MISSISSIPPI LEGISLATURE REGULAR SESSION 2001

By: Senator(s) Furniss, King

To: Veterans and Military Affairs; Appropriations

SENATE BILL NO. 2290

AN ACT TO AMEND SECTION 33-15-307, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE USE OF THE DISASTER ASSISTANCE TRUST FUND FOR PUBLIC ASSISTANCE UNDER A STATE OF EMERGENCY DECLARED BY THE GOVERNOR; TO AMEND SECTION 33-15-313, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A STATE OR LOCAL AGENCY SHALL MAKE APPLICATION FOR STATE AND/OR FEDERAL FINANCIAL ASSISTANCE WITHIN 60 DAYS AFTER THE DATE OF THE DECLARATION OF A STATE OF EMERGENCY BY THE GOVERNOR; TO AMEND SECTION 33-15-317, MISSISSIPPI CODE OF 1972, TO REVISE THE MAXIMUM LIMIT ON THE ADVANCE OF FUNDS WHICH A STATE OR LOCAL AGENCY MAY RECEIVE TO INITIATE A PROJECT UNDER A STATE OF EMERGENCY DECLARED BY THE GOVERNOR; TO AMEND SECTION 43-41-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN THE EVENT OF A GOVERNOR'S STATE OF EMERGENCY DECLARATION, THE STATE GRANTS AWARDED TO INDIVIDUALS AND FAMILIES UNDER THE STATE'S NATURAL DISASTER PLAN SHALL BE EQUAL TO AN AMOUNT ESTABLISHED BY THE DIRECTOR OF THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 33-15-307, Mississippi Code of 1972, is amended 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 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 Individual and Family Grant Program, 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 Individual and Family Grant (IFG) Program under the provisions of Section 43-41-1 et seq.

(c) Administrative costs for managing the IFG Program.

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

(e) The Temporary Housing Program under provisions of Section 43-41-301 et seq.

(f) Out-of-pocket expenses, including travel, per diem, overtime and other similar expenses, of state or local agencies when so tasked by the Governor or the director for emergency response under the provisions of Section 33-15-11(b)(7) and current executive orders. This includes actual emergency response and recovery activities, and applies to mobilization and

deployment of state or local agencies to another state under the provisions of the Emergency Management Assistance Compact.

(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.

(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

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) 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 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 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.

SECTION 2. Section 33-15-313, Mississippi Code of 1972, is amended as follows:

33-15-313. (1) Subject to the conditions specified in this section, the director shall allocate funds from the trust fund to meet the cost of any one or more projects. The completion of all or part of a project before application for funds under this article shall not disqualify such project or any part thereof.

(2) To be eligible for state and/or federal funding, the governing body of the local agency must declare a local emergency within ten (10) days of the disaster occurrence and forward such declaration to the Governor.

(3) A state or local agency shall make application to the director for state and/or federal financial assistance within sixty (60) days after the date of the declaration of a major disaster or emergency declared by the President or a state of emergency declared by the Governor; however, the director may extend the time for such filing, but only under unusual circumstances. No financial aid shall be provided until a state and/or federal team has first investigated and reported upon the proposed work, has estimated the cost of the work, and has filed a damage survey report thereon with the director and a project application has been prepared. The estimate of cost of the work may include expenditures made by the state or local agency for such work before the making of such estimate. "Unusual circumstances," as used in this subsection, means unavoidable delays that result from recurrence of a disaster, prolonged severe weather or other conditions beyond the control of the applicant. Delays resulting from administrative procedures are not unusual circumstances that warrant extensions of time.

(4) No funds shall be allocated from the trust fund to a state or local agency until the agency has indicated in writing

its acceptance of the project application and the cost-sharing related thereto in such form as the director prescribes. The project application shall provide for the performance of the work by the state or local agency, shall provide for the methods of handling the funds allocated and the matching funds provided by the local agency, and shall contain such other provisions as are deemed necessary to ensure completion of the work included in the project application and the proper expenditures of funds as provided herein.

SECTION 3. Section 33-15-317, Mississippi Code of 1972, is amended as follows:

33-15-317. (1) Under procedures prescribed by the director, a state or local agency may receive an advance of funds to initiate a project. Such advances shall be limited to not more than seventy-five percent (75%) of the estimated federal share of the project under the President's state of emergency, or fifty percent (50%) of the estimated share of the project under the Governor's state of emergency.

(2) Disaster assistance funds provided from federal sources under the provisions of PL 93-288 as amended by PL 100-707 shall be deposited in the trust fund, and the director shall make advances or reimbursement therefrom for expenditures for eligible work or for payment for performance.

(3) State and federal contributions for the repair and restoration of facilities shall be reduced by an amount equal to the insurance settlement received or an amount equal to the amount the local agency would have recovered from an insurance settlement if necessary, adequate and reasonably available insurance had been maintained.

SECTION 4. Section 43-41-13, Mississippi Code of 1972, is amended as follows:

43-41-13. (1) In the case of a federally declared disaster, the state grant under this article shall be equal to twenty-five

percent (25%) of the actual cost of meeting necessary expenses or serious needs, plus state administrative expenses in excess of five percent (5%) of the total federal grant, and shall be made only on the condition that the remaining seventy-five percent (75%) of the grant, plus five percent (5%) administrative cost, is provided by the federal government. In the event of a Governor's state of emergency declaration, the state grant under this article shall equal to an amount established by the Director of the Mississippi Emergency Management Agency.

(2) An individual or family shall not receive a grant or grants under the provisions of this article aggregating more than the amount specified annually by the Federal Emergency Management Agency and published in the Federal Register with respect to any one (1) major disaster declared by the President. In the case of a federally declared disaster, such aggregate amount shall include both state and federal share of the grant. With respect to any one (1) disaster declared by the Governor's state of emergency, such amount of assistance shall not exceed an amount equal to one-half (1/2) of the amount specified annually by the Federal Emergency Management Agency and published in the Federal Register.

SECTION 5. This act shall take effect and be in force from and after its passage.