

By: Representatives Broomfield, McBride,
Frierson, Gadd, Hudson, Middleton

To: Appropriations

HOUSE BILL NO. 1572

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 2007.

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, 2006, and ending June 30, 2007.....
10 \$ 11,240,242.00.

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, 2006, and ending June 30, 2007.....
18 \$ 120,147,127.00.

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

23 MAJOR OBJECTS OF EXPENDITURE:

24 Personal Services:

25	Salaries, Wages and Fringe Benefits..	\$ 26,977,360.00
26	Travel and Subsistence.....	700,000.00
27	Contractual Services.....	18,373,749.00

28	Commodities.....	1,381,570.00
29	Capital Outlay:	
30	Other Than Equipment.....	0.00
31	Equipment.....	677,614.00
32	Subsidies, Loans and Grants.....	<u>83,277,076.00</u>
33	Total.....	\$ 131,387,369.00

34 AUTHORIZED POSITIONS:

35	Permanent: Full Time.....	252
36	Part Time.....	0
37	Time-Limited: Full Time.....	200
38	Part Time.....	0

39 For the fiscal year beginning on July 1, 2006, funds are
40 provided herein to adjust the annual compensation of each employee
41 who has been employed for twelve (12) months or longer by an
42 amount equal to One Thousand Dollars (\$1,000.00), effective on
43 July 1, 2006.

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 2008 do not exceed Fiscal Year 2007
48 funds appropriated for that purpose, unless programs or positions
49 are added to the agency's Fiscal Year 2008 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 2007 appropriation for "Personal
57 Services" when annualized, with the exception of escalated funds.
58 If, at the time the agency takes any action to change "Personal
59 Services," the State Personnel Board determines that the agency
60 has taken an action which would cause the agency to exceed this

61 projected annual cost or the Fiscal Year 2007 "Personal Services"
62 appropriated level, when annualized, then only those actions which
63 reduce the projected annual cost and/or the appropriation
64 requirement will be processed by the State Personnel Board until
65 such time as the requirements of this provision are met.

66 Any transfers or escalations shall be made in accordance with
67 the terms, conditions and procedures established by law or
68 allowable under the terms set forth within this act. The State
69 Personnel Board shall not escalate positions without written
70 approval from the Department of Finance and Administration. The
71 Department of Finance and Administration shall not provide written
72 approval to escalate any funds for salaries and/or positions
73 without proof of availability of new or additional funds above the
74 appropriated level.

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

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

92 **SECTION 4.** It is the intention of the Legislature that the
93 Department of Environmental Quality shall maintain complete

94 accounting and personnel records related to the expenditure of all
 95 funds appropriated under this act and that such records shall be
 96 in the same format and level of detail as maintained for Fiscal
 97 Year 2006. It is further the intention of the Legislature that
 98 the agency's budget request for Fiscal Year 2008 shall be
 99 submitted to the Joint Legislative Budget Committee in a format
 100 and level of detail comparable to the format and level of detail
 101 provided during the Fiscal Year 2007 budget request process.

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

	FY2007
<u>Performance Measures</u>	<u>Target</u>
Pollution Control	
Air-Compliance Assurance Activities (Actions)	900
Air-Permits Issued (Permits)	250
Asbestos-Persons Certified (Persons)	1,200
RCRA-Inspections (Actions)	150
RCRA-Permit Actions Taken (Actions)	2
Waste Tires-Compliance Assurance (Actions)	460
Solid Waste-Permits Processed (Permits)	65
SRF Water-Inspections (Sites)	1,700
SRF Water-NPDES Permits Issued (Permits)	350
SRF Admin-Fed/State Match Funds (%)	90
Construction Grants	
Federal/State Match Funds Awarded (%)	90
Recipient Compliance with Loan Agreement	90
Land & Water	
Water Levels Measured (Actions)	500

127	Water Withdrawal Permits Issued	1,200
128	Driller Licenses Issued	300
129	Dams Inspected	25
130	Dams Designs Reviewed	50
131	Geology	
132	Quadrangles Mapped (Sites)	9
133	Test Holes Drilled	12
134	Mines Inspected	1,050

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 2008.

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 Two Hundred
168 Fifty Thousand Dollars (\$250,000.00) 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 One Hundred
181 Thousand Dollars (\$100,000.00) shall be derived from the Pollution
182 Emergency Fund within the Pollution Operating Fund for transfer to
183 the Department of Environmental Quality - Office of Pollution
184 Control for support of the Household Hazardous Waste Collection
185 Grants Program.

186 **SECTION 11.** The Department of Environmental Quality (DEQ)
187 may request that the Mississippi Development Authority (MDA) staff
188 shall provide an economic viability assessment for any complete
189 application or group of related complete applications submitted to
190 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be
191 required to devote extraordinary effort to process the application
192 or group of related applications within the one hundred and eighty

193 (180) days required by Section 49-17-29(3)(c). For purposes of
194 this paragraph, "extraordinary effort" means the constant
195 dedication of more than three (3) full-time equivalent positions
196 for a period of at least one hundred eighty (180) days. The
197 economic viability assessment shall include, but not be limited
198 to: (i) an analysis of the current and future market viability of
199 the project concerning which application(s) has been made to DEQ;
200 and (ii) an analysis of the applicant's economic ability to
201 construct, develop, maintain and operate the project as described
202 in the application(s) submitted to DEQ. If the economic viability
203 assessment concludes that the project is not economically viable
204 for any reason, DEQ shall suspend processing the permit
205 application(s), notwithstanding the provisions of Section
206 49-17-29(3)(c). Within thirty (30) days of the decision of MDA
207 staff, the permit applicant may present any additional information
208 on its behalf to the Executive Director of MDA, and the Executive
209 Director shall review the MDA staff assessment. If additional
210 information is received in writing from the applicant, the
211 Executive Director of MDA shall make a decision in review of the
212 MDA staff decision within sixty (60) days of the staff decision,
213 and the decision of the Executive Director of MDA shall be the
214 final administrative action of MDA in the matter.

215 **SECTION 12.** It is the intention of the Legislature that the
216 Executive Director of the Department of Environmental Quality
217 shall have authority to transfer cash from one special fund
218 treasury fund to another special fund treasury fund under the
219 control of the Department of Environmental Quality. The purpose
220 of this authority is to more efficiently use available cash
221 reserves. It is further the intention of the Legislature that the
222 Executive Director of the Department of Environmental Quality
223 shall submit written justification for the transfer to the
224 Legislative Budget Office and the Department of Finance and

225 Administration on or before the fifteenth of the month prior to
226 the effective date of the transfer.

227 **SECTION 13.** It is the intention of the Legislature that
228 whenever two (2) or more bids are received by this agency for the
229 purchase of commodities or equipment, and whenever all things
230 stated in such received bids are equal with respect to price,
231 quality and service, the Mississippi Industries for the Blind
232 shall be given preference. A similar preference shall be given to
233 the Mississippi Industries for the Blind whenever purchases are
234 made without competitive bids.

235 **SECTION 14.** The money herein appropriated shall be paid by
236 the State Treasurer out of any money in the State Treasury to the
237 credit of the proper fund or funds as set forth in this act, upon
238 warrants issued by the State Fiscal Officer; and the State Fiscal
239 Officer shall issue his warrants upon requisitions signed by the
240 proper person, officer or officers, in the manner provided by law.

241 **SECTION 15.** This act shall take effect and be in force from
242 and after July 1, 2006.