

By: Representatives Denny, Shows, Bowles,  
Flaggs, Henderson, Martinson, McBride, Moody

To: Appropriations

HOUSE BILL NO. 1620

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 2002.

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 hereby appropriated out of any money in the State  
7 General Fund not otherwise appropriated, for the support and  
8 maintenance of the Department of Environmental Quality for the  
9 fiscal year beginning July 1, 2001, and ending June 30, 2002.....  
10 ..... \$ 15,122,129.00.

11 SECTION 2. The following sum, or so much thereof as may be  
12 necessary, is hereby appropriated out of any money in any special  
13 fund in 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, 2001, and ending June 30, 2002.....  
18 ..... \$ 93,553,689.00.

19 SECTION 3. Of the funds appropriated under the provisions of  
20 Sections 1 and 2, not more than the amounts set forth below shall  
21 be expended for the respective major objects or purposes of  
22 expenditure:

23 ENVIRONMENTAL QUALITY - CONSOLIDATED

24 MAJOR OBJECTS OF EXPENDITURE:

25 Personal Services:

26 Salaries, Wages and Fringe Benefits.. \$ 23,043,671.00  
27 Travel and Subsistence..... 467,991.00

28	Contractual Services.....	12,958,866.00
29	Commodities.....	911,973.00
30	Capital Outlay:	
31	Other Than Equipment.....	0.00
32	Equipment.....	874,945.00
33	Subsidies, Loans and Grants.....	<u>70,418,372.00</u>
34	Total.....	\$ 108,675,818.00

35 FUNDING:

36	General Funds.....	\$ 15,122,129.00
37	Special Funds.....	<u>93,553,689.00</u>
38	Total.....	\$ 108,675,818.00

39 AUTHORIZED POSITIONS:

40	Permanent: Full Time.....	301
41	Part Time.....	0
42	Time-Limited: Full Time.....	205
43	Part Time.....	0

44 With the funds herein appropriated, it is the intention of  
45 the Legislature that it shall be the agency's responsibility to  
46 make certain that funds required to be appropriated for "Personal  
47 Services" for Fiscal Year 2003 do not exceed Fiscal Year 2002  
48 funds appropriated for that purpose, unless programs or positions  
49 are added to the agency's Fiscal Year 2003 budget by the  
50 Mississippi Legislature. Based on data provided by the  
51 Legislative Budget Office, the State Personnel Board shall  
52 determine and publish the projected annual cost to fully fund all  
53 appropriated positions in compliance with the provisions of this  
54 act. It shall be the responsibility of the agency head to insure  
55 that no single personnel action increases this projected annual  
56 cost and/or the Fiscal Year 2002 appropriation for "Personal  
57 Services" when annualized. If, at the end of any calendar month,  
58 the State Personnel Board determines that the agency has taken  
59 action(s) which would cause the agency to exceed this projected  
60 annual cost or the Fiscal Year 2002 "Personal Services"

61 appropriated level, when annualized, then only those actions which  
62 reduce the projected annual cost and/or the appropriation  
63 requirement will be processed by the State Personnel Board until  
64 such time as the requirements of this provision are met.

65 Pursuant to policies established by the State Personnel  
66 Board, the agency head may, on a case by case basis and from  
67 within funds available, recommend equity salary adjustments. Such  
68 adjustments shall not be retroactive and may be made when an  
69 employee with greater or equal state service experience and  
70 qualifications is being paid less than an employee working in the  
71 same job classification within the same agency.

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

76 Unless expressly authorized herein by the Legislature, no  
77 funds appropriated shall be expended to pay expenses incurred by  
78 more than four (4) employees or other representatives of the  
79 agency for attending the same conference, seminar or workshop,  
80 either in-state or out-of-state; however, such funds may be  
81 expended for expenses incurred by more than four (4) employees or  
82 other representatives for attendance at the same conference,  
83 seminar or workshop (a) if attendance is required in order to  
84 maintain professional certification or licensure, which  
85 certification or licensure is required by the employees' job  
86 descriptions or by law, or (b) if such expenditure has received  
87 the prior written approval of the Department of Finance and  
88 Administration.

89 SECTION 4. It is the intent of the Legislature that the  
90 Department of Environmental Quality shall have authority to  
91 escalate the various budgets in both funds and positions, with the  
92 approval of the State Fiscal Officer, from any special funds  
93 collected or available, in the current fiscal year or any prior

94 fiscal year, not to exceed Five Million Dollars (\$5,000,000.00),  
95 to the agency for expenditure. Upon such approval, the Department  
96 of Environmental Quality may expend such funds in the manner  
97 authorized by law.

98 The Executive Director of the Department of Environmental  
99 Quality shall submit to the Department of Finance and  
100 Administration a certified statement providing a detailed  
101 explanation for any escalation, including a justification for the  
102 establishment of any new positions or reclassification of existing  
103 positions and the existence of any required matching funds for  
104 those positions, and an assessment of the impact on the agency's  
105 general fund budget for the three (3) fiscal years following the  
106 fiscal year in which the escalation is requested.

107 SECTION 5. It shall be unlawful for any officer, employee or  
108 other person whatsoever to use or permit or authorize the use of  
109 any automobile or any other motor vehicle owned by the State of  
110 Mississippi or any department, agency or institution thereof for  
111 any purpose other than upon the official business of the State of  
112 Mississippi or any agency, department or institution thereof.

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

116 SECTION 6. In compliance with the "Mississippi Performance  
117 Budget and Strategic Planning Act of 1994," it is the intent of  
118 the Legislature that the funds provided herein shall be utilized  
119 in the most efficient and effective manner possible to achieve the  
120 intended mission of this agency. Based on the funding authorized,  
121 this agency shall make every effort to attain the targeted  
122 performance measures provided below:

123		FY02
124	<u>Performance Measures</u>	<u>Target</u>
125	Pollution Control	
126	Air-Compliance Assurance Activities (Actions)	1,730

127	Air-Permits Issued (Permits)	319
128	Asbestos-Persons Certified (Persons)	1,100
129	RCRA-Inspections (Actions)	141
130	RCRA-Permit Actions Taken (Actions)	4
131	Wst Tires-Compliance Assurance (Actions)	415
132	Sld Waste-Pemits Processed (Permits)	100
133	SRF Water-Inspections (Sites)	2,585
134	SRF Water-NPDES Permits Issued (Permits)	236
135	SRF Admin-Fed/State Match Funds (Percent)	90
136	Construction Grants	
137	Federal/State Match Funds Awarded (Percent)	90
138	Recipient Compliance with Loan Agreement	90
139	Land & Water	
140	Water Levels Measured (Actions)	1,100
141	Test/Data Collection Wells	1,650
142	Water Withdrawal Permits Issued	4,000
143	Driller Licenses Issued	200
144	Dams Inspected	120
145	Geology	
146	Leases/Permits Issued	1
147	Quadrangles Mapped (Sites)	10
148	Test Holes Drilled	15
149	Mines Inspected	1,450

150 A reporting of the degree to which the performance targets  
151 set above have been or are being achieved shall be provided in the  
152 agency's budget request submitted to the Joint Legislative Budget  
153 Committee for Fiscal Year 2003.

154 SECTION 7. Of the funds appropriated in Section 2 and  
155 allocated in Section 3, an amount no greater than Three Hundred  
156 Twenty Thousand Dollars (\$320,000.00) shall be derived from the  
157 Pollution Emergency Fund within the Pollution Operating Fund and  
158 shall be transferred to the Department of Finance and  
159 Administration.

160 SECTION 8. Of the funds appropriated in Section 2 and  
161 allocated in Section 3, an amount no greater than One Hundred  
162 Fifty Thousand Dollars (\$150,000.00) shall be derived from the  
163 Pollution Emergency Fund within the Pollution Operating Fund for  
164 transfer to the Department of Environmental Quality - Office of  
165 Administrative Services for support of Legal Division  
166 environmental protection activities.

167 SECTION 9. The Department of Environmental Quality (DEQ) may  
168 request that the Mississippi Development Authority (MDA) staff  
169 shall provide an economic viability assessment for any complete  
170 application or group of related complete applications submitted to  
171 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be  
172 required to devote extraordinary effort to process the application  
173 or group of related applications within the one hundred and eighty  
174 (180) days required by Section 49-17-29(3)(c). For purposes of  
175 this paragraph, "extraordinary effort" means the constant  
176 dedication of more than three (3) full-time equivalent positions  
177 for a period of at least one hundred eighty (180) days. The  
178 economic viability assessment shall include, but not be limited  
179 to: (i) An analysis of the current and future market viability  
180 of the project concerning which application(s) has been made to  
181 DEQ; and (ii) an analysis of the applicant's economic ability to  
182 construct, develop, maintain and operate the project as described  
183 in the application(s) submitted to DEQ. If the economic viability  
184 assessment concludes that the project is not economically viable  
185 for any reason, DEQ shall suspend processing the permit  
186 application(s), notwithstanding the provisions of Section  
187 49-17-29(3)(c). Within thirty (30) days of the decision of MDA  
188 staff, the permit applicant may present any additional information  
189 on its behalf to the Executive Director of MDA, and the Executive  
190 Director shall review the MDA staff assessment. If additional  
191 information is received in writing from the applicant, the  
192 Executive Director of MDA shall make a decision in review of the

193 MDA staff decision within sixty (60) days of the staff decision,  
194 and the decision of the Executive Director of MDA shall be the  
195 final administrative action of MDA in the matter.

196 SECTION 10. The money herein appropriated shall be paid by  
197 the State Treasurer out of any money in the State Treasury to the  
198 credit of the proper fund or funds as set forth in this act, upon  
199 warrants issued by the State Fiscal Officer; and the State Fiscal  
200 Officer shall issue his warrants upon requisitions signed by the  
201 proper person, officer or officers, in the manner provided by law.

202 SECTION 11. This act shall take effect and be in force from  
203 and after July 1, 2001.