

By: Representatives Read, Bounds, Bennett,  
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To: Appropriations

HOUSE BILL NO. 1657  
(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 2020.

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, 2019, and ending June 30, 2020.....  
10 .....\$ 10,805,448.00.

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, 2019, and ending June 30, 2020.....  
18 .....\$ 260,625,097.00.



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 2021 do not  
29 exceed Fiscal Year 2020 funds appropriated for that purpose,  
30 unless programs or positions are added to the agency's Fiscal Year  
31 2020 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 2020  
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 2020 "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 Funds are provided herein for all full-time employees to  
49 receive up to a Three Percent (3%) pay increase to the realignment  
50 component of the Variable Compensation Plan, excluding head of  
51 agencies, board members and commission members.

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

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64 act and which are withdrawn and no longer available.

65 None of the funds herein appropriated shall be used in  
66 violation of Internal Revenue Service's Publication 15-A relating  
67 to the reporting of income paid to contract employees, as  
68 interpreted by the Office of the State Auditor.



69           **SECTION 4.** It is the intention of the Legislature that the  
70 Department of Environmental Quality shall maintain complete  
71 accounting and personnel records related to the expenditure of all  
72 funds appropriated under this act and that such records shall be  
73 in the same format and level of detail as maintained for Fiscal  
74 Year 2019. It is further the intention of the Legislature that  
75 the agency's budget request for Fiscal Year 2021 shall be  
76 submitted to the Joint Legislative Budget Committee in a format  
77 and level of detail comparable to the format and level of detail  
78 provided during the Fiscal Year 2020 budget request process.

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

	FY2020
<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 (%)	75.00
Air Facilities Inspected (%)	35.00



94	Air Facilities in Compliance with	
95	Regulatory Requirements (%)	85.00
96	Waste Permits Issued/Modified in a	
97	Timely Manner (%)	50.00
98	Waste Facilities Inspected (%)	45.00
99	Inspected Waste Facilities in Compliance	
100	with Regulatory Requirements (%)	80.00
101	Citizens Who Have Access to Recycling	
102	Programs (%)	55.00
103	Underground Storage Tanks in Compliance	
104	with Regulatory Requirements (%)	75.00
105	Contaminated Sites That Have Completed	
106	Assessment (%)	61.00
107	Contaminated Sites That Have Completed	
108	Remediation (%)	20.00
109	Waters That Have Acceptable Quality for	
110	Their Designed Use (%)	56.00
111	NPDES Permits Issued/Modified in a	
112	Timely Manner (%)	50.00
113	NPDES Majors Inspected Per Year (%)	50.00
114	NPDES Majors in Compliance (%)	50.00
115	Staff with Expertise in the National	
116	Incident Management System (%)	50.00
117	Construction Grants	
118	SRF Loan Recipients in Compliance with	



119	Loan Agreements (%)	90.00
120	Land & Water	
121	Annual Prioritized Water Resource Areas	
122	Adequately Characterized (%)	75.00
123	Groundwater Use Permits Issued/Modified (%)	95.00
124	Surface Water Use Permits	
125	Issued/Modified (%)	95.00
126	Water Use Reported (%)	80.00
127	High Hazard Dams with Emergency Action	
128	Plans (%)	75.00
129	Geology	
130	Mining Facilities Inspected (%)	95.00
131	Inspected Mining Facilities in	
132	Compliance with Regulatory Requirements	
133	(%)	85.00
134	Administrative Services	
135	Administration as a Percentage of Total	
136	Budget (%)	5.00

137 A reporting of the degree to which the performance targets  
138 set above have been or are being achieved shall be provided in the  
139 agency's budget request submitted to the Joint Legislative Budget  
140 Committee for Fiscal Year 2021.

141 **SECTION 6.** It shall be unlawful for any officer, employee or  
142 other person whatsoever to use or permit or authorize the use of  
143 any automobile or any other motor vehicle owned by the State of



144 Mississippi or any department, agency or institution thereof for  
145 any purpose other than upon the official business of the State of  
146 Mississippi or any agency, department or institution thereof.

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

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

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

162 **SECTION 9.** The Department of Environmental Quality (DEQ) may  
163 request that the Mississippi Development Authority (MDA) staff  
164 shall provide an economic viability assessment for any complete  
165 application or group of related complete applications submitted to  
166 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be  
167 required to devote extraordinary effort to process the application  
168 or group of related applications within the one hundred eighty



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

191 **SECTION 10.** It is the intention of the Legislature that the  
192 Executive Director of the Department of Environmental Quality  
193 shall have authority to transfer cash from one special fund





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

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

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

216       **SECTION 13.** It is the intent of the Legislature that from  
217 the funds available to the Department of Environmental Quality,  
218 the agency may purchase and pay premiums on property damage



219 insurance on its motor vehicles, boats, trailers, motors, and  
220 other equipment assigned to the South Regional Office.

221       **SECTION 14.** Of the funds appropriated in Section 2, an  
222 amount not greater than Two Hundred Thousand Dollars (\$200,000.00)  
223 shall be derived from the Pollution Emergency Fund within the  
224 Pollution Operating Fund for transfer to the Department of  
225 Environmental Quality to be used for dam and reservoir  
226 inspections, inventory, and reporting.

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

233       **SECTION 16.** It is the intention of the Legislature for the  
234 Department of Environmental Quality to continue with any  
235 agreements with Mississippi state agencies, including grant  
236 agreements, that provide environmental projects to restore  
237 Mississippi's natural resources in the wake of the Deepwater  
238 Horizon Oil Spill.

239       **SECTION 17.** It is the intent of the Legislature, with  
240 additional funds provided herein, the Department of Environmental  
241 Quality shall fill critical vacancies for permitting staff.

242       **SECTION 18.** It is the intention of the Legislature that the  
243 funds herein appropriated shall be expended in compliance with



244 Section 27-104-25, Mississippi Code of 1972, that no state agency  
245 shall incur obligations or indebtedness in excess of their  
246 appropriation and that the responsible officers, either personally  
247 or upon their official bonds, shall be held responsible for  
248 actions contrary to this provision.

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

255       **SECTION 20.** This act shall take effect and be in force from  
256 and after July 1, 2019.

