

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

To: Appropriations

SENATE BILL NO. 3144

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 2008.

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, 2007, and ending June 30, 2008..... \$ 6,209,260.00.

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, 2007, and ending June 30, 2008.....
21 \$ 5,453,200.00.

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.. \$ 8,756,200.00

29	Travel and Subsistence.....		30,000.00
30	Contractual Services.....		1,159,200.00
31	Commodities.....		180,310.00
32	Capital Outlay:		
33	Other Than Equipment.....		0.00
34	Equipment.....		70,000.00
35	Vehicles.....		0.00
36	Wireless Communication Devices.....		0.00
37	Subsidies, Loans and Grants.....		<u>1,466,750.00</u>
38	Total.....	\$	11,662,460.00
39	FUNDING:		
40	General Funds.....	\$	6,209,260.00
41	Special Funds.....		<u>5,453,200.00</u>
42	Total.....	\$	11,662,460.00

43 AUTHORIZED POSITIONS:

44	Permanent:	Full Time.....	120
45		Part Time.....	0
46	Time-Limited:	Full Time.....	18
47		Part Time.....	0

48 Funds are provided herein to adjust the Variable Compensation
49 Plan to ensure that all full-time employees receive a pay increase
50 equal to the realignment component of the Variable Compensation
51 Plan or One Thousand Dollars (\$1,000.00), or Three Percent (3%)
52 whichever is greater, to be awarded on July 1, 2007.

53 With the funds herein appropriated, it is the intention of
54 the Legislature that it shall be the agency's responsibility to
55 make certain that funds required to be appropriated for "Personal
56 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
57 funds appropriated for that purpose, unless programs or positions
58 are added to the agency's Fiscal Year 2009 budget by the
59 Mississippi Legislature. Based on data provided by the
60 Legislative Budget Office, the State Personnel Board shall
61 determine and publish the projected annual cost to fully fund all

62 appropriated positions in compliance with the provisions of this
63 act. It shall be the responsibility of the agency head to insure
64 that no single personnel action increases this projected annual
65 cost and/or the Fiscal Year 2008 appropriation for "Personal
66 Services" when annualized, with the exception of escalated funds.
67 If, at the time the agency takes any action to change "Personal
68 Services," the State Personnel Board determines that the agency
69 has taken an action which would cause the agency to exceed this
70 projected annual cost or the Fiscal Year 2008 "Personal Services"
71 appropriated level, when annualized, then only those actions which
72 reduce the projected annual cost and/or the appropriation
73 requirement will be processed by the State Personnel Board until
74 such time as the requirements of this provision are met.

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

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

88 The agency shall not take any action to promote or otherwise
89 award salary increases through reallocation, reclassification,
90 realignment, education benchmark, career ladder, or any other
91 means to increase salaries of employees or positions unless
92 specifically exempted by the following conditions: the award of
93 teacher pay increases, the advancement of a trainee/cadet to the
94 next level of a bona fide career ladder, the award of an

95 educational benchmark for the attainment of Certified Public
96 Accountant License or higher level professional certification as
97 determined by the State Personnel Board, the immediate replacement
98 of a departing employee with an individual from within state
99 service or a new hire at a salary level equivalent to that of the
100 departing employee, and the emergency appointment of nurses,
101 pharmacists or other health care professionals at a salary to be
102 determined by the State Personnel Board, unless otherwise
103 authorized in this act.

104 **SECTION 4.** It is the intention of the Legislature that the
105 Director of the Mississippi Emergency Management Agency may, upon
106 the request of a local public emergency management organization in
107 an area which has suffered a natural disaster, supply equipment to
108 rural water associations to enable their continued operation when
109 the local emergency management organization determines that such
110 private entities provide services essential to the welfare of the
111 community.

112 **SECTION 5.** It is the intention of the Legislature that the
113 Director of the Mississippi Emergency Management Agency shall
114 provide enhanced training to local governments, supervisors,
115 mayors, civil defense groups and municipal associations in
116 disaster management.

117 **SECTION 6.** The following sum, or so much thereof as may be
118 necessary, is hereby appropriated out of any money in the State
119 General Fund not otherwise appropriated, to the Mississippi
120 Emergency Management Agency for the purpose of defraying certain
121 administrative expenses and the state share of the cost of
122 disaster assistance programs, including, but not being limited to,
123 public assistance programs, individual and family grant programs,
124 and mitigation programs, for the fiscal year beginning
125 July 1, 2007, and ending June 30, 2008.....\$ 1,622,953.00.

126 **SECTION 7.** The following sum, or so much thereof as may be
127 necessary, is hereby appropriated out of any money in the State

128 Treasury to the credit of the Mississippi Emergency Management
 129 Agency Fund Nos. 3724, 3725, 3728, 372U, 372C, 3729 and 372K for
 130 the purpose of defraying certain administrative expenses and the
 131 state and federal share of the cost of disaster assistance
 132 programs, including, but not being limited to, public assistance
 133 programs, individual and family grant programs, and mitigation
 134 programs, for the fiscal year beginning July 1, 2007, and ending
 135 June 30, 2008.....\$ 86,195,111.00.

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

140 MAJOR OBJECTS OF EXPENDITURE:

141 Personal Services:

142	Salaries, Wages and Fringe Benefits..	\$	0.00
143	Travel and Subsistence.....		37,000.00
144	Contractual Services.....		503,075.00
145	Commodities.....		97,189.00
146	Capital Outlay:		
147	Other Than Equipment.....		0.00
148	Equipment.....		180,800.00
149	Vehicles.....		0.00
150	Wireless Communication Devices.....		0.00
151	Subsidies, Loans and Grants.....		<u>87,000,000.00</u>
152	Total.....	\$	87,818,064.00

153 FUNDING:

154	General Funds.....	\$	1,622,953.00
155	Special Funds.....		<u>86,195,111.00</u>
156	Total.....	\$	87,818,064.00

157 **SECTION 9.** The funds appropriated under the provisions of
 158 Sections 6 and 7 are provided to defray certain administrative
 159 expenses and the state and federal share of the cost of disaster
 160 assistance programs, including public assistance programs,

161 individual and family grant programs, and mitigation programs
162 resulting from, but not being limited to, the following:

163	#1251	Hurricane Georges
164	#1360	2001 Tornados
165	#1398	2002 Tornados
166	#1436	October 2002 Tropical Storm Isadore
167	#1443	November 2002 Tornado (Columbus/MUW)
168	#1459	April 2003 Severe Storms
169	#1550	Hurricane Ivan
170	#1594	Hurricane Dennis
171	#1604	Hurricane Katrina
172	#1382	Hurricane Allison
173		Hazard Mitigation
174		Other Needs Assistance
175		State Housing
176		Pre-Disaster Response

177 **SECTION 10.** None of the funds appropriated in Section 6
178 shall be used to establish a special reserve fund in the State
179 Treasury for disaster relief except as provided for in Sections
180 43-41-1 et seq. and 43-41-301 et seq., Mississippi Code of 1972.

181 **SECTION 11.** It is the intention of the Legislature that the
182 agency's budget request for Fiscal Year 2009 shall be submitted to
183 the Joint Legislative Budget Committee in a format and level of
184 detail comparable to the format and level of detail provided
185 during the Fiscal Year 2008 budget request process.

186 **SECTION 12.** It is the intention of the Legislature that the
187 Executive Director of the Mississippi Emergency Management Agency
188 may authorize increases in any major objects of expenditures in
189 total amounts not to exceed twenty-five percent (25%) of the
190 appropriated amount of each major object of expenditure, provided
191 that other major objects of expenditure are decreased by a
192 corresponding dollar amount. However, no transfers shall be

193 authorized which increase the major object of expenditure
194 "Salaries, Wages and Fringe Benefits."

195 **SECTION 13.** It is the intention of the Legislature that the
196 Executive Director of the Mississippi Emergency Management Agency
197 shall have authority to transfer not more than Five Hundred
198 Thousand Dollars (\$500,000.00) from any general or special fund
199 treasury fund and major object budget category to another special
200 or general fund treasury fund and major object budget category
201 accordingly under the control of the Mississippi Emergency
202 Management Agency. The purpose of this authority is to more
203 efficiently use available cash reserves. It is further the
204 intention of the Legislature that the Executive Director of the
205 Mississippi Emergency Management Agency shall submit written
206 justification for the transfer to the Legislative Budget Office
207 and the Department of Finance and Administration on or before the
208 fifteenth (15th) of the month prior to the effective date of the
209 transfer.

210 **SECTION 14.** It is the intention of the Legislature that
211 whenever two (2) or more bids are received by this agency for the
212 purchase of commodities or equipment, and whenever all things
213 stated in such received bids are equal with respect to price,
214 quality and service, the Mississippi Industries for the Blind
215 shall be given preference. A similar preference shall be given to
216 the Mississippi Industries for the Blind whenever purchases are
217 made without competitive bids.

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

222 Therefore, state agencies as standard procedure, will observe
223 the following criteria:

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

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

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

229 (4) Itemize and justify professional assistance and related
230 expenses for creative and production costs outside of the actual
231 media expenditures.

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

233 **SECTION 16.** In addition to all other funds heretofore
234 appropriated, the following sum, or so much thereof as may be
235 necessary, is hereby appropriated out of any funds in the
236 Hurricane Disaster Reserve Fund within the State Treasury to be
237 utilized by the Mississippi Emergency Management Agency to defray
238 the state share of any nonfederal matching requirements for
239 Federal Emergency Management Agency grants associated with
240 Hurricane Katrina and other disasters for the fiscal year
241 beginning July 1, 2007 and ending June 30, 2008.....
242\$ 268,000,000.00.

243 Any utilization of or repayment made from the funds
244 appropriated under the provisions of this section shall be
245 reported in writing to the Lieutenant Governor, Speaker of the
246 House of Representatives, Chairman of the Senate Appropriations
247 Committee, Chairman of the House Appropriations Committee and the
248 Legislative Budget Office within five working days of each such
249 utilization or repayment.

250 **SECTION 17.** Of the funds provided under the provisions of
251 this act, Fifty-six Thousand Three Hundred Fifty-seven Dollars
252 (\$56,357.00) is provided for Twenty (20) reclassifications, and
253 One Hundred Twenty-five Thousand Four Hundred Four Dollars
254 (\$125,404.00) is provided for Twenty-two (22) reallocations.

255 **SECTION 18.** The expenditure of the funds appropriated by
256 this act shall be under the direction of the Governor and shall be
257 paid by the State Treasurer out of any money in the proper fund or

258 funds as set forth in this act, upon warrants issued by the State
259 Fiscal Officer; and the State Fiscal Officer shall issue his
260 warrants upon requisitions signed by the proper person, officer or
261 officers in the manner provided by law.

262 **SECTION 19.** This act shall take effect and be in force from
263 and after July 1, 2007.