

By: Senator(s) Gordon, Little, Huggins,
Cuevas, Hyde-Smith, Simmons, Wilemon

To: Appropriations

SENATE BILL NO. 3037
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 MISSISSIPPI EMERGENCY MANAGEMENT AGENCY, AND FOR THE PURPOSE OF
3 ESTABLISHING A DISASTER RELIEF RESERVE FUND AND DEFRAYING THE
4 COSTS RELATED TO CERTAIN DISASTER ASSISTANCE PROGRAMS, FOR FISCAL
5 YEAR 2007.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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, 2006, and ending June 30, 2007..... \$ 4,880,776.00.

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, 2006, and ending June 30, 2007.....
21 \$ 4,072,274.00.

22 **SECTION 3.** Of the funds appropriated under the provisions of
23 Sections 1 and 2, not more than the amounts set forth below shall
24 be expended for the respective major objects or purposes of
25 expenditure:

26 MAJOR OBJECTS OF EXPENDITURE:

27 Personal Services:

28 Salaries, Wages and Fringe Benefits.. \$ 5,592,703.00

29	Travel and Subsistence.....	84,500.00
30	Contractual Services.....	1,325,387.00
31	Commodities.....	173,310.00
32	Capital Outlay:	
33	Other Than Equipment.....	0.00
34	Equipment.....	310,400.00
35	Subsidies, Loans and Grants.....	<u>1,466,750.00</u>
36	Total..... \$	8,953,050.00
37	FUNDING:	
38	General Funds..... \$	4,880,776.00
39	Special Funds.....	<u>4,072,274.00</u>
40	Total..... \$	8,953,050.00

41 AUTHORIZED POSITIONS:

42	Permanent: Full Time.....	117
43	Part Time.....	0
44	Time-Limited: Full Time.....	20
45	Part Time.....	0

46 Funds are provided herein to adjust the Variable Compensation
47 Plan to ensure that all full-time employees receive a pay increase
48 equal to the realignment component of the Variable Compensation
49 Plan or Fifteen Hundred Dollars (\$1,500.00), whichever is greater,
50 with not more than one-half (1/2) to be awarded on July 1, 2006,
51 with the remainder to be awarded on January 1, 2007.

52 With the funds herein appropriated, it is the intention of
53 the Legislature that it shall be the agency's responsibility to
54 make certain that funds required to be appropriated for "Personal
55 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
56 funds appropriated for that purpose, unless programs or positions
57 are added to the agency's Fiscal Year 2008 budget by the
58 Mississippi Legislature. Based on data provided by the
59 Legislative Budget Office, the State Personnel Board shall
60 determine and publish the projected annual cost to fully fund all
61 appropriated positions in compliance with the provisions of this

62 act. It shall be the responsibility of the agency head to insure
63 that no single personnel action increases this projected annual
64 cost and/or the Fiscal Year 2007 appropriation for "Personal
65 Services" when annualized, with the exception of escalated funds.
66 If, at the time the agency takes any action to change "Personal
67 Services," the State Personnel Board determines that the agency
68 has taken an action which would cause the agency to exceed this
69 projected annual cost or the Fiscal Year 2007 "Personal Services"
70 appropriated level, when annualized, then only those actions which
71 reduce the projected annual cost and/or the appropriation
72 requirement will be processed by the State Personnel Board until
73 such time as the requirements of this provision are met.

74 Any transfers or escalations shall be made in accordance with
75 the terms, conditions and procedures established by law or
76 allowable under the terms set forth within this act. The State
77 Personnel Board shall not escalate positions without written
78 approval from the Department of Finance and Administration. The
79 Department of Finance and Administration shall not provide written
80 approval to escalate any funds for salaries and/or positions
81 without proof of availability of new or additional funds above the
82 appropriated level.

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

87 **SECTION 4.** It is the intention of the Legislature that the
88 Director of the Mississippi Emergency Management Agency may, upon
89 the request of a local public emergency management organization in
90 an area which has suffered a natural disaster, supply equipment to
91 rural water associations to enable their continued operation when
92 the local emergency management organization determines that such
93 private entities provide services essential to the welfare of the
94 community.

95 **SECTION 5.** It is the intention of the Legislature that the
96 Director of the Mississippi Emergency Management Agency shall
97 provide enhanced training to local governments, supervisors,
98 mayors, civil defense groups and municipal associations in
99 disaster management.

100 **SECTION 6.** The following sum, or so much thereof as may be
101 necessary, is hereby appropriated out of any money in the State
102 General Fund not otherwise appropriated, to the Mississippi
103 Emergency Management Agency for the purpose of defraying certain
104 administrative expenses and the state share of the cost of
105 disaster assistance programs, including, but not being limited to,
106 public assistance programs, individual and family grant programs,
107 and mitigation programs, for the fiscal year beginning
108 July 1, 2006, and ending June 30, 2007.....\$ 1,773,510.00.

109 **SECTION 7.** The following sum, or so much thereof as may be
110 necessary, is hereby appropriated out of any money in the State
111 Treasury to the credit of the Mississippi Emergency Management
112 Agency Fund Nos. 3724, 3725, 3728, 372U, 372C, 3729 and 372K for
113 the purpose of defraying certain administrative expenses and the
114 state and federal share of the cost of disaster assistance
115 programs, including, but not being limited to, public assistance
116 programs, individual and family grant programs, and mitigation
117 programs, for the fiscal year beginning July 1, 2006, and ending
118 June 30, 2007.....\$ 86,240,672.00.

119 **SECTION 8.** Of the funds appropriated under the provisions of
120 Sections 6 and 7, not more than the amounts set forth below shall
121 be expended for the respective major objects or purposes of
122 expenditure:

123 MAJOR OBJECTS OF EXPENDITURE:

124 Personal Services:

125 Salaries, Wages and Fringe Benefits.. \$	0.00
126 Travel and Subsistence.....	37,000.00
127 Contractual Services.....	503,075.00

128	Commodities.....	97,189.00
129	Capital Outlay:	
130	Other Than Equipment.....	0.00
131	Equipment.....	376,918.00
132	Subsidies, Loans and Grants.....	<u>87,000,000.00</u>
133	Total..... \$	88,014,182.00

134 FUNDING:

135	General Funds..... \$	1,773,510.00
136	Special Funds.....	<u>86,240,672.00</u>
137	Total..... \$	88,014,182.00

138 **SECTION 9.** The funds appropriated under the provisions of
139 Sections 6 and 7 are provided to defray certain administrative
140 expenses and the state and federal share of the cost of disaster
141 assistance programs, including public assistance programs,
142 individual and family grant programs, and mitigation programs
143 resulting from, but not being limited to, the following:

- 144 September 1998 Hurricane Georges #1251
- 145 September 2004 Hurricane Ivan #1550
- 146 February and March 2001 Tornado Disasters #1360
- 147 April 2001 Floods #1365
- 148 June 2001 Tropical Storm Allison #1382
- 149 November 2001 Tornado/Flood #1398
- 150 October 2002 Tropical Storm Isidore #1436
- 151 November 2002 Tornado (Columbus/MUW) #1443
- 152 April 2003 Severe Storms #1459
- 153 May 2003 Severe Storms #1470
- 154 Hazard Mitigation Programs
- 155 Emergency Preparedness Programs

156 **SECTION 10.** None of the funds appropriated in Section 6
157 shall be used to establish a special reserve fund in the State
158 Treasury for disaster relief except as provided for in Sections
159 43-41-1 et seq. and 43-41-301 et seq., Mississippi Code of 1972.

160 **SECTION 11.** It is the intention of the Legislature that the
161 agency's budget request for Fiscal Year 2008 shall be submitted to
162 the Joint Legislative Budget Committee in a format and level of
163 detail comparable to the format and level of detail provided
164 during the Fiscal Year 2007 budget request process.

165 **SECTION 12.** It is the intention of the Legislature that the
166 Executive Director of the Mississippi Emergency Management Agency
167 may authorize increases in any major objects of expenditures in
168 total amounts not to exceed twenty-five percent (25%) of the
169 appropriated amount of each major object of expenditure, provided
170 that other major objects of expenditure are decreased by a
171 corresponding dollar amount. However, no transfers shall be
172 authorized which increase the major object of expenditure
173 "Salaries, Wages and Fringe Benefits."

174 **SECTION 13.** It is the intention of the Legislature that the
175 Executive Director of the Mississippi Emergency Management Agency
176 shall have authority to transfer not more than Five Hundred
177 Thousand Dollars (\$500,000.00) from any general or special fund
178 treasury fund and major object budget category to another special
179 or general fund treasury fund and major object budget category
180 accordingly under the control of the Mississippi Emergency
181 Management Agency. The purpose of this authority is to more
182 efficiently use available cash reserves. It is further the
183 intention of the Legislature that the Executive Director of the
184 Mississippi Emergency Management Agency shall submit written
185 justification for the transfer to the Legislative Budget Office
186 and the Department of Finance and Administration on or before the
187 fifteenth (15th) of the month prior to the effective date of the
188 transfer.

189 **SECTION 14.** It is the intention of the Legislature that
190 whenever two (2) or more bids are received by this agency for the
191 purchase of commodities or equipment, and whenever all things
192 stated in such received bids are equal with respect to price,

193 quality and service, the Mississippi Industries for the Blind
194 shall be given preference. A similar preference shall be given to
195 the Mississippi Industries for the Blind whenever purchases are
196 made without competitive bids.

197 **SECTION 15.** It is legislative intent to ensure beneficial
198 information reaches as many Mississippians as possible. Further,
199 it is legislative intent that the expenditure of public funds for
200 this purpose be accomplished in an efficient and effective manner.

201 Therefore, state agencies as standard procedure, will observe
202 the following criteria:

203 (1) Develop goals and desired result for a campaign.

204 (2) Evaluate effectiveness through respected advertising
205 standards, including market reach and cost effectiveness.

206 (3) Seek public service announcements, which would be aired
207 by media without cost.

208 (4) Itemize and justify professional assistance and related
209 expenses for creative and production costs outside of the actual
210 media expenditures.

211 (5) Utilize Mississippi owned media companies when feasible.

212 **SECTION 16.** In addition to all other funds heretofore
213 appropriated, the following sum, or so much thereof as may be
214 necessary, is hereby appropriated out of any funds in the
215 Hurricane Disaster Reserve Fund within the State Treasury to be
216 utilized by the Mississippi Emergency Management Agency to defray
217 the state share of any nonfederal matching requirements for
218 Federal Emergency Management Agency grants associated with
219 Hurricane Katrina and other disasters for the fiscal year
220 beginning July 1, 2006 and ending June 30, 2007.....

221\$ 268,000,000.00.

222 Any utilization of or repayment made from the funds
223 appropriated under the provisions of this section shall be
224 reported in writing to the Lieutenant Governor, Speaker of the
225 House of Representatives, Chairman of the Senate Appropriations

226 Committee, Chairman of the House Appropriations Committee and the
227 Legislative Budget Office within five working days of each such
228 utilization or repayment.

229 **SECTION 17.** The expenditure of the funds appropriated by
230 this act shall be under the direction of the Governor and shall be
231 paid by the State Treasurer out of any money in the proper fund or
232 funds as set forth in this act, upon warrants issued by the State
233 Fiscal Officer; and the State Fiscal Officer shall issue his
234 warrants upon requisitions signed by the proper person, officer or
235 officers in the manner provided by law.

236 **SECTION 18.** This act shall take effect and be in force from
237 and after July 1, 2006.