

By: Representatives Frierson, Bounds,
Bennett, Busby, DeLano, Eure, Huddleston
(15th), Huddleston (30th), Ladner, Monsour,
Read, Shows, Staples, Sullivan, Turner, Dixon

To: Appropriations

HOUSE BILL NO. 1664

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 2017.

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 appropriated out of any money in the State General
7 Fund not otherwise appropriated, for the support and maintenance
8 of the Department of Environmental Quality for the fiscal year
9 beginning July 1, 2016, and ending June 30, 2017.....
10\$ 11,830,405.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is appropriated out of any money in any special fund in
13 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, 2016, and ending June 30, 2017.....
18\$ 249,031,133.00.



SECTION 3. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	258
	Part Time.....	0
Time-Limited:	Full Time.....	229
	Part Time.....	0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2018 do not exceed Fiscal Year 2017 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2017 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2017 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2017 "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 None of the funds herein appropriated shall be used in
62 violation of Internal Revenue Service's Publication 15-A relating
63 to the reporting of income paid to contract employees, as
64 interpreted by the Office of the State Auditor.

65 **SECTION 4.** It is the intention of the Legislature that the
66 Department of Environmental Quality shall maintain complete
67 accounting and personnel records related to the expenditure of all
68 funds appropriated under this act and that such records shall be



69 in the same format and level of detail as maintained for Fiscal
70 Year 2016. It is further the intention of the Legislature that
71 the agency's budget request for Fiscal Year 2018 shall be
72 submitted to the Joint Legislative Budget Committee in a format
73 and level of detail comparable to the format and level of detail
74 provided during the Fiscal Year 2017 budget request process.

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

82		FY2017
83	<u>Performance Measures</u>	<u>Target</u>
84	Pollution Control	
85	Days with Air Advisories (%)	8.00
86	Air Permits Modified/Issued in a	
87	Timely Manner (%)	55.00
88	Counties that Meet NAAQ Standards (%)	85.00
89	Air Facilities Inspected (%)	35.00
90	Air Facilities in Compliance with	
91	Regulatory Requirements (%)	85.00
92	Waste Permits Issued/Modified in a	
93	Timely Manner (%)	50.00



94	Waste Facilities Inspected (%)	48.00
95	Inspected Waste Facilities in Compliance	
96	with Regulatory Requirements (%)	80.00
97	Citizens Who Have Access to Recycling	
98	Programs (%)	61.00
99	Underground Storage Tanks in Compliance	
100	with Regulatory Requirements (%)	70.00
101	Contaminated Sites that have Completed	
102	Assessment (%)	55.00
103	Contaminated Sites that have Completed	
104	Remediation (%)	30.00
105	Waters that have Acceptable Quality for	
106	their Designated Use(%)	50.00
107	NPDES Permits Issued/Modified in	
108	a Timely Manner (%)	70.00
109	NPDES Majors Inspected per Year (%)	50.00
110	NPDES Majors in Compliance (%)	50.00
111	SRF Loan Recipients in Compliance with	
112	Loan Agreements (%)	90.00
113	Staff with Expertise in the National	
114	Incident Management System (%)	80.00
115	Land & Water	
116	Annual Prioritized Water Resource Areas	
117	Adequately Characterized (%)	75.00
118	Groundwater Use Permits Issued/Modified (%)	95.00



119	Surface Water Use Permits Issued/Modified(%)	95.00
120	Water Use Reported (%)	75.00
121	High Hazard Dams with Emergency Action	
122	Plans (%)	75.00
123	Geology	
124	Mining Facilities Inspected (%)	100.00
125	Inspected Mining Facilities in Compliance	
126	with Regulatory Requirements (%)	90.00
127	Administrative Services	
128	Administration as a Percentage of Total	
129	Budget (%)	5.00

130 A reporting of the degree to which the performance targets

131 set above have been or are being achieved shall be provided in the

132 agency's budget request submitted to the Joint Legislative Budget

133 Committee for Fiscal Year 2018.

134 **SECTION 6.** It shall be unlawful for any officer, employee or

135 other person whatsoever to use or permit or authorize the use of

136 any automobile or any other motor vehicle owned by the State of

137 Mississippi or any department, agency or institution thereof for

138 any purpose other than upon the official business of the State of

139 Mississippi or any agency, department or institution thereof.

140 It is the intent of the Legislature that motor vehicles

141 authorized to be owned and operated by this agency shall comply

142 with Sections 25-1-77 through 25-1-93, Mississippi Code of 1972.



143 **SECTION 7.** Of the funds appropriated in Section 2, an amount
144 no greater than Two Hundred Fifty Thousand Dollars (\$250,000.00)
145 shall be derived from the Pollution Emergency Fund within the
146 Pollution Operating Fund for transfer to the Department of
147 Environmental Quality - Office of Administrative Services for
148 support of Legal Division environmental protection activities.

149 **SECTION 8.** Of the funds appropriated in Section 2, an amount
150 no greater than One Hundred Thousand Dollars (\$100,000.00) shall
151 be derived from the Pollution Emergency Fund within the Pollution
152 Operating Fund for transfer to the Department of Environmental
153 Quality - Office of Pollution Control for support of the Household
154 Hazardous Waste Collection Grants Program.

155 **SECTION 9.** The Department of Environmental Quality (DEQ) may
156 request that the Mississippi Development Authority (MDA) staff
157 shall provide an economic viability assessment for any complete
158 application or group of related complete applications submitted to
159 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be
160 required to devote extraordinary effort to process the application
161 or group of related applications within the one hundred eighty
162 (180) days required by Section 49-17-29(3)(c). For purposes of
163 this paragraph, "extraordinary effort" means the constant
164 dedication of more than three (3) full-time equivalent positions
165 for a period of at least one hundred eighty (180) days. The
166 economic viability assessment shall include, but not be limited
167 to: (i) an analysis of the current and future market viability of



the project concerning which application(s) has been made to DEQ;
and (ii) an analysis of the applicant's economic ability to
construct, develop, maintain and operate the project as described
in the application(s) submitted to DEQ. If the economic viability
assessment concludes that the project is not economically viable
for any reason, DEQ shall suspend processing the permit
application(s), notwithstanding the provisions of Section
49-17-29(3)(c). Within thirty (30) days of the decision of MDA
staff, the permit applicant may present any additional information
on its behalf to the Executive Director of MDA, and the Executive
Director shall review the MDA staff assessment. If additional
information is received in writing from the applicant, the
Executive Director of MDA shall make a decision in review of the
MDA staff decision within sixty (60) days of the staff decision,
and the decision of the Executive Director of MDA shall be the
final administrative action of MDA in the matter.

SECTION 10. It is the intention of the Legislature that the
Executive Director of the Department of Environmental Quality
shall have authority to transfer cash from one special fund
treasury fund to another special fund treasury fund under the
control of the Department of Environmental Quality. The purpose
of this authority is to more efficiently use available cash
reserves. It is further the intention of the Legislature that the
Executive Director of the Department of Environmental Quality
shall submit written justification for the transfer to the



Legislative Budget Office and the Department of Finance and Administration on or before the fifteenth of the month prior to the effective date of the transfer.

SECTION 11. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 12. Of the funds appropriated herein, it is the intent of the Legislature that the Department of Environmental Quality shall pay debt service on bonds issued to provide state matching funds for the State Revolving Loan Fund with interest earnings derived from the fund.

SECTION 13. It is the intent of the Legislature that from the funds available to the Department of Environmental Quality, the agency may purchase and pay premiums on property damage insurance on its motor vehicles, boats, trailers, motors, and other equipment assigned to the South Regional Office.

SECTION 14. Of the funds appropriated in Section 2, an amount not greater than Two Hundred Thousand Dollars (\$200,000.00) shall be derived from the Pollution Emergency Fund within the Pollution Operating Fund for transfer to the Department of



218 Environmental Quality to be used for dam and reservoir
219 inspections, inventory, and reporting.

220 **SECTION 15.** Of the funds appropriated herein, it is the
221 intention of the Legislature that the repayment of outstanding
222 state revolving loans issued to loan recipients in Hancock County
223 may be extended not to exceed ten (10) years beyond any repayment
224 period remaining on outstanding revolving loans issued from the
225 Mississippi Water Pollution Control Revolving Fund.

226 **SECTION 16.** It is the intention of the Legislature that the
227 funds herein appropriated shall be expended in compliance with
228 Section 27-104-25, Mississippi Code of 1972, that no state agency
229 shall incur obligations or indebtedness in excess of their
230 appropriation and that the responsible officers, either personally
231 or upon their official bonds, shall be held responsible for
232 actions contrary to this provision.

233 **SECTION 17.** With the funds appropriated herein, the
234 Department of Environmental Quality is authorized to make payment
235 for expenses incurred during previous years as follows:

236 Vendor	Fiscal Year	Amount
237 U.S. Environmental SVCS	2014	\$ 3,753.50
238 MEA Medical Clinic	2014	\$ 1,600.00

239 **SECTION 18.** The amount of funds appropriated from the State
240 General Fund in this bill are conditioned upon the availability
241 for appropriation of the full amount of the state general funds
242 that were projected in the general fund revenue estimate for



fiscal year 2017 that was determined under the provision of
Section 27-103-125.

If the amount of general funds projected to be available for
appropriation for fiscal year 2017 would be reduced by the
enactment into law of any revenue bills, as defined in Joint Rule
40, that have been passed by the House of Representatives by March
17, 2016, then the amount of funds appropriated from the State
General Fund in this bill shall be reduced by the same percentage
reduction in the amount of general funds that would be available
for appropriation for fiscal year 2017, and the reduced amount
shall be engrossed into this bill before it is transmitted to
Senate.

The determination of whether the House has passed any such
revenue bills by March 17, 2016, and the amount and percentage of
the resulting reduction in the amount of general funds projected
to be available for appropriation for fiscal year 2017, shall be
determined by the Legislative Budget Office and certified in
writing to the Chairman of the House Appropriations Committee by
the Director of the Legislative Budget Office.

SECTION 19. The money herein appropriated shall be paid by
the State Treasurer out of any money in the State Treasury to the
credit of the proper fund or funds as set forth in this act, upon
warrants issued by the State Fiscal Officer; and the State Fiscal
Officer shall issue his warrants upon requisitions signed by the
proper person, officer or officers, in the manner provided by law.



268 **SECTION 20.** This act shall take effect and be in force from
269 and after July 1, 2016; and shall stand repealed from and after
270 June 30, 2016.

