

By: Senator(s) Hopson, Polk, DeLano, Butler
(38th), Moran, Seymour

To: Appropriations

SENATE BILL NO. 3018
(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 2023.

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, 2022, and ending June 30, 2023.....\$ 4,682,866.00.

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, 2022, and ending June 30, 2023.....
21\$ 33,230,513.00.

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

24 AUTHORIZED HEADCOUNT:

25 Permanent: 113
26 Time-Limited: 69

27 With the funds herein appropriated, it shall be the agency's
28 responsibility to make certain that funds required for Personal
29 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds
30 appropriated for that purpose unless programs or positions are
31 added to the agency's Fiscal Year 2023 budget by the Mississippi
32 Legislature. The Legislature shall determine the agency's
33 personal services appropriation, which shall be published by the
34 State Personnel Board. Additionally, the State Personnel Board
35 shall determine and publish the projected annualized payroll costs
36 based on current employees. It shall be the responsibility of the
37 agency head to ensure that actual personnel expenditures for
38 Fiscal Year 2023 do not exceed the data provided by the
39 Legislative Budget Office. If the agency's Fiscal Year 2023
40 projected cost exceeds the annualized costs, no salary actions
41 shall be processed by the State Personnel Board with the exception
42 of new hires that are determined to be essential for the agency.



43 Any transfers or escalations shall be made in accordance with
44 the terms, conditions and procedures established by law or
45 allowable under the terms set forth within this act. The State
46 Personnel Board shall not escalate positions without written
47 approval from the Department of Finance and Administration. The
48 Department of Finance and Administration shall not provide written
49 approval to escalate any funds for salaries and/or positions
50 without proof of availability of new or additional funds above the
51 appropriated level.

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55 act and which are withdrawn and no longer available.

56 None of the funds herein appropriated shall be used in
57 violation of Internal Revenue Service's Publication 15-A relating
58 to the reporting of income paid to contract employees, as
59 interpreted by the Office of the State Auditor.

60 Funds have been appropriated herein for the purpose of
61 funding Project SEC2 minimum salaries for all employees covered
62 under the Colonel Guy Groff/Neville Kenning Variable Compensation
63 Plan. It shall be the agency's responsibility to ensure that the
64 funds are used to increase all employees' salaries up to the
65 minimum level as determined by the State Personnel Board.

66 **SECTION 4.** In addition to all other sums herein
67 appropriated, the following sum, or so much thereof as may be



68 necessary, is hereby appropriated out of any money in the State
69 General Fund not otherwise appropriated, to the Mississippi
70 Emergency Management Agency for the purpose of defraying certain
71 administrative expenses and the state share of the cost of
72 disaster assistance programs, including, but not being limited to,
73 public assistance programs, individual and family grant programs,
74 and mitigation programs, for the fiscal year beginning
75 July 1, 2022, and ending June 30, 2023.....\$ 585,056.00.

76 **SECTION 5.** In addition to all other sums herein
77 appropriated, the following sum, or so much thereof as may be
78 necessary, is hereby appropriated out of any money in the State
79 Treasury to the credit of the Mississippi Emergency Management
80 Agency Fund Nos. 3725, 3728, 372U, 3729, 37AH, 6820174300, and
81 58202 for the purpose of defraying certain administrative expenses
82 and the state and federal share of the cost of disaster assistance
83 programs, including, but not being limited to, public assistance
84 programs, individual and family grant programs, and mitigation
85 programs, for the fiscal year beginning July 1, 2022, and ending
86 June 30, 2023.....\$ 361,806,571.00.

87 **SECTION 6.** The funds appropriated under the provisions of
88 Sections 4 and 5 of this act are provided to defray certain
89 administrative expenses and the state and federal share of the
90 cost of disaster assistance programs, including public assistance
91 programs, individual and family grant programs, and mitigation
92 programs resulting from, but not being limited to, the following:



93	1604	Hurricane Katrina
94	4175	Severe Storms, Tornadoes, Flooding - Cities
95		of Louisville & Tupelo
96	-	Hazard Mitigation
97	-	Other Needs Assistance
98	-	Mississippi Temporary Housing Program
99	-	Pre-Disaster Response
100	-	Emergency Preparedness Programs
101	4429	Feb 22-March 29, 2019 Flooding
102	4450	Severe Weather April 13, 2019
103	4470	Severe Weather October 26, 2019
104	4478	Severe Weather January 10-11, 2020
105	4528	Coronavirus Pandemic
106	4536	Severe Weather April 12, 2020 Easter Tornadoes
107	4538	Flooding Feb 10-18, 2020 (Pearl River Flood)
108	4248	Severe Storms, Tornadoes, Flooding - North
109		Mississippi/Holly Springs
110	4268	Delta Flooding
111	4295	Pine Belt Tornado/Flooding
112	4314	Severe Storms, Flooding in Adams, Calhoun,
113		Carroll, Claiborne, Holmes, Jefferson, Montgomery,
114		Webster & Yazoo Counties
115	4350	Hurricane Nate
116	4415	Severe Storms, Flooding & Tornado in Clarke,



117 Covington, Forrest, Greene, Jasper, Jones,
118 Marion, Newton, Perry & Wayne Counties
119 4551 Severe Weather April 22-23, 2020
120 3544 Hurricane Sally
121 3548 Hurricane Delta
122 4576 Hurricane Zeta
123 4598 2021 Winter Storm

124 **SECTION 7.** None of the funds appropriated in Section 4 of
125 this act shall be used to establish a special reserve fund in the
126 State Treasury for disaster relief except as provided for in
127 Section 33-15-307, Mississippi Code of 1972.

128 **SECTION 8.** It is the intention of the Legislature that the
129 Director of the Mississippi Emergency Management Agency may, upon
130 the request of a local public emergency management organization in
131 an area which has suffered a natural disaster, supply equipment to
132 rural water associations to enable their continued operation when
133 the local emergency management organization determines that such
134 private entities provide services essential to the welfare of the
135 community.

136 **SECTION 9.** It is the intention of the Legislature that the
137 Director of the Mississippi Emergency Management Agency shall
138 provide enhanced training to local governments, supervisors,
139 mayors, civil defense groups and municipal associations in
140 disaster management.



141 **SECTION 10.** It is the intention of the Legislature that the
 142 agency's budget request for Fiscal Year 2024 shall be submitted to
 143 the Joint Legislative Budget Committee in a format and level of
 144 detail comparable to the format and level of detail provided
 145 during the Fiscal Year 2023 budget request process.

146 **SECTION 11.** In compliance with the "Mississippi Performance
 147 Budget and Strategic Planning Act of 1994," it is the intent of
 148 the Legislature that the funds provided herein shall be utilized
 149 in the most efficient and effective manner possible to achieve the
 150 intended mission of this agency. Based on the funding authorized,
 151 this agency shall make every effort to attain the targeted
 152 performance measures provided below:

153	FY2023
154 <u>Performance Measures</u>	<u>Target</u>
155 Emergency Mgmt Preparedness	
156 Percent of the Affected Population Informed	100.00
157 Average Time to Deliver Goods & Services	
158 (Hrs)	24
159 Recovery	
160 Number of Ongoing Projects	1,200
161 Number of Meetings Conducted	3,500
162 Average Cost per Project	20,000,000.00
163 Percent of Recovery Objectives Complete	100.00
164 Mitigation	
165 Number of Workshops Conducted	14



166	Number of Ongoing Projects	140
167	Average Cost per Project	50,000.00
168	Percent Reduction in Damage Due to	
169	Natural & Man-Made Incidents	5.00

170 A reporting of the degree to which the performance targets
171 set above have been or are being achieved shall be provided in the
172 agency's budget request submitted to the Joint Legislative Budget
173 Committee for Fiscal Year 2024.

174 **SECTION 12.** 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 of the month prior to the effective date of the
188 transfer.

189 **SECTION 13.** It is the intention of the Legislature that the
190 Mississippi Emergency Management Agency shall submit a



191 notification and summary of all state support funding on all
192 disasters that require general funds or state support special
193 funds to the Legislative Budget Office.

194 **SECTION 14.** It is the intention of the Legislature that from
195 any funds appropriated in this act, the agency shall maintain a
196 minimum of nine (9) Area Coordinators to provide daily assistance
197 to local jurisdictions with emergency management activities as
198 well as to provide quicker response to incidents and/or disasters.
199 In addition, it is the intent of the Legislature that these Area
200 Coordinators shall reside in or within fifty (50) miles of their
201 assigned districts.

202 **SECTION 15.** It is the intention of the Legislature that
203 whenever two (2) or more bids are received by this agency for the
204 purchase of commodities or equipment, and whenever all things
205 stated in such received bids are equal with respect to price,
206 quality and service, the Mississippi Industries for the Blind
207 shall be given preference. A similar preference shall be given to
208 the Mississippi Industries for the Blind whenever purchases are
209 made without competitive bids.

210 **SECTION 16.** Of the funds appropriated in Section 5 of this
211 act, Five Million Dollars (\$5,000,000.00), or so much thereof,
212 shall be derived out of any money in the State Treasury to the
213 credit of the Capital Expense Fund, as created in Section
214 27-103-303, Mississippi Code of 1972, and allocated in a manner as
215 determined by the Treasurer's Office. These funds are provided as



216 a deposit to the Mississippi Emergency Management Agency Disaster
217 Trust Fund.

218 **SECTION 17.** (1) Of the funds appropriated under the
219 provisions of Section 2 of this act, the following sum, or so much
220 thereof as may be necessary, is hereby appropriated out of any
221 money in the State Treasury to the credit of the Coronavirus State
222 Fiscal Recovery Fund not otherwise appropriated to the credit of
223 the Mississippi Emergency Management Agency.....\$3,170,000.00.

224 These funds are provided for the purpose of defraying
225 eligible expenses in connection with the Coronavirus Disease 2019
226 (COVID-19) as allowable under Section 9901 of the American Rescue
227 Plan Act of 2021 (ARPA) or any guidance or regulation issued by
228 the United States Department of the Treasury in conformity
229 therewith.

230 (2) None of the funds provided under this section shall be
231 used to pay employee premium payments.

232 (3) The agency shall not disburse any funds provided under
233 this section to any recipient without first: (a) making an
234 individualized determination that the reimbursement sought is, in
235 the agency's independent judgment, for necessary expenditures
236 eligible under Section 602 of the federal Social Security Act as
237 added by Section 9901 of the federal American Rescue Plan Act of
238 2021 (ARPA) and its implementing guidelines, guidance, rules,
239 regulations and/or other criteria, as may be amended or
240 supplemented from time to time, by the United States Department of



241 the Treasury; and (b) determining that the recipient has not
242 received and will not receive reimbursement for the expense in
243 question from any source of funds, including insurance proceeds,
244 other than those funds provided under Section 602 of the federal
245 Social Security Act as added by Section 9901 of ARPA. In
246 addition, the agency shall ensure that all funds provided under
247 this section are disbursed in compliance with the Single Audit Act
248 (31 USC Sections 7501-7507) and the related provisions of the
249 Uniform Guidance, 2 CFR Section 200.303 regarding internal
250 controls, Sections 200.330 through 200.332 regarding sub-recipient
251 monitoring and management, and subpart F regarding audit
252 requirements.

253 (4) As a condition of receiving and expending the funds
254 provided to the agency under this section, the agency shall
255 certify to the Department of Finance and Administration that each
256 expenditure of the funds provided to the agency under this section
257 complies with the guidelines, guidance, rules, regulations and/or
258 other criteria, as may be amended from time to time, of the United
259 States Department of the Treasury regarding the use of monies from
260 the Coronavirus State Fiscal Recovery Fund established by ARPA.

261 (5) If the Office of Inspector General of the United States
262 Department of the Treasury, or the Office of Inspector General of
263 any other federal agency having oversight over the use of monies
264 from the Coronavirus State Fiscal Recovery Fund established by
265 ARPA (a) determines that the agency or recipient has expended or



266 otherwise used any of the funds provided to the agency under this
267 section for any purpose that is not in compliance with the
268 guidelines, guidance, rules, regulations and/or other criteria, as
269 may be amended from time to time, of the United States Department
270 of the Treasury regarding the use of monies from the Coronavirus
271 State Fiscal Recovery Fund established by the ARPA, and (b) the
272 State of Mississippi is required to repay the federal government
273 for any of those funds that the Office of the Inspector General
274 determined were expended or otherwise used improperly by the
275 agency or recipient, then the agency or recipient that expended or
276 otherwise used those funds improperly shall be required to pay the
277 amount of those funds to the State of Mississippi for repayment to
278 the federal government.

279 **SECTION 18.** The following sum, or so much thereof as may be
280 necessary, is reappropriated out of any money in the Capital
281 Expense Fund not otherwise appropriated, for the Mississippi
282 Emergency Management Agency for the purpose of reauthorizing the
283 expenditure of Capital Expense Funds for the purpose of defraying
284 the expenses for vehicle purchases, as authorized in Senate Bill
285 No. 2917, 2021 Regular Session, for the fiscal year beginning July
286 1, 2022, and ending June 30, 2023.....\$ 75,500.00.

287 Notwithstanding the amount reappropriated under the
288 provisions of this section, in no event shall the amount expended
289 exceed the unexpended balance as of June 30, 2022.



290 **SECTION 19.** It is the intention of the Legislature that the
291 Mississippi Emergency Management Agency is hereby authorized to
292 pay invoices submitted by eTech Channel for reimbursement for
293 prior fiscal year commodities in an amount not to exceed One
294 Hundred Fifteen Thousand Dollars (\$115,000.00).

295 **SECTION 20.** The expenditure of the funds appropriated by
296 this act shall be under the direction of the Governor and shall be
297 paid by the State Treasurer out of any money in the proper fund or
298 funds as set forth in this act, upon warrants issued by the State
299 Fiscal Officer; and the State Fiscal Officer shall issue his
300 warrants upon requisitions signed by the proper person, officer or
301 officers in the manner provided by law.

302 **SECTION 21.** This act shall take effect and be in force from
303 and after July 1, 2022.

