

By: Senator(s) Hamilton

To: Veterans and Military  
Affairs

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2962

1 AN ACT TO AMEND SECTION 33-15-5, MISSISSIPPI CODE OF 1972, TO  
2 DEFINE THE TERM "DISASTER RESERVIST" IN RELATION TO THE  
3 MISSISSIPPI EMERGENCY MANAGEMENT LAW; TO AMEND SECTION 33-15-14,  
4 MISSISSIPPI CODE OF 1972, TO REVISE THE DUTIES OF THE EMERGENCY  
5 MANAGEMENT AGENCY; TO AMEND SECTION 33-15-307, MISSISSIPPI CODE OF  
6 1972, TO REVISE THE PURPOSES FOR WHICH THE DISASTER ASSISTANCE  
7 TRUST FUND MAY BE USED; TO AMEND SECTION 33-15-313, MISSISSIPPI  
8 CODE OF 1972, TO PROVIDE THAT A STATE OR LOCAL AGENCY SHALL MAKE  
9 APPLICATION FOR STATE AND/OR FEDERAL FINANCIAL ASSISTANCE WITHIN  
10 60 DAYS AFTER THE DATE OF THE DECLARATION OF A STATE OF EMERGENCY  
11 BY THE GOVERNOR; TO AMEND SECTION 33-15-317, MISSISSIPPI CODE OF  
12 1972, TO REVISE THE MAXIMUM LIMIT ON THE ADVANCE OF FUNDS WHICH A  
13 STATE OR LOCAL AGENCY MAY RECEIVE TO INITIATE A PROJECT; TO AMEND  
14 SECTION 43-41-13, MISSISSIPPI CODE OF 1972, TO REVISE THE AMOUNT  
15 OF STATE GRANTS AWARDED TO INDIVIDUALS AND FAMILIES IN THE STATE  
16 NATURAL DISASTER PLAN; TO AMEND SECTIONS 45-18-1 AND 45-18-3,  
17 MISSISSIPPI CODE OF 1972, TO CHANGE THE NAME OF THE "SOUTHERN  
18 REGIONAL EMERGENCY MANAGEMENT COMPACT" TO THE "EMERGENCY  
19 MANAGEMENT ASSISTANCE COMPACT"; AND FOR RELATED PURPOSES. BE IT  
20 ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:  
21

22 SECTION 1. Section 33-15-5, Mississippi Code of 1972, is  
23 amended as follows:

24 33-15-5. The following words, whenever used in this article  
25 shall, unless a different meaning clearly appears from the  
26 context, have the following meanings:

27 (a) "Agency" means the Mississippi Emergency Management  
28 Agency, created by Section 33-15-7.

29 (b) "Director" means the Director of Emergency  
30 Management, appointed pursuant to Section 33-15-7.

31 (c) "Emergency management" means the preparation for,  
32 the mitigation of, the response to, and the recovery from  
33 emergencies and disasters. Specific emergency management  
34 responsibilities include, but are not limited to:

35 (i) Reduction of vulnerability of people and

36 communities of this state to damage, injury and loss of life and  
37 property resulting from natural, technological or man-made  
38 emergencies or hostile military paramilitary action.

39 (ii) Preparation for prompt and efficient response  
40 and recovery to protect lives and property affected by  
41 emergencies.

42 (iii) Response to emergencies using all systems,  
43 plans and resources necessary to preserve adequately the health,  
44 safety and welfare of persons or property affected by the  
45 emergency.

46 (iv) Recovery from emergencies by providing for  
47 the rapid and orderly start of restoration and rehabilitation of  
48 persons and property affected by emergencies.

49 (v) Provision of an emergency management system  
50 embodying all aspects of preemergency preparedness and  
51 postemergency response, recovery and mitigation.

52 (vi) Assistance in anticipation, recognition,  
53 appraisal, prevention and mitigation of emergencies which may be  
54 caused or aggravated by inadequate planning for, and regulation of  
55 public and private facilities and land use.

56 (d) "Civil defense," whenever it appears in the laws of  
57 the State of Mississippi, shall mean "emergency management" unless  
58 the context clearly indicates otherwise.

59 (e) "State of war emergency" means the condition which  
60 exists immediately, with or without a proclamation thereof by the  
61 Governor, whenever this state or nation is attacked by an enemy of  
62 the United States or upon receipt by the state of a warning from  
63 the federal government indicating that such an attack is probable  
64 or imminent.

65 (f) "State of emergency" means the duly proclaimed  
66 existence of conditions of disaster or extreme peril to the safety  
67 of persons or property within the state caused by air or water  
68 pollution, fire, flood, storm, epidemic, earthquake, resource

69 shortages, or other natural or man-made conditions other than  
70 conditions causing a "state of war emergency," which conditions by  
71 reasons of their magnitude are or are likely to be beyond the  
72 control of the services, personnel, equipment and facilities of  
73 any single county and/or municipality and requires combined forces  
74 of the state to combat.

75 (g) "Local emergency" means the duly proclaimed  
76 existence of conditions of disaster or extreme peril to the safety  
77 of persons and property within the territorial limits of a county  
78 and/or municipality caused by such conditions as air or water  
79 pollution, fire, flood, storm, epidemic, earthquake, resource  
80 shortages or other natural or man-made conditions, which  
81 conditions are or are likely to be beyond the control of the  
82 services, personnel, equipment and facilities of the political  
83 subdivision and require the combined forces of other subdivisions  
84 or of the state to combat.

85 (h) "Emergency" means any occurrence, or threat  
86 thereof, whether natural, technological, or man-made, in war or in  
87 peace, which results or may result in substantial injury or harm  
88 to the population or substantial damage to or loss of property.

89 (i) "Man-made emergency" means an emergency caused by  
90 an action against persons or society, including, but not limited  
91 to, emergency attack, sabotage, terrorism, civil unrest or other  
92 action impairing the orderly administration of government.

93 (j) "Natural emergency" means an emergency caused by a  
94 natural event, including, but not limited to, a hurricane, a  
95 storm, a flood, severe wave action, a drought or an earthquake.

96 (k) "Technological emergency" means an emergency caused  
97 by a technological failure or accident, including, but not limited  
98 to, an explosion, transportation accident, radiological accident,  
99 or chemical or other hazardous material incident.

100 (l) "Local emergency management agency" means an  
101 organization created to discharge the emergency management

102 responsibilities and functions of a political subdivision.

103 (m) "Disaster" means any natural, technological or  
104 civil emergency as defined in this section that causes damage of  
105 sufficient severity and magnitude to result in a declaration of an  
106 emergency by a county or municipality, the Governor or the  
107 President of the United States. Disasters shall be identified by  
108 the severity of resulting damage, as follows:

109 (i) "Catastrophic disaster" means a disaster that  
110 will require massive state and federal assistance, including  
111 immediate military involvement.

112 (ii) "Major disaster" means a disaster that will  
113 likely exceed local capabilities and require a broad range of  
114 state and federal assistance.

115 (iii) "Minor disaster" means a disaster that is  
116 likely to be within the response capabilities of local government  
117 and to result in only a minimal need for state or federal  
118 assistance.

119 (n) "Disaster Reservist" means any person hired on a  
120 temporary basis pursuant to State Personnel Board policies and  
121 procedures regulating personal service contracts, that is hired to  
122 perform specific tasks related to a Governor's State of Emergency,  
123 or by an emergency or disaster declaration of the President of the  
124 United States, by the agency, and is assigned to perform such  
125 duties as may be required under the direction of the appropriate  
126 agency supervisor.

127 SECTION 2. Section 33-15-14, Mississippi Code of 1972, is  
128 amended as follows:

129 33-15-14. (1) The agency is responsible for maintaining a  
130 comprehensive statewide program of emergency management. The  
131 agency is responsible for coordination with efforts of the federal  
132 government with other departments and agencies of state  
133 government, with county and municipal governments and school  
134 boards and with private agencies that have a role in emergency

135 management.

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

138 (a) Work with Governor, or his representative, in  
139 preparing a state comprehensive emergency management plan of this  
140 state, which shall be integrated into and coordinated with the  
141 emergency management plans of the federal government and of other  
142 states to the fullest possible extent, and to coordinate the  
143 preparation of plans and programs for emergency management by the  
144 political subdivisions of the state, such local plans to be  
145 integrated into and coordinated with the emergency plan and  
146 program of this state. The plan must contain provisions to ensure  
147 that the state is prepared for emergencies and minor, major and  
148 catastrophic disasters, and the agency shall work closely with  
149 local governments and agencies and organizations with emergency  
150 management responsibilities in preparing and maintaining the plan.

151 The state comprehensive emergency management plan will be  
152 operations oriented and:

153 (i) Include an evacuation component that includes  
154 specific regional and interregional planning provisions and  
155 promotes intergovernmental coordination of evacuation activities.

156 This component must, at a minimum: ensure coordination  
157 pertaining to evacuees crossing county lines; set forth procedures  
158 for directing people caught on evacuation routes to safe shelter;  
159 and establish policies and strategies for emergency medical  
160 evacuations.

161 (ii) Include a shelter component that includes  
162 specific regional and interregional planning provisions and  
163 promotes coordination of shelter activities between the public,  
164 private and nonprofit sectors. This component must, at a minimum:  
165 contain strategies to ensure the availability of adequate public  
166 shelter space in each region of the state; establish strategies  
167 for refuge-of-last-resort programs; provide strategies to assist

168 local emergency management efforts to ensure that adequate  
169 staffing plans exist for all shelters, including medical and  
170 security personnel; provide for a postdisaster communications  
171 system for public shelters; establish model shelter guidelines for  
172 operations, registration, inventory, power generation capability,  
173 information management and staffing; and set forth policy guidance  
174 for sheltering people with special needs.

175           (iii) Include a postdisaster response and recovery  
176 component that includes specific regional and interregional  
177 planning provisions and promotes intergovernmental coordination of  
178 postdisaster response and recovery activities. This component  
179 must provide for postdisaster response and recovery strategies  
180 according to whether a disaster is minor, major or catastrophic.  
181 The postdisaster response and recovery component must, at a  
182 minimum: establish the structure of the state's postdisaster  
183 response and recovery organization; establish procedures for  
184 activating the state's plan; set forth policies used to guide  
185 postdisaster response and recovery activities; describe the chain  
186 of command during the postdisaster response and recovery period;  
187 describe initial and continuous postdisaster response and recovery  
188 actions; identify the roles and responsibilities of each involved  
189 agency and organization; provide for a comprehensive  
190 communications plan; establish procedures for monitoring mutual  
191 aid agreements; provide for rapid impact assessment teams; ensure  
192 the availability of an effective statewide urban search and rescue  
193 program coordinated with the fire services; ensure the existence  
194 of a comprehensive statewide medical care and relief plan  
195 administered by the State Department of Health; and establish  
196 systems for coordinating volunteers and accepting and distributing  
197 donated funds and goods.

198           (iv) Include additional provisions addressing  
199 aspects of preparedness, response and recovery, as determined  
200 necessary by the agency.

201                   (v) Address the need for coordinated and  
202 expeditious deployment of state resources, including the  
203 Mississippi National Guard. In the case of an imminent major  
204 disaster, procedures should address predeployment of the  
205 Mississippi National Guard, and, in the case of an imminent  
206 catastrophic disaster, procedures should address predeployment of  
207 the Mississippi National Guard and the United States Armed Forces.  
208 This subparagraph (v) does not authorize the agency to call out  
209 and deploy the Mississippi National Guard, which authority and  
210 determination rests solely with the Governor.

211                   (vi) Establish a system of communications and  
212 warning to ensure that the state's population and emergency  
213 management agencies are warned of developing emergency situations  
214 and can communicate emergency response decisions.

215                   (vii) Establish guidelines and schedules for  
216 annual exercises that evaluate the ability of the state and its  
217 political subdivisions to respond to minor, major and catastrophic  
218 disasters and support local emergency management agencies. Such  
219 exercises shall be coordinated with local governments and, to the  
220 extent possible, the federal government.

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

224                                 2. The agency shall prepare an interim  
225 postdisaster response and recovery component that substantially  
226 complies with the provisions of this paragraph (a). Each state  
227 agency assigned lead responsibility for an emergency support  
228 function by the state comprehensive emergency management plan  
229 shall also prepare a detailed operational plan needed to implement  
230 its responsibilities. The complete state comprehensive emergency  
231 management plan shall be submitted to the Governor no later than  
232 January 1, 1996, and on January 1 of every even-numbered year  
233 thereafter.

234           (b) Adopt standards and requirements for county  
235 emergency management plans. The standards and requirements must  
236 ensure that county plans are coordinated and consistent with the  
237 state comprehensive emergency management plan. If a municipality  
238 elects to establish an emergency management program, it must adopt  
239 a city emergency management plan that complies with all standards  
240 and requirements applicable to county emergency management plans.

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

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

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

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

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

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



267 (i) Implement training programs to improve the ability  
268 of state and local emergency management personnel to prepare and  
269 implement emergency management plans and programs.

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

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

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

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

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

288 (o) Report biennially to the Governor and the President  
289 of the Senate, and the Speaker of the House of Representatives, no  
290 later than January 1 of every odd-numbered year, the status of the  
291 emergency management capabilities of the state and its political  
292 subdivisions.

293 (p) In accordance with Section 25-43-1 et seq., create,  
294 implement, administer, promulgate, amend and rescind rules,  
295 programs and plans needed to carry out the provisions of this  
296 article with due consideration for, and in cooperating with, the  
297 plans and programs of the federal government.

298 (q) Do other things necessary, incidental or  
299 appropriate for the implementation of this article.

300           (r) In accordance with Section 33-15-15, create,  
301 implement, administer, promulgate, amend and rescind rules  
302 regarding the development of the Mississippi Disaster Reservist  
303 Program.

304           SECTION 3. Section 33-15-307, Mississippi Code of 1972, is  
305 amended as follows:

306           33-15-307. (1) The provisions of this article shall be  
307 invoked only pursuant to a state of emergency declared by the  
308 Governor or an emergency or major disaster declared by the  
309 President, or pursuant to an executive order of the Governor, or  
310 administrative order of the director, in order to provide state or  
311 local government resources and personnel in compliance with the  
312 provisions of the \* \* \* Emergency Management Assistance Compact,  
313 Section 45-18-1 et seq, or in non-declared times for  
314 administrative and training costs associated with state disaster  
315 response and recovery programs. Each declaration shall cite the  
316 cause for the declaration and define the area eligible for  
317 assistance and the type of assistance to be provided.

318           (2) The Disaster Assistance Trust Fund is created as a  
319 special fund in the State Treasury into which shall be paid any  
320 funds appropriated by the Legislature for disaster assistance, any  
321 funds transferred from the Working Cash-Stabilization Reserve Fund  
322 as provided under subsection (5) of this section, any income from  
323 investment of the funds in the trust fund, and federal  
324 reimbursement for administrative costs for management of the  
325 Individual and Family Grant Program \* \* \*, the Public Assistance  
326 Program, the Hazard Mitigation Program and Disaster Reservist  
327 Program.

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

332           (4) The Disaster Assistance Trust Fund shall be used only

333 for the following purposes:

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

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

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

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

342 (e) The temporary Housing Program under provisions of  
343 Section 43-41-301, et seq.

344 (f) Out-of-pocket expenses, including travel, per diem,  
345 overtime and other similar expenses, of state or local agencies  
346 when so tasked by the Governor or the director for emergency  
347 response under the provisions of Section 33-15-11(b)(7) and  
348 current executive orders. This includes actual emergency response  
349 and recovery activities, and applies to mobilization and  
350 deployment of state or local agencies to another state under the  
351 provisions of the Emergency Management Assistance Compact.

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

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

360 (i) Administrative costs of the Hazard Mitigation  
361 Program;

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

364 (k) Administrative costs of the Disaster Reservist  
365 Program;

366           (1) Costs incurred as a result of the implementation of  
367 public assistance, and/or individual assistance, and/or Disaster  
368 Reservist Program, and/or hazard mitigation, and/or temporary  
369 housing under a Governor's State of Emergency.

370           (5) Whenever the director determines that funds are  
371 immediately needed in the Disaster Assistance Trust Fund to  
372 provide for disaster assistance under this article, he shall  
373 notify the Executive Director of the Department of Finance and  
374 Administration of his determination and shall requisition the  
375 amount of funds from the Working Cash-Stabilization Fund that are  
376 needed in the trust fund, which shall be subject to the  
377 limitations set forth below in this subsection. At the same time  
378 he makes the requisition, the director shall notify the Lieutenant  
379 Governor, the Speaker of the House of Representatives and the  
380 respective chairmen of the Senate Appropriations Committee, the  
381 Senate Finance Committee, the House Appropriations Committee and  
382 the House Ways and Means Committee of his determination of the  
383 need for the funds and the amount that he has requisitioned. Upon  
384 receipt of such a requisition from the director, the Executive  
385 Director of the Department of Finance and Administration shall  
386 ascertain if the amount requisitioned is available in the Working  
387 Cash-Stabilization Reserve Fund and is within the limitations set  
388 forth below in this subsection and, if it is, he shall transfer  
389 that amount from the Working Cash-Stabilization Reserve Fund to  
390 the trust fund. If the amount requisitioned is more than the  
391 amount available in the Working Cash-Stabilization Fund or above  
392 the limitations set forth below in this subsection, the executive  
393 director shall transfer the amount that is available within the  
394 limitations. The maximum amount that may be transferred from the  
395 Working Cash-Stabilization Reserve Fund to the trust fund for any  
396 one (1) disaster occurrence shall be Five Hundred Thousand Dollars  
397 (\$500,000.00) and the maximum amount that may be transferred  
398 during any fiscal year shall be One Million Dollars

399 (\$1,000,000.00).

400 (6) Unexpended state funds in the Disaster Assistance Trust  
401 Fund at the end of a fiscal year shall not lapse into the State  
402 General Fund but shall remain in the trust fund for use under this  
403 article for as long as the funds are needed for the particular  
404 purpose for which they were appropriated or transferred into the  
405 trust fund. After any state funds in the trust fund are no longer  
406 needed for the particular purpose for which they were appropriated  
407 or transferred into the trust fund, the director may use those  
408 funds for any other purpose under this article for which they  
409 currently are needed and for which other funds are not available.

410 If there is no current need for such funds for any purpose under  
411 this article, the funds and the income earned from the investment  
412 of the funds shall be transferred back to the particular fund or  
413 funds in the State Treasury from which they were appropriated or  
414 transferred into the trust fund, upon certification of the  
415 director to the Executive Director of the Department of Finance  
416 and Administration that the funds are not currently needed.

417 SECTION 4. Section 33-15-313, Mississippi Code of 1972, is  
418 amended as follows:

419 33-15-313. (1) Subject to the conditions specified in this  
420 section, the director shall allocate funds from the trust fund to  
421 meet the cost of any one or more projects. The completion of all  
422 or part of a project before application for funds under this  
423 article shall not disqualify such project or any part thereof.

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

428 (3) A state or local agency shall make application to the  
429 director for state and/or federal financial assistance within  
430 sixty (60) days after the date of the declaration of a major  
431 disaster or emergency declared by the President or a state of

432 emergency declared by the Governor; however, the director may  
433 extend the time for such filing, but only under unusual  
434 circumstances. No financial aid shall be provided until a state  
435 and/or federal team has first investigated and reported upon the  
436 proposed work, has estimated the cost of the work, and has filed a  
437 damage survey report thereon with the director and a project  
438 application has been prepared. The estimate of cost of the work  
439 may include expenditures made by the state or local agency for  
440 such work before the making of such estimate. "Unusual  
441 circumstances," as used in this subsection means unavoidable  
442 delays that result from recurrence of a disaster, prolonged severe  
443 weather, or other conditions beyond the control of the applicant.  
444 Delays resulting from administrative procedures are not unusual  
445 circumstances that warrant extensions of time.

446 (4) No funds shall be allocated from the trust fund to a  
447 state or local agency until the agency has indicated in writing  
448 its acceptance of the project application and the cost-sharing  
449 related thereto in such form as the director prescribes. The  
450 project application shall provide for the performance of the work  
451 by the state or local agency, shall provide for the methods of  
452 handling the funds allocated and the matching funds provided by  
453 the local agency, and shall contain such other provisions as are  
454 deemed necessary to ensure completion of the work included in the  
455 project application and the proper expenditures of funds as  
456 provided herein.

457 SECTION 5. Section 33-15-317, Mississippi Code of 1972, is  
458 amended as follows:

459 33-15-317. (1) Under procedures prescribed by the director,  
460 a state or local agency may receive an advance of funds to  
461 initiate a project. Such advances shall be limited to not more  
462 than seventy-five percent (75%) of the estimated federal share of  
463 the project, or fifty percent (50%) of the estimated share of the  
464 project under the Governor's State of Emergency.

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

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

476 SECTION 6. Section 43-41-13, Mississippi Code of 1972, is  
477 amended as follows:

478 43-41-13. (1) The state grant under this article shall be  
479 equal to twenty-five percent (25%) of the actual cost of meeting  
480 necessary expenses or serious needs, plus state administrative  
481 expenses in excess of five percent (5%) of the total federal  
482 grant, and shall be made only on the condition that the remaining  
483 seventy-five percent (75%) of the grant, plus five percent (5%)  
484 administrative cost, is provided by the federal government, or in  
485 an amount established by the director in the event of a Governor's  
486 State of Emergency declaration.

487 (2) An individual or family shall not receive a grant or  
488 grants under the provisions of this article aggregating more than  
489 the amount specified annually by the Federal Emergency Management  
490 Agency and published in the Federal Register with respect to any  
491 one (1) major disaster declared by the President, or when  
492 specified by the Governor's State of Emergency. In the case of a  
493 federally declared disaster, such aggregate amount shall include  
494 both state and federal share of the grant.

495 SECTION 7. Section 45-18-1, Mississippi Code of 1972, is  
496 amended as follows:

497 45-18-1. Section 45-18-3 may be cited as the Emergency

498 Management Assistance Compact.

499 SECTION 8. Section 45-18-3, Mississippi Code of 1972, is  
500 amended as follows:

501 45-18-3. The Legislature of the State of Mississippi hereby  
502 authorizes the Governor of the State of Mississippi to enter into  
503 a compact on behalf of the State of Mississippi with any other  
504 state legally joining therein, in the form substantially as  
505 follows:

506 EMERGENCY MANAGEMENT ASSISTANCE COMPACT

507 ARTICLE I -- PURPOSE AND AUTHORITIES

508 This compact is made and entered into by and between the  
509 participating member states which enact this compact, hereinafter  
510 called party states. For the purposes of this agreement, the term  
511 "states" is taken to mean the several states, the Commonwealth of  
512 Puerto Rico, the District of Columbia, and all United States  
513 territorial possessions.

514 The purpose of this compact is to provide for mutual  
515 assistance between the states entering into this compact in  
516 managing any emergency or disaster that is duly declared by the  
517 governor of the affected state(s), whether arising from natural  
518 disaster, technological hazard, man-made disaster, civil emergency  
519 aspects of resources shortages, community disorders, insurgency,  
520 or enemy attack.

521 This compact shall also provide for mutual cooperation in  
522 emergency-related exercises, testing, or other training activities  
523 using equipment and personnel simulating performance of any aspect  
524 of the giving and receiving of aid by party states or subdivisions  
525 of party states during emergencies, such actions occurring outside  
526 actual declared emergency periods. Mutual assistance in this  
527 compact may include the use of the states' National Guard forces,  
528 either in accordance with the National Guard Mutual Assistance  
529 Compact or by mutual agreement between states.

530 ARTICLE II -- GENERAL IMPLEMENTATION



531 Each party state entering into this compact recognizes many  
532 emergencies transcend political jurisdictional boundaries and that  
533 intergovernmental coordination is essential in managing these and  
534 other emergencies under this compact. Each state further  
535 recognizes that there will be emergencies which require immediate  
536 access and present procedures to apply outside resources to make a  
537 prompt and effective response to such an emergency. This is  
538 because few, if any, individual states have all the resources they  
539 may need in all types of emergencies or the capability of  
540 delivering resources to areas where emergencies exist.

541 The prompt, full and effective utilization of resources of  
542 the participating states, including any resources on hand or  
543 available from the federal government or any other source, that  
544 are essential for the safety, care and welfare of the people in  
545 the event of any emergency or disaster declared by a party state,  
546 shall be the underlying principle on which all articles of this  
547 compact shall be understood.

548 On behalf of the governor of each state participating in the  
549 compact, the legally designated state official who is assigned  
550 responsibility for emergency management will be responsible for  
551 formulation of the appropriate interstate mutual aid plans and  
552 procedures necessary to implement this compact.

553 ARTICLE III -- PARTY STATE RESPONSIBILITIES

554 A. It shall be the responsibility of each party state to  
555 formulate procedural plans and programs for interstate cooperation  
556 in the performance of the responsibilities listed in this article.

557 In formulating such plans, and in carrying them out, the party  
558 states, insofar as practical, shall:

559 i. Review individual state hazards analyses and, to the  
560 extent reasonably possible, determine all those potential  
561 emergencies the party states might jointly suffer, whether due to  
562 natural disaster, technological hazard, man-made disaster,  
563 emergency aspects of resource shortages, civil disorders,

564 insurgency, or enemy attack.

565           ii. Review party states' individual emergency plans and  
566 develop a plan which will determine the mechanism for the  
567 interstate management and provision of assistance concerning any  
568 potential emergency.

569           iii. Develop interstate procedures to fill any  
570 identified gaps and to resolve any identified inconsistencies or  
571 overlaps in existing or developed plans.

572           iv. Assist in warning communities adjacent to or  
573 crossing the state boundaries.

574           v. Protect and assure uninterrupted delivery of  
575 services, medicines, water, food, energy and fuel, search and  
576 rescue, and critical lifeline equipment, services and resources,  
577 both human and material.

578           vi. Inventory and set procedures for the interstate  
579 loan and delivery of human and material resources, together with  
580 procedures for reimbursement or forgiveness.

581           vii. Provide, to the extent authorized by law, for  
582 temporary suspension of any statutes or ordinances that restrict  
583 the implementation of the above responsibilities.

584           B. The authorized representative of a party state may  
585 request assistance of another party state by contacting the  
586 authorized representative of that state. The provisions of this  
587 agreement shall only apply to requests for assistance made by and  
588 to authorized representatives. Requests may be verbal or in  
589 writing. If verbal, the request shall be confirmed in writing  
590 within thirty (30) days of the verbal request. Requests shall  
591 provide the following information:

592           i. A description of the emergency service function for  
593 which assistance is needed, such as, but not limited to, fire  
594 services, law enforcement, emergency medical, transportation,  
595 communications, public works and engineering, building inspection,  
596 planning and information assistance, mass care, resource support,

597 health and medical services, and search and rescue.

598           ii. The amount and type of personnel, equipment,  
599 materials and supplies needed, and a reasonable estimate of the  
600 length of time they will be needed.

601           iii. The specific place and time for staging of the  
602 assisting party's response and a point of contact at that  
603 location.

604           C. There shall be frequent consultation between state  
605 officials who have assigned emergency management responsibilities  
606 and other appropriate representatives of the party states with  
607 affected jurisdictions and the United States Government, with free  
608 exchange of information, plans and resource records relating to  
609 emergency capabilities.

610                                   ARTICLE IV -- LIMITATIONS

611           Any party state requested to render mutual aid or conduct  
612 exercises and training for mutual aid shall take such action as is  
613 necessary to provide and make available the resources covered by  
614 this compact in accordance with the terms hereof; provided that it  
615 is understood that the state rendering aid may withhold resources  
616 to the extent necessary to provide reasonable protection for such  
617 state. Each party state shall afford to the emergency forces of  
618 any party state, while operating within its state limits under the  
619 terms and conditions of this compact, the same powers (except that  
620 of arrest unless specifically authorized by the receiving state),  
621 duties, rights and privileges as are afforded forces of the state  
622 in which they are performing emergency services. Emergency forces  
623 will continue under the command and control of their regular  
624 leaders, but the organizational units will come under the  
625 operational control of the emergency services authorities of the  
626 state receiving assistance. These conditions may be activated, as  
627 needed, only subsequent to a declaration of a state of emergency  
628 or disaster by the Governor of the party state that is to receive  
629 assistance or commencement of exercises or training for mutual aid

630 and shall continue so long as the exercises or training for mutual  
631 aid are in progress, the state of emergency or disaster remains in  
632 effect or loaned resources remain in the receiving state(s),  
633 whichever is longer.

634 ARTICLE V -- LICENSES AND PERMITS

635 Whenever any person holds a license, certificate or other  
636 permit issued by any party state to the compact evidencing the  
637 meeting of qualifications for professional, mechanical or other  
638 skills, and when such assistance is requested by the receiving  
639 party state, such person shall be deemed licensed, certified or  
640 permitted by the state requesting assistance to render aid  
641 involving such skill to meet a declared emergency or disaster,  
642 subject to such limitations and conditions as the Governor of the  
643 requesting state may prescribe by executive order or otherwise.

644 ARTICLE VI -- LIABILITY

645 Officers or employees of a party state rendering aid in  
646 another state pursuant to this compact shall be considered agents  
647 of the requesting state for tort liability and immunity purposes;  
648 and no party state or its officers or employees rendering aid in  
649 another state pursuant to this compact shall be liable on account  
650 of any act or omission in good faith on the part of such forces  
651 while so engaged or on account of the maintenance or use of any  
652 equipment or supplies in connection therewith. Good faith in this  
653 article shall not include willful misconduct, gross negligence or  
654 recklessness.

655 ARTICLE VII -- SUPPLEMENTARY AGREEMENTS

656 Inasmuch as it is probable that the pattern and detail of the  
657 machinery for mutual aid among two (2) or more states may differ  
658 from that among the states that are party hereto, this instrument  
659 contains elements of a broad base common to all states, and  
660 nothing herein contained shall preclude any state from entering  
661 into supplementary agreements with another state or affect any  
662 other agreements already in force between states. Supplementary

663 agreements may comprehend, but shall not be limited to, provisions  
664 for evacuation and reception of injured and other persons and the  
665 exchange of medical, fire, police, public utility, reconnaissance,  
666 welfare, transportation and communications personnel and equipment  
667 and supplies.

668 ARTICLE VIII -- COMPENSATION

669 Each party state shall provide for the payment of  
670 compensation and death benefits to injured members of the  
671 emergency forces of that state and representatives of deceased  
672 members of such forces in case such members sustain injuries or  
673 are killed while rendering aid pursuant to this compact, in the  
674 same manner and on the same terms as if the injury or death were  
675 sustained within their own state.

676 ARTICLE IX -- REIMBURSEMENT

677 Any party state rendering aid in another state pursuant to  
678 this compact shall be reimbursed by the party state receiving such  
679 aid for any loss or damage to or expense incurred in the operation  
680 of any equipment and the provision of any service in answering a  
681 request for aid and for the costs incurred in connection with such  
682 requests; provided, that any aiding party state may assume in  
683 whole or in part such loss, damage, expense or other cost, or may  
684 loan such equipment or donate such services to the receiving party  
685 state without charge or cost; and provided further, that any two  
686 (2) or more party states may enter into supplementary agreements  
687 establishing a different allocation of costs among those states.  
688 Article VIII expenses shall not be reimbursable under this  
689 provision.

690 ARTICLE X -- EVACUATION

691 Plans for the orderly evacuation and interstate reception of  
692 portions of the civilian population as the result of any emergency  
693 or disaster of sufficient proportions to so warrant, shall be  
694 worked out and maintained between the party states and the  
695 emergency management/services directors of the various

696 jurisdictions where any type of incident requiring evacuations  
697 might occur. Such plans shall be put into effect by request of  
698 the state from which evacuees come and shall include the manner of  
699 transporting such evacuees, the number of evacuees to be received  
700 in different areas, the manner in which food, clothing, housing  
701 and medical care will be provided, the registration of the  
702 evacuees, the providing of facilities for the notification of  
703 relatives or friends, and the forwarding of such evacuees to other  
704 areas or the bringing in of additional materials, supplies and all  
705 other relevant factors. Such plans shall provide that the party  
706 state receiving evacuees and the party state from which the  
707 evacuees come shall mutually agree as to reimbursement of  
708 out-of-pocket expenses incurred in receiving and caring for such  
709 evacuees, for expenditures for transportation, food, clothing,  
710 medicines and medical care and like items. Such expenditures  
711 shall be reimbursed as agreed by the party state from which the  
712 evacuees come. After the termination of the emergency or  
713 disaster, the party state from which the evacuees come shall  
714 assume the responsibility for the ultimate support of repatriation  
715 of such evacuees.

716 ARTICLE XI -- IMPLEMENTATION

717 A. This compact shall become operative immediately upon its  
718 enactment into law by any two (2) states; thereafter, this compact  
719 shall become effective as to any other state upon its enactment by  
720 such state.

721 B. Any party state may withdraw from this compact by  
722 enacting a statute repealing the same, but no such withdrawal  
723 shall take effect until thirty (30) days after the governor of the  
724 withdrawing state has given notice in writing of such withdrawal  
725 to the governors of all other party states. Such action shall not  
726 relieve the withdrawing state from obligations assumed hereunder  
727 prior to the effective date of withdrawal.

728 C. Duly authenticated copies of this compact and of such

729 supplementary agreements as may be entered into shall, at the time  
730 of their approval, be deposited with each of the party states and  
731 with the Federal Emergency Management Agency and other appropriate  
732 agencies of the United States Government.

733 ARTICLE XII - VALIDITY

734 This compact shall be construed to effectuate the purposes  
735 stated in Article I hereof. If any provision of this compact is  
736 declared unconstitutional, or the applicability thereof to any  
737 person or circumstances is held invalid, the constitutionality of  
738 the remainder of this act and the applicability thereof to other  
739 persons and circumstances shall not be affected thereby.

740 ARTICLE XIII -- ADDITIONAL PROVISIONS

741 Nothing in this compact shall authorize or permit the use of  
742 military force by the National Guard of a state at any place  
743 outside that state in any emergency for which the President is  
744 authorized by law to call into federal service the militia, or for  
745 any purpose for which the use of the Army or the Air Force would  
746 in the absence of express statutory authorization be prohibited  
747 under Section 1385 of Title 18, United States Code.

748 SECTION 9. This act shall take effect and be in force from  
749 and after its passage.