

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

To: Appropriations

SENATE BILL NO. 3138  
(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 2005.

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, 2004, and ending June 30, 2005..... \$ 929,698.00.

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, 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.. \$ 2,575,330.00

29	Travel and Subsistence.....	54,000.00
30	Contractual Services.....	334,800.00
31	Commodities.....	99,250.00
32	Capital Outlay:	
33	Other Than Equipment.....	0.00
34	Equipment.....	23,940.00
35	Subsidies, Loans and Grants.....	<u>1,463,750.00</u>
36	Total.....	\$ 4,551,070.00
37	FUNDING:	
38	General Funds.....	\$ 929,698.00
39	Special Funds.....	<u>3,621,372.00</u>
40	Total.....	\$ 4,551,070.00

41 AUTHORIZED POSITIONS:

42	Permanent: Full Time.....	47
43	Part Time.....	0
44	Time-Limited: Full Time.....	17
45	Part Time.....	0

46 With the funds herein appropriated, it is the intention of  
47 the Legislature that it shall be the agency's responsibility to  
48 make certain that funds required to be appropriated for "Personal  
49 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005  
50 funds appropriated for that purpose, unless programs or positions  
51 are added to the agency's Fiscal Year 2006 budget by the  
52 Mississippi Legislature. Based on data provided by the  
53 Legislative Budget Office, the State Personnel Board shall  
54 determine and publish the projected annual cost to fully fund all  
55 appropriated positions in compliance with the provisions of this  
56 act. It shall be the responsibility of the agency head to insure  
57 that no single personnel action increases this projected annual  
58 cost and/or the Fiscal Year 2005 appropriation for "Personal  
59 Services" when annualized, with the exception of escalated funds.  
60 If, at the time the agency takes any action to change "Personal  
61 Services," the State Personnel Board determines that the agency

62 has taken an action which would cause the agency to exceed this  
63 projected annual cost or the Fiscal Year 2005 "Personal Services"  
64 appropriated level, when annualized, then only those actions which  
65 reduce the projected annual cost and/or the appropriation  
66 requirement will be processed by the State Personnel Board until  
67 such time as the requirements of this provision are met.

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

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

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

89 **SECTION 5.** It is the intention of the Legislature that the  
90 Director of the Mississippi Emergency Management Agency shall  
91 provide enhanced training to local governments, supervisors,  
92 mayors, civil defense groups and municipal associations in  
93 disaster management.

94           **SECTION 6.** The following sum, or so much thereof as may be  
95 necessary, is hereby appropriated out of any money in the State  
96 General Fund not otherwise appropriated, to the Mississippi  
97 Emergency Management Agency for the purpose of defraying certain  
98 administrative expenses and the state share of the cost of  
99 disaster assistance programs, including, but not being limited to,  
100 public assistance programs, individual and family grant programs,  
101 and mitigation programs, for the fiscal year beginning  
102 July 1, 2004, and ending June 30, 2005.....\$     1,621,000.00.

103           **SECTION 7.** The following sum, or so much thereof as may be  
104 necessary, is hereby appropriated out of any money in the State  
105 Treasury to the credit of the Mississippi Emergency Management  
106 Agency Fund Nos. 3724, 3725, 3728, 372U and 372C for the  
107 purpose of defraying certain administrative expenses and the state  
108 and federal share of the cost of disaster assistance programs,  
109 including, but not being limited to, public assistance programs,  
110 individual and family grant programs, and mitigation programs, for  
111 the fiscal year beginning July 1, 2004, and ending  
112 June 30, 2005.....\$     86,794,856.00.

113           **SECTION 8.** The funds appropriated under the provisions of  
114 Sections 6 and 7 are provided to defray certain administrative  
115 expenses and the state and federal share of the cost of disaster  
116 assistance programs, including public assistance programs,  
117 individual and family grant programs, and mitigation programs  
118 resulting from, but not being limited to, the following:

- 119           September 1998 Hurricane Georges #1251
- 120           December 1998 Ice Storm #1265
- 121           February and March 2001 Tornado Disasters #1360
- 122           April 2001 Floods #1365
- 123           June 2001 Tropical Storm Allison #1382
- 124           November 2001 Tornado/Flood #1398
- 125           October 2002 Tropical Storm Isidore #1436
- 126           November 2002 Tornado (Columbus/MUW) #1443

127 April 2003 Severe Storms #1459

128 May 2003 Severe Storms #1470

129 Hazard Mitigation Programs

130 Emergency Preparedness Programs

131 **SECTION 9.** None of the funds appropriated in Section 6 shall  
132 be used to establish a special reserve fund in the State Treasury  
133 for disaster relief except as provided for in Sections 43-41-1 et  
134 seq. and 43-41-301 et seq., Mississippi Code of 1972.

135 **SECTION 10.** It is the intention of the Legislature that the  
136 agency's budget request for Fiscal Year 2006 shall be submitted to  
137 the Joint Legislative Budget Committee in a format and level of  
138 detail comparable to the format and level of detail provided  
139 during the Fiscal Year 2005 budget request process.

140 **SECTION 11.** The expenditure of the funds appropriated by  
141 this act shall be under the direction of the Governor and shall be  
142 paid by the State Treasurer out of any money in the proper fund or  
143 funds as set forth in this act, upon warrants issued by the State  
144 Fiscal Officer; and the State Fiscal Officer shall issue his  
145 warrants upon requisitions signed by the proper person, officer or  
146 officers in the manner provided by law.

147 **SECTION 12.** This act shall take effect and be in force from  
148 and after July 1, 2004.