

By: Representative Rogers

To: Military Affairs;
Insurance

HOUSE BILL NO. 1116

1 AN ACT TO AMEND SECTION 33-15-25, MISSISSIPPI CODE OF 1972,
 2 TO AUTHORIZE LOCAL ORGANIZATIONS OF EMERGENCY MANAGEMENT TO
 3 ANNUALLY APPLY WITH THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY TO
 4 RECEIVE MATCHING FUNDS FOR EMERGENCY MANAGEMENT ASSISTANCE AND TO
 5 REQUIRE THE DIRECTOR OF EMERGENCY MANAGEMENT TO ESTABLISH THE
 6 GRANT APPLICATION AND ELIGIBILITY CRITERIA; TO CREATE A NEW CODE
 7 SECTION TO ESTABLISH AND FUND THE EMERGENCY MANAGEMENT
 8 PREPAREDNESS AND ASSISTANCE FUND; TO IMPOSE AN ANNUAL SURCHARGE ON
 9 CERTAIN INSURANCE POLICIES; TO PROVIDE FOR THE ALLOCATION OF FUNDS
 10 APPROPRIATED FROM THE EMERGENCY MANAGEMENT, PREPAREDNESS AND
 11 ASSISTANCE TRUST FUND; AND FOR RELATED PURPOSES.

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

13 SECTION 1. Section 33-15-25, Mississippi Code of 1972, is
 14 amended as follows:

15 33-15-25. (1) The Governor of the State of Mississippi is
 16 authorized to enter into agreements with the federal government
 17 for the purpose of matching any federal funds that may be made
 18 available for emergency management purposes, which shall include
 19 purchasing emergency management equipment and supplies, to the
 20 state on a matching basis. Provided, that no agreement shall
 21 obligate the state for an amount greater than the appropriation
 22 available for such purpose. The state's portion of the purchase
 23 price of any emergency management equipment may be made available
 24 from any appropriation made for such purposes.

25 (2) Any county board of supervisors or municipal governing
 26 body may enter into agreement with the federal government with
 27 approval of the State Director of Emergency Management for
 28 matching funds which may be made available for emergency
 29 management purposes, which shall include purchasing emergency
 30 management equipment and supplies, by such county or municipality

31 in conjunction with any federal matching program and funds may be
32 expended from the general fund of such county or municipality or
33 from such other funds as may be available to such county or
34 municipality for emergency management purposes in order to provide
35 the county or municipal portion of funds necessary to carry out
36 such matching agreement.

37 (3) Any local organization of emergency management
38 established under Section 33-15-17 may annually apply with the
39 Mississippi Emergency Management Agency to receive matching funds
40 in an amount not to exceed Ten Thousand Dollars (\$10,000.00) for
41 emergency management assistance. The grant application and
42 eligibility criteria shall be established and promulgated by the
43 Director of Emergency Management as authorized in Section
44 33-15-14(2)(p), and shall include at a minimum a multiyear
45 strategic plan for eliminating overall program deficiencies
46 identified by a capability assessment for readiness evaluation.
47 Any such local organization may apply for additional emergency
48 management assistance funding exceeding the maximum amount
49 provided herein on a seventy-five percent (75%) local and
50 twenty-five percent (25%) state basis for program support,
51 maintenance and related purposes. Such additional funds shall be
52 made available from monies derived from the State General Fund and
53 the federal government. The director shall provide a detailed
54 report of the Emergency Management Assistance Program in his
55 biennial report in accordance with Section 33-15-14(2)(o).

56 SECTION 2. (1) There is hereby created the Emergency
57 Management, Preparedness and Assistance Trust Fund to be
58 administered by the Mississippi Emergency Management Agency.

59 (2) In order to provide funds for emergency management,
60 preparedness and assistance, an annual surcharge of Two Dollars
61 (\$2.00) per policy shall be imposed on every homeowner's, mobile
62 homeowner's, tenant homeowner's and condominium unit owner's
63 policy, and an annual Four Dollar (\$4.00) surcharge shall be

64 imposed on every commercial fire, commercial multiple peril, and
65 business owner's property insurance policy, issued or renewed on
66 or after July 1, 2001. The surcharge shall be paid by the
67 policyholder to the insurer. The insurer shall collect the
68 surcharge and remit it to the State Tax Commission, which shall
69 collect, administer, audit and enforce the surcharge. The
70 surcharge is not to be considered premiums of the insurer;
71 however, nonpayment of the surcharge by the insured may be a valid
72 reason for cancellation of the policy. All proceeds of the
73 surcharge shall be deposited in the Emergency Management,
74 Preparedness and Assistance Trust Fund and may not be used to
75 supplant existing funding.

76 (3) Funds appropriated from the Emergency Management,
77 Preparedness and Assistance Trust Fund shall be allocated by the
78 Mississippi Emergency Management Agency as follows:

79 (a) Fifty percent (50%) to assist in funding local
80 emergency management programs;

81 (b) Ten percent (10%) to administer the implementation
82 and oversight of local programs;

83 (c) Forty percent (40%) to be deposited into the
84 Disaster Trust Fund to fund authorized expenditures as outlined in
85 Section 33-15-307.

86 (4) The distribution formula provided in subsection (1) may
87 be adjusted proportionally when necessary by the Director of the
88 Mississippi Emergency Management Agency to meet any matching
89 requirements imposed as a condition of receiving federal disaster
90 relief assistance or planning funds.

91 SECTION 3. This act shall take effect and be in force from
92 and after July 1, 2001.