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Chapter No. 25
12/SS01/A721SG
JN / TBEC

SENATE BILL NO. 2969

Originated in Senate *[Signature]* Secretary

SENATE BILL NO. 2969

AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY, AND FOR THE PURPOSE OF ESTABLISHING A DISASTER RELIEF RESERVE FUND AND DEFRAYING THE COSTS RELATED TO CERTAIN DISASTER ASSISTANCE PROGRAMS, FOR FISCAL YEAR 2013.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any funds in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the Mississippi Emergency Management Agency in accordance with the provisions of Section 33-15-1 et seq., Mississippi Code of 1972, for the fiscal year beginning July 1, 2012, and ending June 30, 2013 \$ 4,284,248.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the special fund in the State Treasury to the credit of the Mississippi Emergency Management Agency which is comprised of special source funds collected by or otherwise available to the agency, for the support and maintenance of the agency for the fiscal year beginning July 1, 2012, and ending June 30, 2013
..... \$ 18,912,750.00.

SECTION 3. Of the funds appropriated in Sections 1 and 2, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	116
	Part Time	0
Time-Limited:	Full Time	61
	Part Time	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2014 do not exceed Fiscal Year 2013 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2013 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2013 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2013 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

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

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are

being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

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

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

SECTION 6. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, to the Mississippi Emergency Management Agency for the purpose of defraying certain administrative expenses and the state share of the cost of disaster assistance programs, including, but not being limited to, public assistance programs, individual and family grant programs, and mitigation programs, for the fiscal year beginning July 1, 2012, and ending June 30, 2013 \$ 663,780.00.

SECTION 7. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Mississippi Emergency Management Agency Fund Nos. 3725, 3728, 372U, 3729, 372B and 372K for the purpose of defraying certain administrative expenses and the state and federal share of the cost of disaster assistance programs, including, but not being limited to, public assistance programs, individual and family grant programs, and mitigation programs, for the fiscal year beginning July 1, 2012, and ending June 30, 2013

.....\$ 452,094,439.00.

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

- #1251 Hurricane Georges
- #1398 2002 Tornados
- #1436 October 2002 Tropical Storm Isadore
- #1443 November 2002 Tornado (Columbus/MUW)
- #1459 April 2003 Severe Storms
- #1550 Hurricane Ivan
- #1594 Hurricane Dennis
- #1604 Hurricane Katrina
- #1382 Hurricane Allison
- #1470 Severe Weather 2003
- #1764 Jackson 2008 Tornado
- #3291 Hurricane Gustav (Emergency Measures)
- #1794 Hurricane Gustav
- #1837 Simpson County 2009 Tornado
- #1906 Yazoo County 2010 Tornado
- #1916 Alcorn Flooding 2010
- #1972 Tornados 2012
- #3320 MS River Flooding 2011 (Emergency Measures)
- #1983 MS River Flooding 2011
- Hazard Mitigation
- Other Needs Assistance
- Mississippi Temporary Housing Program
- Pre-Disaster Response
- Emergency Preparedness Programs

SECTION 9. None of the funds appropriated in Section 6 shall be used to establish a special reserve fund in the State Treasury

for disaster relief except as provided for in Sections 43-41-1 et seq. and 43-41-301 et seq., Mississippi Code of 1972.

SECTION 10. It is the intention of the Legislature that the agency's budget request for Fiscal Year 2014 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2013 budget request process.

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

	FY2013
<u>Performance Measures</u>	<u>Target</u>
Emergency Mgmt Preparedness	
Incidents Reported to MEMA	5,118
Disaster Exercises - Local	50
EM Funding to Local Governments (\$)	256,201.00
EM Training - Number of Personnel	3,473
Statewide Disaster Exercises	3
Emergency Mgmt Preparedness	
Fuel Service Contract (Gallons)	10,000
Water (Bottles)	1,088,640
Meals Ready to Eat (MREs)/Count	420,000
Recovery	
Pub Asst FEMA 2002 Tornadoes (\$)	0.00
Pub Asst FEMA - Isadore (\$)	525,945.00
Pub Asst FEMA - Hurricane Ivan (\$)	822,164.00
Other Needs Assistance Disbursed (\$)	3,500,000.00
Mitigation	
FEMA Hurricane Katrina (\$)	35,000,000.00

Non-Disaster Hazard Mitigation (\$)	250,000.00
All Other Hazard Mitigation (\$)	5,000.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2014.

SECTION 12. It is the intention of the Legislature that the Executive Director of the Mississippi Emergency Management Agency shall have authority to transfer not more than Five Hundred Thousand Dollars (\$500,000.00) from any general or special fund treasury fund and major object budget category to another special or general fund treasury fund and major object budget category accordingly under the control of the Mississippi Emergency Management Agency. The purpose of this authority is to more efficiently use available cash reserves. It is further the intention of the Legislature that the Executive Director of the Mississippi Emergency Management Agency shall submit written justification for the transfer to the Legislative Budget Office and the Department of Finance and Administration on or before the fifteenth of the month prior to the effective date of the transfer.

SECTION 13. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 14. In addition to all other funds heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Hurricane Disaster Reserve Fund within the State Treasury to be

utilized by the Mississippi Emergency Management Agency to defray the state share of any nonfederal matching requirements and de-obligations for Federal Emergency Management Agency grants associated with Hurricane Katrina and other disasters for the fiscal year beginning July 1, 2012, and ending June 30, 2013..... \$ 1,617,842.00.

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

SECTION 15. Of the funds provided in Section 1, Four Hundred Eighty Thousand Nine Hundred Eighty-four Dollars (\$480,984.00) shall be provided to match funds for Monroe County schools and the Town of Smithville.

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

SECTION 17. This act shall take effect and be in force from and after July 1, 2012.

PASSED BY THE SENATE
April 28, 2012



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 30, 2012



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

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