

By: Representative DeLano

To: Appropriations

HOUSE BILL NO. 1108

1 AN ACT TO AMEND SECTION 33-15-307, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY TO
3 PROVIDE NONFEDERAL MATCHING FUNDS FOR FEDERAL EMERGENCY MANAGEMENT
4 AGENCY GRANT FUNDS AND/OR HOUSING ASSISTANCE FOR UNMET HOUSING
5 NEEDS; TO AUTHORIZE THE AGENCY TO REIMBURSE COSTS TO STATE
6 AGENCIES AND INDIVIDUALS FOR OVERTIME AND BACKFILL OF DEPLOYED
7 PERSONNEL; TO AUTHORIZE THE AGENCY TO PAY THE STATE'S PORTION OF
8 ANY NONFEDERAL MATCHING FUNDS OR COST SHARES FOR HAZARD
9 MITIGATION, INDIVIDUAL ASSISTANCE OR PUBLIC ASSISTANCE AND/OR
10 HOUSING ASSISTANCE FOR UNMET HOUSING NEEDS ARISING FROM ANY OTHER
11 DISASTER DECLARATIONS; TO AUTHORIZE THE DIRECTOR OF THE AGENCY TO
12 REQUISITION THE TRANSFER OF FUNDS FROM THE WORKING
13 CASH-STABILIZATION FUND TO THE DISASTER ASSISTANCE TRUST FUND WHEN
14 THE DIRECTOR DETERMINES THAT FUNDS ARE IMMEDIATELY NEEDED IN THE
15 TRUST FUND TO PROVIDE FOR NONFEDERAL MATCHING FUNDS FOR FEDERAL
16 EMERGENCY MANAGEMENT AGENCY GRANTS OR FOR HOUSING ASSISTANCE FOR
17 UNMET HOUSING NEEDS; AND FOR 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, or providing nonfederal matching funds for
31 Federal Emergency Management Agency grant funds and/or housing
32 assistance for unmet housing needs. Each declaration shall cite
33 the cause for the declaration and define the area eligible for
34 assistance and the type of assistance to be provided.

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

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

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



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

53 (b) The state's cost share of the Individuals and
54 Households Program (IHP) pursuant to Section 33-15-209(1) under a
55 major disaster declared by the President.

56 (c) Administrative costs for managing the IHP * * *.

57 (d) Administrative costs for managing the Public
58 Assistance Program.

59 (e) The State Temporary Housing Program pursuant to
60 Section 33-15-217 under a state of emergency declared by the
61 Governor.

62 (f) Out-of-pocket expenses, including travel, per diem,
63 overtime and other similar expenses, of state or local agencies
64 when so tasked by the Governor or the director for emergency
65 response under the provisions of Section 33-15-11(b)(7) and
66 current executive orders. This includes actual emergency response
67 and recovery activities, and applies to mobilization and
68 deployment of personnel or individuals from state or local
69 agencies to another state under the provisions of the Emergency
70 Management Assistance Compact. At the discretion of the director,
71 this may include reimbursement of costs to state agencies, local
72 governments or individuals for overtime and backfill of deployed
73 personnel within the state under the provisions of Section
74 33-15-15(a) and to jurisdictions who are signatories of the
75 Statewide Mutual Aid Compact (SMAC).



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

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

(i) Administrative costs of the Hazard Mitigation Program.

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

(k) Administrative costs of the Disaster Reservist Program.

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

(m) The state's portion of the cost share for public assistance under a major disaster declaration for tornado or other storm damage to public facilities and infrastructure occurring on November 10, 2002, as provided in Sections 1 through 16 of Chapter 3, Third Extraordinary Session 2002.

(n) Actual costs, including personnel call-back wages, base and overtime wages, travel, per diem and other out-of-pocket



101 expenses incurred by regional response teams as a result of being
102 mobilized or deployed when so tasked by the Governor pursuant to
103 Section 33-15-11(b) (7), or by the director for emergency response
104 pursuant to Section 33-15-15(a).

105 (o) The state's portion of the cost share for public
106 assistance under the Presidential Declaration of Major Disaster
107 for the State of Mississippi (FEMA-1604-DR) dated August 29, 2005,
108 for hurricane or other storm damage to public facilities and
109 infrastructure as a result of Hurricane Katrina, as provided in
110 Section 3 of Chapter 538, Laws of 2006.

111 (p) The state's portion of any nonfederal matching
112 funds or cost shares for hazard mitigation, individual assistance
113 or public assistance and/or housing assistance for unmet housing
114 needs arising from any other disaster declarations.

115 (5) Whenever the director determines that funds are
116 immediately needed in the Disaster Assistance Trust Fund to
117 provide for disaster assistance under this article, he shall
118 notify the Executive Director of the Department of Finance and
119 Administration of his determination and shall requisition the
120 amount of funds from the Working Cash-Stabilization Fund that are
121 needed in the trust fund, which shall be subject to the
122 limitations set forth below in this subsection. At the same time
123 he makes the requisition, the director shall notify the Lieutenant
124 Governor, the Speaker of the House of Representatives and the
125 respective Chairmen of the Senate Appropriations Committee, the



Senate Finance Committee, the House Appropriations Committee and the House Ways and Means Committee of his determination of the need for the funds and the amount that he has requisitioned. Upon receipt of such a requisition from the director, the Executive Director of the Department of Finance and Administration shall ascertain if the amount requisitioned is available in the Working Cash-Stabilization Reserve Fund and is within the limitations set forth below in this subsection and, if it is, he shall transfer that amount from the Working Cash-Stabilization Reserve Fund to the trust fund. If the amount requisitioned is more than the amount available in the Working Cash-Stabilization Fund or above the limitations set forth below in this subsection, the executive director shall transfer the amount that is available within the limitations. The maximum amount that may be transferred from the Working Cash-Stabilization Reserve Fund to the trust fund for any one (1) disaster occurrence shall be Five Hundred Thousand Dollars (\$500,000.00) and the maximum amount that may be transferred during any fiscal year shall be One Million Dollars (\$1,000,000.00).

(6) Whenever the director determines that funds are immediately needed in the Disaster Assistance Trust Fund to provide for nonfederal matching funds for Federal Emergency Management Agency grants or for housing assistance for unmet housing needs, he shall notify the Executive Director of the Department of Finance and Administration of his determination and



151 shall requisition the amount of funds from the Working
152 Cash-Stabilization Fund that are needed in the trust fund, which
153 shall be subject to the limitations set forth below in this
154 subsection. At the same time he makes the requisition, the
155 director shall notify the Lieutenant Governor, the Speaker of the
156 House of Representatives and the respective Chairmen of the Senate
157 Appropriations Committee, the Senate Finance Committee, the House
158 Appropriations Committee and the House Ways and Means Committee of
159 his determination of the need for the funds and the amount that he
160 has requisitioned. Upon receipt of such a requisition from the
161 director, the Executive Director of the Department of Finance and
162 Administration shall ascertain if the amount requisitioned is
163 available in the Working Cash-Stabilization Reserve Fund and is
164 within the limitations set forth below in this subsection and, if
165 it is, he shall transfer that amount from the Working
166 Cash-Stabilization Reserve Fund to the trust fund. If the amount
167 requisitioned is more than the amount available in the Working
168 Cash-Stabilization Fund or above the limitations set forth below
169 in this subsection, the executive director shall transfer the
170 amount that is available within the limitations. The maximum
171 amount that may be transferred from the Working Cash-Stabilization
172 Reserve Fund to the trust fund in nondeclared times for
173 administrative and training costs associated with state disaster
174 response and recovery programs and/or providing nonfederal
175 matching funds for Federal Emergency Management Agency grant funds



and/or housing assistance for unmet housing needs shall be Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for any one (1) transfer and the maximum amount that may be transferred during any fiscal year shall be Five Million Dollars (\$5,000,000.00).

(* * *7) Unexpended state funds in the Disaster Assistance Trust Fund at the end of a fiscal year shall not lapse into the State General Fund but shall remain in the trust fund for use under this article for as long as the funds are needed for the particular purpose for which they were appropriated, deposited or transferred into the trust fund. After any state funds in the trust fund are no longer needed for the particular purpose for which they were appropriated, deposited or transferred into the trust fund, the director may use those funds for any other purpose under this article for which they currently are needed and for which other funds are not available. If there is no current need for such funds for any purpose under this article, the funds and the income earned from the investment of the funds shall be transferred back to the particular fund or funds in the State Treasury from which they were appropriated or transferred into the trust fund, upon certification of the director to the Executive Director of the Department of Finance and Administration that the funds are not currently needed; however, if such funds are derived from the proceeds of general obligation bonds issued by the state under Section 3 of Chapter 538, Laws of 2006, such excess funds



200 and the income earned from such funds shall be utilized to pay the
201 debt service on such bonds.

202 **SECTION 2.** This act shall take effect and be in force from
203 and after July 1, 2013.

