

By: Senator(s) Furniss, King

To: Veterans and Military  
Affairs; Appropriations

SENATE BILL NO. 2290

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.