

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

SENATE BILL NO. 2046

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 2006.

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, 2005, and ending June 30, 2006..... \$ 773,189.00.

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, 2005, and ending June 30, 2006.....
21 ..... \$ 3,716,274.00.

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.. \$ 2,603,661.00

29	Travel and Subsistence.....	43,576.00
30	Contractual Services.....	275,287.00
31	Commodities.....	91,310.00
32	Capital Outlay:	
33	Other Than Equipment.....	0.00
34	Equipment.....	11,879.00
35	Subsidies, Loans and Grants.....	<u>1,463,750.00</u>
36	Total.....	\$ 4,489,463.00
37	FUNDING:	
38	General Funds.....	\$ 773,189.00
39	Special Funds.....	<u>3,716,274.00</u>
40	Total.....	\$ 4,489,463.00

41 AUTHORIZED POSITIONS:

42	Permanent: Full Time.....	47
43	Part Time.....	0
44	Time-Limited: Full Time.....	20
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 2007 do not exceed Fiscal Year 2006  
50 funds appropriated for that purpose, unless programs or positions  
51 are added to the agency's Fiscal Year 2007 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 2006 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 2006 "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 The agency shall not take any action to promote or otherwise  
82 award salary increases through reallocation, reclassification,  
83 realignment, education benchmark, career ladder, or any other  
84 means to increase salaries of employees or positions unless  
85 specifically exempted by the following conditions: the award of  
86 teacher pay increases, the advancement of a trainee/cadet to the  
87 next level of a bona fide career ladder, the award of an  
88 educational benchmark for the attainment of Certified Public  
89 Accountant License or higher level professional certification as  
90 determined by the State Personnel Board, the immediate replacement  
91 of a departing employee with an individual from within state  
92 service or a new hire at a salary level equivalent to that of the  
93 departing employee, and the emergency appointment of nurses,  
94 pharmacists or other health care professionals at a salary to be

95 determined by the State Personnel Board, unless otherwise  
96 authorized in this act.

97       **SECTION 4.** It is the intention of the Legislature that the  
98 Director of the Mississippi Emergency Management Agency may, upon  
99 the request of a local public emergency management organization in  
100 an area which has suffered a natural disaster, supply equipment to  
101 rural water associations to enable their continued operation when  
102 the local emergency management organization determines that such  
103 private entities provide services essential to the welfare of the  
104 community.

105       **SECTION 5.** It is the intention of the Legislature that the  
106 Director of the Mississippi Emergency Management Agency shall  
107 provide enhanced training to local governments, supervisors,  
108 mayors, civil defense groups and municipal associations in  
109 disaster management.

110       **SECTION 6.** The following sum, or so much thereof as may be  
111 necessary, is hereby appropriated out of any money in the State  
112 General Fund not otherwise appropriated, to the Mississippi  
113 Emergency Management Agency for the purpose of defraying certain  
114 administrative expenses and the state share of the cost of  
115 disaster assistance programs, including, but not being limited to,  
116 public assistance programs, individual and family grant programs,  
117 and mitigation programs, for the fiscal year beginning  
118 July 1, 2005, and ending June 30, 2006.....\$     1,604,720.00.

119       **SECTION 7.** The following sum, or so much thereof as may be  
120 necessary, is hereby appropriated out of any money in the State  
121 Treasury to the credit of the Mississippi Emergency Management  
122 Agency Fund Nos. 3724, 3725, 3728, 372U and 372C for the  
123 purpose of defraying certain administrative expenses and the state  
124 and federal share of the cost of disaster assistance programs,  
125 including, but not being limited to, public assistance programs,  
126 individual and family grant programs, and mitigation programs, for

127 the fiscal year beginning July 1, 2005, and ending  
128 June 30, 2006.....\$ 86,439,289.00.

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

133 MAJOR OBJECTS OF EXPENDITURE:

134 Personal Services:

135 Salaries, Wages and Fringe Benefits.. \$ 0.00  
136 Travel and Subsistence..... 36,436.00  
137 Contractual Services..... 348,784.00  
138 Commodities..... 117,300.00

139 Capital Outlay:

140 Other Than Equipment..... 0.00  
141 Equipment..... 155,633.00  
142 Subsidies, Loans and Grants..... 87,385,856.00  
143 Total..... \$ 88,044,009.00

144 FUNDING:

145 General Funds..... \$ 1,604,720.00  
146 Special Funds..... 86,439,289.00  
147 Total..... \$ 88,044,009.00

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

- 154 September 1998 Hurricane Georges #1251
- 155 December 1998 Ice Storm #1265
- 156 February and March 2001 Tornado Disasters #1360
- 157 April 2001 Floods #1365
- 158 June 2001 Tropical Storm Allison #1382
- 159 November 2001 Tornado/Flood #1398

160           October 2002 Tropical Storm Isidore #1436  
161           November 2002 Tornado (Columbus/MUW) #1443  
162           April 2003 Severe Storms #1459  
163           May 2003 Severe Storms #1470  
164           Hazard Mitigation Programs  
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 2007 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 2006 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 (15th) of the month prior to the effective date of the  
198 transfer.

199         **SECTION 14.** The expenditure of the funds appropriated by  
200 this act shall be under the direction of the Governor and shall be  
201 paid by the State Treasurer out of any money in the proper fund or  
202 funds as set forth in this act, upon warrants issued by the State  
203 Fiscal Officer; and the State Fiscal Officer shall issue his  
204 warrants upon requisitions signed by the proper person, officer or  
205 officers in the manner provided by law.

206         **SECTION 15.** This act shall take effect and be in force from  
207 and after July 1, 2005.