MISSISSIPPI LEGISLATURE FIRST EXTRAORDINARY SESSION 2025

By: Representatives Bounds, Anderson (110th), Clark, Eure, Hale, Jackson (11th), Paden, Pigott, Read

To: Appropriations A

HOUSE BILL NO. 3

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AND FOR RELATED PURPOSES, FOR THE FISCAL YEAR 2026.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State General Fund not otherwise appropriated, for the support and maintenance of the Department of Environmental Quality for the fiscal year beginning July 1, 2025, and ending June 30, 2026.................. ....$ 20,747,286.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is appropriated out of any money in any special fund in the State Treasury to the credit of the Department of Environmental Quality which is comprised of special source funds collected by or otherwise available to the department, for the support of the various offices of the department for the fiscal year beginning July 1, 2025, and ending June 30, 2026............. ....$ 252,717,954.00.

SECTION 3. Of the funds appropriated under the provisions of this act, not more than the following amount of funds, with the exception of the provisions in this section, shall be expended only for "Personal Services," which includes "Vacancy Funding," for the following authorized number of employment headcount:

FUNDING:		
General Funds:	$	11,140,386.00
Special Funds:	$	23,432,589.00
Total Funds:	$	34,572,975.00
PERSONAL SERVICES:		
Employee Salaries, Wages, and Fringe Benefits:	$	32,126,179.00
Progressions:	$	0.00
Vacancy Funding:	$	2,446,796.00
Total Personal Services:	$	34,572,975.00
AUTHORIZED HEADCOUNT:		
Permanent:	220	
Time-Limited:	170	

As used in this section, the term "Personal Services" shall mean funds provided under the major object of expenditure category Personal Services for Salaries, Wages, and Fringe Benefits. Funds in this category shall not be transferred to any other category.

It is the intention of the Legislature to ensure compliance with the Variable Compensation Plan, as outlined in Section 25-9-147, Mississippi Code of 1972. Payment from these funds shall be in accordance with the Variable Compensation Plan promulgated by the Mississippi State Personnel Board. It is the Legislature's intention that no employee's salary falls below the minimum salary established by the Mississippi State Personnel Board.

The State Personnel Board shall determine and publish the projected annual cost of "Personal Services" based on monthly and year-to-date payroll expenditures in compliance with the provisions of this act.

With the funds herein appropriated, it shall be the agency's responsibility to ensure that no single personnel action or combination of personnel actions, when annualized, exceeds the Fiscal Year 2026 appropriation for "Personal Services" with the exception of escalated funds. Further, it shall be the agency's responsibility to ensure that funds required to be appropriated for "Personal Services" for Fiscal Year 2027 do not exceed Fiscal Year 2026 funds appropriated for that purpose unless programs or positions are added to the agency's Fiscal Year 2026 budget by the Mississippi Legislature.

If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken or will take an action that would cause the agency to exceed the funds appropriated in this act when annualized for Fiscal Year 2026 or increase the need for "Personal Services" for Fiscal Year 2027, when annualized, the State Personnel Board shall process no salary actions until such time as the requirements of the provisions of this section are met with the exception of new hires determined to be essential for the agency.

When used in this section, “Vacancy Funding” shall mean funds included in the Total Personal Services amount listed above and designated for approved vacancies in Fiscal Year 2026. These funds are to be utilized to increase the number of filled headcounts that were authorized but unfilled as of the last day of Fiscal Year 2025. If the agency fills additional headcounts after May 1, 2025, until the end of Fiscal Year 2025, the amount of available Vacancy Funding may be proportionally reduced to reflect the updated number of filled headcounts. The agency shall be responsible for ensuring that “Vacancy Funding” is used to increase headcounts and not for promotions, title changes, in-range salary adjustments, or any other mechanism for increasing salaries for current employees.

Any transfers or escalations shall be made in accordance with the terms, conditions, and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or headcounts without proof of availability of new or additional funds above the appropriated level. Unless specifically noted, all Fiscal Year

2025 escalated headcounts have been accounted for and shall be converted to authorized time-limited headcounts.

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

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

If the agency's total authorized headcount decreases from Fiscal Year 2025 to Fiscal Year 2026, it will be the agency's discretion as to what headcounts are removed.

Positions escalated during Fiscal Year 2025 are included in the Fiscal Year 2026 authorized headcount.

The Legislature authorized thirteen (13) new headcounts, comprised of eight (8) permanent and five(5) time-limited, which are included in the authorized headcount above for Fiscal Year 2026.

New Headcount Titles Authorized:

Environmental Engineering - 9

Network and Communication - 1

Security and Compliance - 1

Environmental / Natural Resources Program Management - 1

Geologist - 1

SECTION 4. It is the intention of the Legislature that the Department of Environmental Quality shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2025. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2027 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2026 budget request process.

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

Performance Measures	FY2026 Target
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
Percent of Waste Facilities Inspected	60.00
Percent of Inspected Waste Facilities in Compliance with Regulatory Requirements	65.00
Percent of Citizens who Have Access to Recycling Programs	50.00
Percent of Underground Storage Tanks in Compliance with Regulatory Requirements	60.00
Percent of Contaminated Sites That Have Completed Assessment	50.00
Percent of Contaminated Sites That Have Completed Remediation	5.00
Percent of Waters That Have Acceptable Quality for Their Designed Use	56.00
Percent of NPDES Permits Issued/Modified in a Timely Manner	70.00
Percent of NPDES Majors in Compliance	66.00
Percent of Staff with Expertise in the National Incident Management System	70.00
Percent of NPDES Majors Inspected per Year	50.00

Construction Grants

Percent of SRF Loan Recipients in Compliance with Loan Agreements	90.00
Land & Water	
Percent of Annual Prioritized Water Resource Areas Adequately Characterized	80.00
Percent of Groundwater Use Permits Issued/Modified	90.00
Percent of Surface Water Use Permits Issued/Modified	90.00
Percent of Water Use Reported	80.00
Percent of High Hazard Dams with Emergency Action Plans	99.00
Geology	
Percent of Mining Facilities Inspected	95.00
Percent of Inspected Mining Facilities in Compliance with Regulatory Requirements	88.00
Administrative Services	
Administration as a Percent of Total Budget	5.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2027.

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

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

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

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

SECTION 9. Of the funds appropriated in Section 1, Six Million Twenty-three Thousand Two Hundred Eighty-six Dollars ($6,023,286.00), or so much thereof as may be necessary, is provided for the Clean Water Grant match.

SECTION 10. The Department of Environmental Quality (DEQ) may request that the Mississippi Development Authority (MDA) staff shall provide an economic viability assessment for any complete application or group of related complete applications submitted to DEQ after July 1, 1999, for which DEQ estimates that DEQ will be required to devote extraordinary effort to process the application or group of related applications within the one hundred eighty (180) days required by Section 49-17-29(3)(c). For purposes of this paragraph, "extraordinary effort" means the constant dedication of more than three (3) full-time equivalent positions for a period of at least one hundred eighty (180) days. The economic viability assessment shall include, but not be limited 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 11. 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 12. 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 13. 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 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 Environmental Quality to be used for dam and reservoir inspections, inventory, and reporting.

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

SECTION 16. Of the funds appropriated in Section 2, One Million Dollars ($1,000,000.00) is provided for the purpose of assessment, remediation, operation and maintenance, cost-sharing, oversight, and administration of water, land, and air contamination projects within the State of Mississippi pursuant to the 2020 settlement in The State of Mississippi ex rel. Lynn Fitch, Attorney General vs. EnPro, Inc., et.al.; Cause No. CV-2017-19-JMY2.

SECTION 17. Of the funds appropriated in Section 2, Two Million Dollars ($2,000,000.00) is provided for the Dam Safety Grant Program.

SECTION 18. Of the funds appropriated in Section 2, One Hundred Twenty Thousand Dollars ($120,000.00), or so much thereof as may be necessary, shall be derived out of any money in the State Treasury to the credit of the Project Poppy Fund, as created in Section 57-1-631, Mississippi Code of 1972, and allocated in a manner as determined by the Treasurer's Office and One Hundred Thirty Thousand Dollars ($130,000.00), or so much thereof as may be necessary, shall be derived out of any money in the State Treasury to the credit of the Project Atlas Fund, as created in Section 57-1-641, Mississippi Code of 1972, and allocated in a manner as determined by the Treasuer's Office. These funds are provided for expediting services needed for Project Poppy and Project Atlas.

SECTION 19. It is the intention of the Legislature that the funds herein appropriated shall be expended in compliance with Section 27-104-25, Mississippi Code of 1972, that no state agency shall incur obligations or indebtedness in excess of their appropriation and that the responsible officers, either personally or upon their official bonds, shall be held responsible for actions contrary to this provision.

SECTION 20. Notwithstanding any other provision, the Department of Environmental Quality shall have the authority to escalate its headcount for any additional operational needs related to Coronavirus State Fiscal Recovery Funds, upon approval of the Department of Finance and Administration and the State Personnel Board.

SECTION 21. Of the funds appropriated in Section 2, Two Hundred Fifty Thousand Dollars ($250,000.00) or so much thereof as may be necessary, shall be derived out of any money in the State Treasury to the credit of the Capital Expense Fund, as created in Section 27-103-303, Mississippi Code of 1972, and allocated in a manner as determined by the Treasurer's Office. These funds are provided for a document management system.

SECTION 22. With the funds appropriated herein, the Department of Environmental Quality is authorized to make payment to certain vendors for expenses incurred during Fiscal Year 2023.. ....$ 637.40.

SECTION 23. 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.

SECTION 24. This act shall take effect and be in force from and after July 1, 2025.