

By: Senator(s) Furniss

To: Appropriations

SENATE BILL NO. 2391

1 AN ACT TO AMEND SECTION 33-15-307, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE MAXIMUM AMOUNT OF FUNDS THAT MAY BE TRANSFERRED
3 FROM THE WORKING CASH-STABILIZATION RESERVE FUND TO THE DISASTER
4 ASSISTANCE TRUST FUND; TO REPEAL SECTION 27-107-301, MISSISSIPPI
5 CODE OF 1972, WHICH PROVIDES FOR THE INTERSTATE EARTHQUAKE
6 EMERGENCY COMPACT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 33-15-307, Mississippi Code of 1972, is
9 amended as follows:

10 33-15-307. (1) The provisions of this article shall be
11 invoked only pursuant to a state of emergency declared by the
12 Governor or an emergency or major disaster declared by the
13 President, or pursuant to an executive order of the Governor, or
14 administrative order of the director, in order to provide state or
15 local government resources and personnel in compliance with the
16 provisions of the Emergency Management Assistance Compact, Section
17 45-18-1 et seq., or in nondeclared times for administrative and
18 training costs associated with state disaster response and
19 recovery programs. Each declaration shall cite the cause for the
20 declaration and define the area eligible for assistance and the
21 type of assistance to be provided.

22 (2) The Disaster Assistance Trust Fund is created as a
23 special fund in the State Treasury into which shall be paid any
24 funds appropriated by the Legislature for disaster assistance, any
25 funds transferred from the Working Cash-Stabilization Reserve Fund
26 as provided under subsection (5) of this section, any income from
27 investment of the funds in the trust fund, and federal
28 reimbursement for administrative costs for management of the
29 Individual and Family Grant Program, the Public Assistance



30 Program, the Hazard Mitigation Program and Disaster Reservist
31 Program.

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

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

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

40 (b) The state's cost share of the Individual and Family
41 Grant (IFG) Program under the provisions of Section 43-41-1 et
42 seq.

43 (c) Administrative costs for managing the IFG Program.

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

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

48 (f) Out-of-pocket expenses, including travel, per diem,
49 overtime and other similar expenses, of state or local agencies
50 when so tasked by the Governor or the director for emergency
51 response under the provisions of Section 33-15-11(b)(7) and
52 current executive orders. This includes actual emergency response
53 and recovery activities, and applies to mobilization and
54 deployment of state or local agencies to another state under the
55 provisions of the Emergency Management Assistance Compact.

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



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

64 (i) Administrative costs of the Hazard Mitigation
65 Program.

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

68 (k) Administrative costs of the Disaster Reservist
69 Program.

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

74 (5) Whenever the director determines that funds are
75 immediately needed in the Disaster Assistance Trust Fund to
76 provide for disaster assistance under this article, he shall
77 notify the Executive Director of the Department of Finance and
78 Administration of his determination and shall requisition the
79 amount of funds from the Working Cash-Stabilization Fund that are
80 needed in the trust fund, which shall be subject to the
81 limitations set forth below in this subsection. At the same time
82 he makes the requisition, the director shall notify the Lieutenant
83 Governor, the Speaker of the House of Representatives and the
84 respective Chairmen of the Senate Appropriations Committee, the
85 Senate Finance Committee, the House Appropriations Committee and
86 the House Ways and Means Committee of his determination of the
87 need for the funds and the amount that he has requisitioned. Upon
88 receipt of such a requisition from the director, the Executive
89 Director of the Department of Finance and Administration shall
90 ascertain if the amount requisitioned is available in the Working
91 Cash-Stabilization Reserve Fund and is within the limitations set
92 forth below in this subsection and, if it is, he shall transfer
93 that amount from the Working Cash-Stabilization Reserve Fund to
94 the trust fund. If the amount requisitioned is more than the



95 amount available in the Working Cash-Stabilization Fund or above
96 the limitations set forth below in this subsection, the executive
97 director shall transfer the amount that is available within the
98 limitations. The maximum amount that may be transferred from the
99 Working Cash-Stabilization Reserve Fund to the trust fund for any
100 one (1) disaster occurrence shall be One Million Dollars
101 (\$1,000,000.00) and the maximum amount that may be transferred
102 during any fiscal year shall be Two Million Dollars
103 (\$2,000,000.00).

104 (6) Unexpended state funds in the Disaster Assistance Trust
105 Fund at the end of a fiscal year shall not lapse into the State
106 General Fund but shall remain in the trust fund for use under this
107 article for as long as the funds are needed for the particular
108 purpose for which they were appropriated or transferred into the
109 trust fund. After any state funds in the trust fund are no longer
110 needed for the particular purpose for which they were appropriated
111 or transferred into the trust fund, the director may use those
112 funds for any other purpose under this article for which they
113 currently are needed and for which other funds are not available.
114 If there is no current need for such funds for any purpose under
115 this article, the funds and the income earned from the investment
116 of the funds shall be transferred back to the particular fund or
117 funds in the State Treasury from which they were appropriated or
118 transferred into the trust fund, upon certification of the
119 director to the Executive Director of the Department of Finance
120 and Administration that the funds are not currently needed.

121 **SECTION 2.** Section 27-107-301, Mississippi Code of 1972,
122 which provides for the Interstate Earthquake Emergency Compact, is
123 hereby repealed.

124 **SECTION 3.** This act shall take effect and be in force from
125 and after July 1, 2002.

