

House Amendments to Senate Bill No. 3138

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

7 **SECTION 1.** The following sum, or so much thereof as may be
8 necessary, is hereby appropriated out of any funds in the State
9 General Fund not otherwise appropriated, for the purpose of
10 defraying the expenses of the Mississippi Emergency Management
11 Agency in accordance with the provisions of Section 33-15-1 et
12 seq., Mississippi Code of 1972, for the fiscal year beginning
13 July 1, 2004, and ending June 30, 2005..... \$ 911,711.00.

14 **SECTION 2.** The following sum, or so much thereof as may be
15 necessary, is hereby appropriated out of any money in the special
16 fund in the State Treasury to the credit of the Mississippi
17 Emergency Management Agency which is comprised of special source
18 funds collected by or otherwise available to the agency, for the
19 support and maintenance of the agency for the fiscal year
20 beginning July 1, 2004, and ending June 30, 2005.....
21 \$ 3,621,372.00.

22 **SECTION 3.** Of the funds appropriated under the provisions of
23 Sections 1 and 2, the following positions are authorized:

24 **AUTHORIZED POSITIONS:**

25 Permanent:	Full Time.....	49
26	Part Time.....	0
27 Time-Limited:	Full Time.....	17
28	Part Time.....	0

29 With the funds herein appropriated, it is the intention of
30 the Legislature that it shall be the agency's responsibility to
31 make certain that funds required to be appropriated for "Personal
32 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005

33 funds appropriated for that purpose, unless programs or positions
34 are added to the agency's Fiscal Year 2006 budget by the
35 Mississippi Legislature. Based on data provided by the
36 Legislative Budget Office, the State Personnel Board shall
37 determine and publish the projected annual cost to fully fund all
38 appropriated positions in compliance with the provisions of this
39 act. It shall be the responsibility of the agency head to insure
40 that no single personnel action increases this projected annual
41 cost and/or the Fiscal Year 2005 appropriation for "Personal
42 Services" when annualized, with the exception of escalated funds.
43 If, at the time the agency takes any action to change "Personal
44 Services," the State Personnel Board determines that the agency
45 has taken an action which would cause the agency to exceed this
46 projected annual cost or the Fiscal Year 2005 "Personal Services"
47 appropriated level, when annualized, then only those actions which
48 reduce the projected annual cost and/or the appropriation
49 requirement will be processed by the State Personnel Board until
50 such time as the requirements of this provision are met.

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

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

64 **SECTION 4.** The funds authorized herein shall be used to fund
65 all operations of the agency with the following prohibitions:

66 (1) The agency shall not fill any current or future vacant
67 positions;

68 (2) The agency shall not take any action to promote or
69 otherwise award salary increases through reallocation,
70 reclassification, realignment, education benchmark, career ladder,
71 or any other means to increase salaries of employees or positions
72 except as allowed under the provisions set forth in House Bill No.
73 1279, 2004 Regular Session;

74 (3) The agency shall not expend funds for out-of-state
75 travel except as allowed under the provisions set forth in House
76 Bill No. 1279, 2004 Regular Session;

77 (4) The agency shall not expend funds for the purchase of or
78 contract for cellular phones, two-way radios or pagers, except for
79 support of employees in the Department of Public Safety and the
80 Bureau of Narcotics as recommended by Information Technology
81 Services or as allowed under the provisions set forth in House
82 Bill No. 1279, 2004 Regular Session;

83 (5) The agency shall not expend funds to publish or
84 distribute any annual reports or other publications;

85 (6) The agency shall not expend funds for public relation
86 activities regarding the functions, programs or services of the
87 agency except as allowed under the provisions set forth in House
88 Bill No. 1279, 2004 Regular Session;

89 (7) The agency shall not advertise the functions, programs
90 or services of the agency except that the Mississippi Development
91 Authority is authorized to expend funds for advertising to carry
92 out the purposes of key programs administered by the authority;

93 (8) The agency shall not expend funds for staff development
94 or training services;

95 (9) The agency shall not expend funds for the purchase of
96 new or replacement equipment or furniture, excluding lease
97 purchase payments on agreements in effect upon passage of this
98 appropriation bill, except as allowed under the provisions set
99 forth in House Bill No. 1279, 2004 Regular Session.

100 **SECTION 5.** It is the intention of the Legislature that none
101 of the funds appropriated above shall be expended unless members
102 of the Mississippi House of Representatives and Mississippi Senate

103 are notified at least five (5) days prior to a public ceremony
104 announcing the award of any grant in their district or any public
105 announcement or ceremony regarding the groundbreaking or opening
106 of a facility, roadway or bridge for which the Legislature has
107 made funds available. Any signage regarding any public event or
108 any new facility, roadway or bridge shall include the following
109 language: "Funds were made available for this project by the
110 Mississippi State Legislature."

111 **SECTION 6.** It is the intention of the Legislature that the
112 Mississippi Emergency Management Agency shall maintain complete
113 accounting and personnel records related to the expenditure of all
114 funds appropriated under this act and that such records shall be
115 in the same format and level of detail as maintained for Fiscal
116 Year 2004. It is further the intention of the Legislature that
117 the agency's budget request for Fiscal Year 2006 shall be
118 submitted to the Joint Legislative Budget Committee in a format
119 and level of detail comparable to the format and level of detail
120 provided during the Fiscal Year 2005 budget request process.

121 **SECTION 7.** It is the intention of the Legislature that the
122 Director of the Mississippi Emergency Management Agency may, upon
123 the request of a local public emergency management organization in
124 an area which has suffered a natural disaster, supply equipment to
125 rural water associations to enable their continued operation when
126 the local emergency management organization determines that such
127 private entities provide services essential to the welfare of the
128 community.

129 **SECTION 8.** It is the intention of the Legislature that the
130 Director of the Mississippi Emergency Management Agency shall
131 provide enhanced training to local governments, supervisors,
132 mayors, civil defense groups and municipal associations in
133 disaster management.

134 **SECTION 9.** The following sum, or so much thereof as may be
135 necessary, is hereby appropriated out of any money in the State
136 General Fund not otherwise appropriated, to the Mississippi
137 Emergency Management Agency for the purpose of defraying certain

138 administrative expenses and the state share of the cost of
139 disaster assistance programs, including but not being limited to,
140 public assistance programs, individual and family grant programs,
141 and mitigation programs, for the fiscal year beginning
142 July 1, 2004, and ending June 30, 2005.....\$ 1,589,195.00.

143 **SECTION 10.** The following sum, or so much thereof as may be
144 necessary, is hereby appropriated out of any money in the State
145 Treasury to the credit of the Mississippi Emergency Management
146 Agency Fund Nos. 3724, 3725, 3728, 372U and 372C for the
147 purpose of defraying certain administrative expenses and the state
148 and federal share of the cost of disaster assistance programs,
149 including but not being limited to, public assistance programs,
150 individual and family grant programs, and mitigation programs, for
151 the fiscal year beginning July 1, 2004, and ending
152 June 30, 2005.....\$ 86,794,856.00.

153 **SECTION 11.** The funds appropriated under the provisions of
154 Sections 9 and 10 are provided to defray certain administrative
155 expenses and the state and federal share of the cost of disaster
156 assistance programs, including public assistance programs,
157 individual and family grant programs, and mitigation programs
158 resulting from, but not being limited to, the following:

- 159 September 1998 Hurricane Georges #1251
- 160 December 1998 Ice Storm #1265
- 161 February and March 2001 Tornado Disasters #1360
- 162 April 2001 Floods #1365
- 163 June 2001 Tropical Storm Allison #1382
- 164 November 2001 Tornado/Flood #1398
- 165 October 2002 Tropical Storm Isidore #1436
- 166 November 2002 Tornado (Columbus/MUW) #1443
- 167 April 2003 Severe Storms #1459
- 168 May 2003 Severe Storms #1470
- 169 Hazard Mitigation Programs
- 170 Emergency Preparedness Programs

171 **SECTION 12.** None of the funds appropriated in Section 9
172 shall be used to establish a special reserve fund in the State

173 Treasury for disaster relief except as provided for in Sections
174 43-41-1 et seq. and 43-41-301 et seq., Mississippi Code of 1972.

175 **SECTION 13.** The expenditure of the funds appropriated by
176 this act shall be under the direction of the Governor and shall be
177 paid by the State Treasurer out of any money in the proper fund or
178 funds as set forth in this act, upon warrants issued by the State
179 Fiscal Officer; and the State Fiscal Officer shall issue his
180 warrants upon requisitions signed by the proper person, officer or
181 officers in the manner provided by law.

182 **SECTION 14.** This act shall take effect and be in force from
183 and after July 1, 2004.

HR05\SB3138A.J

Don Richardson
Clerk of the House of Representatives