MISSISSIPPI LEGISLATURE
REGULAR SESSION 2002
By: Senator(s) Furniss
To: Veterans and Military Affairs; Appropriations

SENATE BILL NO. 2393

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 ASSISTANCE TRUST FUND; TO IMPOSE AN ANNUAL FEE ON CERTAIN INSURANCE POLICIES; TO PROVIDE FOR THE ALLOCATION OF FUNDS APPROPRIATED FROM THE EMERGENCY MANAGEMENT ASSISTANCE TRUST FUND; TO AMEND SECTION 33-15-43, MISSISSIPPI CODE OF 1972, TO PROVIDE CRIMINAL PENALTIES FOR FAILING TO ESTABLISH A LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT IN ACCORDANCE WITH THE STATE EMERGENCY MANAGEMENT PLAN; 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 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 fee 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) fee 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, 2002. The fee shall be paid by the policyholder to the
insurer. The insurer shall collect the fee and remit it to the
State Tax Commission, which shall collect, administer, audit and
enforce the fee. The fee is not to be considered premiums of the
insurer; however, nonpayment of the fee by the insured may be a
valid reason for cancellation of the policy. All proceeds of the
fee shall be deposited in the Emergency Management Assistance
Trust Fund and may not be used to supplant existing funding.

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

(a) To assist in funding local emergency management
program grants;

(b) To administer the implementation and oversight of
local programs; and

(c) To be deposited into the Disaster Trust Fund to

(4) The distribution provided in subsection (3) may be
adjusted proportionally at the discretion of the Director of the
Mississippi Emergency Management Agency to meet any matching
requirements imposed as a condition of receiving federal disaster
relief assistance or for other related purposes.

(5) The provisions of this section shall stand repealed from
and after July 1, 2005.

SECTION 3. Section 33-15-43, Mississippi Code of 1972, is
amended as follows:

33-15-43. (1) Any person violating any provision of this
article or any rule, order or regulation made pursuant to this
article shall, upon conviction thereof, be punishable by a fine
not exceeding Five Hundred Dollars ($500.00) or imprisonment for
not exceeding six (6) months or both.
ST: MS Emergency Management Agency; create local government assistance program and provide funding through surcharge.

(2) Any member of a governing body of a municipality or county who knowingly or willfully fails or refuses to establish a local organization for emergency management in accordance with the state emergency management plan and program, if required and authorized to do so by such state emergency management plan pursuant to Section 33-15-17, shall upon conviction be fined not exceeding One Thousand Dollars ($1,000.00) or be imprisoned in the county jail not exceeding six (6) months, or both.

SECTION 4. This act shall take effect and be in force from and after July 1, 2002.