

By: Senator(s) Hamilton

To: Veterans and Military
Affairs

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," the Mississippi Emergency Management
28 Agency, created by Section 33-15-7.

29 (b) "Director," the Director of Emergency Management,
30 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. Such aggregate
493 amount shall include both state and federal share of the grant.

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

496 45-18-3. The Legislature of the State of Mississippi hereby
497 authorizes the Governor of the State of Mississippi to enter into

498 a compact on behalf of the State of Mississippi with any other
499 state legally joining therein, in the form substantially as
500 follows:

501 EMERGENCY MANAGEMENT ASSISTANCE COMPACT

502 ARTICLE I -- PURPOSE AND AUTHORITIES

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

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

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

525 ARTICLE II -- GENERAL IMPLEMENTATION

526 Each party state entering into this compact recognizes many
527 emergencies transcend political jurisdictional boundaries and that
528 intergovernmental coordination is essential in managing these and
529 other emergencies under this compact. Each state further
530 recognizes that there will be emergencies which require immediate

531 access and present procedures to apply outside resources to make a
532 prompt and effective response to such an emergency. This is
533 because few, if any, individual states have all the resources they
534 may need in all types of emergencies or the capability of
535 delivering resources to areas where emergencies exist.

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

543 On behalf of the governor of each state participating in the
544 compact, the legally designated state official who is assigned
545 responsibility for emergency management will be responsible for
546 formulation of the appropriate interstate mutual aid plans and
547 procedures necessary to implement this compact.

548 ARTICLE III -- PARTY STATE RESPONSIBILITIES

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

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

554 i. Review individual state hazards analyses and, to the
555 extent reasonably possible, determine all those potential
556 emergencies the party states might jointly suffer, whether due to
557 natural disaster, technological hazard, man-made disaster,
558 emergency aspects of resource shortages, civil disorders,
559 insurgency, or enemy attack.

560 ii. Review party states' individual emergency plans and
561 develop a plan which will determine the mechanism for the
562 interstate management and provision of assistance concerning any
563 potential emergency.

564 iii. Develop interstate procedures to fill any
565 identified gaps and to resolve any identified inconsistencies or
566 overlaps in existing or developed plans.

567 iv. Assist in warning communities adjacent to or
568 crossing the state boundaries.

569 v. Protect and assure uninterrupted delivery of
570 services, medicines, water, food, energy and fuel, search and
571 rescue, and critical lifeline equipment, services and resources,
572 both human and material.

573 vi. Inventory and set procedures for the interstate
574 loan and delivery of human and material resources, together with
575 procedures for reimbursement or forgiveness.

576 vii. Provide, to the extent authorized by law, for
577 temporary suspension of any statutes or ordinances that restrict
578 the implementation of the above responsibilities.

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

587 i. A description of the emergency service function for
588 which assistance is needed, such as, but not limited to, fire
589 services, law enforcement, emergency medical, transportation,
590 communications, public works and engineering, building inspection,
591 planning and information assistance, mass care, resource support,
592 health and medical services, and search and rescue.

593 ii. The amount and type of personnel, equipment,
594 materials and supplies needed, and a reasonable estimate of the
595 length of time they will be needed.

596 iii. The specific place and time for staging of the

597 assisting party's response and a point of contact at that
598 location.

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

605 ARTICLE IV -- LIMITATIONS

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

629 ARTICLE V -- LICENSES AND PERMITS

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

639 ARTICLE VI -- LIABILITY

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

650 ARTICLE VII -- SUPPLEMENTARY AGREEMENTS

651 Inasmuch as it is probable that the pattern and detail of the
652 machinery for mutual aid among two (2) or more states may differ
653 from that among the states that are party hereto, this instrument
654 contains elements of a broad base common to all states, and
655 nothing herein contained shall preclude any state from entering
656 into supplementary agreements with another state or affect any
657 other agreements already in force between states. Supplementary
658 agreements may comprehend, but shall not be limited to, provisions
659 for evacuation and reception of injured and other persons and the
660 exchange of medical, fire, police, public utility, reconnaissance,
661 welfare, transportation and communications personnel and equipment
662 and supplies.

663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695

ARTICLE VIII -- COMPENSATION

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

ARTICLE IX -- REIMBURSEMENT

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

ARTICLE X -- EVACUATION

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management/services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing

696 and medical care will be provided, the registration of the
697 evacuees, the providing of facilities for the notification of
698 relatives or friends, and the forwarding of such evacuees to other
699 areas or the bringing in of additional materials, supplies and all
700 other relevant factors. Such plans shall provide that the party
701 state receiving evacuees and the party state from which the
702 evacuees come shall mutually agree as to reimbursement of
703 out-of-pocket expenses incurred in receiving and caring for such
704 evacuees, for expenditures for transportation, food, clothing,
705 medicines and medical care and like items. Such expenditures
706 shall be reimbursed as agreed by the party state from which the
707 evacuees come. After the termination of the emergency or
708 disaster, the party state from which the evacuees come shall
709 assume the responsibility for the ultimate support of repatriation
710 of such evacuees.

711 ARTICLE XI -- IMPLEMENTATION

712 A. This compact shall become operative immediately upon its
713 enactment into law by any two (2) states; thereafter, this compact
714 shall become effective as to any other state upon its enactment by
715 such state.

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

723 C. Duly authenticated copies of this compact and of such
724 supplementary agreements as may be entered into shall, at the time
725 of their approval, be deposited with each of the party states and
726 with the Federal Emergency Management Agency and other appropriate
727 agencies of the United States Government.

728 ARTICLE XII - VALIDITY

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

735 ARTICLE XIII -- ADDITIONAL PROVISIONS

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

743 SECTION 9. This act shall take effect and be in force from
744 and after July 1, 1999.