

By: Senator(s) DeLano

To: Government Structure

SENATE BILL NO. 2271

1 AN ACT TO REPEAL SECTION 25-53-171, MISSISSIPPI CODE OF 1972,
2 WHICH ESTABLISHES THE MISSISSIPPI WIRELESS COMMUNICATION
3 COMMISSION UNDER THE MISSISSIPPI DEPARTMENT OF INFORMATION
4 TECHNOLOGY SERVICES; TO CREATE SECTION 33-15-57, MISSISSIPPI CODE
5 OF 1972, TO ESTABLISH THE MISSISSIPPI WIRELESS COMMUNICATION
6 COMMISSION UNDER THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY; TO
7 AMEND SECTION 33-15-14, MISSISSIPPI CODE OF 1972, TO INCLUDE
8 OVERSEEING THE MISSISSIPPI WIRELESS COMMUNICATION COMMISSION
9 WITHIN THE DUTIES OF THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY;
10 TO BRING FORWARD SECTION 33-15-307, MISSISSIPPI CODE OF 1972, FOR
11 THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 25-53-171, Mississippi Code of 1972,
14 which establishes the Mississippi Wireless Communication
15 Commission under the Mississippi Department of Information
16 Technology Services, is hereby repealed.

17 **SECTION 2.** The following shall be codified as Section
18 33-15-57, Mississippi Code of 1972:

19 33-15-57. (1) There is hereby created the Wireless
20 Communication Commission, which shall be responsible for promoting
21 the efficient use of public resources to ensure that law
22 enforcement personnel and essential public health and safety



23 personnel have effective communications services available in
24 emergency situations, and to ensure the rapid restoration of such
25 communications services in the event of disruption caused by
26 natural disaster, terrorist attack or other public emergency.

27 (2) The Wireless Communication Commission, hereafter
28 referred to as the "commission," shall consist of the following:

29 (a) The Executive Director of the Department of
30 Transportation, or his or her designee;

31 (b) The Commissioner of Public Safety, or his or her
32 designee;

33 (c) The Executive Director of the Department of Public
34 Health, or his or her designee;

35 (d) The Executive Director of the Department of
36 Information Technology Services, or his or her designee;

37 (e) The Executive Director of the Mississippi Emergency
38 Management Agency, or his or her designee;

39 (f) The Executive Director of the Mississippi Office of
40 Homeland Security, or his or her designee;

41 (g) The President of the Mississippi Sheriffs'
42 Association, or his or her designee;

43 (h) The President of the Mississippi Association of
44 Supervisors, or his or her designee;

45 (i) The President of the Mississippi Municipal
46 Association, or his or her designee;



(j) The President of the Mississippi Association of Fire Chiefs, or his or her designee;

(k) The President of the Mississippi Association of Police Chiefs, or his or her designee;

(l) The Chief of the Mississippi Highway Safety Patrol, or his or her designee;

(m) The Commissioner of the Department of Corrections, or his or her designee;

(n) The Adjutant General of the Mississippi National Guard, or his or her designee;

(o) The Executive Director of the Mississippi Department of Environmental Quality, or his or her designee; and

(p) The Executive Director of Wildlife, Fisheries and Parks, or his or her designee.

All members of the commission shall serve a term of not less than four (4) years.

(3) Within forty-five (45) days from July 1, 2025, the Executive Director of the Mississippi Emergency Management Agency shall call a meeting of the commission in the City of Jackson, Mississippi, and organize by electing a chairman and other officers from its membership. The commission shall adopt rules which govern the time and place for meetings and governing the manner of conducting its business. The commission shall meet at least monthly and maintain minutes of such meetings. A quorum shall consist of a majority of the membership of the commission.



72 (4) The commission, in conjunction with the Mississippi
73 Emergency Management Agency, shall have the sole authority to
74 promulgate rules and regulations governing the operations of the
75 wireless communications system described in paragraph (a) and
76 shall be vested with all legal authority necessary and proper to
77 perform this function including, but not limited to:

78 (a) Purchasing, leasing, acquiring and otherwise
79 implementing a statewide wireless communications system to serve
80 wireless users in state and local governments and those private
81 entities that enter into a partnership with the commission. All
82 purchases shall be made in accordance with public purchasing laws
83 and, if required, shall be approved by the Mississippi Emergency
84 Management Agency. This system shall enable interoperability
85 between various wireless communications technologies.

86 (b) Ensuring that federal/state communications
87 requirements are followed with respect to such wireless
88 communications systems.

89 (c) Providing system planning with all public safety
90 communications systems.

91 (d) Assisting with establishment of state and local
92 wireless communications.

93 (e) In consultation with the Mississippi Emergency
94 Management Agency, having the authority to permit state and local
95 agencies use of the communications system under the terms and
96 conditions established by the commission.



97 (f) Providing technical support to users and bearing
98 the overall responsibility for the design, engineering,
99 acquisition and implementation of the statewide communications
100 system and for ensuring the proper operation and maintenance of
101 all equipment common to the system.

102 (g) Seeking proposals for services through competitive
103 processes where required by law and selecting service providers
104 under procedures provided for by law.

105 (h) Establishing, in conjunction with the Mississippi
106 Emergency Management Agency, policies, procedures and standards
107 which shall be incorporated into a comprehensive management plan
108 for the operation of the statewide communications system.

109 (i) Having sign-off approval on all wireless
110 communications systems within the state which are owned or
111 operated by any state or local governmental entity, agency or
112 department.

113 (j) Creating a standard user agreement.

114 (5) The commission, in conjunction with the Mississippi
115 Emergency Management Agency, shall exercise its powers and duties
116 pursuant to this section to plan, manage and administer the
117 wireless communications system. The commission may:

118 (a) In consultation with the advisory board and the
119 Mississippi Emergency Management Agency, establish policies,
120 procedures and standards to incorporate into a comprehensive



management plan for use and operation of the communications system.

(b) Enter into mutual aid agreements among federal, state and local agencies for the use of the communications system.

(c) Establish the cost of maintenance and operation of the system and charge subscribers for access and use of the system.

(d) Assess charges for use of the system.

(e) Obtain space through rent or lease of space on any tower under state control. The commission may also rent, lease or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the owner/agent for each site when it is determined to be practicable and feasible to make space available.

(f) Provide space through rent or lease of space on any tower under the commission's control. The commission may also rent, lease or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the commission when it is determined to be practicable and feasible to make space available.

(g) Refuse to lease space on any tower at any site.

All monies collected by the commission for such rents, leases or subleases shall be deposited directly into a special fund hereby created and known as the "Integrated Public Safety Communications Fund." This fund shall be administered by the Mississippi



Emergency Management Agency and may be used by the commission to construct, maintain and operate the system.

(h) Rent, lease or sublease ground space on lands acquired by the commission for the construction of privately owned or publicly owned towers. The commission, as part of such rental, lease or sublease agreement, may require space on such towers for antennae as may be necessary for the construction and operation of the wireless communications system.

(i) Enter into and perform use and occupancy agreements concerning the system.

(j) Exercise any power necessary to carry out the intent of this law.

(6) The Department of Transportation, the Department of Public Safety and other commission members may provide to the commission, on a full-time or part-time basis, personnel and technical support necessary and sufficient to effectively and efficiently carry out the requirements of this section.

(7) (a) Expenditures from the Integrated Public Safety Communications Fund shall be administered by the Mississippi Emergency Management Agency with expenditures approved jointly by the commission and the Mississippi Emergency Management Agency.

(b) The Integrated Public Safety Communications Fund may consist of the following:

(i) Appropriations from the Legislature;

(ii) Gifts;



171 (iii) Federal grants;
172 (iv) Fees and contributions from user agencies
173 that the commission considers necessary to maintain and operate
174 the system; and
175 (v) Monies from any other source permitted by law.
176 (c) Any monies remaining in the Integrated Public
177 Safety Communications Fund at the end of the fiscal year shall not
178 revert to the State General Fund, but shall remain in the
179 Integrated Public Safety Communications Fund.
180 (8) Members of the commission shall not receive any
181 compensation or per diem, but may receive travel reimbursement
182 provided for under Section 25-3-41.
183 (9) There is hereby created the Wireless Communication
184 Advisory Board for the purpose of advising the Mississippi
185 Wireless Communication Commission in performance of its duties.
186 The advisory board shall be composed of the following:
187 (a) The Chairman and Vice Chairman of the Senate Public
188 Property Committee, or their designees;
189 (b) The Chairman and Vice Chairman of the House of
190 Representatives Public Utilities Committee, or their designees;
191 (c) The Chairman of the Senate Appropriations
192 Committee, or his or her designee;
193 (d) The Chairman of the House of Representatives
194 Appropriations Committee, or his or her designee;



(e) The Chairman of the Senate Finance Committee, or his or her designee; and

(f) The Chairman of the House of Representatives Ways and Means Committee, or his or her designee.

Members of the advisory board shall receive per diem and expenses which shall be paid from the contingent expense funds of their respective houses in the same amounts as provided for committee meetings when the Legislature is not in session; however, no per diem and expenses for attending meetings of the advisory board shall be paid to legislative members while the Legislature is in session.

(10) It is the intent of the Legislature that all state and local government entities make available for purposes of this section all publicly owned wireless communications infrastructure, including, but not limited to, communications towers, transmission equipment, transmission frequencies and other related properties and facilities.

(11) Nothing in this section shall be construed or interpreted to provide for the regulation or oversight of commercial mobile radio services.

(12) Nothing in this section shall be construed to supersede the authority of the Mississippi Department of Information Technology Services provided in Section 25-53-1 et seq.

(13) From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General



Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law.

(14) From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.

SECTION 3. Section 33-15-14, Mississippi Code of 1972, is amended as follows:

33-15-14. (1) The agency is responsible for maintaining a comprehensive statewide program of emergency management. The agency is responsible for coordination with efforts of the federal government with other departments and agencies of state government, with county and municipal governments and school boards and with private agencies that have a role in emergency management.

(2) In performing its duties under this article, the agency shall:

(a) Work with the Governor, or his or her representative, in preparing a State Comprehensive Emergency Management Plan of this state, which shall be integrated into and coordinated with the emergency management plans of the federal government and of other states to the fullest possible extent, and to coordinate the preparation of plans and programs for emergency management by the political subdivisions of the state, such local



plans to be integrated into and coordinated with the emergency plan and program of this state. The plan must contain provisions to ensure that the state is prepared for emergencies and minor, major and catastrophic disasters, and the agency shall work closely with local governments and agencies and organizations with emergency management responsibilities in preparing and maintaining the plan. The State Comprehensive Emergency Management Plan will be operations oriented and:

(i) Include an evacuation component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of evacuation activities. This component must, at a minimum: ensure coordination pertaining to evacuees crossing county lines; set forth procedures for directing people caught on evacuation routes to safe shelter; and establish policies and strategies for emergency medical evacuations.

(ii) Include a shelter component that includes specific regional and interregional planning provisions and promotes coordination of shelter activities between the public, private and nonprofit sectors. This component must, at a minimum: contain strategies to ensure the availability of adequate public shelter space in each region of the state; establish strategies for refuge-of-last-resort programs; provide strategies to assist local emergency management efforts to ensure that adequate staffing plans exist for all shelters, including medical and



security personnel; provide for a post-disaster communications system for public shelters; establish model shelter guidelines for operations, registration, inventory, power generation capability, information management and staffing; and set forth policy guidance for sheltering people with special needs.

(iii) Include a post-disaster response and recovery component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of post-disaster response and recovery activities. This component must provide for post-disaster response and recovery strategies according to whether a disaster is minor, major or catastrophic. The post-disaster response and recovery component must, at a minimum: establish the structure of the state's post-disaster response and recovery organization; establish procedures for activating the state's plan; set forth policies used to guide post-disaster response and recovery activities; describe the chain of command during the post-disaster response and recovery period; describe initial and continuous post-disaster response and recovery actions; identify the roles and responsibilities of each involved agency and organization; provide for a comprehensive communications plan; establish procedures for monitoring mutual aid agreements; provide for rapid impact assessment teams; ensure the availability of an effective statewide urban search and rescue program coordinated with the fire services; ensure the existence of a comprehensive statewide



295 medical care and relief plan administered by the State Department
296 of Health; and establish systems for coordinating volunteers and
297 accepting and distributing donated funds and goods.

298 (iv) Include additional provisions addressing
299 aspects of preparedness, response and recovery, as determined
300 necessary by the agency.

301 (v) Address the need for coordinated and
302 expeditious deployment of state resources, including the
303 Mississippi National Guard. In the case of an imminent major
304 disaster, procedures should address predeployment of the
305 Mississippi National Guard, and, in the case of an imminent
306 catastrophic disaster, procedures should address predeployment of
307 the Mississippi National Guard and the United States Armed Forces.
308 This subparagraph (v) does not authorize the agency to call out
309 and deploy the Mississippi National Guard, which authority and
310 determination rests solely with the Governor.

311 (vi) Establish a system of communications and
312 warning to ensure that the state's population and emergency
313 management agencies are warned of developing emergency situations
314 and can communicate emergency response decisions.

315 (vii) Establish guidelines and schedules for
316 annual exercises that evaluate the ability of the state and its
317 political subdivisions to respond to minor, major and catastrophic
318 disasters and support local emergency management agencies. Such



exercises shall be coordinated with local governments and, to the extent possible, the federal government.

(viii) 1. Assign lead and support responsibilities to state agencies and personnel for emergency support functions and other support activities.

2. The agency shall prepare an interim post-disaster response and recovery component that substantially complies with the provisions of this paragraph (a). Each state agency assigned lead responsibility for an emergency support function by the State Comprehensive Emergency Management Plan shall also prepare a detailed operational plan needed to implement its responsibilities. The complete State Comprehensive Emergency Management Plan shall be submitted to the Governor no later than January 1, 1996, and on January 1 of every even-numbered year thereafter.

(b) Adopt standards and requirements for county emergency management plans. The standards and requirements must ensure that county plans are coordinated and consistent with the State Comprehensive Emergency Management Plan. If a municipality elects to establish an emergency management program, it must adopt a city emergency management plan that complies with all standards and requirements applicable to county emergency management plans.

(c) Assist political subdivisions in preparing and maintaining emergency management plans.



(d) Review periodically political subdivision emergency management plans for consistency with the State Comprehensive Emergency Management Plan and standards and requirements adopted under this section.

(e) Make recommendations to the Legislature, building code organizations and political subdivisions for zoning, building and other land use controls, safety measures for securing mobile homes or other nonpermanent or semipermanent structures; and other preparedness, prevention and mitigation measures designed to eliminate emergencies or reduce their impact.

(f) In accordance with the State Comprehensive Emergency Management Plan and program for emergency management, ascertain the requirements of the state, its political subdivisions and the Mississippi Band of Choctaw Indians for equipment and supplies of all kinds in the event of an emergency; plan for and either procure supplies, medicines, materials and equipment or enter into memoranda of agreement or open purchase orders that will ensure their availability; and use and employ from time to time any of the property, services and resources within the state in accordance with this article.

(g) Anticipate trends and promote innovations that will enhance the emergency management system.

(h) Prepare and distribute to appropriate state and local officials catalogs of federal, state and private assistance programs.



(i) Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs, and require all local civil defense directors or emergency management directors to complete such training as a condition to their authority to continue service in their emergency management positions.

(j) Review periodically emergency operating procedures of state agencies and recommend revisions as needed to ensure consistency with the State Comprehensive Emergency Management Plan and program.

(k) Prepare, in advance whenever possible, such executive orders, proclamations and rules for issuance by the Governor as are necessary or appropriate for coping with emergencies and disasters.

(l) Cooperate with the federal government and any public or private agency or entity in achieving any purpose of this article.

(m) Assist political subdivisions with the creation and training of urban search and rescue teams and promote the development and maintenance of a state urban search and rescue program.

(n) Delegate, as necessary and appropriate, authority vested in it under this article and provide for the subdelegation of such authority.



392 (o) Require each county or municipality to designate an
393 agent for working with the agency in the event of a natural
394 disaster. The county or municipality may designate any person as
395 agent who has completed training programs required of emergency
396 management directors.

397 (p) Report biennially to the Governor and the President
398 of the Senate, and the Speaker of the House of Representatives, no
399 later than January 1 of every odd-numbered year, the status of the
400 emergency management capabilities of the state and its political
401 subdivisions.

402 (q) In accordance with Section 25-43-1 et seq., create,
403 implement, administer, promulgate, amend and rescind rules,
404 programs and plans needed to carry out the provisions of this
405 article with due consideration for, and in cooperating with, the
406 plans and programs of the federal government.

407 (r) Have the sole power and discretion to enter into,
408 sign, execute and deliver long-term or multiyear leases of real
409 and personal property with other state and federal agencies.

410 (s) Do other things necessary, incidental or
411 appropriate for the implementation of this article.

412 (t) In accordance with Section 33-15-15, create,
413 implement, administer, promulgate, amend and rescind rules
414 regarding the development of the Mississippi Disaster Reservist
415 Program.



(u) Unless otherwise instructed by the Governor, sponsor and develop mutual aid plans and agreements between the political subdivisions of the state and the Mississippi Band of Choctaw Indians similar to the mutual aid arrangements with other states referenced in Section 33-15-11(b)(10).

(v) Work in conjunction with the Mississippi Wireless Communication Commission to promulgate rules and regulations for the commission, and perform additional functions as provided in Section 33-15-57.

SECTION 4. Section 33-15-307, Mississippi Code of 1972, is brought forward as follows:

33-15-307. (1) The provisions of this article shall be invoked only pursuant to a state of emergency declared by the Governor or an emergency or major disaster declared by the President, or pursuant to an executive order of the Governor, or administrative order of the director, in order to provide state or local government resources and personnel in compliance with the provisions of the Emergency Management Assistance Compact, Section 45-18-1 et seq., or in nondeclared times for administrative and training costs associated with state disaster response and recovery programs. Each declaration shall cite the cause for the declaration and define the area eligible for assistance and the type of assistance to be provided.

(2) The Disaster Assistance Trust Fund is created as a special fund in the State Treasury into which shall be paid any



funds appropriated or otherwise made available by the Legislature for disaster assistance, any funds transferred from the Working Cash-Stabilization Reserve Fund as provided under subsection (5) of this section, any income from investment of the funds in the trust fund, and federal reimbursement for administrative costs for management of the Individuals and Households Program (IHP), the Public Assistance Program, the Hazard Mitigation Program and Disaster Reservist Program.

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

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

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

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

(c) Administrative costs for managing the IHP.

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

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



466 (f) Out-of-pocket expenses, including travel, per diem,
467 overtime and other similar expenses, of state or local agencies
468 when so tasked by the Governor or the director for emergency
469 response under the provisions of Section 33-15-11(b)(7) and
470 current executive orders. This includes actual emergency response
471 and recovery activities, and applies to mobilization and
472 deployment of personnel from state or local agencies to another
473 state under the provisions of the Emergency Management Assistance
474 Compact. At the discretion of the director, this may include
475 reimbursement of costs to local governments for overtime and
476 backfill of deployed personnel within the state under the
477 provisions of Section 33-15-15(a) and to jurisdictions who are
478 signatories of the Statewide Mutual Aid Compact (SMAC).

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

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

487 (i) Administrative costs of the Hazard Mitigation
488 Program.

489 (j) Costs incurred as a result of the implementation of
490 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 expenses incurred by regional response teams as a result of being mobilized or deployed when so tasked by the Governor pursuant to Section 33-15-11(b)(7), or by the director for emergency response pursuant to Section 33-15-15(a).

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

(p) Costs incurred for alternative housing grants up to Two Hundred Fifty Thousand Dollars (\$250,000.00) per county, per



event, to be administered by the Mississippi Emergency Management Agency for materials only for repairs to communities that do not qualify for Federal Emergency Management Agency Individual Assistance Grants.

(q) Costs incurred by the Mississippi Emergency Management Agency, approved by the executive director, to assist municipalities and counties by allowing them to apply and receive funds for debris removal support, which funds shall be reimbursed to the Mississippi Emergency Management Agency at the date determined after the federal disaster declaration. The Mississippi Emergency Management Agency shall adopt rules and regulations necessary to administer this program.

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



541 need for the funds and the amount that he has requisitioned. Upon
542 receipt of such a requisition from the director, the Executive
543 Director of the Department of Finance and Administration shall
544 ascertain if the amount requisitioned is available in the Working
545 Cash-Stabilization Reserve Fund and is within the limitations set
546 forth below in this subsection and, if it is, he shall transfer
547 that amount from the Working Cash-Stabilization Reserve Fund to
548 the trust fund. If the amount requisitioned is more than the
549 amount available in the Working Cash-Stabilization Fund or above
550 the limitations set forth below in this subsection, the executive
551 director shall transfer the amount that is available within the
552 limitations. The maximum amount that may be transferred from the
553 Working Cash-Stabilization Reserve Fund to the trust fund for any
554 disaster or disasters occurrence shall be One Million Dollars
555 (\$1,000,000.00) and the maximum amount that may be transferred
556 during any fiscal year shall be Two Million Dollars
557 (\$2,000,000.00).

558 (6) Unexpended state funds in the Disaster Assistance Trust
559 Fund at the end of a fiscal year shall not lapse into the State
560 General Fund but shall remain in the trust fund for use under this
561 article for as long as the funds are needed for the particular
562 purpose for which they were appropriated, deposited or transferred
563 into the trust fund. After any state funds in the trust fund are
564 no longer needed for the particular purpose for which they were
565 appropriated, deposited or transferred into the trust fund, the



566 director may use those funds for any other purpose under this
567 article for which they currently are needed and for which other
568 funds are not available. If there is no current need for such
569 funds for any purpose under this article, the funds and the income
570 earned from the investment of the funds shall be transferred back
571 to the particular fund or funds in the State Treasury from which
572 they were appropriated or transferred into the trust fund, upon
573 certification of the director to the Executive Director of the
574 Department of Finance and Administration that the funds are not
575 currently needed; however, if such funds are derived from the
576 proceeds of general obligation bonds issued by the state under
577 Section 3 of Chapter 538, Laws of 2006, such excess funds and the
578 income earned from such funds shall be utilized to pay the debt
579 service on such bonds.

580 **SECTION 5.** This act shall take effect and be in force from
581 and after July 1, 2025.

