

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

To: Appropriations

HOUSE BILL NO. 1693

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 2008.

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, 2007, and ending June 30, 2008.....
10 \$ 13,654,413.00.

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, 2007, and ending June 30, 2008.....
18 \$ 121,072,630.00.

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

21 AUTHORIZED POSITIONS:

22	Permanent:	Full Time.....	277
23		Part Time.....	0
24	Time-Limited:	Full Time.....	230
25		Part Time.....	0

26 Funds are provided herein to adjust the Variable Compensation
27 Plan to ensure that all full-time employees receive a pay increase



28 equal to the realignment component of the Variable Compensation
29 Plan or One Thousand Five Hundred Dollars (\$1,500.00), whichever
30 is greater.

31 With the funds herein appropriated, it is the intention of
32 the Legislature that it shall be the agency's responsibility to
33 make certain that funds required to be appropriated for "Personal
34 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
35 funds appropriated for that purpose, unless programs or positions
36 are added to the agency's Fiscal Year 2009 budget by the
37 Mississippi Legislature. Based on data provided by the
38 Legislative Budget Office, the State Personnel Board shall
39 determine and publish the projected annual cost to fully fund all
40 appropriated positions in compliance with the provisions of this
41 act. It shall be the responsibility of the agency head to insure
42 that no single personnel action increases this projected annual
43 cost and/or the Fiscal Year 2008 appropriation for "Personal
44 Services" when annualized, with the exception of escalated funds.
45 If, at the time the agency takes any action to change "Personal
46 Services," the State Personnel Board determines that the agency
47 has taken an action which would cause the agency to exceed this
48 projected annual cost or the Fiscal Year 2008 "Personal Services"
49 appropriated level, when annualized, then only those actions which
50 reduce the projected annual cost and/or the appropriation
51 requirement will be processed by the State Personnel Board until
52 such time as the requirements of this provision are met.

53 Any transfers or escalations shall be made in accordance with
54 the terms, conditions and procedures established by law or
55 allowable under the terms set forth within this act. The State
56 Personnel Board shall not escalate positions without written
57 approval from the Department of Finance and Administration. The
58 Department of Finance and Administration shall not provide written
59 approval to escalate any funds for salaries and/or positions



60 without proof of availability of new or additional funds above the
61 appropriated level.

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

66 **SECTION 4.** It is the intention of the Legislature that the
67 Department of Environmental Quality shall maintain complete
68 accounting and personnel records related to the expenditure of all
69 funds appropriated under this act and that such records shall be
70 in the same format and level of detail as maintained for Fiscal
71 Year 2007. It is further the intention of the Legislature that
72 the agency's budget request for Fiscal Year 2009 shall be
73 submitted to the Joint Legislative Budget Committee in a format
74 and level of detail comparable to the format and level of detail
75 provided during the Fiscal Year 2008 budget request process.

76 **SECTION 5.** In compliance with the "Mississippi Performance
77 Budget and Strategic Planning Act of 1994," it is the intent of
78 the Legislature that the funds provided herein shall be utilized
79 in the most efficient and effective manner possible to achieve the
80 intended mission of this agency. Based on the funding authorized,
81 this agency shall make every effort to attain the targeted
82 performance measures provided below:

	FY2008
<u>Performance Measures</u>	<u>Target</u>
Pollution Control	
Air-Compliance Assurance Activities (Actions)	905
Air-Permits Issued (Permits)	300
Asbestos-Persons Certified (Persons)	1,300
RCRA-Inspections (Actions)	150
RCRA-Permit Actions Taken (Actions)	4
Waste Tires-Compliance Assurance (Actions)	440
Solid Waste-Permits Processed (Permits)	60



93	SRF Water-Inspections (Sites)	1,700
94	SRF Water-NPDES Permits Issued (Permits)	300
95	SRF Admin-Fed/State Match Funds (%)	90
96	Construction Grants	
97	Federal/State Match Funds Awarded (%)	90
98	Recipient Compliance with Loan Agreement	90
99	Land & Water	
100	Water Levels Measured (Actions)	350
101	Water Withdrawal Permits Issued	1,200
102	Driller Licenses Issued	310
103	Dams Inspected	200
104	Dams Designs Reviewed	50
105	Geology	
106	Quadrangles Mapped (Sites)	6
107	Test Holes Drilled	9
108	Mines Inspected	960

109 A reporting of the degree to which the performance targets
110 set above have been or are being achieved shall be provided in the
111 agency's budget request submitted to the Joint Legislative Budget
112 Committee for Fiscal Year 2009.

113 **SECTION 6.** It is the intent of the Legislature that the
114 Department of Environmental Quality shall have authority to
115 escalate the various budgets in both funds and positions, with the
116 approval of the State Fiscal Officer, from any special funds
117 collected or available, in the current fiscal year or any prior
118 fiscal year, not to exceed Five Million Dollars (\$5,000,000.00),
119 to the agency for expenditure. Upon such approval, the Department
120 of Environmental Quality may expend such funds in the manner
121 authorized by law.

122 The Executive Director of the Department of Environmental
123 Quality shall submit to the Department of Finance and
124 Administration a certified statement providing a detailed
125 explanation for any escalation, including a justification for the



126 establishment of any new positions or reclassification of existing
127 positions and the existence of any required matching funds for
128 those positions, and an assessment of the impact on the agency's
129 general fund budget for the three (3) fiscal years following the
130 fiscal year in which the escalation is requested.

131 **SECTION 7.** It shall be unlawful for any officer, employee or
132 other person whatsoever to use or permit or authorize the use of
133 any automobile or any other motor vehicle owned by the State of
134 Mississippi or any department, agency or institution thereof for
135 any purpose other than upon the official business of the State of
136 Mississippi or any agency, department or institution thereof.

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

140 **SECTION 8.** Of the funds appropriated in Section 2 and
141 allocated in Section 3, an amount no greater than Two Hundred
142 Fifty Thousand Dollars (\$250,000.00) shall be derived from the
143 Pollution Emergency Fund within the Pollution Operating Fund and
144 shall be transferred to the Department of Finance and
145 Administration.

146 **SECTION 9.** Of the funds appropriated in Section 2 and
147 allocated in Section 3, an amount no greater than Two Hundred
148 Thousand Dollars (\$200,000.00) shall be derived from the Pollution
149 Emergency Fund within the Pollution Operating Fund for transfer to
150 the Department of Environmental Quality - Office of Administrative
151 Services for support of Legal Division environmental protection
152 activities.

153 **SECTION 10.** Of the funds appropriated in Section 2 and
154 allocated in Section 3, an amount no greater than One Hundred
155 Thousand Dollars (\$100,000.00) shall be derived from the Pollution
156 Emergency Fund within the Pollution Operating Fund for transfer to
157 the Department of Environmental Quality - Office of Pollution



158 Control for support of the Household Hazardous Waste Collection
159 Grants Program.

160 **SECTION 11.** The Department of Environmental Quality (DEQ)
161 may request that the Mississippi Development Authority (MDA) staff
162 shall provide an economic viability assessment for any complete
163 application or group of related complete applications submitted to
164 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be
165 required to devote extraordinary effort to process the application
166 or group of related applications within the one hundred and eighty
167 (180) days required by Section 49-17-29(3)(c). For purposes of
168 this paragraph, "extraordinary effort" means the constant
169 dedication of more than three (3) full-time equivalent positions
170 for a period of at least one hundred eighty (180) days. The
171 economic viability assessment shall include, but not be limited
172 to: (i) an analysis of the current and future market viability of
173 the project concerning which application(s) has been made to DEQ;
174 and (ii) an analysis of the applicant's economic ability to
175 construct, develop, maintain and operate the project as described
176 in the application(s) submitted to DEQ. If the economic viability
177 assessment concludes that the project is not economically viable
178 for any reason, DEQ shall suspend processing the permit
179 application(s), notwithstanding the provisions of Section
180 49-17-29(3)(c). Within thirty (30) days of the decision of MDA
181 staff, the permit applicant may present any additional information
182 on its behalf to the Executive Director of MDA, and the Executive
183 Director shall review the MDA staff assessment. If additional
184 information is received in writing from the applicant, the
185 Executive Director of MDA shall make a decision in review of the
186 MDA staff decision within sixty (60) days of the staff decision,
187 and the decision of the Executive Director of MDA shall be the
188 final administrative action of MDA in the matter.

189 **SECTION 12.** It is the intention of the Legislature that the
190 Executive Director of the Department of Environmental Quality



191 shall have authority to transfer cash from one special fund
192 treasury fund to another special fund treasury fund under the
193 control of the Department of Environmental Quality. The purpose
194 of this authority is to more efficiently use available cash
195 reserves. It is further the intention of the Legislature that the
196 Executive Director of the Department of Environmental Quality
197 shall submit written justification for the transfer to the
198 Legislative Budget Office and the Department of Finance and
199 Administration on or before the fifteenth of the month prior to
200 the effective date of the transfer.

201 **SECTION 13.** It is the intention of the Legislature that
202 whenever two (2) or more bids are received by this agency for the
203 purchase of commodities or equipment, and whenever all things
204 stated in such received bids are equal with respect to price,
205 quality and service, the Mississippi Industries for the Blind
206 shall be given preference. A similar preference shall be given to
207 the Mississippi Industries for the Blind whenever purchases are
208 made without competitive bids.

209 **SECTION 14.** Of the funds appropriated herein, it is the
210 intent of the Legislature, subject to the approval of the
211 Environmental Protection Agency, that the Department of
212 Environmental Quality shall pay debt service on bonds issued to
213 provide state matching funds for the State Revolving Loan Fund
214 with interest earnings derived from the fund.

215 **SECTION 15.** The money herein appropriated shall be paid by
216 the State Treasurer out of any money in the State Treasury to the
217 credit of the proper fund or funds as set forth in this act, upon
218 warrants issued by the State Fiscal Officer; and the State Fiscal
219 Officer shall issue his warrants upon requisitions signed by the
220 proper person, officer or officers, in the manner provided by law.

221 **SECTION 16.** This act shall take effect and be in force from
222 and after July 1, 2007.

