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Chapter No. 50
19/HR31/A470SG
EW / NN

HOUSE BILL NO. 1657

Originated in House _____ Clerk

HOUSE BILL NO. 1657

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AND FOR RELATED PURPOSES, FOR THE FISCAL YEAR 2020.

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, 2019, and ending June 30, 2020 ..... $ 10,805,448.00.

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, 2019, and ending June 30, 2020 ..... $ 260,625,097.00.

SECTION 3. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	274
	Part Time	0
Time-Limited:	Full Time	236
	Part Time	0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2021 do not exceed Fiscal Year 2020 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2020 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected 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 annual cost and/or the Fiscal Year 2020 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2020 "Personal Services"

appropriated level, when annualized, 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.

Funds are provided herein for all full-time employees to receive up to a Three Percent (3%) pay increase to the realignment component of the Variable Compensation Plan, excluding head of agencies, board members and commission members.

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

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.

None of the funds herein appropriated shall be used in violation of 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.

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 2019. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2021 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 2020 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	FY2020 Target
Pollution Control	
Days with Air Advisories (%)	10.00
Air Permits Modified/Issued in a Timely Manner (%)	50.00
Counties that Meet NAAQ Standards (%)	75.00
Air Facilities Inspected (%)	35.00

Air Facilities in Compliance with Regulatory Requirements (%)	85.00
Waste Permits Issued/Modified in a Timely Manner (%)	50.00
Waste Facilities Inspected (%)	45.00
Inspected Waste Facilities in Compliance with Regulatory Requirements (%)	80.00
Citizens Who Have Access to Recycling Programs (%)	55.00
Underground Storage Tanks in Compliance with Regulatory Requirements (%)	75.00
Contaminated Sites That Have Completed Assessment (%)	61.00
Contaminated Sites That Have Completed Remediation (%)	20.00
Waters That Have Acceptable Quality for Their Designed Use (%)	56.00
NPDES Permits Issued/Modified in a Timely Manner (%)	50.00
NPDES Majors Inspected Per Year (%)	50.00
NPDES Majors in Compliance (%)	50.00
Staff with Expertise in the National Incident Management System (%)	50.00
Construction Grants	
SRF Loan Recipients in Compliance with	

Loan Agreements (%)	90.00
Land & Water	
Annual Prioritized Water Resource Areas Adequately Characterized (%)	75.00
Groundwater Use Permits Issued/Modified (%)	95.00
Surface Water Use Permits Issued/Modified (%)	95.00
Water Use Reported (%)	80.00
High Hazard Dams with Emergency Action Plans (%)	75.00
Geology	
Mining Facilities Inspected (%)	95.00
Inspected Mining Facilities in Compliance with Regulatory Requirements (%)	85.00
Administrative Services	
Administration as a Percentage 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 2021.

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. 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 10. 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 11. 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 12. 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 13. It is the intent of the Legislature that from the funds available to the Department of Environmental Quality, the agency may purchase and pay premiums on property damage

insurance on its motor vehicles, boats, trailers, motors, and other equipment assigned to the South Regional Office.

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. Of the funds appropriated herein, it is the intention of the Legislature that the repayment of outstanding state revolving loans issued to loan recipients in Hancock County may be extended not to exceed ten (10) years beyond any repayment period remaining on outstanding revolving loans issued from the Mississippi Water Pollution Control Revolving Fund.

SECTION 16. 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 17. It is the intent of the Legislature, with additional funds provided herein, the Department of Environmental Quality shall fill critical vacancies for permitting staff.

SECTION 18. 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 19. 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 20. This act shall take effect and be in force from and after July 1, 2019.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2019.

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 28, 2019

Tate Reeves

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

April 16, 2019
11:53 Am