

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

To: Appropriations

HOUSE BILL NO. 1607
(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 2019.

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, 2018, and ending June 30, 2019.....
10\$ 10,011,182.00.

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, 2018, and ending June 30, 2019.....
18\$ 259,914,178.00.



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

21 AUTHORIZED POSITIONS:

22	Permanent:	Full Time.....	274
23		Part Time.....	0
24	Time-Limited:	Full Time.....	236
25		Part Time.....	0

26 With the funds herein appropriated, it shall be the agency's
27 responsibility to make certain that funds required to be
28 appropriated for "Personal Services" for Fiscal Year 2020 do not
29 exceed Fiscal Year 2019 funds appropriated for that purpose,
30 unless programs or positions are added to the agency's Fiscal Year
31 2019 budget by the Mississippi Legislature. Based on data
32 provided by the Legislative Budget Office, the State Personnel
33 Board shall determine and publish the projected annual cost to
34 fully fund all appropriated positions in compliance with the
35 provisions of this act. It shall be the responsibility of the
36 agency head to ensure that no single personnel action increases
37 this projected annual cost and/or the Fiscal Year 2019
38 appropriations for "Personal Services" when annualized, with the
39 exception of escalated funds and the award of benchmarks. If, at
40 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 2019 "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 2018. It is further the intention of the Legislature that
 71 the agency's budget request for Fiscal Year 2020 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 2019 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:

	FY2019
<u>Performance Measures</u>	<u>Target</u>
Pollution Control	
Days with Air Advisories (%)	10.00
Air Permits Modified/Issued in a	
Timely Manner (%)	50.00
Counties that Meet NAAQ Standards (%)	85.00
Air Facilities Inspected (%)	35.00
Air Facilities in Compliance with	
Regulatory Requirements (%)	85.00
Waste Permits Issued/Modified in a	
Timely Manner (%)	50.00



94	Waste Facilities Inspected (%)	45.00
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 (%)	71.00
101	Contaminated Sites that have Completed	
102	Assessment (%)	60.00
103	Contaminated Sites that have Completed	
104	Remediation (%)	19.00
105	Waters that have Acceptable Quality for	
106	their Designated Use(%)	50.00
107	NPDES Permits Issued/Modified in	
108	a Timely Manner (%)	50.00
109	NPDES Majors Inspected per Year (%)	50.00
110	NPDES Majors in Compliance (%)	50.00
111	Staff with Expertise in the National	
112	Incident Management System (%)	50.00
113	Construction Grants	
114	SRF Loan Receipts in Compliance with	
115	Loan Agreements (%)	90.00
116	Land & Water	
117	Annual Prioritized Water Resource Areas	
118	Adequately Characterized (%)	75.00



119	Groundwater Use Permits Issued/Modified (%)	95.00
120	Surface Water Use Permits Issued/Modified(%)	95.00
121	Water Use Reported (%)	90.00
122	High Hazard Dams with Emergency Action	
123	Plans (%)	75.00
124	Geology	
125	Mining Facilities Inspected (%)	95.00
126	Inspected Mining Facilities in Compliance	
127	with Regulatory Requirements (%)	85.00
128	Administrative Services	
129	Administration as a Percentage of Total	
130	Budget (%)	5.00

131 A reporting of the degree to which the performance targets
132 set above have been or are being achieved shall be provided in the
133 agency's budget request submitted to the Joint Legislative Budget
134 Committee for Fiscal Year 2020.

135 **SECTION 6.** It shall be unlawful for any officer, employee or
136 other person whatsoever to use or permit or authorize the use of
137 any automobile or any other motor vehicle owned by the State of
138 Mississippi or any department, agency or institution thereof for
139 any purpose other than upon the official business of the State of
140 Mississippi or any agency, department or institution thereof.

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



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

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

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



169 the project concerning which application(s) has been made to DEQ;
170 and (ii) an analysis of the applicant's economic ability to
171 construct, develop, maintain and operate the project as described
172 in the application(s) submitted to DEQ. If the economic viability
173 assessment concludes that the project is not economically viable
174 for any reason, DEQ shall suspend processing the permit
175 application(s), notwithstanding the provisions of Section
176 49-17-29(3)(c). Within thirty (30) days of the decision of MDA
177 staff, the permit applicant may present any additional information
178 on its behalf to the Executive Director of MDA, and the Executive
179 Director shall review the MDA staff assessment. If additional
180 information is received in writing from the applicant, the
181 Executive Director of MDA shall make a decision in review of the
182 MDA staff decision within sixty (60) days of the staff decision,
183 and the decision of the Executive Director of MDA shall be the
184 final administrative action of MDA in the matter.

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



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

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

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

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

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



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

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

227 **SECTION 16.** It is the intention of the Legislature for the
228 Department of Environmental Quality to continue with any
229 agreements with Mississippi state agencies, including grant
230 agreements, that provide environmental projects to restore
231 Mississippi's natural resources in the wake of the Deepwater
232 Horizon Oil Spill.

233 **SECTION 17.** It is the intention of the Legislature that the
234 funds herein appropriated shall be expended in compliance with
235 Section 27-104-25, Mississippi Code of 1972, that no state agency
236 shall incur obligations or indebtedness in excess of their
237 appropriation and that the responsible officers, either personally
238 or upon their official bonds, shall be held responsible for
239 actions contrary to this provision.

240 **SECTION 18.** The money herein appropriated shall be paid by
241 the State Treasurer out of any money in the State Treasury to the
242 credit of the proper fund or funds as set forth in this act, upon
243 warrants issued by the State Fiscal Officer; and the State Fiscal



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

246 **SECTION 19.** With the funds appropriated herein, the
247 Department of Environmental Quality is authorized to make payment
248 for expenses incurred during previous years as follows:

249 Vendor	Fiscal Year	Amount
250 United States Environmental Services	2016	\$ 2,272.00
251 City of Biloxi	2016	\$ 424.50
252 Mississippi State University	2016	\$ 1,349.95
253 Mississippi State University	2016	\$ 2,821.89
254 Mississippi State University	2016	\$ 968.66

255 **SECTION 20.** This act shall take effect and be in force from
256 and after July 1, 2018.

