MISSISSIPPI LEGISLATURE REGULAR SESSION 2002

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

To: Appropriations

HOUSE BILL NO. 1789

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AND FOR RELATED PURPOSES, FOR THE FISCAL YEAR 2003.

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 hereby 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, 2002, and ending June 30, 2003..... ..... $ 13,982,565.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby 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, 2002, and ending June 30, 2003..... ..... $ 104,459,446.00.

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

ENVIRONMENTAL QUALITY - CONSOLIDATED

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:	
Salaries, Wages and Fringe Benefits.. $	24,973,710.00
Travel and Subsistence.....	661,294.00

Contractual Services.....			18,272,032.00
Commodities.....			1,032,389.00
Capital Outlay:			
Other Than Equipment.....			0.00
Equipment.....			110,265.00
Subsidies, Loans and Grants.....			73,392,321.00
Total.....		$	118,442,011.00

FUNDING:

General Funds.....	$	13,982,565.00
Special Funds.....		104,459,446.00
Total.....	$	118,442,011.00

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	304
	Part Time.....	0
Time-Limited:	Full Time.....	226
	Part Time.....	0

Funds are provided herein to adjust the Variable Compensation Plan to ensure that all full-time employees receive a pay increase equal to fifty percent (50%) of the realignment component of the Variable Compensation Plan or Six Hundred Dollars ($600.00), whichever is greater, beginning on January 1, 2003.

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003 funds appropriated for that purpose, unless programs, positions or pay increases are added to the agency's budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall, on July 1, 2002, publish separate annual projection reports, based on July 1, 2002 data, for the period of July 1, 2002 through December 31, 2002, and January 1, 2003 through June 30, 2003, that project the annual cost to fully fund all appropriated positions in compliance with

the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected cost and/or the Fiscal Year 2003 appropriation for "Personal Services," as annualized on a semi-annual basis in accordance with the provisions of this act. If, at the end of any calendar month, the State Personnel Board determines that the agency has taken action(s) which would cause the agency to exceed this projected annual cost or the Fiscal Year 2003 "Personal Services" appropriated level, when annualized in compliance with the provisions of this act, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

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

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

SECTION 4. It is the intent of the Legislature that the Department of Environmental Quality shall have authority to escalate the various budgets in both funds and positions, with the

approval of the State Fiscal Officer, from any special funds collected or available, in the current fiscal year or any prior fiscal year, not to exceed Five Million Dollars ($5,000,000.00), to the agency for expenditure. Upon such approval, the Department of Environmental Quality may expend such funds in the manner authorized by law.

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

SECTION 5. 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 6. 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:

	FY03
Performance Measures	Target

Pollution Control	
Air-Compliance Assurance Activities (Actions)	1,730
Air-Permits Issued (Permits)	319
Asbestos-Persons Certified (Persons)	1,100
RCRA-Inspections (Actions)	141
RCRA-Permit Actions Taken (Actions)	4
Wst Tires-Compliance Assurance (Actions)	415
Sld Waste-Permits Processed (Permits)	100
SRF Water-Inspections (Sites)	2,585
SRF Water-NPDES Permits Issued (Permits)	236
SRF Admin-Fed/State Match Funds (Percent)	90
Construction Grants	
Federal/State Match Funds Awarded (Percent)	90
Recipient Compliance with Loan Agreement	90
Land & Water	
Water Levels Measured (Actions)	250
Test/Data Collection Wells	3,900
Water Withdrawal Permits Issued	3,600
Driller Licenses Issued	175
Dams Inspected	100
Geology	
Leases/Permits Issued	3
Quadrangles Mapped (Sites)	12
Test Holes Drilled	24
Mines Inspected	1,250

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 2004.

SECTION 7. Of the funds appropriated in Section 2 and allocated in Section 3, an amount no greater than Three Hundred Twenty Thousand Dollars ($320,000.00) shall be derived from the Pollution Emergency Fund within the Pollution Operating Fund and

shall be transferred to the Department of Finance and Administration.

SECTION 8. Of the funds appropriated in Section 2 and allocated in Section 3, an amount no greater than One Hundred Fifty Thousand Dollars ($150,000.00) 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 9. 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 and 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 10. It is the intention of the Legislature that the Executive Director of the Department of Environmental Quality may authorize increases in major objects of expenditure in total amounts not to exceed twenty-five percent (25%) of the appropriated amount of each major object of expenditure, provided that other major objects of expenditure are decreased by a corresponding dollar amount. However, no transfers shall be authorized which increase the major object of expenditure "Salaries, Wages and Fringe Benefits."

SECTION 11. 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 12. This act shall take effect and be in force from and after July 1, 2002.