SENATE BILL NO. 2288

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

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

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

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

(2) Any county board of supervisors or municipal governing body may enter into agreement with the federal government with approval of the State Director of Emergency Management for matching funds which may be made available for emergency management purposes, which shall include purchasing emergency management equipment and supplies, by such county or municipality in conjunction with any federal matching program and funds may be
expended from the general fund of such county or municipality or
from such other funds as may be available to such county or
municipality for emergency management purposes in order to provide
the county or municipal portion of funds necessary to carry out
such matching agreement.

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

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

(2) In order to provide funds for emergency management,
preparedness and assistance, an annual surcharge of Two Dollars
($2.00) per policy shall be imposed on every homeowner's, mobile
homeowner's, tenant homeowner's and condominium unit owner's
policy, and an annual Four Dollar ($4.00) surcharge shall be
imposed on every commercial fire, commercial multiple peril, and
business owner's property insurance policy, issued or renewed on
or after July 1, 2001. The surcharge shall be paid by the
policyholder to the insurer. The insurer shall collect the
surcharge and remit it to the State Tax Commission, which shall
collect, administer, audit and enforce the surcharge. The
surcharge is not to be considered premiums of the insurer;
however, nonpayment of the surcharge by the insured may be a valid
reason for cancellation of the policy. All proceeds of the
surcharge shall be deposited in the Emergency Management,
Preparedness and Assistance Trust Fund and may not be used to
supplant existing funding.

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

(a) Fifty percent (50%) to assist in funding local
emergency management programs;
(b) Ten percent (10%) to administer the implementation
and oversight of local programs;
(c) Forty percent (40%) to be deposited into the
Disaster Trust Fund to fund authorized expenditures as outlined in

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

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