

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

To: Appropriations

SENATE BILL NO. 3144  
(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 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..... \$ 6,139,368.00.

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 ..... \$ 6,070,844.00.

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.. \$ 9,303,952.00

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.....		66,500.00
35	Vehicles.....		0.00
36	Wireless Communication Devices.....		3,500.00
37	Subsidies, Loans and Grants.....		<u>1,466,750.00</u>
38	Total.....	\$	12,210,212.00
39	FUNDING:		
40	General Funds.....	\$	6,139,368.00
41	Special Funds.....		<u>6,070,844.00</u>
42	Total.....	\$	12,210,212.00

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 Five Hundred Dollars (\$1,500.00), whichever  
52 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 2008 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 appropriations for "Personal  
66 Services" when annualized, with the exception of escalated funds  
67 and educational benchmarks. If, at the time the agency takes any  
68 action to change "Personal Services," the State Personnel Board  
69 determines that the agency has taken an action which would cause  
70 the agency to exceed this projected annual cost or the Fiscal Year  
71 2008 "Personal Services" appropriated level, when annualized, then  
72 only those actions which reduce the projected annual cost and/or  
73 the appropriation requirement will be processed by the State  
74 Personnel Board until such time as the requirements of this  
75 provision are met. On January 1, 2008, the State Personnel Board  
76 will make adjustments to the structure side of the compliance  
77 report based on data provided by the Legislative Budget Office in  
78 order for agencies to award educational benchmarks.

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

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

92 **SECTION 4.** It is the intention of the Legislature that the  
93 Director of the Mississippi Emergency Management Agency may, upon  
94 the request of a local public emergency management organization in

95 an area which has suffered a natural disaster, supply equipment to  
96 rural water associations to enable their continued operation when  
97 the local emergency management organization determines that such  
98 private entities provide services essential to the welfare of the  
99 community.

100       **SECTION 5.** It is the intention of the Legislature that the  
101 Director of the Mississippi Emergency Management Agency shall  
102 provide enhanced training to local governments, supervisors,  
103 mayors, civil defense groups and municipal associations in  
104 disaster management.

105       **SECTION 6.** The following sum, or so much thereof as may be  
106 necessary, is hereby appropriated out of any money in the State  
107 General Fund not otherwise appropriated, to the Mississippi  
108 Emergency Management Agency for the purpose of defraying certain  
109 administrative expenses and the state share of the cost of  
110 disaster assistance programs, including, but not being limited to,  
111 public assistance programs, individual and family grant programs,  
112 and mitigation programs, for the fiscal year beginning  
113 July 1, 2007, and ending June 30, 2008..... \$ 1,622,953.00.

114       **SECTION 7.** The following sum, or so much thereof as may be  
115 necessary, is hereby appropriated out of any money in the State  
116 Treasury to the credit of the Mississippi Emergency Management  
117 Agency Fund Nos. 3724, 3725, 3728, 372U, 372C, 3729, 372B and 372K  
118 for the purpose of defraying certain administrative expenses and  
119 the state and federal share of the cost of disaster assistance  
120 programs, including, but not being limited to, public assistance  
121 programs, individual and family grant programs, and mitigation  
122 programs, for the fiscal year beginning July 1, 2007, and ending  
123 June 30, 2008..... \$ 86,195,111.00.

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

128	MAJOR OBJECTS OF EXPENDITURE:	
129	Personal Services:	
130	Salaries, Wages and Fringe Benefits.. \$	0.00
131	Travel and Subsistence.....	37,000.00
132	Contractual Services.....	503,075.00
133	Commodities.....	97,189.00
134	Capital Outlay:	
135	Other Than Equipment.....	0.00
136	Equipment.....	170,800.00
137	Vehicles.....	0.00
138	Wireless Communication Devices.....	10,000.00
139	Subsidies, Loans and Grants.....	<u>87,000,000.00</u>
140	Total..... \$	87,818,064.00

141	FUNDING:	
142	General Funds..... \$	1,622,953.00
143	Special Funds.....	<u>86,195,111.00</u>
144	Total..... \$	87,818,064.00

145       **SECTION 9.** The funds appropriated under the provisions of  
146 Sections 6 and 7 are provided to defray certain administrative  
147 expenses and the state and federal share of the cost of disaster  
148 assistance programs, including public assistance programs,  
149 individual and family grant programs, and mitigation programs  
150 resulting from, but not being limited to, the following:

- 151       #1251           Hurricane Georges
- 152       #1360           2001 Tornados
- 153       #1398           2002 Tornados
- 154       #1436           October 2002 Tropical Storm Isadore
- 155       #1443           November 2002 Tornado (Columbus/MUW)
- 156       #1459           April 2003 Severe Storms
- 157       #1550           Hurricane Ivan
- 158       #1594           Hurricane Dennis
- 159       #1604           Hurricane Katrina
- 160       #1382           Hurricane Allison

161 Hazard Mitigation  
162 Other Needs Assistance  
163 State Housing  
164 Pre-Disaster Response  
165 Emergency Preparedness Programs

166 **SECTION 10.** None of the funds appropriated in Section 6  
167 shall be used to establish a special reserve fund in the State  
168 Treasury for disaster relief except as provided for in Sections  
169 43-41-1 et seq. and 43-41-301 et seq., Mississippi Code of 1972.

170 **SECTION 11.** It is the intention of the Legislature that the  
171 agency's budget request for Fiscal Year 2009 shall be submitted to  
172 the Joint Legislative Budget Committee in a format and level of  
173 detail comparable to the format and level of detail provided  
174 during the Fiscal Year 2008 budget request process.

175 **SECTION 12.** It is the intention of the Legislature that the  
176 Executive Director of the Mississippi Emergency Management Agency  
177 may authorize increases in any major objects of expenditures in  
178 total amounts not to exceed twenty-five percent (25%) of the  
179 appropriated amount of each major object of expenditure, provided  
180 that other major objects of expenditure are decreased by a  
181 corresponding dollar amount. However, no transfers shall be  
182 authorized which increase the major object of expenditure  
183 "Salaries, Wages and Fringe Benefits."

184 **SECTION 13.** It is the intention of the Legislature that the  
185 Executive Director of the Mississippi Emergency Management Agency  
186 shall have authority to transfer not more than Five Hundred  
187 Thousand Dollars (\$500,000.00) from any general or special fund  
188 treasury fund and major object budget category to another special  
189 or general fund treasury fund and major object budget category  
190 accordingly under the control of the Mississippi Emergency  
191 Management Agency. The purpose of this authority is to more  
192 efficiently use available cash reserves. It is further the  
193 intention of the Legislature that the Executive Director of the

194 Mississippi Emergency Management Agency shall submit written  
195 justification for the transfer to the Legislative Budget Office  
196 and the Department of Finance and Administration on or before the  
197 fifteenth of the month prior to the effective date of the  
198 transfer.

199       **SECTION 14.** It is the intention of the Legislature that  
200 whenever two (2) or more bids are received by this agency for the  
201 purchase of commodities or equipment, and whenever all things  
202 stated in such received bids are equal with respect to price,  
203 quality and service, the Mississippi Industries for the Blind  
204 shall be given preference. A similar preference shall be given to  
205 the Mississippi Industries for the Blind whenever purchases are  
206 made without competitive bids.

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

211       Therefore, state agencies as standard procedure, will observe  
212 the following criteria:

213               (a) Develop goals and desired result for a campaign.

214               (b) Evaluate effectiveness through respected  
215 advertising standards, including market reach and cost  
216 effectiveness.

217               (c) Seek public service announcements, which would be  
218 aired by media without cost.

219               (d) Itemize and justify professional assistance and  
220 related expenses for creative and production costs outside of the  
221 actual media expenditures.

222               (e) Utilize Mississippi-owned media companies when  
223 feasible.

224       **SECTION 16.** In addition to all other funds heretofore  
225 appropriated, the following sum, or so much thereof as may be  
226 necessary, is hereby appropriated out of any funds in the

227 Hurricane Disaster Reserve Fund within the State Treasury to be  
228 utilized by the Mississippi Emergency Management Agency to defray  
229 the state share of any nonfederal matching requirements for  
230 Federal Emergency Management Agency grants associated with  
231 Hurricane Katrina and other disasters for the fiscal year  
232 beginning July 1, 2007, and ending June 30, 2008.....  
233 ..... \$ 268,000,000.00.

234 Any utilization of or repayment made from the funds  
235 appropriated under the provisions of this section shall be  
236 reported in writing to the Lieutenant Governor, Speaker of the  
237 House of Representatives, Chairman of the Senate Appropriations  
238 Committee, Chairman of the House Appropriations Committee and the  
239 Legislative Budget Office within five (5) working days of each  
240 such utilization or repayment.

241 **SECTION 17.** The expenditure of the funds appropriated by  
242 this act shall be under the direction of the Governor and shall be  
243 paid by the State Treasurer out of any money in the proper fund or  
244 funds as set forth in this act, upon warrants issued by the State  
245 Fiscal Officer; and the State Fiscal Officer shall issue his  
246 warrants upon requisitions signed by the proper person, officer or  
247 officers in the manner provided by law.

248 **SECTION 18.** This act shall take effect and be in force from  
249 and after July 1, 2007.