

By: Representatives Fredericks, Clark

To: Sel Cmte on Hurricane
Recovery

HOUSE BILL NO. 1318

1 AN ACT TO BE KNOWN AS THE HURRICANE KATRINA RESPONSE AND
2 RECOVERY OVERSIGHT ACT; TO MAKE CERTAIN FINDINGS ABOUT THE DAMAGE
3 CAUSED BY HURRICANE KATRINA AND ITS EFFECTS ON THE STATE OF
4 MISSISSIPPI; TO MAKE CERTAIN FINDINGS ABOUT THE ADEQUACY OF
5 EXISTING STATE AND FEDERAL PROGRAMS TO MEET THE NEEDS OF THE STATE
6 AFTER HURRICANE KATRINA; TO CREATE THE HURRICANE KATRINA DISASTER
7 RESPONSE AND RECOVERY COMMISSION AND PROVIDE FOR ITS MEMBERSHIP;
8 TO PROVIDE FOR THE DUTIES OF THE COMMISSION; TO REQUIRE THE
9 COMMISSION TO MAKE REPORTS TO THE LEGISLATURE AND THE GOVERNOR ON
10 ITS FINDINGS AND RECOMMENDATIONS; TO REQUIRE THE GOVERNOR TO MAKE
11 REGULAR REPORTS TO THE JOINT LEGISLATIVE BUDGET COMMITTEE ON THE
12 IMPLEMENTATION OF THIS ACT; TO AUTHORIZE THE GOVERNOR TO ESTABLISH
13 NEW PROGRAMS, EXPAND EXISTING PROGRAMS AND MODIFY EXISTING
14 PROGRAMS TO PROVIDE NECESSARY ASSISTANCE AND RELIEF FROM THE
15 EFFECTS OF HURRICANE KATRINA, AND EXPEND CERTAIN FUNDS TO
16 IMPLEMENT THESE PROGRAMS; TO AUTHORIZE THE GOVERNOR TO TRANSFER
17 FUNDS TO LOCAL GOVERNMENTS AND FEDERAL AGENCIES THAT ADMINISTER
18 PROGRAMS OR PROVIDE SERVICES ON BEHALF OF THE STATE; TO AUTHORIZE
19 THE GOVERNOR TO ESTABLISH TIME-LIMITED PERSONNEL POSITIONS TO
20 IMPLEMENT THIS ACT; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** This act shall be known as "The Hurricane Katrina
23 Response and Recovery Oversight Act of 2006."

24 **SECTION 2.** (1) The Legislature finds that Hurricane Katrina
25 was the worst natural disaster in the state's history. Extensive
26 and prolonged damage caused by the storm has been devastating to
27 infrastructure and to the civil, social, economic and
28 environmental well-being of Mississippi. The entire economic base
29 of Mississippi was undermined, including the ability of
30 individuals to earn an income to support themselves and their
31 families. A loss of this magnitude affects all of Mississippians.
32 Extraordinary assistance to the affected areas is required if this
33 region and, indeed, the entire state is to recover from the short-
34 and long-term effects of the devastation.

35 (2) The Legislature further finds that the devastation
36 caused by Hurricane Katrina was of unprecedented proportions.

37 Devastation of this magnitude was not planned for and could not
38 have been planned for. No policies, no decision making, and no
39 planning could adequately mitigate damage from or prepare an
40 adequate response to such an extraordinary event. However,
41 learning from this tragic event, the Legislature finds that
42 long-term planning for future natural disasters is appropriate.

43 (3) The Legislature further finds that the devastation
44 caused by Hurricane Katrina in Mississippi continues to affect all
45 aspects of the economy, the environment, public health and safety,
46 infrastructure, public and private institutions, and the general
47 welfare of the region and, indirectly, of the entire state.
48 Immediate short-term responses and long-term responses are
49 necessary to preserve a way of life in Mississippi, to preserve
50 the economic condition of the entire state, and to preserve the
51 reputation Mississippi has, nationally and internationally, as a
52 great place to live and a great place to do business.

53 **SECTION 3.** (1) The Legislature finds that state and federal
54 disaster relief initiatives are not intended to make individuals
55 whole after a loss; rather, they are intended to assist the
56 affected area in recovering from the devastation caused by
57 Hurricane Katrina. A massive recovery program that includes
58 assistance to individuals is essential to the recovery of the
59 affected area due to the severity of the damage, the magnitude of
60 the geographical area it covered, and the duration of the
61 emergency conditions in the area. The cumulative effect of
62 devastating losses of lives, homes, schools, life savings,
63 personal effects, jobs, businesses, and other social and civic
64 institutions, and of concerns, both real and imagined, about
65 public health issues and the environment, has substantially
66 impaired the region's ability to recover.

67 Traditional support systems for victims of losses such as
68 families, friends, religious organizations, relief organizations,
69 other private entities, and existing public programs are simply

70 inadequate given the magnitude of the problem. Their property was
71 also damaged by the disaster and their resources were further
72 depleted by the overwhelming and unrelenting need for emergency
73 assistance after the storm.

74 Without significant additional state and federal assistance
75 to the area devastated by Hurricane Katrina, further deterioration
76 of the economy, the environment, public health and safety, and
77 quality of life in the region is likely to occur. Without
78 additional state and federal assistance:

79 (a) Tens of thousands of people in uninsured, damaged
80 homes will either not qualify for federal housing assistance or
81 not have the resources to take advantage of federal housing
82 assistance.

83 (b) Local governments already overwhelmed with
84 storm-related expenses may not have the resources to repair
85 damaged infrastructure and provide the new infrastructure
86 necessary for families relocating out of the flood zone.

87 (c) Thousands of jobs will be permanently lost because
88 an estimated one thousand five hundred (1,500) small businesses
89 and twenty-five (25) mid-sized businesses cannot qualify for Small
90 Business Administration loans.

91 (d) The tourism industry will continue to suffer
92 throughout the state due to negative publicity about the storm.

93 (2) It is the intent of the Legislature that the benefits of
94 the projects and programs authorized by this act are for the
95 common good and collective recovery of the people of this state
96 following a devastating natural disaster directly affecting a
97 large portion of the state and indirectly affecting the entire
98 state. The entire state faces a major loss if Mississippi is not
99 offered the assistance provided by this act. The purpose of this
100 act is to provide an ultimate net public benefit to the state
101 through a successful Hurricane Katrina recovery initiative in
102 Mississippi.

103 SECTION 4. (1) There is established the Hurricane Katrina
104 Disaster Response and Recovery Commission ("commission").

105 (2) The commission shall consist of twenty-one (21) members
106 as follows:

107 (a) Seven (7) members appointed by the Governor.

108 (b) Seven (7) members appointed by the Speaker of the
109 House of Representatives.

110 (c) Seven (7) members appointed by the Lieutenant
111 Governor.

112 Appointments to the commission shall be made not later than
113 February 15, 2006. A vacancy in the commission or as chair of the
114 commission resulting from the resignation of a member or otherwise
115 shall be filled in the same manner in which the original
116 appointment was made.

117 (3) The commission shall provide oversight of review and
118 study:

119 (a) The adequacy of the state's short-term and
120 long-term response to natural disasters under current law and
121 necessary modifications in the state's response to future natural
122 disasters. In the course of this study, the commission may
123 consider:

124 (i) The circumstances under which an extraordinary
125 state response to extraordinarily severe and widespread
126 devastation is appropriate and the components of such an
127 extraordinary state response.

128 (ii) The need for dedicated sources of funding for
129 disaster recovery.

130 (iii) The need to modify state policies and amend
131 state laws to mitigate damages in future disasters and to remove
132 administrative obstacles to the recovery effort.

133 (b) Short- and long-term recovery efforts for
134 Mississippi in response to Hurricane Katrina and strategies for
135 supplementing, improving and enhancing those recovery efforts.

136 (c) All funds appropriated by Congress for Hurricane
137 Katrina recovery and consider actions needed to address any
138 remaining unmet needs, especially in the area of rental housing
139 production.

140 (4) The commission may consult with appropriate state
141 departments, agencies and board representatives on issues related
142 to its duties.

143 (5) Members of the commission and its subcommittees who are
144 not legislators, state officials or state employees shall be
145 compensated at the per diem rate authorized by Section 25-3-69 and
146 shall be reimbursed in accordance with Section 25-3-41 for mileage
147 and actual expenses incurred in the performance of their duties.
148 Legislative members of the commission and its subcommittees will
149 be paid from the contingent expense funds of their respective
150 houses in the same manner as provided for committee meetings when
151 the Legislature is not in session. However, legislative members
152 will not be paid per diem or expenses for attending meetings of
153 the commission while the Legislature is in session. No commission
154 or subcommittee member may incur per diem, travel or other
155 expenses unless previously authorized by vote, at a meeting of the
156 commission, which action must be recorded in the official minutes
157 of the meeting. Nonlegislative members may be paid from any funds
158 made available to the commission for that purpose.

159 The Lieutenant Governor and the Speaker of the House of
160 Representatives each shall designate one (1) member to serve as
161 cochair of the commission. The cochairs shall call the initial
162 meeting of the commission on or before March 1, 2006. The
163 commission shall have later meetings upon such notice and in such
164 manner as its members determine. A majority of the members of the
165 commission shall constitute a quorum.

166 The commission may contract for consultants or hire employees
167 as necessary, within the funds available to the commission.

168 The commission may appoint subcommittees of its members and
169 other knowledgeable persons or experts to assist it.

170 (6) The commission shall establish a process of citizen
171 participation that assures the citizens of Mississippi of the
172 opportunity to be informed of and contribute to the work of the
173 commission. It shall hold meetings throughout the state.

174 (7) The commission may call upon any department, agency,
175 institution or officer of the state or any political subdivision
176 thereof for facilities, data or other assistance.

177 (8) The commission may apply for, receive, and accept grants
178 of nonstate funds or other contributions as appropriate to assist
179 in the performance of its duties.

180 (9) The commission shall submit interim reports to the
181 Legislature and the Governor, and shall submit a final report of
182 its findings and recommendations on March 1, 2010, to the
183 Legislature, the Governor and the citizens of the state. The
184 commission shall terminate upon filing its final report.

185 **SECTION 5.** The Governor shall report to the Joint
186 Legislative Budget Committee on the implementation of this act on
187 a monthly basis during the 2006 fiscal year and on a quarterly
188 basis thereafter. The Governor shall report more frequently at
189 the request of the commission.

190 The Governor shall report by May 1, 2006, the estimated
191 number of citizens who have experienced a reduction in or
192 elimination of health or long-term care services as a result of
193 funds being reallocated for other purposes. The Governor shall
194 submit the report to the Joint Legislative Budget Committee and
195 the chairs of the Senate Public Health and Welfare Committee, the
196 House Public Health and Human Services Committees, the Senate
197 Appropriations Committee, the House Appropriations Committee and
198 the House Medicaid Committee.

199 **SECTION 6.** The Governor may establish new programs, expand
200 existing programs and modify existing programs to provide

201 necessary and appropriate assistance and relief from the effects
202 of Hurricane Katrina; and expend funds from Hurricane Katrina
203 Recovery Funds to implement these programs. These programs and
204 expenditures shall be used only for:

205 (a) Crisis housing assistance, which may include, but
206 shall not be limited to, direct housing assistance to homeowners
207 and renters, grants to local governments for water, sewer and
208 other infrastructure needs for housing in new areas,
209 predevelopment activities, housing counselors and housing recovery
210 efforts.

211 (b) Economic recovery assistance, including, but not
212 limited to, assistance to the agriculture and fishing sectors of
213 the economy, which may include, but shall not be limited to, small
214 business disaster assistance to small and mid-sized businesses,
215 grants to farmers, and grants and loans to commercial fishers.

216 (c) Public health, public safety, social services, and
217 environmental recovery issues, which may include, but shall not be
218 limited to, drinking water protection, water quality monitoring,
219 solid waste and hazardous waste cleanup, assessment and
220 remediation of high-risk underground storage tank sites, dam
221 safety, and emergency and maintenance dredging.

222 (d) Support to local governments, by grants to local
223 governments to offset revenue losses resulting from storm damage
224 from natural disasters covered by federal disaster declarations as
225 to any storm between August 28, 2005, and the effective date of
226 this act. The amount of the grants shall be based on loss of
227 taxable property in the jurisdiction.

228 **SECTION 7.** The Governor may:

229 (a) Provide grants to local governments in accordance
230 with Section 6(d) of this act.

231 (b) Transfer funds to local governments pursuant to
232 cooperative agreements under which they administer programs or
233 provide services on behalf of the state.

234 (c) Transfer funds to federal agencies pursuant to
235 cooperative agreements under which they administer agriculture
236 programs or provide services on behalf of the state.

237 **SECTION 8.** The Governor may establish part-time and
238 full-time personnel positions to implement this act. All such
239 positions shall be time-limited and shall be exempt from the State
240 Personnel Board laws and regulations.

241 **SECTION 9.** The Governor shall establish advisory councils to
242 advise relevant state agencies on Hurricane Katrina recovery
243 efforts and to ensure input from representatives of affected
244 communities and groups.

245 **SECTION 10.** This act shall take effect and be in force from
246 and after its passage.