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

To: Appropriations

HOUSE BILL NO. 1743
(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 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 \$ 11,521,271.00.

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 \$ 126,806,452.00.

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

23 MAJOR OBJECTS OF EXPENDITURE:

24 Personal Services:

25	Salaries, Wages and Fringe Benefits..	\$	27,275,158.00
26	Travel and Subsistence.....		565,418.00
27	Contractual Services.....		24,063,648.00

28	Commodities.....	1,019,550.00
29	Capital Outlay:	
30	Other Than Equipment.....	0.00
31	Equipment.....	930,311.00
32	Subsidies, Loans and Grants.....	<u>84,473,638.00</u>
33	Total.....	\$ 138,327,723.00

34 FUNDING:

35	General Funds.....	\$ 11,521,271.00
36	Special Funds.....	<u>126,806,452.00</u>
37	Total.....	\$ 138,327,723.00

38 AUTHORIZED POSITIONS:

39	Permanent: Full Time.....	297
40	Part Time.....	0
41	Time-Limited: Full Time.....	224
42	Part Time.....	0

43 With the funds herein appropriated, it is the intention of
44 the Legislature that it shall be the agency's responsibility to
45 make certain that funds required to be appropriated for "Personal
46 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
47 funds appropriated for that purpose, unless programs or positions
48 are added to the agency's Fiscal Year 2006 budget by the
49 Mississippi Legislature. Based on data provided by the
50 Legislative Budget Office, the State Personnel Board shall
51 determine and publish the projected annual cost to fully fund all
52 appropriated positions in compliance with the provisions of this
53 act. It shall be the responsibility of the agency head to insure
54 that no single personnel action increases this projected annual
55 cost and/or the Fiscal Year 2005 appropriation for "Personal
56 Services" when annualized, with the exception of escalated funds.
57 If, at the time the agency takes any action to change "Personal
58 Services," the State Personnel Board determines that the agency
59 has taken an action which would cause the agency to exceed this
60 projected annual cost or the Fiscal Year 2005 "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 Any transfers or escalations shall be made in accordance with
66 the terms, conditions and procedures established by law or
67 allowable under the terms set forth within this act. The State
68 Personnel Board shall not escalate positions without written
69 approval from the Department of Finance and Administration. The
70 Department of Finance and Administration shall not provide written
71 approval to escalate any funds for salaries and/or positions
72 without proof of availability of new or additional funds above the
73 appropriated level.

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

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

91 **SECTION 4.** It is the intention of the Legislature that the
92 Department of Environmental Quality shall maintain complete
93 accounting and personnel records related to the expenditure of all

94 funds appropriated under this act and that such records shall be
 95 in the same format and level of detail as maintained for Fiscal
 96 Year 2004. It is further the intention of the Legislature that
 97 the agency's budget request for Fiscal Year 2006 shall be
 98 submitted to the Joint Legislative Budget Committee in a format
 99 and level of detail comparable to the format and level of detail
 100 provided during the Fiscal Year 2005 budget request process.

101 **SECTION 5.** In compliance with the "Mississippi Performance
 102 Budget and Strategic Planning Act of 1994," it is the intent of
 103 the Legislature that the funds provided herein shall be utilized
 104 in the most efficient and effective manner possible to achieve the
 105 intended mission of this agency. Based on the funding authorized,
 106 this agency shall make every effort to attain the targeted
 107 performance measures provided below:

108	FY2005
109 <u>Performance Measures</u>	<u>Target</u>
110 Pollution Control	
111 Air-Compliance Assurance Activities (Actions)	1,100
112 Air-Permits Issued (Permits)	300
113 Asbestos-Persons Certified (Persons)	1,300
114 RCRA-Inspections (Actions)	145
115 RCRA-Permit Actions Taken (Actions)	4
116 Wst Tires-Compliance Assurance (Actions)	475
117 Sld Waste-Permits Processed (Permits)	65
118 SRF Water-Inspections (Sites)	1,850
119 SRF Water-NPDES Permits Issued (Permits)	250
120 SRF Admin-Fed/State Match Funds (percent)	90
121 Construction Grants	
122 Federal/State Match Funds Awarded (percent)	90
123 Recipient Compliance with Loan Agreement	90
124 Land & Water	
125 Water Levels Measured (Actions)	1,000
126 Test/Data Collection Wells	2,500

127	Water Withdrawal Permits Issued	1,200
128	Driller Licenses Issued	300
129	Dams Inspected	150
130	Geology	
131	Leases/Permits Issued	2
132	Quadrangles Mapped (Sites)	8
133	Test Holes Drilled	12
134	Mines Inspected	1,000

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

139 **SECTION 6.** It is the intent of the Legislature that the
140 Department of Environmental Quality shall have authority to
141 escalate the various budgets in both funds and positions, with the
142 approval of the State Fiscal Officer, from any special funds
143 collected or available, in the current fiscal year or any prior
144 fiscal year, not to exceed Five Million Dollars (\$5,000,000.00),
145 to the agency for expenditure. Upon such approval, the Department
146 of Environmental Quality may expend such funds in the manner
147 authorized by law.

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

157 **SECTION 7.** It shall be unlawful for any officer, employee or
158 other person whatsoever to use or permit or authorize the use of
159 any automobile or any other motor vehicle owned by the State of

160 Mississippi or any department, agency or institution thereof for
161 any purpose other than upon the official business of the State of
162 Mississippi or any agency, department or institution thereof.

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

166 **SECTION 8.** Of the funds appropriated in Section 2 and
167 allocated in Section 3, an amount no greater than Three Hundred
168 Twenty Thousand Dollars (\$320,000.00) shall be derived from the
169 Pollution Emergency Fund within the Pollution Operating Fund and
170 shall be transferred to the Department of Finance and
171 Administration.

172 **SECTION 9.** Of the funds appropriated in Section 2 and
173 allocated in Section 3, an amount no greater than One Hundred
174 Fifty Thousand Dollars (\$150,000.00) shall be derived from the
175 Pollution Emergency Fund within the Pollution Operating Fund for
176 transfer to the Department of Environmental Quality - Office of
177 Administrative Services for support of Legal Division
178 environmental protection activities.

179 **SECTION 10.** Of the funds appropriated in Section 2 and
180 allocated in Section 3, an amount no greater than Fifty Thousand
181 Dollars (\$50,000.00) shall be derived from the Pollution Emergency
182 Fund within the Pollution Operating Fund for transfer to the
183 Department of Environmental Quality - Office of Pollution Control
184 for support of the Household Hazardous Waste Collection Grants
185 Program.

186 **SECTION 11.** It is the intention of the Legislature that the
187 Executive Director of the Department of Environmental Quality may
188 authorize increases in major objects of expenditure in total
189 amounts not to exceed twenty-five percent (25%) of the
190 appropriated amount of each major object of expenditure, provided
191 that other major objects of expenditure are decreased by a
192 corresponding dollar amount. However, no transfers shall be

193 authorized which increase the major object of expenditure
194 "Salaries, Wages and Fringe Benefits."

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

198	<u>Vendor</u>	<u>Fiscal Year</u>	<u>Amount</u>
199	Buford Plumbing and		
200	Heating Company	2002	\$ 586.99
201	USDA - NASS	2002	\$ 60.00

202 **SECTION 13.** It is the intention of the Legislature that none
203 of the funds appropriated above shall be expended unless members
204 of the Mississippi House of Representatives and Mississippi Senate
205 are notified at least five (5) days prior to a public ceremony
206 announcing the award of any grant in their district or any public
207 announcement or ceremony regarding the groundbreaking or opening
208 of a facility, roadway or bridge for which the Legislature has
209 made funds available. Any signage regarding any public event or
210 any new facility, roadway or bridge shall include the following
211 language: "Funds were made available for this project by the
212 Mississippi State Legislature."

213 **SECTION 14.** 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 15.** This act shall take effect and be in force from
220 and after July 1, 2004.