

By: Representative Rogers

To: Military Affairs;
Appropriations

HOUSE BILL NO. 1243

1 AN ACT TO AMEND SECTION 33-15-307, MISSISSIPPI CODE OF 1972,
 2 TO AUTHORIZE THE USE OF THE DISASTER ASSISTANCE TRUST FUND FOR
 3 PUBLIC ASSISTANCE UNDER A STATE OF EMERGENCY DECLARED BY THE
 4 GOVERNOR; TO AMEND SECTION 33-15-313, MISSISSIPPI CODE OF 1972, TO
 5 PROVIDE THAT A STATE OR LOCAL AGENCY SHALL MAKE APPLICATION FOR
 6 STATE AND/OR FEDERAL FINANCIAL ASSISTANCE WITHIN 60 DAYS AFTER THE
 7 DATE OF THE DECLARATION OF A STATE OF EMERGENCY BY THE GOVERNOR;
 8 TO AMEND SECTION 33-15-317, MISSISSIPPI CODE OF 1972, TO REVISE
 9 THE MAXIMUM LIMIT ON THE ADVANCE OF FUNDS WHICH A STATE OR LOCAL
 10 AGENCY MAY RECEIVE TO INITIATE A PROJECT UNDER A STATE OF
 11 EMERGENCY DECLARED BY THE GOVERNOR; TO AMEND SECTION 43-41-13,
 12 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN THE EVENT OF A
 13 GOVERNOR'S STATE OF EMERGENCY DECLARATION, THE STATE GRANTS
 14 AWARDED TO INDIVIDUALS AND FAMILIES UNDER THE STATE'S NATURAL
 15 DISASTER PLAN SHALL BE EQUAL TO AN AMOUNT ESTABLISHED BY THE
 16 DIRECTOR OF THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY; AND FOR
 17 RELATED PURPOSES.

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

19 SECTION 1. Section 33-15-307, Mississippi Code of 1972, is
 20 amended as follows:

21 33-15-307. (1) The provisions of this article shall be
 22 invoked only pursuant to a state of emergency declared by the
 23 Governor or an emergency or major disaster declared by the
 24 President, or pursuant to an executive order of the Governor, or
 25 administrative order of the director, in order to provide state or
 26 local government resources and personnel in compliance with the
 27 provisions of the Emergency Management Assistance Compact, Section
 28 45-18-1 et seq., or in nondeclared times for administrative and
 29 training costs associated with state disaster response and
 30 recovery programs. Each declaration shall cite the cause for the
 31 declaration and define the area eligible for assistance and the
 32 type of assistance to be provided.

33 (2) The Disaster Assistance Trust Fund is created as a
34 special fund in the State Treasury into which shall be paid any
35 funds appropriated by the Legislature for disaster assistance, any
36 funds transferred from the Working Cash-Stabilization Reserve Fund
37 as provided under subsection (5) of this section, any income from
38 investment of the funds in the trust fund, and federal
39 reimbursement for administrative costs for management of the
40 Individual and Family Grant Program, the Public Assistance
41 Program, the Hazard Mitigation Program and Disaster Reservist
42 Program.

43 (3) Income from investment of the funds in the trust fund,
44 and all other funds deposited therein pursuant to law, shall be
45 available for expenditure, transfer and allocation pursuant to
46 this article.

47 (4) The Disaster Assistance Trust Fund shall be used only
48 for the following purposes:

49 (a) The state's portion of the cost share for public
50 assistance under a major disaster declaration.

51 (b) The state's cost share of the Individual and Family
52 Grant (IFG) Program under the provisions of Section 43-41-1 et
53 seq.

54 (c) Administrative costs for managing the IFG Program.

55 (d) Administrative costs for managing the Public
56 Assistance Program.

57 (e) The Temporary Housing Program under provisions of
58 Section 43-41-301 et seq.

59 (f) Out-of-pocket expenses, including travel, per diem,
60 overtime and other similar expenses, of state or local agencies
61 when so tasked by the Governor or the director for emergency
62 response under the provisions of Section 33-15-11(b)(7) and
63 current executive orders. This includes actual emergency response
64 and recovery activities, and applies to mobilization and

65 deployment of state or local agencies to another state under the
66 provisions of the Emergency Management Assistance Compact.

67 (g) Costs incurred as a result of state active duty for
68 the Mississippi National Guard when so tasked by the Governor to
69 provide support to other agencies and local governments in a major
70 disaster or emergency situation, or when tasked by the Governor to
71 provide support to another state under the provisions of the
72 Emergency Management Assistance Compact.

73 (h) The state's portion of the cost share for hazard
74 mitigation under a major disaster declaration.

75 (i) Administrative costs of the Hazard Mitigation
76 Program.

77 (j) Costs incurred as a result of the implementation of
78 the Disaster Reservist Program under a major disaster declaration.

79 (k) Administrative costs of the Disaster Reservist
80 Program.

81 (l) Costs incurred as a result of the implementation of
82 public assistance, and/or individual assistance, and/or Disaster
83 Reservist Program, and/or hazard mitigation, and/or temporary
84 housing under a Governor's state of emergency.

85 (5) Whenever the director determines that funds are
86 immediately needed in the Disaster Assistance Trust Fund to
87 provide for disaster assistance under this article, he shall
88 notify the Executive Director of the Department of Finance and
89 Administration of his determination and shall requisition the
90 amount of funds from the Working Cash-Stabilization Fund that are
91 needed in the trust fund, which shall be subject to the
92 limitations set forth below in this subsection. At the same time
93 he makes the requisition, the director shall notify the Lieutenant
94 Governor, the Speaker of the House of Representatives and the
95 respective Chairmen of the Senate Appropriations Committee, the
96 Senate Finance Committee, the House Appropriations Committee and
97 the House Ways and Means Committee of his determination of the

98 need for the funds and the amount that he has requisitioned. Upon
99 receipt of such a requisition from the director, the Executive
100 Director of the Department of Finance and Administration shall
101 ascertain if the amount requisitioned is available in the Working
102 Cash-Stabilization Reserve Fund and is within the limitations set
103 forth below in this subsection and, if it is, he shall transfer
104 that amount from the Working Cash-Stabilization Reserve Fund to
105 the trust fund. If the amount requisitioned is more than the
106 amount available in the Working Cash-Stabilization Fund or above
107 the limitations set forth below in this subsection, the executive
108 director shall transfer the amount that is available within the
109 limitations. The maximum amount that may be transferred from the
110 Working Cash-Stabilization Reserve Fund to the trust fund for any
111 one (1) disaster occurrence shall be Five Hundred Thousand Dollars
112 (\$500,000.00) and the maximum amount that may be transferred
113 during any fiscal year shall be One Million Dollars
114 (\$1,000,000.00).

115 (6) Unexpended state funds in the Disaster Assistance Trust
116 Fund at the end of a fiscal year shall not lapse into the State
117 General Fund but shall remain in the trust fund for use under this
118 article for as long as the funds are needed for the particular
119 purpose for which they were appropriated or transferred into the
120 trust fund. After any state funds in the trust fund are no longer
121 needed for the particular purpose for which they were appropriated
122 or transferred into the trust fund, the director may use those
123 funds for any other purpose under this article for which they
124 currently are needed and for which other funds are not available.
125 If there is no current need for such funds for any purpose under
126 this article, the funds and the income earned from the investment
127 of the funds shall be transferred back to the particular fund or
128 funds in the State Treasury from which they were appropriated or
129 transferred into the trust fund, upon certification of the

130 director to the Executive Director of the Department of Finance
131 and Administration that the funds are not currently needed.

132 SECTION 2. Section 33-15-313, Mississippi Code of 1972, is
133 amended as follows:

134 33-15-313. (1) Subject to the conditions specified in this
135 section, the director shall allocate funds from the trust fund to
136 meet the cost of any one or more projects. The completion of all
137 or part of a project before application for funds under this
138 article shall not disqualify such project or any part thereof.

139 (2) To be eligible for state and/or federal funding, the
140 governing body of the local agency must declare a local emergency
141 within ten (10) days of the disaster occurrence and forward such
142 declaration to the Governor.

143 (3) A state or local agency shall make application to the
144 director for state and/or federal financial assistance within
145 sixty (60) days after the date of the declaration of a major
146 disaster or emergency declared by the President or a state of
147 emergency declared by the Governor; however, the director may
148 extend the time for such filing, but only under unusual
149 circumstances. No financial aid shall be provided until a state
150 and/or federal team has first investigated and reported upon the
151 proposed work, has estimated the cost of the work, and has filed a
152 damage survey report thereon with the director and a project
153 application has been prepared. The estimate of cost of the work
154 may include expenditures made by the state or local agency for
155 such work before the making of such estimate. "Unusual
156 circumstances," as used in this subsection, means unavoidable
157 delays that result from recurrence of a disaster, prolonged severe
158 weather or other conditions beyond the control of the applicant.
159 Delays resulting from administrative procedures are not unusual
160 circumstances that warrant extensions of time.

161 (4) No funds shall be allocated from the trust fund to a
162 state or local agency until the agency has indicated in writing

163 its acceptance of the project application and the cost-sharing
164 related thereto in such form as the director prescribes. The
165 project application shall provide for the performance of the work
166 by the state or local agency, shall provide for the methods of
167 handling the funds allocated and the matching funds provided by
168 the local agency, and shall contain such other provisions as are
169 deemed necessary to ensure completion of the work included in the
170 project application and the proper expenditures of funds as
171 provided herein.

172 SECTION 3. Section 33-15-317, Mississippi Code of 1972, is
173 amended as follows:

174 33-15-317. (1) Under procedures prescribed by the director,
175 a state or local agency may receive an advance of funds to
176 initiate a project. Such advances shall be limited to not more
177 than seventy-five percent (75%) of the estimated federal share of
178 the project under the President's state of emergency, or fifty
179 percent (50%) of the estimated share of the project under the
180 Governor's state of emergency.

181 (2) Disaster assistance funds provided from federal sources
182 under the provisions of PL 93-288 as amended by PL 100-707 shall
183 be deposited in the trust fund, and the director shall make
184 advances or reimbursement therefrom for expenditures for eligible
185 work or for payment for performance.

186 (3) State and federal contributions for the repair and
187 restoration of facilities shall be reduced by an amount equal to
188 the insurance settlement received or an amount equal to the amount
189 the local agency would have recovered from an insurance settlement
190 if necessary, adequate and reasonably available insurance had been
191 maintained.

192 SECTION 4. Section 43-41-13, Mississippi Code of 1972, is
193 amended as follows:

194 43-41-13. (1) In the case of a federally declared disaster,
195 the state grant under this article shall be equal to twenty-five

196 percent (25%) of the actual cost of meeting necessary expenses or
197 serious needs, plus state administrative expenses in excess of
198 five percent (5%) of the total federal grant, and shall be made
199 only on the condition that the remaining seventy-five percent
200 (75%) of the grant, plus five percent (5%) administrative cost, is
201 provided by the federal government. In the event of a Governor's
202 state of emergency declaration, the state grant under this article
203 shall equal to an amount established by the Director of the
204 Mississippi Emergency Management Agency.

205 (2) An individual or family shall not receive a grant or
206 grants under the provisions of this article aggregating more than
207 the amount specified annually by the Federal Emergency Management
208 Agency and published in the Federal Register with respect to any
209 one (1) major disaster declared by the President. In the case of
210 a federally declared disaster, such aggregate amount shall include
211 both state and federal share of the grant. With respect to any
212 one (1) disaster declared by the Governor's state of emergency,
213 such amount of assistance shall not exceed an amount equal to
214 one-half (1/2) of the amount specified annually by the Federal
215 Emergency Management Agency and published in the Federal Register.

216 SECTION 5. This act shall take effect and be in force from
217 and after its passage.