

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

To: Appropriations

HOUSE BILL NO. 1789  
(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 2003.

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, 2002, and ending June 30, 2003.....  
10 ..... \$ 13,817,939.00.

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, 2002, and ending June 30, 2003.....  
18 ..... \$ 106,057,992.00.

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.. \$ 26,572,256.00  
27 Travel and Subsistence..... 761,294.00



28	Contractual Services.....	18,372,032.00
29	Commodities.....	1,132,389.00
30	Capital Outlay:	
31	Other Than Equipment.....	0.00
32	Equipment.....	610,265.00
33	Subsidies, Loans and Grants.....	<u>72,427,695.00</u>
34	Total.....	\$ 119,875,931.00
35	FUNDING:	
36	General Funds.....	\$ 13,817,939.00
37	Special Funds.....	<u>106,057,992.00</u>
38	Total.....	\$ 119,875,931.00

39 AUTHORIZED POSITIONS:

40	Permanent: Full Time.....	304
41	Part Time.....	0
42	Time-Limited: Full Time.....	237
43	Part Time.....	0

44 Funds are provided herein to adjust the Variable Compensation  
45 Plan to ensure that all Department of Environmental Quality  
46 agency-specific engineers shall receive, beginning on July 1,  
47 2002, a pay increase of Ten Thousand Dollars (\$10,000.00). These  
48 agency specific engineers are Environmental Engineer  
49 Administrator, Environmental Engineer I, Environmental Engineer  
50 II, Environmental Engineer III, Environmental Engineer IV,  
51 Environmental Engineer in Training and Environmental Administrator  
52 Senior. Employees eligible for this pay increase shall receive  
53 this increase in lieu of the increase to be awarded to other state  
54 employees beginning on January 1, 2003. The salary ranges of  
55 these agency specific positions shall be adjusted to incorporate  
56 this realignment.

57 Funds are provided herein to adjust the Variable Compensation  
58 Plan to ensure that all full-time employees receive a pay increase  
59 equal to fifty percent (50%) of the realignment component of the



60 Variable Compensation Plan or Six Hundred Dollars (\$600.00),  
61 whichever is greater, beginning on January 1, 2003.

62 With the funds herein appropriated, it is the intention of  
63 the Legislature that it shall be the agency's responsibility to  
64 make certain that funds required to be appropriated for "Personal  
65 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003  
66 funds appropriated for that purpose, unless programs, positions or  
67 pay increases are added to the agency's budget by the Mississippi  
68 Legislature. Based on data provided by the Legislative Budget  
69 Office, the State Personnel Board shall, on July 1, 2002, publish  
70 separate annual projection reports, based on July 1, 2002, data,  
71 for the period of July 1, 2002, through December 31, 2002, and  
72 January 1, 2003, through June 30, 2003, that project the annual  
73 cost to fully fund all appropriated positions in compliance with  
74 the provisions of this act. It shall be the responsibility of the  
75 agency head to ensure that no single personnel action increases  
76 this projected cost and/or the Fiscal Year 2003 appropriation for  
77 "Personal Services," as annualized on a semiannual basis in  
78 accordance with the provisions of this act. If, at the end of any  
79 calendar month, the State Personnel Board determines that the  
80 agency has taken action(s) which would cause the agency to exceed  
81 this projected annual cost or the Fiscal Year 2003 "Personal  
82 Services" appropriated level, when annualized in compliance with  
83 the provisions of this act, then only those actions which reduce  
84 the projected annual cost and/or the appropriation requirement  
85 will be processed by the State Personnel Board until such time as  
86 the requirements of this provision are met.

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

91 Unless expressly authorized herein by the Legislature, no  
92 funds appropriated shall be expended to pay expenses incurred by



93 more than four (4) employees or other representatives of the  
94 agency for attending the same conference, seminar or workshop,  
95 either in-state or out-of-state; however, such funds may be  
96 expended for expenses incurred by more than four (4) employees or  
97 other representatives for attendance at the same conference,  
98 seminar or workshop (a) if attendance is required in order to  
99 maintain professional certification or licensure, which  
100 certification or licensure is required by the employees' job  
101 descriptions or by law, or (b) if such expenditure has received  
102 the prior written approval of the Department of Finance and  
103 Administration.

104       **SECTION 4.** It is the intent of the Legislature that the  
105 Department of Environmental Quality shall have authority to  
106 escalate the various budgets in both funds and positions, with the  
107 approval of the State Fiscal Officer, from any special funds  
108 collected or available, in the current fiscal year or any prior  
109 fiscal year, not to exceed Five Million Dollars (\$5,000,000.00),  
110 to the agency for expenditure. Upon such approval, the Department  
111 of Environmental Quality may expend such funds in the manner  
112 authorized by law.

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

122       **SECTION 5.** It shall be unlawful for any officer, employee or  
123 other person whatsoever to use or permit or authorize the use of  
124 any automobile or any other motor vehicle owned by the State of  
125 Mississippi or any department, agency or institution thereof for



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

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

131 **SECTION 6.** In compliance with the "Mississippi Performance  
132 Budget and Strategic Planning Act of 1994," it is the intent of  
133 the Legislature that the funds provided herein shall be utilized  
134 in the most efficient and effective manner possible to achieve the  
135 intended mission of this agency. Based on the funding authorized,  
136 this agency shall make every effort to attain the targeted  
137 performance measures provided below:

	FY2003
<u>Performance Measures</u>	<u>Target</u>
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 and Water	
Water Levels Measured (Actions)	250
Test/Data Collection Wells	3,900
Water Withdrawal Permits Issued	3,600
Driller Licenses Issued	175



159	Dams Inspected	100
160	Geology	
161	Leases/Permits Issued	3
162	Quadrangles Mapped (Sites)	12
163	Test Holes Drilled	24
164	Mines Inspected	1,250

165 A reporting of the degree to which the performance targets  
166 set above have been or are being achieved shall be provided in the  
167 agency's budget request submitted to the Joint Legislative Budget  
168 Committee for Fiscal Year 2004.

169 **SECTION 7.** Of the funds appropriated in Section 2 and  
170 allocated in Section 3, an amount no greater than Three Hundred  
171 Twenty Thousand Dollars (\$320,000.00) shall be derived from the  
172 Pollution Emergency Fund within the Pollution Operating Fund and  
173 shall be transferred to the Department of Finance and  
174 Administration.

175 **SECTION 8.** Of the funds appropriated in Section 2 and  
176 allocated in Section 3, an amount no greater than One Hundred  
177 Fifty Thousand Dollars (\$150,000.00) shall be derived from the  
178 Pollution Emergency Fund within the Pollution Operating Fund for  
179 transfer to the Department of Environmental Quality - Office of  
180 Administrative Services for support of Legal Division  
181 environmental protection activities.

182 **SECTION 9.** The Department of Environmental Quality (DEQ) may  
183 request that the Mississippi Development Authority (MDA) staff  
184 shall provide an economic viability assessment for any complete  
185 application or group of related complete applications submitted to  
186 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be  
187 required to devote extraordinary effort to process the application  
188 or group of related applications within the one hundred and eighty  
189 (180) days required by Section 49-17-29(3)(c). For purposes of  
190 this paragraph, "extraordinary effort" means the constant  
191 dedication of more than three (3) full-time equivalent positions



192 for a period of at least one hundred eighty (180) days. The  
193 economic viability assessment shall include, but not be limited  
194 to: (i) An analysis of the current and future market viability  
195 of the project concerning which application(s) has been made to  
196 DEQ; and (ii) an analysis of the applicant's economic ability to  
197 construct, develop, maintain and operate the project as described  
198 in the application(s) submitted to DEQ. If the economic viability  
199 assessment concludes that the project is not economically viable  
200 for any reason, DEQ shall suspend processing the permit  
201 application(s), notwithstanding the provisions of Section  
202 49-17-29(3)(c). Within thirty (30) days of the decision of MDA  
203 staff, the permit applicant may present any additional information  
204 on its behalf to the Executive Director of MDA, and the Executive  
205 Director shall review the MDA staff assessment. If additional  
206 information is received in writing from the applicant, the  
207 Executive Director of MDA shall make a decision in review of the  
208 MDA staff decision within sixty (60) days of the staff decision,  
209 and the decision of the Executive Director of MDA shall be the  
210 final administrative action of MDA in the matter.

211 **SECTION 10.** It is the intention of the Legislature that the  
212 Executive Director of the Department of Environmental Quality may  
213 authorize increases in major objects of expenditure in total  
214 amounts not to exceed twenty-five percent (25%) of the  
215 appropriated amount of each major object of expenditure, provided  
216 that other major objects of expenditure are decreased by a  
217 corresponding dollar amount. However, no transfers shall be  
218 authorized which increase the major object of expenditure  
219 "Salaries, Wages and Fringe Benefits."

220 **SECTION 11.** It is the intention of the Legislature that the  
221 Department of Environmental Quality shall be the coordinator for  
222 all Remote Sensing and Geographic Information Systems within the  
223 state, and as such, the lead agency for the State of Mississippi



224 directed to continue the development and coordination of a Digital  
225 Land Base Computer Model of the State of Mississippi (MDEM).

226 **SECTION 12.** With the funds appropriated herein, the  
227 Department of Environmental Quality is authorized to make payment  
228 for expenses incurred during previous fiscal years as follows:

229	<u>Vendor</u>	<u>Fiscal Year</u>	<u>Amount</u>
230	Ferguson-Harbour, Inc.	1998	\$10,112.70
231	Ferguson-Harbour, Inc.	1998	\$ 5,746.00
232	Ferguson-Harbour, Inc.	1998	\$ 2,257.20
233	Ferguson-Harbour, Inc.	1998	\$ 1,839.46

234 **SECTION 13.** The money herein appropriated shall be paid by  
235 the State Treasurer out of any money in the State Treasury to the  
236 credit of the proper fund or funds as set forth in this act, upon  
237 warrants issued by the State Fiscal Officer; and the State Fiscal  
238 Officer shall issue his warrants upon requisitions signed by the  
239 proper person, officer or officers, in the manner provided by law.

240 **SECTION 14.** This act shall take effect and be in force from  
241 and after July 1, 2002.

