

By: Furniss

To: Veterans and Military
Affairs

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2906

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; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 33-15-5, Mississippi Code of 1972, is
10 amended as follows:[CR1]

11 33-15-5. The following words, whenever used in this article
12 shall, unless a different meaning clearly appears from the
13 context, have the following meanings:

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

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

18 (c) "Emergency management" means the preparation for,
19 the mitigation of, the response to, and the recovery from
20 emergencies and disasters. Specific emergency management
21 responsibilities include, but are not limited to:

22 (i) Reduction of vulnerability of people and
23 communities of this state to damage, injury and loss of life and
24 property resulting from natural, technological or man-made
25 emergencies or hostile military paramilitary action.

26 (ii) Preparation for prompt and efficient response
27 and recovery to protect lives and property affected by
28 emergencies.

29 (iii) Response to emergencies using all systems,
30 plans and resources necessary to preserve adequately the health,
31 safety and welfare of persons or property affected by the
32 emergency.

33 (iv) Recovery from emergencies by providing for
34 the rapid and orderly start of restoration and rehabilitation of
35 persons and property affected by emergencies.

36 (v) Provision of an emergency management system
37 embodying all aspects of preemergency preparedness and
38 postemergency response, recovery and mitigation.

39 (vi) Assistance in anticipation, recognition,
40 appraisal, prevention and mitigation of emergencies which may be
41 caused or aggravated by inadequate planning for, and regulation of
42 public and private facilities and land use.

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

46 (e) "State of war emergency" means the condition which
47 exists immediately, with or without a proclamation thereof by the
48 Governor, whenever this state or nation is attacked by an enemy of
49 the United States or upon receipt by the state of a warning from
50 the federal government indicating that such an attack is probable
51 or imminent.

52 (f) "State of emergency" means the duly proclaimed
53 existence of conditions of disaster or extreme peril to the safety
54 of persons or property within the state caused by air or water
55 pollution, fire, flood, storm, epidemic, earthquake, resource
56 shortages, or other natural or man-made conditions other than
57 conditions causing a "state of war emergency," which conditions by
58 reasons of their magnitude are or are likely to be beyond the
59 control of the services, personnel, equipment and facilities of
60 any single county and/or municipality and requires combined forces
61 of the state to combat.

62 (g) "Local emergency" means the duly proclaimed
63 existence of conditions of disaster or extreme peril to the safety
64 of persons and property within the territorial limits of a county
65 and/or municipality caused by such conditions as air or water
66 pollution, fire, flood, storm, epidemic, earthquake, resource
67 shortages or other natural or man-made conditions, which
68 conditions are or are likely to be beyond the control of the
69 services, personnel, equipment and facilities of the political
70 subdivision and require the combined forces of other subdivisions
71 or of the state to combat.

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

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

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

83 (k) "Technological emergency" means an emergency caused
84 by a technological failure or accident, including, but not limited
85 to, an explosion, transportation accident, radiological accident,
86 or chemical or other hazardous material incident.

87 (l) "Local emergency management agency" means an
88 organization created to discharge the emergency management
89 responsibilities and functions of a political subdivision.

90 (m) "Disaster" means any natural, technological or
91 civil emergency as defined in this section that causes damage of
92 sufficient severity and magnitude to result in a declaration of an
93 emergency by a county or municipality, the Governor or the
94 President of the United States. Disasters shall be identified by

95 the severity of resulting damage, as follows:

96 (i) "Catastrophic disaster" means a disaster that
97 will require massive state and federal assistance, including
98 immediate military involvement.

99 (ii) "Major disaster" means a disaster that will
100 likely exceed local capabilities and require a broad range of
101 state and federal assistance.

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

106 (n) "Disaster Reservist" means any person hired on a
107 temporary basis pursuant to State Personnel Board policies and
108 procedures regulating personal service contracts, that is hired to
109 perform specific tasks related to a Governor's State of Emergency,
110 or by an emergency or disaster declaration of the President of the
111 United States, by the agency, and is assigned to perform such
112 duties as may be required under the direction of the appropriate
113 agency supervisor.

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

116 33-15-14. (1) The agency is responsible for maintaining a
117 comprehensive statewide program of emergency management. The
118 agency is responsible for coordination with efforts of the federal
119 government with other departments and agencies of state
120 government, with county and municipal governments and school
121 boards and with private agencies that have a role in emergency
122 management.

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

125 (a) Work with Governor, or his representative, in
126 preparing a state comprehensive emergency management plan of this
127 state, which shall be integrated into and coordinated with the

128 emergency management plans of the federal government and of other
129 states to the fullest possible extent, and to coordinate the
130 preparation of plans and programs for emergency management by the
131 political subdivisions of the state, such local plans to be
132 integrated into and coordinated with the emergency plan and
133 program of this state. The plan must contain provisions to ensure
134 that the state is prepared for emergencies and minor, major and
135 catastrophic disasters, and the agency shall work closely with
136 local governments and agencies and organizations with emergency
137 management responsibilities in preparing and maintaining the plan.

138 The state comprehensive emergency management plan will be
139 operations oriented and:

140 (i) Include an evacuation component that includes
141 specific regional and interregional planning provisions and
142 promotes intergovernmental coordination of evacuation activities.

143 This component must, at a minimum: ensure coordination
144 pertaining to evacuees crossing county lines; set forth procedures
145 for directing people caught on evacuation routes to safe shelter;
146 and establish policies and strategies for emergency medical
147 evacuations.

148 (ii) Include a shelter component that includes
149 specific regional and interregional planning provisions and
150 promotes coordination of shelter activities between the public,
151 private and nonprofit sectors. This component must, at a minimum:
152 contain strategies to ensure the availability of adequate public
153 shelter space in each region of the state; establish strategies
154 for refuge-of-last-resort programs; provide strategies to assist
155 local emergency management efforts to ensure that adequate
156 staffing plans exist for all shelters, including medical and
157 security personnel; provide for a postdisaster communications
158 system for public shelters; establish model shelter guidelines for
159 operations, registration, inventory, power generation capability,
160 information management and staffing; and set forth policy guidance

161 for sheltering people with special needs.

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

185 (iv) Include additional provisions addressing
186 aspects of preparedness, response and recovery, as determined
187 necessary by the agency.

188 (v) Address the need for coordinated and
189 expeditious deployment of state resources, including the
190 Mississippi National Guard. In the case of an imminent major
191 disaster, procedures should address predeployment of the
192 Mississippi National Guard, and, in the case of an imminent
193 catastrophic disaster, procedures should address predeployment of

194 the Mississippi National Guard and the United States Armed Forces.

195 This subparagraph (v) does not authorize the agency to call out
196 and deploy the Mississippi National Guard, which authority and
197 determination rests solely with the Governor.

198 (vi) Establish a system of communications and
199 warning to ensure that the state's population and emergency
200 management agencies are warned of developing emergency situations
201 and can communicate emergency response decisions.

202 (vii) Establish guidelines and schedules for
203 annual exercises that evaluate the ability of the state and its
204 political subdivisions to respond to minor, major and catastrophic
205 disasters and support local emergency management agencies. Such
206 exercises shall be coordinated with local governments and, to the
207 extent possible, the federal government.

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

211 2. The agency shall prepare an interim
212 postdisaster response and recovery component that substantially
213 complies with the provisions of this paragraph (a). Each state
214 agency assigned lead responsibility for an emergency support
215 function by the state comprehensive emergency management plan
216 shall also prepare a detailed operational plan needed to implement
217 its responsibilities. The complete state comprehensive emergency
218 management plan shall be submitted to the Governor no later than
219 January 1, 1996, and on January 1 of every even-numbered year
220 thereafter.

221 (b) Adopt standards and requirements for county
222 emergency management plans. The standards and requirements must
223 ensure that county plans are coordinated and consistent with the
224 state comprehensive emergency management plan. If a municipality
225 elects to establish an emergency management program, it must adopt
226 a city emergency management plan that complies with all standards

227 and requirements applicable to county emergency management plans.

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

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

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

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

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

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

254 (i) Implement training programs to improve the ability
255 of state and local emergency management personnel to prepare and
256 implement emergency management plans and programs.

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

260 and program.

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

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

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

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

275 (o) Report biennially to the Governor and the President
276 of the Senate, and the Speaker of the House of Representatives, no
277 later than January 1 of every odd-numbered year, the status of the
278 emergency management capabilities of the state and its political
279 subdivisions.

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

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

287 (r) In accordance with Section 33-15-15, create,
288 implement, administer, promulgate, amend and rescind rules
289 regarding the development of the Mississippi Disaster Reservist
290 Program.

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

293 33-15-307. (1) The provisions of this article shall be
294 invoked only pursuant to a state of emergency declared by the
295 Governor or an emergency or major disaster declared by the
296 President, or pursuant to an executive order of the Governor, or
297 administrative order of the director, in order to provide state or
298 local government resources and personnel in compliance with the
299 provisions of the * * * Emergency Management Assistance Compact,
300 Section 45-18-1 et seq, or in nondeclared times for administrative
301 and training costs associated with state disaster response and
302 recovery programs. Each declaration shall cite the cause for the
303 declaration and define the area eligible for assistance and the
304 type of assistance to be provided.

305 (2) The Disaster Assistance Trust Fund is created as a
306 special fund in the State Treasury into which shall be paid any
307 funds appropriated by the Legislature for disaster assistance, any
308 funds transferred from the Working Cash-Stabilization Reserve Fund
309 as provided under subsection (5) of this section, any income from
310 investment of the funds in the trust fund, and federal
311 reimbursement for administrative costs for management of the
312 Individual and Family Grant Program * * *, the Public Assistance
313 Program, the Hazard Mitigation Program and Disaster Reservist
314 Program.

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

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

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

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

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

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

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

331 (f) Out-of-pocket expenses, including travel, per diem,
332 overtime and other similar expenses, of state or local agencies
333 when so tasked by the Governor or the director for emergency
334 response under the provisions of Section 33-15-11(b)(7) and
335 current executive orders. This includes actual emergency response
336 and recovery activities, and applies to mobilization and
337 deployment of state or local agencies to another state under the
338 provisions of the Emergency Management Assistance Compact.

339 (g) Costs incurred as a result of state active duty for
340 the Mississippi National Guard when so tasked by the Governor to
341 provide support to other agencies and local governments in a major
342 disaster or emergency situation, or when tasked by the Governor to
343 provide support to another state under the provisions of the
344 Emergency Management Assistance Compact.

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

347 (i) Administrative costs of the Hazard Mitigation
348 Program;

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

351 (k) Administrative costs of the Disaster Reservist
352 Program;

353 (5) Whenever the director determines that funds are
354 immediately needed in the Disaster Assistance Trust Fund to
355 provide for disaster assistance under this article, he shall
356 notify the Executive Director of the Department of Finance and
357 Administration of his determination and shall requisition the
358 amount of funds from the Working Cash-Stabilization Fund that are

359 needed in the trust fund, which shall be subject to the
360 limitations set forth below in this subsection. At the same time
361 he makes the requisition, the director shall notify the Lieutenant
362 Governor, the Speaker of the House of Representatives and the
363 respective Chairmen of the Senate Appropriations Committee, the
364 Senate Finance Committee, the House Appropriations Committee and
365 the House Ways and Means Committee of his determination of the
366 need for the funds and the amount that he has requisitioned. Upon
367 receipt of such a requisition from the director, the Executive
368 Director of the Department of Finance and Administration shall
369 ascertain if the amount requisitioned is available in the Working
370 Cash-Stabilization Reserve Fund and is within the limitations set
371 forth below in this subsection and, if it is, he shall transfer
372 that amount from the Working Cash-Stabilization Reserve Fund to
373 the trust fund. If the amount requisitioned is more than the
374 amount available in the Working Cash-Stabilization Fund or above
375 the limitations set forth below in this subsection, the executive
376 director shall transfer the amount that is available within the
377 limitations. The maximum amount that may be transferred from the
378 Working Cash-Stabilization Reserve Fund to the trust fund for any
379 one (1) disaster occurrence shall be Five Hundred Thousand Dollars
380 (\$500,000.00) and the maximum amount that may be transferred
381 during any fiscal year shall be One Million Dollars
382 (\$1,000,000.00).

383 (6) Unexpended state funds in the Disaster Assistance Trust
384 Fund at the end of a fiscal year shall not lapse into the State
385 General Fund but shall remain in the trust fund for use under this
386 article for as long as the funds are needed for the particular
387 purpose for which they were appropriated or transferred into the
388 trust fund. After any state funds in the trust fund are no longer
389 needed for the particular purpose for which they were appropriated
390 or transferred into the trust fund, the director may use those
391 funds for any other purpose under this article for which they

392 currently are needed and for which other funds are not available.

393 If there is no current need for such funds for any purpose under
394 this article, the funds and the income earned from the investment
395 of the funds shall be transferred back to the particular fund or
396 funds in the State Treasury from which they were appropriated or
397 transferred into the trust fund, upon certification of the
398 director to the Executive Director of the Department of Finance
399 and Administration that the funds are not currently needed.

400 SECTION 4. This act shall take effect and be in force from
401 and after July 1, 2000.