

By: Representatives Broomfield, McBride,
Frierson, Gadd, Hudson, Middleton

To: Appropriations

HOUSE BILL NO. 1572
(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 2007.

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, 2006, and ending June 30, 2007.....
10 \$ 13,085,979.00.

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, 2006, and ending June 30, 2007.....
18 \$ 122,635,031.00.

19 SECTION 3. Of the funds appropriated under the provisions of
20 Section 1 and Section 2, the following positions are authorized:

21 AUTHORIZED POSITIONS:

22	Permanent:	Full Time.....	289
23		Part Time.....	0
24	Time-Limited:	Full Time.....	229
25		Part Time.....	0

26 Funds are provided herein to adjust the Variable Compensation
27 Plan to ensure that all full-time employees receive a pay increase

28 equal to the realignment component of the Variable Compensation
29 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,
30 with not more than one-half (1/2) to be awarded on July 1, 2006,
31 with the remainder to be awarded on January 1, 2007.

32 With the funds herein appropriated, it is the intention of
33 the Legislature that it shall be the agency's responsibility to
34 make certain that funds required to be appropriated for "Personal
35 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
36 funds appropriated for that purpose, unless programs or positions
37 are added to the agency's Fiscal Year 2008 budget by the
38 Mississippi Legislature. Based on data provided by the
39 Legislative Budget Office, the State Personnel Board shall
40 determine and publish the projected annual cost to fully fund all
41 appropriated positions in compliance with the provisions of this
42 act. It shall be the responsibility of the agency head to insure
43 that no single personnel action increases this projected annual
44 cost and/or the Fiscal Year 2007 appropriation for "Personal
45 Services" when annualized, with the exception of escalated funds.
46 If, at the time the agency takes any action to change "Personal
47 Services," the State Personnel Board determines that the agency
48 has taken an action which would cause the agency to exceed this
49 projected annual cost or the Fiscal Year 2007 "Personal Services"
50 appropriated level, when annualized, then only those actions which
51 reduce the projected annual cost and/or the appropriation
52 requirement will be processed by the State Personnel Board until
53 such time as the requirements of this provision are met.

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

61 without proof of availability of new or additional funds above the
62 appropriated level.

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

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

80 **SECTION 4.** It is the intention of the Legislature that the
81 Department of Environmental Quality shall maintain complete
82 accounting and personnel records related to the expenditure of all
83 funds appropriated under this act and that such records shall be
84 in the same format and level of detail as maintained for Fiscal
85 Year 2006. It is further the intention of the Legislature that
86 the agency's budget request for Fiscal Year 2008 shall be
87 submitted to the Joint Legislative Budget Committee in a format
88 and level of detail comparable to the format and level of detail
89 provided during the Fiscal Year 2007 budget request process.

90 **SECTION 5.** In compliance with the "Mississippi Performance
91 Budget and Strategic Planning Act of 1994," it is the intent of
92 the Legislature that the funds provided herein shall be utilized
93 in the most efficient and effective manner possible to achieve the

94 intended mission of this agency. Based on the funding authorized,
 95 this agency shall make every effort to attain the targeted
 96 performance measures provided below:

	FY2007
<u>Performance Measures</u>	<u>Target</u>
99 Pollution Control	
100 Air-Compliance Assurance Activities (Actions)	900
101 Air-Permits Issued (Permits)	250
102 Asbestos-Persons Certified (Persons)	1,200
103 RCRA-Inspections (Actions)	150
104 RCRA-Permit Actions Taken (Actions)	2
105 Waste Tires-Compliance Assurance (Actions)	460
106 Solid Waste-Permits Processed (Permits)	65
107 SRF Water-Inspections (Sites)	1,700
108 SRF Water-NPDES Permits Issued (Permits)	350
109 SRF Admin-Fed/State Match Funds (%)	90
110 Construction Grants	
111 Federal/State Match Funds Awarded (%)	90
112 Recipient Compliance with Loan Agreement	90
113 Land & Water	
114 Water Levels Measured (Actions)	500
115 Water Withdrawal Permits Issued	1,200
116 Driller Licenses Issued	300
117 Dams Inspected	25
118 Dams Designs Reviewed	50
119 Geology	
120 Quadrangles Mapped (Sites)	9
121 Test Holes Drilled	12
122 Mines Inspected	1,050

123 A reporting of the degree to which the performance targets
 124 set above have been or are being achieved shall be provided in the
 125 agency's budget request submitted to the Joint Legislative Budget
 126 Committee for Fiscal Year 2008.

127 **SECTION 6.** It is the intent of the Legislature that the
128 Department of Environmental Quality shall have authority to
129 escalate the various budgets in both funds and positions, with the
130 approval of the State Fiscal Officer, from any special funds
131 collected or available, in the current fiscal year or any prior
132 fiscal year, not to exceed Five Million Dollars (\$5,000,000.00),
133 to the agency for expenditure. Upon such approval, the Department
134 of Environmental Quality may expend such funds in the manner
135 authorized by law.

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

145 **SECTION 7.** It shall be unlawful for any officer, employee or
146 other person whatsoever to use or permit or authorize the use of
147 any automobile or any other motor vehicle owned by the State of
148 Mississippi or any department, agency or institution thereof for
149 any purpose other than upon the official business of the State of
150 Mississippi or any agency, department or institution thereof.

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

154 **SECTION 8.** Of the funds appropriated in Section 2 and
155 allocated in Section 3, an amount no greater than Two Hundred
156 Fifty Thousand Dollars (\$250,000.00) 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 9.** 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 10.** Of the funds appropriated in Section 2 and
168 allocated in Section 3, an amount no greater than One Hundred
169 Thousand Dollars (\$100,000.00) shall be derived from the Pollution
170 Emergency Fund within the Pollution Operating Fund for transfer to
171 the Department of Environmental Quality - Office of Pollution
172 Control for support of the Household Hazardous Waste Collection
173 Grants Program.

174 **SECTION 11.** The Department of Environmental Quality (DEQ)
175 may request that the Mississippi Development Authority (MDA) staff
176 shall provide an economic viability assessment for any complete
177 application or group of related complete applications submitted to
178 DEQ after July 1, 1999, for which DEQ estimates that DEQ will be
179 required to devote extraordinary effort to process the application
180 or group of related applications within the one hundred and eighty
181 (180) days required by Section 49-17-29(3)(c). For purposes of
182 this paragraph, "extraordinary effort" means the constant
183 dedication of more than three (3) full-time equivalent positions
184 for a period of at least one hundred eighty (180) days. The
185 economic viability assessment shall include, but not be limited
186 to: (i) an analysis of the current and future market viability of
187 the project concerning which application(s) has been made to DEQ;
188 and (ii) an analysis of the applicant's economic ability to
189 construct, develop, maintain and operate the project as described
190 in the application(s) submitted to DEQ. If the economic viability
191 assessment concludes that the project is not economically viable
192 for any reason, DEQ shall suspend processing the permit

193 application(s), notwithstanding the provisions of Section
194 49-17-29(3)(c). Within thirty (30) days of the decision of MDA
195 staff, the permit applicant may present any additional information
196 on its behalf to the Executive Director of MDA, and the Executive
197 Director shall review the MDA staff assessment. If additional
198 information is received in writing from the applicant, the
199 Executive Director of MDA shall make a decision in review of the
200 MDA staff decision within sixty (60) days of the staff decision,
201 and the decision of the Executive Director of MDA shall be the
202 final administrative action of MDA in the matter.

203 **SECTION 12.** It is the intention of the Legislature that the
204 Executive Director of the Department of Environmental Quality
205 shall have authority to transfer cash from one special fund
206 treasury fund to another special fund treasury fund under the
207 control of the Department of Environmental Quality. The purpose
208 of this authority is to more efficiently use available cash
209 reserves. It is further the intention of the Legislature that the
210 Executive Director of the Department of Environmental Quality
211 shall submit written justification for the transfer to the
212 Legislative Budget Office and the Department of Finance and
213 Administration on or before the fifteenth of the month prior to
214 the effective date of the transfer.

215 **SECTION 13.** It is the intention of the Legislature that
216 whenever two (2) or more bids are received by this agency for the
217 purchase of commodities or equipment, and whenever all things
218 stated in such received bids are equal with respect to price,
219 quality and service, the Mississippi Industries for the Blind
220 shall be given preference. A similar preference shall be given to
221 the Mississippi Industries for the Blind whenever purchases are
222 made without competitive bids.

223 **SECTION 14.** Of the funds appropriated herein, it is the
224 intent of the Legislature, subject to the approval of the
225 Environmental Protection Agency, that the Department of

226 Environmental Quality shall pay debt service on bonds issued to
227 provide state matching funds for the State Revolving Loan Fund
228 with interest earnings derived from the fund.

229 **SECTION 15.** The money herein appropriated shall be paid by
230 the State Treasurer out of any money in the State Treasury to the
231 credit of the proper fund or funds as set forth in this act, upon
232 warrants issued by the State Fiscal Officer; and the State Fiscal
233 Officer shall issue his warrants upon requisitions signed by the
234 proper person, officer or officers, in the manner provided by law.

235 **SECTION 16.** This act shall take effect and be in force from
236 and after July 1, 2006.