

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

To: Appropriations

HOUSE BILL NO. 1616  
(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 2024.

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, 2023, and ending June 30, 2024.....  
10 .....\$ 15,500,411.00.

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, 2023, and ending June 30, 2024.....  
18 .....\$ 249,092,723.00.



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

21       AUTHORIZED HEADCOUNT:

22           Permanent:                   240

23           Time-Limited:               193

24           With the funds herein appropriated, it shall be the agency's  
25 responsibility to make certain that funds required for Personal  
26 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds  
27 appropriated for that purpose unless programs or positions are  
28 added to the agency's Fiscal Year 2024 budget by the Mississippi  
29 Legislature. The Legislature shall determine the agency's  
30 personal services appropriation, which the State Personnel Board  
31 shall publish. The agency's personal services appropriation may  
32 consist of restricted funds for approved vacancies for Fiscal Year  
33 2024 that may not be utilized for active Fiscal Year 2023  
34 Headcount. It shall be the agency's responsibility to ensure that  
35 the funds provided for vacancies are used to increase headcount  
36 and not for promotions, title changes, in-range salary adjustments  
37 or any other mechanism for increasing salaries for current  
38 employees. It is the Legislature's intention that no employee  
39 salary falls below the minimum salary established by the  
40 Mississippi State Personnel Board.

41           Additionally, the State Personnel Board shall determine and  
42 publish the projected annualized payroll costs based on current  
43 employees. It shall be the responsibility of the agency head to



44 ensure that actual personnel expenditures for Fiscal Year 2024 do  
45 not exceed the data provided by the Legislative Budget Office. If  
46 the agency's Fiscal Year 2024 projected cost exceeds the  
47 annualized costs, no salary actions shall be processed by the  
48 State Personnel Board except for new hires determined to be  
49 essential for the agency.

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

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

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

67 **SECTION 4.** It is the intention of the Legislature that the  
68 Department of Environmental Quality shall maintain complete



69 accounting and personnel records related to the expenditure of all  
 70 funds appropriated under this act and that such records shall be  
 71 in the same format and level of detail as maintained for Fiscal  
 72 Year 2023. It is further the intention of the Legislature that  
 73 the agency's budget request for Fiscal Year 2025 shall be  
 74 submitted to the Joint Legislative Budget Committee in a format  
 75 and level of detail comparable to the format and level of detail  
 76 provided during the Fiscal Year 2024 budget request process.

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

	FY2024
<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



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



119	Percent of Annual Prioritized Water	
120	Resource Areas Adequately Characterized	80.00
121	Percent of Groundwater Use Permits	
122	Issued/Modified	90.00
123	Percent of Surface Water Use Permits	
124	Issued/Modified	90.00
125	Percent of Water Use Reported	80.00
126	Percent of High Hazard Dams with	
127	Emergency Action Plans	95.00
128	Geology	
129	Percent of Mining Facilities Inspected	95.00
130	Percent of Inspected Mining Facilities	
131	in Compliance with Regulatory	
132	Requirements	85.00
133	Administrative Services	
134	Administration as a Percent of Total Budget	5.00
135	A reporting of the degree to which the performance targets	
136	set above have been or are being achieved shall be provided in the	
137	agency's budget request submitted to the Joint Legislative Budget	
138	Committee for Fiscal Year 2025.	

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



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

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

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

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

160 **SECTION 9.** Of the funds appropriated in Section 1, Two  
161 Million Six Hundred Thirty-five Thousand Dollars (\$2,635,000.00),  
162 or so much thereof, is provided for the Clean Water Grant match.

163 **SECTION 10.** The Department of Environmental Quality (DEQ)  
164 may request that the Mississippi Development Authority (MDA) staff  
165 shall provide an economic viability assessment for any complete  
166 application or group of related complete applications submitted to  
167 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be



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





192           **SECTION 11.** It is the intention of the Legislature that the  
193 Executive Director of the Department of Environmental Quality  
194 shall have authority to transfer cash from one special fund  
195 treasury fund to another special fund treasury fund under the  
196 control of the Department of Environmental Quality. The purpose  
197 of this authority is to more efficiently use available cash  
198 reserves. It is further the intention of the Legislature that the  
199 Executive Director of the Department of Environmental Quality  
200 shall submit written justification for the transfer to the  
201 Legislative Budget Office and the Department of Finance and  
202 Administration on or before the fifteenth of the month prior to  
203 the effective date of the transfer.

204           **SECTION 12.** It is the intention of the Legislature that  
205 whenever two (2) or more bids are received by this agency for the  
206 purchase of commodities or equipment, and whenever all things  
207 stated in such received bids are equal with respect to price,  
208 quality and service, the Mississippi Industries for the Blind  
209 shall be given preference. A similar preference shall be given to  
210 the Mississippi Industries for the Blind whenever purchases are  
211 made without competitive bids.

212           **SECTION 13.** Of the funds appropriated herein, it is the  
213 intent of the Legislature that the Department of Environmental  
214 Quality shall pay debt service on bonds issued to provide state  
215 matching funds for the State Revolving Loan Fund with interest  
216 earnings derived from the fund.



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.** Of the funds appropriated in Section 2, One  
230 Million Dollars (\$1,000,000.00) is provided for the purpose of  
231 assessment, remediation, operation and maintenance, cost-sharing,  
232 oversight, and administration of water, land, and air  
233 contamination projects within the State of Mississippi pursuant to  
234 the 2020 settlement in The State of Mississippi ex rel. Lynn  
235 Fitch, Attorney General vs. EnPro, Inc., et.al.; Cause No.  
236 CV-2017-19-JMY2.

237           **SECTION 17.** It is the intention of the Legislature that the  
238 funds herein appropriated shall be expended in compliance with  
239 Section 27-104-25, Mississippi Code of 1972, that no state agency  
240 shall incur obligations or indebtedness in excess of their  
241 appropriation and that the responsible officers, either personally



242 or upon their official bonds, shall be held responsible for  
243 actions contrary to this provision.

244 **SECTION 18.** Notwithstanding any other provision, the  
245 Department of Environmental Quality shall have the authority to  
246 escalate its headcount for any additional operational needs  
247 related to Coronavirus State Fiscal Recovery Funds, upon approval  
248 of the Department of Finance and Administration and the State  
249 Personnel Board.

250 **SECTION 19.** With the funds appropriated herein, the  
251 Department of Environmental Quality is authorized to make payment  
252 to certain vendors for expenses incurred during 2020 to certain  
253 vendors as follows:

254	Lowndes County Board of Supervisors.....	\$ 9,000.00
255	City of Natchez.....	\$ 8,000.00
256	Clarke County.....	\$ 2,625.38
257	Sunflower County.....	\$ 1,108.20
258	Sunflower County.....	\$ 5,540.98

259 **SECTION 20.** The money herein appropriated shall be paid by  
260 the State Treasurer out of any money in the State Treasury to the  
261 credit of the proper fund or funds as set forth in this act, upon  
262 warrants issued by the State Fiscal Officer; and the State Fiscal  
263 Officer shall issue his warrants upon requisitions signed by the  
264 proper person, officer or officers, in the manner provided by law.

265 **SECTION 21.** This act shall take effect and be in force from  
266 and after July 1, 2023.

