

MDEQ Legislative Summary - 2001

THIS IS A DRAFT DOCUMENT. NOT ALL BILLS LISTED BELOW HAVE BEEN SIGNED BY THE GOVERNOR.

HB 483 - Waste Tire Fee Reallocation

HB 483 reallocates the waste tire fee collected when new tires are purchased. Miss. Code Ann. § 17-17-423, 425. The fee, \$1.00 for most car tires and \$2.00 for some larger tires, will be divided as follows: 60% for county, regional, and municipal waste tire grants; 5% for the abatement of waste tire sites by MDEQ; 15% for incentive grants to companies utilizing waste tires for rubber recovery or fuel; and 20% for MDEQ administrative costs. The change in fund allocation provides more funding to the county, regional, and municipal programs and less to the other three use categories. The bill also will allow county, regional, and municipal entities to use waste tire grants in two ways not previously approved: as matching funds for one-half of the salary of a solid waste officer (the other one-half of that salary can be paid through a solid waste assistance grant pursuant to Miss. Code Ann. § 17-17-65) and for the purchase of products “derived from Mississippi waste tires.” The bill also entirely removes the sunset provision from § 17-17-423.

HB 818 - SIMS Reporting Deadline Extension

The Mississippi Scientific Information Management System Coordinating Council was due to issue a report to the Legislature the fall of 2001. The Legislature amended Miss. Code Ann. § 49-37-9 to end the work of the Council and its responsibility to report unless the work of the Council continues to be funded in FY 2002.

HB 1225 - Individual Onsite Sewage Treatment Systems

The Legislature amended Miss. Code Ann. §§ 41-67-1 et seq. to reenact the Mississippi Individual On-Site Wastewater Disposal System Law in the face of a sunset provision that would have caused the Law to expire this year. The bill adds a requirement that certified system installers provide liability insurance of at least \$50,000 per occurrence/\$100,000 aggregate. The repealer is extended only until July 1, 2002, so the Legislature will have to take this issue up again next year.

HB 1427 - Abandoned Mine Lands

HB 1427 creates an “abandoned mine lands” program for Mississippi. The program, an addition to the existing Mississippi Surface Coal Mining and Reclamation Law, Miss. Code Ann. § 53-9-1 et seq., creates a fund in the state treasury which can receive federal abandoned mine lands funding through the federal Office of Surface Mining within the U.S. Department of the Interior. Funds allocated to the state through this program must be used first to reclaim any abandoned coal mining lands in the state and then can be

used, with the agreement of the landowner, to reclaim land left unreclaimed after the mining of other minerals. The program will be administered through regulations promulgated by the Commission.

SB 2389 - State Employee Driver's License Requirement

Miss. Code Ann. §25-9-153 previously required that a state employee must hold a Mississippi driver's license in order to drive a state vehicle. The Legislature amended this provision to allow any state employee who holds a driver's license from Mississippi or an adjoining state to drive a state vehicle. This act takes effect immediately.

SB 2599 - All Terrain Vehicles in Public Waterways

This revision to the public waterways statute, Miss. Code Ann. § 51-1-4, excludes the use of ATV's as a permitted use of public waterways. The bill also deletes "and its bed" from the sentence that says that the public has the right of transport in a "stream and its bed." This may mean that the public has a more limited right to use the stream that it did before, even for legitimate water sports.

SB 2769 - Pesticide Registration and Groundwater Testing Program

This bill revises pesticide registration fees. The bill also changes the language by which the Department of Agriculture and Commerce transfers fee funds to MDEQ for use in a groundwater monitoring program. Where this use previously was mandatory, it will now be one optional use of the funds.

SB 2772 - Methamphetamine Waste Enforcement

SB 2772 creates a strict liability criminal provision applicable to the generation of waste from the processing, combining, cooking, etc., of listed controlled substances that are precursor chemicals to methamphetamine. If a waste is generated in this fashion, and the activity creating the waste is not one of several legitimate uses listed in the bill, the activity is a felony. The bill also allow the Commission to pursue administrative penalties for the illegal waste generation.

SB 2772 also amends Mississippi's hazardous waste administrative enforcement law, §17-17-29, by adding a criminal "knowing and willful endangerment" provision similar to 42 U.S.C. § 6928(e)-(f) (RCRA § 3008(e)-(f)). The knowing endangerment provision makes is a felony to "purposefully and recklessly" dispose of a hazardous waste in such as way that the person renders a drinking water supply unsafe or "places another person in imminent danger of death or serious bodily injury."

SB 2778 - State Agency Vehicle Purchases

SB 2778 repeals Miss. Code Ann. § 25-1-8, the section that currently states a specific number of passenger vehicles that each agency may purchase (the number for MDEQ

was twelve). The bill also amends Miss. Code Ann. § 25-1-77, the general statute on the purchase of state vehicles. The new statute:

1. Grants the Department of Finance and Administration the authority to promulgate regulations concerning the purchase of state vehicles. The regulations are to allow the purchase of only the most suitable type of vehicle for a specific intended purpose.
2. DFA is not to determine the specific number of vehicles that an agency needs; rather, DFA is to ensure that the vehicles purchased are economical and conform to the stated intended use. The agencies must keep documentation “signed by the executive director” justifying the reason for purchasing a particular type of vehicle.
3. The State Auditor is instructed to make visits to the agencies to audit vehicle use and the appropriateness of vehicles for their intended use and to report any irregularities to the Legislature.

This bill becomes effective upon signing by the Governor.