

House Amendments to Senate Bill No. 3037

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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, 2006, and ending June 30, 2007..... \$ 6,666,340.00.

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, 2006, and ending June 30, 2007.....
21 \$ 5,074,395.00.

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.. \$ 6,416,146.00
29 Travel and Subsistence..... 104,352.00
30 Contractual Services..... 2,674,874.00
31 Commodities..... 259,863.00

32 Capital Outlay:

33	Other Than Equipment.....	0.00
34	Equipment.....	463,500.00
35	Subsidies, Loans and Grants.....	<u>1,822,000.00</u>
36	Total.....	\$ 11,740,735.00

37 FUNDING:

38	General Funds.....	\$ 6,666,340.00
39	Special Funds.....	<u>5,074,395.00</u>
40	Total.....	\$ 11,740,735.00

41 AUTHORIZED POSITIONS:

42	Permanent: Full Time.....	137
43	Part Time.....	0
44	Time-Limited: Full Time.....	0
45	Part Time.....	0

46 For the fiscal year beginning on July 1, 2006, funds are
47 provided herein to adjust the annual compensation of each employee
48 who has been employed for twelve (12) months or longer by an
49 amount equal to One Thousand Dollars (\$1,000.00), effective on
50 July 1, 2006.

51 With the funds herein appropriated, it is the intention of
52 the Legislature that it shall be the agency's responsibility to
53 make certain that funds required to be appropriated for "Personal
54 Services" for Fiscal Year 2008 do not exceed Fiscal Year 2007
55 funds appropriated for that purpose, unless programs or positions
56 are added to the agency's Fiscal Year 2008 budget by the
57 Mississippi Legislature. Based on data provided by the
58 Legislative Budget Office, the State Personnel Board shall
59 determine and publish the projected annual cost to fully fund all
60 appropriated positions in compliance with the provisions of this
61 act. It shall be the responsibility of the agency head to insure
62 that no single personnel action increases this projected annual
63 cost and/or the Fiscal Year 2007 appropriation for "Personal
64 Services" when annualized, with the exception of escalated funds.
65 If, at the time the agency takes any action to change "Personal
66 Services," the State Personnel Board determines that the agency
67 has taken an action which would cause the agency to exceed this

68 projected annual cost or the Fiscal Year 2007 "Personal Services"
69 appropriated level, when annualized, then only those actions which
70 reduce the projected annual cost and/or the appropriation
71 requirement will be processed by the State Personnel Board until
72 such time as the requirements of this provision are met.

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

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

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

94 **SECTION 5.** It is the intention of the Legislature that the
95 Director of the Mississippi Emergency Management Agency shall
96 provide enhanced training to local governments, supervisors,
97 mayors, civil defense groups and municipal associations in
98 disaster management.

99 **SECTION 6.** The following sum, or so much thereof as may be
100 necessary, is hereby appropriated out of any money in the State
101 General Fund not otherwise appropriated, to the Mississippi
102 Emergency Management Agency for the purpose of defraying certain

103 administrative expenses and the state share of the cost of
 104 disaster assistance programs, including, but not being limited to,
 105 public assistance programs, individual and family grant programs,
 106 and mitigation programs, for the fiscal year beginning
 107 July 1, 2006, and ending June 30, 2007.....\$ 4,733,132.00.

108 **SECTION 7.** The following sum, or so much thereof as may be
 109 necessary, is hereby appropriated out of any money in the State
 110 Treasury to the credit of the Mississippi Emergency Management
 111 Agency Fund Nos. 3724, 3725, 3728, 372U, 372C, 3729 and 372K for
 112 the purpose of defraying certain administrative expenses and the
 113 state and federal share of the cost of disaster assistance
 114 programs, including, but not being limited to, public assistance
 115 programs, individual and family grant programs, and mitigation
 116 programs, for the fiscal year beginning July 1, 2006, and ending
 117 June 30, 2007.....\$ 87,125,281.00.

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

122 MAJOR OBJECTS OF EXPENDITURE:

123 Personal Services:

124	Salaries, Wages and Fringe Benefits..	\$	0.00
125	Travel and Subsistence.....		100,000.00
126	Contractual Services.....		1,257,329.00
127	Commodities.....		242,973.00

128 Capital Outlay:

129	Other Than Equipment.....		0.00
130	Equipment.....		1,193,652.00
131	Subsidies, Loans and Grants.....		<u>89,064,459.00</u>
132	Total.....	\$	91,858,413.00

133 FUNDING:

134	General Funds.....	\$	4,733,132.00
135	Special Funds.....		<u>87,125,281.00</u>
136	Total.....	\$	91,858,413.00

137 **SECTION 9.** The funds appropriated under the provisions of
138 Sections 6 and 7 are provided to defray certain administrative
139 expenses and the state and federal share of the cost of disaster
140 assistance programs, including public assistance programs,
141 individual and family grant programs, and mitigation programs
142 resulting from, but not being limited to, the following:

143 September 1998 Hurricane Georges #1251

144 September 2004 Hurricane Ivan #1550

145 February and March 2001 Tornado Disasters #1360

146 April 2001 Floods #1365

147 June 2001 Tropical Storm Allison #1382

148 November 2001 Tornado/Flood #1398

149 October 2002 Tropical Storm Isidore #1436

150 November 2002 Tornado (Columbus/MUW) #1443

151 April 2003 Severe Storms #1459

152 May 2003 Severe Storms #1470

153 Hazard Mitigation Programs

154 Emergency Preparedness Programs

155 **SECTION 10.** None of the funds appropriated in Section 6
156 shall be used to establish a special reserve fund in the State
157 Treasury for disaster relief except as provided for in Sections
158 43-41-1 et seq. and 43-41-301 et seq., Mississippi Code of 1972.

159 **SECTION 11.** It is the intention of the Legislature that the
160 agency's budget request for Fiscal Year 2008 shall be submitted to
161 the Joint Legislative Budget Committee in a format and level of
162 detail comparable to the format and level of detail provided
163 during the Fiscal Year 2007 budget request process.

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

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

173 **SECTION 13.** It is the intention of the Legislature that the
174 Executive Director of the Mississippi Emergency Management Agency
175 shall have authority to transfer not more than Five Hundred
176 Thousand Dollars (\$500,000.00) from any general or special fund
177 treasury fund and major object budget category to another special
178 or general fund treasury fund and major object budget category
179 accordingly under the control of the Mississippi Emergency
180 Management Agency. The purpose of this authority is to more
181 efficiently use available cash reserves. It is further the
182 intention of the Legislature that the Executive Director of the
183 Mississippi Emergency Management Agency shall submit written
184 justification for the transfer to the Legislative Budget Office
185 and the Department of Finance and Administration on or before the
186 fifteenth (15th) of the month prior to the effective date of the
187 transfer.

188 **SECTION 14.** It is the intention of the Legislature that
189 whenever two (2) or more bids are received by this agency for the
190 purchase of commodities or equipment, and whenever all things
191 stated in such received bids are equal with respect to price,
192 quality and service, the Mississippi Industries for the Blind
193 shall be given preference. A similar preference shall be given to
194 the Mississippi Industries for the Blind whenever purchases are
195 made without competitive bids.

196 **SECTION 15.** All expenditures of funds appropriated by this
197 act for the purposes of advertising through the media shall comply
198 with the provisions of this section. All notices, advertisements,
199 or announcements designed to accomplish distribution of vital
200 information paid for wholly or in part through funds appropriated
201 by this act and distributed through the media shall be placed
202 according to a formula based upon the following criteria:

203 (a) Outlets of the Mississippi Public Broadcasting
204 System shall receive twenty percent (20%) of all expenditures
205 allotted for any advertising campaign undertaken by the agency to

206 which funds are appropriated by this act. All distribution of
207 information undertaken by the Mississippi Broadcasting System
208 under these requirements shall conform to the accepted standards
209 of information distribution common to public media.

210 (b) Media outlets, other than outlets of the
211 Mississippi Public Broadcasting System, shall receive placement of
212 such notices through the following method of distribution and
213 based upon commonly accepted boundaries of distribution:

214 (i) Newspapers. Newspapers demonstrating
215 established market reach through verifiable and auditable
216 circulation numbers shall receive twenty-five percent (25%) of all
217 expenditures allotted for distribution of vital information, and
218 such expenditures to the individual newspapers shall be determined
219 and prorated based upon the verifiable and auditable share of
220 total circulation within the individual counties. This
221 requirement does not replace the requirements and systems
222 currently in place regarding legal notices in the newspapers.

223 (ii) Radio. Radio stations demonstrating
224 established market reach through verifiable and auditable market
225 share information as recorded through reputable and established
226 rating services shall receive twenty percent (20%) of all
227 expenditures allotted for such distribution of vital information,
228 and such expenditures to the individual stations shall be
229 determined and prorated based upon the verifiable and auditable
230 share of total market reach within the individual counties.

231 (iii) Television. Television stations and
232 television cable outlets demonstrating established market reach
233 through verifiable and auditable market share information as
234 recorded through reputable and established rating services shall
235 receive twenty percent (20%) of all expenditures allotted for such
236 distribution of vital information, and such expenditures to the
237 individual stations shall be determined and prorated based upon
238 the verifiable and auditable share of total market reach within
239 the individual demonstrated market reach area of the station or
240 cable outlet.

241 (iv) Magazines. Magazines demonstrating
242 established market reach through verifiable and auditable
243 circulation numbers shall receive ten percent (10%) of all
244 expenditures allotted for such distribution of vital information,
245 and such expenditures to the individual magazines shall be
246 determined and prorated based upon the verifiable and auditable
247 circulation numbers within the counties. If no magazine exists
248 which meets the criteria stated above, the portion of those funds
249 so allotted shall be distributed among the other media outlets
250 equally.

251 (v) Electronic media. Electronic media
252 demonstrating established market reach through verifiable and
253 auditable circulation numbers shall receive five percent (5%) of
254 all expenditures allotted for such distribution of vital
255 information, and such expenditures to the individual electronic
256 media outlets shall be determined and prorated based upon the
257 verifiable and auditable circulation numbers within the counties.
258 If no electronic media exists which meets the criteria stated
259 above, the portion of those funds so allotted shall be distributed
260 equally among the other media outlets.

261 Provisions of this section do not apply to the placement of
262 advertisements in national media outlets to recruit economic
263 development or to promote tourism in the state.

264 **SECTION 16.** The expenditure of the funds appropriated by
265 this act shall be under the direction of the Governor and shall be
266 paid by the State Treasurer out of any money in the proper fund or
267 funds as set forth in this act, upon warrants issued by the State
268 Fiscal Officer; and the State Fiscal Officer shall issue his
269 warrants upon requisitions signed by the proper person, officer or
270 officers in the manner provided by law.

271 **SECTION 17.** This act shall take effect and be in force from
272 and after July 1, 2006.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 2007.

HR40\SB3037PH.J

Don Richardson
Clerk of the House of Representatives