

By: Representatives Read, Bounds, Arnold,  
Beckett, Cockerham, Eure, Hale, Mangold,  
Oliver, Turner, Young, Stamps

To: Appropriations

HOUSE BILL NO. 1604

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 2023.

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, 2022, and ending June 30, 2023.....  
10 .....\$ 10,768,959.00.

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, 2022, and ending June 30, 2023.....  
18 .....\$ 249,778,171.00.



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.....	214
23		Part Time.....	0
24	Time-Limited:	Full Time.....	193
25		Part Time.....	0

26           With the funds herein appropriated, it shall be the agency's  
27 responsibility to make certain that funds required for "Personal  
28 Services" for Fiscal Year 2024 do not exceed Fiscal Year 2023  
29 funds appropriated for that purpose unless programs or positions  
30 are added to the agency's Fiscal Year 2023 budget by the  
31 Mississippi Legislature. The Legislature shall determine the  
32 agency's personal services appropriation, which shall be published  
33 by the State Personnel Board. Additionally, the State Personnel  
34 Board shall determine and publish the projected annualized payroll  
35 costs based on current employees. It shall be the responsibility  
36 of the agency head to ensure that actual personnel expenditures  
37 for Fiscal Year 2023 do not exceed the data provided by the  
38 Legislative Budget Office. If the agency's Fiscal Year 2023  
39 projected cost exceeds the annualized costs, no salary actions  
40 shall be processed by the State Personnel Board with the exception  
41 of new hires that are determined to be essential for the agency.

42           Any transfers or escalations shall be made in accordance with  
43 the terms, conditions and procedures established by law or



44 allowable under the terms set forth within this act. The State  
45 Personnel Board shall not escalate positions without written  
46 approval from the Department of Finance and Administration. The  
47 Department of Finance and Administration shall not provide written  
48 approval to escalate any funds for salaries and/or positions  
49 without proof of availability of new or additional funds above the  
50 appropriated level.

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

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

59 Funds have been appropriated herein for the purpose of  
60 funding Project SEC2 minimum salaries for all employees covered  
61 under the Colonel Guy Groff/Neville Kenning Variable Compensation  
62 Plan. It shall be the agency's responsibility to ensure that the  
63 funds are used to increase all employees' salaries up to the  
64 minimum level as determined by the State Personnel Board.

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 2022. It is further the intention of the Legislature that  
 71 the agency's budget request for Fiscal Year 2024 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 2023 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:

	FY2023
<u>Performance Measures</u>	<u>Target</u>
Pollution Control	
Percent of Days with Air Advisories	5.00
Percent of Air Permits Modified/Issued in a Timely Manner	50.00
Percent of Counties that Meet NAAQ Standards	75.00
Percent of Air Facilities Inspected	35.00
Percent of Air Facilities in Compliance with Regulatory Requirements	85.00
Percent of Waste Permits Issued/Modified in a Timely Manner	60.00



94	Percent of Waste Facilities Inspected	60.00
95	Percent of Inspected Waste Facilities in	
96	Compliance with Regulatory Requirements	65.00
97	Percent of Citizens who Have Access to	
98	Recycling Programs	55.00
99	Percent of Underground Storage Tanks in	
100	Compliance with Regulatory Requirements	60.00
101	Percent of Contaminated Sites That Have	
102	Completed Assessment	50.00
103	Percent of Contaminated Sites That Have	
104	Completed Remediation	5.00
105	Percent of Waters That Have Acceptable	
106	Quality for Their Designed Use	56.00
107	Percent of NPDES Permits Issued/Modified	
108	in a Timely Manner	70.00
109	Percent of NPDES Majors Inspected per Year	50.00
110	Percent of NPDES Majors in Compliance	66.00
111	Percent of Staff with Expertise in the	
112	National Incident Management System	70.00
113	Construction Grants	
114	Percent of SRF Loan Recipients in	
115	Compliance with Loan Agreements	90.00
116	Land & Water	
117	Percent of Annual Prioritized Water	
118	Resource Areas Adequately Characterized	80.00



119	Percent of Groundwater Use Permits	
120	Issued/Modified	95.00
121	Percent of Surface Water Use Permits	
122	Issued/Modified	95.00
123	Percent of Water Use Reported	80.00
124	Percent of High Hazard Dams with	
125	Emergency Action Plans	80.00
126	Geology	
127	Percent of Mining Facilities Inspected	95.00
128	Percent of Inspected Mining Facilities	
129	in Compliance with Regulatory	
130	Requirements	85.00
131	Administrative Services	
132	Administration as a Percent of Total Budget	5.00
133	A reporting of the degree to which the performance targets	
134	set above have been or are being achieved shall be provided in the	
135	agency's budget request submitted to the Joint Legislative Budget	
136	Committee for Fiscal Year 2024.	

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



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

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

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

158 **SECTION 9.** The Department of Environmental Quality (DEQ) may  
159 request that the Mississippi Development Authority (MDA) staff  
160 shall provide an economic viability assessment for any complete  
161 application or group of related complete applications submitted to  
162 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be  
163 required to devote extraordinary effort to process the application  
164 or group of related applications within the one hundred eighty  
165 (180) days required by Section 49-17-29(3)(c). For purposes of  
166 this paragraph, "extraordinary effort" means the constant  
167 dedication of more than three (3) full-time equivalent positions



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

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





193 reserves. It is further the intention of the Legislature that the  
194 Executive Director of the Department of Environmental Quality  
195 shall submit written justification for the transfer to the  
196 Legislative Budget Office and the Department of Finance and  
197 Administration on or before the fifteenth of the month prior to  
198 the effective date of the transfer.

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

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

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



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

223           **SECTION 15.** It is the intention of the Legislature for the  
224 Department of Environmental Quality to continue with any  
225 agreements with Mississippi state agencies, including grant  
226 agreements, that provide environmental projects to restore  
227 Mississippi's natural resources in the wake of the Deepwater  
228 Horizon Oil Spill.

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

236           **SECTION 17.** The money herein appropriated shall be paid by  
237 the State Treasurer out of any money in the State Treasury to the  
238 credit of the proper fund or funds as set forth in this act, upon  
239 warrants issued by the State Fiscal Officer; and the State Fiscal  
240 Officer shall issue his warrants upon requisitions signed by the  
241 proper person, officer or officers, in the manner provided by law.



242           **SECTION 18.** This act shall take effect and be in force from  
243 and after July 1, 2022, and shall stand repealed June 30, 2022.

