

By: Furniss

To: Veterans and Military
Affairs

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 33-15-25, MISSISSIPPI CODE OF
6 1972, TO AUTHORIZE ANY LOCAL ORGANIZATION OF EMERGENCY MANAGEMENT
7 TO ANNUALLY APPLY WITH THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY
8 TO RECEIVE MATCHING FUNDS FOR EMERGENCY MANAGEMENT ASSISTANCE, AND
9 TO PROVIDE THAT THE GRANT APPLICATION AND ELIGIBILITY CRITERIA
10 SHALL BE ESTABLISHED AND PROMULGATED BY THE DIRECTOR OF EMERGENCY
11 MANAGEMENT; TO AMEND SECTION 33-15-307, MISSISSIPPI CODE OF 1972,
12 TO REVISE THE PURPOSES FOR WHICH THE DISASTER ASSISTANCE TRUST
13 FUND MAY BE USED; TO AMEND SECTION 33-15-313, MISSISSIPPI CODE OF
14 1972, TO PROVIDE THAT A STATE OR LOCAL AGENCY SHALL MAKE
15 APPLICATION FOR STATE AND/OR FEDERAL FINANCIAL ASSISTANCE WITHIN
16 60 DAYS AFTER THE DATE OF THE DECLARATION OF A STATE OF EMERGENCY
17 BY THE GOVERNOR; AND FOR RELATED PURPOSES.

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

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

21 33-15-5. The following words, whenever used in this article
22 shall, unless a different meaning clearly appears from the
23 context, have the following meanings:

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

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

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

32 (i) Reduction of vulnerability of people and
33 communities of this state to damage, injury and loss of life and

34 property resulting from natural, technological or man-made
35 emergencies or hostile military paramilitary action.

36 (ii) Preparation for prompt and efficient response
37 and recovery to protect lives and property affected by
38 emergencies.

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

43 (iv) Recovery from emergencies by providing for
44 the rapid and orderly start of restoration and rehabilitation of
45 persons and property affected by emergencies.

46 (v) Provision of an emergency management system
47 embodying all aspects of preemergency preparedness and
48 postemergency response, recovery and mitigation.

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

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

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

62 (f) "State of emergency" means the duly proclaimed
63 existence of conditions of disaster or extreme peril to the safety
64 of persons or property within the state caused by air or water
65 pollution, fire, flood, storm, epidemic, earthquake, resource
66 shortages, or other natural or man-made conditions other than
67 conditions causing a "state of war emergency," which conditions by
68 reasons of their magnitude are or are likely to be beyond the
69 control of the services, personnel, equipment and facilities of
70 any single county and/or municipality and requires combined forces

71 of the state to combat.

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

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

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

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

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

97 (l) "Local emergency management agency" means an
98 organization created to discharge the emergency management
99 responsibilities and functions of a political subdivision.

100 (m) "Disaster" means any natural, technological or
101 civil emergency as defined in this section that causes damage of
102 sufficient severity and magnitude to result in a declaration of an
103 emergency by a county or municipality, the Governor or the

104 President of the United States. Disasters shall be identified by
105 the severity of resulting damage, as follows:

106 (i) "Catastrophic disaster" means a disaster that
107 will require massive state and federal assistance, including
108 immediate military involvement.

109 (ii) "Major disaster" means a disaster that will
110 likely exceed local capabilities and require a broad range of
111 state and federal assistance.

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

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

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

126 33-15-14. (1) The agency is responsible for maintaining a
127 comprehensive statewide program of emergency management. The
128 agency is responsible for coordination with efforts of the federal
129 government with other departments and agencies of state
130 government, with county and municipal governments and school
131 boards and with private agencies that have a role in emergency
132 management.

133 (2) In performing its duties under this article, the agency
134 shall:

135 (a) Work with Governor, or his representative, in
136 preparing a state comprehensive emergency management plan of this

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

148 The state comprehensive emergency management plan will be
149 operations oriented and:

150 (i) Include an evacuation component that includes
151 specific regional and interregional planning provisions and
152 promotes intergovernmental coordination of evacuation activities.

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

158 (ii) Include a shelter component that includes
159 specific regional and interregional planning provisions and
160 promotes coordination of shelter activities between the public,
161 private and nonprofit sectors. This component must, at a minimum:
162 contain strategies to ensure the availability of adequate public
163 shelter space in each region of the state; establish strategies
164 for refuge-of-last-resort programs; provide strategies to assist
165 local emergency management efforts to ensure that adequate
166 staffing plans exist for all shelters, including medical and
167 security personnel; provide for a postdisaster communications
168 system for public shelters; establish model shelter guidelines for
169 operations, registration, inventory, power generation capability,

170 information management and staffing; and set forth policy guidance
171 for sheltering people with special needs.

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

195 (iv) Include additional provisions addressing
196 aspects of preparedness, response and recovery, as determined
197 necessary by the agency.

198 (v) Address the need for coordinated and
199 expeditious deployment of state resources, including the
200 Mississippi National Guard. In the case of an imminent major
201 disaster, procedures should address predeployment of the
202 Mississippi National Guard, and, in the case of an imminent

203 catastrophic disaster, procedures should address predeployment of
204 the Mississippi National Guard and the United States Armed Forces.

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

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

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

218 (viii) 1. Assign lead and support
219 responsibilities to state agencies and personnel for emergency
220 support functions and other support activities.

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

231 (b) Adopt standards and requirements for county
232 emergency management plans. The standards and requirements must
233 ensure that county plans are coordinated and consistent with the
234 state comprehensive emergency management plan. If a municipality
235 elects to establish an emergency management program, it must adopt

236 a city emergency management plan that complies with all standards
237 and requirements applicable to county emergency management plans.

238 (c) Assist political subdivisions in preparing and
239 maintaining emergency management plans.

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

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

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

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

261 (h) Prepare and distribute to appropriate state and
262 local officials catalogs of federal, state and private assistance
263 programs.

264 (i) Implement training programs to improve the ability
265 of state and local emergency management personnel to prepare and
266 implement emergency management plans and programs.

267 (j) Review periodically emergency operating procedures
268 of state agencies and recommend revisions as needed to ensure

269 consistency with the State Comprehensive Emergency Management Plan
270 and program.

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

275 (l) Cooperate with the federal government and any
276 public or private agency or entity in achieving any purpose of
277 this article.

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

282 (n) Delegate, as necessary and appropriate, authority
283 vested in it under this article and provide for the subdelegation
284 of such authority.

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

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

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

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

301 SECTION 3. Section 33-15-25, Mississippi Code of 1972, is

302 amended as follows:[JMR2]

303 33-15-25. (a) The Governor of the State of Mississippi is
304 authorized to enter into agreements with the federal government
305 for the purpose of matching any federal funds that may be made
306 available for emergency management purposes, which shall include
307 purchasing emergency management equipment and supplies, to the
308 state on a matching basis. Provided, that no agreement shall
309 obligate the state for an amount greater than the appropriation
310 available for such purpose. The state's portion of the purchase
311 price of any emergency management equipment may be made available
312 from any appropriation made for such purposes.

313 (b) Any county board of supervisors or municipal governing
314 body may enter into agreement with the federal government with
315 approval of the State Director of Emergency Management for
316 matching funds which may be made available for emergency
317 management purposes, which shall include purchasing emergency
318 management equipment and supplies, by such county or municipality
319 in conjunction with any federal matching program and funds may be
320 expended from the general fund of such county or municipality or
321 from such other funds as may be available to such county or
322 municipality for emergency management purposes in order to provide
323 the county or municipal portion of funds necessary to carry out
324 such matching agreement.

325 (c) Any local organization of emergency management
326 established under Section 33-15-17 may annually apply with the
327 Mississippi Emergency Management Agency to receive matching funds
328 in an amount not to exceed Ten Thousand Dollars (\$10,000.00) for
329 emergency management assistance. The grant application and
330 eligibility criteria shall be established and promulgated by the
331 Director of Emergency Management as authorized in Section
332 33-15-14(2)(p), and shall include at a minimum a multi-year
333 strategic plan for eliminating overall program deficiencies
334 identified by a capability assessment for readiness evaluation.

335 Any such local organization may apply for additional emergency
336 management assistance funding exceeding the maximum amount
337 provided herein on a seventy-five percent (75%) local and
338 twenty-five percent (25%) state basis for program support,
339 maintenance and related purposes. Such additional funds shall be
340 made available from monies derived from the State General Fund and
341 the federal government. The director shall provide a detailed
342 report of the Emergency Management Assistance Program in his
343 biennial report in accordance with Section 33-15-14(2)(o).

344 SECTION 4. Section 33-15-307, Mississippi Code of 1972, is
345 amended as follows:

346 33-15-307. (1) The provisions of this article shall be
347 invoked only pursuant to a state of emergency declared by the
348 Governor or an emergency or major disaster declared by the
349 President, or pursuant to an executive order of the Governor, or
350 administrative order of the director, in order to provide state or
351 local government resources and personnel in compliance with the
352 provisions of the * * * Emergency Management Assistance Compact,
353 Section 45-18-1 et seq, or in nondeclared times for administrative
354 and training costs associated with state disaster response and
355 recovery programs. Each declaration shall cite the cause for the
356 declaration and define the area eligible for assistance and the
357 type of assistance to be provided.

358 (2) The Disaster Assistance Trust Fund is created as a
359 special fund in the State Treasury into which shall be paid any
360 funds appropriated by the Legislature for disaster assistance, any
361 funds transferred from the Working Cash-Stabilization Reserve Fund
362 as provided under subsection (5) of this section, any income from
363 investment of the funds in the trust fund, and federal
364 reimbursement for administrative costs for management of the
365 Individual and Family Grant Program * * *, the Public Assistance
366 Program, the Hazard Mitigation Program and Disaster Reservist
367 Program.

368 (3) Income from investment of the funds in the trust fund,
369 and all other funds deposited therein pursuant to law, shall be
370 available for expenditure, transfer and allocation pursuant to
371 this article.

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

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

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

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

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

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

384 (f) Out-of-pocket expenses, including travel, per diem,
385 overtime and other similar expenses, of state or local agencies
386 when so tasked by the Governor or the director for emergency
387 response under the provisions of Section 33-15-11(b)(7) and
388 current executive orders. This includes actual emergency response
389 and recovery activities, and applies to mobilization and
390 deployment of state or local agencies to another state under the
391 provisions of the Emergency Management Assistance Compact.

392 (g) Costs incurred as a result of state active duty for
393 the Mississippi National Guard when so tasked by the Governor to
394 provide support to other agencies and local governments in a major
395 disaster or emergency situation, or when tasked by the Governor to
396 provide support to another state under the provisions of the
397 Emergency Management Assistance Compact.

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

400 (i) Administrative costs of the Hazard Mitigation

401 Program;

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

404 (k) Administrative costs of the Disaster Reservist
405 Program;

406 (l) Costs incurred as a result of the implementation of
407 public assistance, and/or individual assistance, and/or Disaster
408 Reservist Program, and/or hazard mitigation, and/or temporary
409 housing under a Governor's State of Emergency.

410 (5) Whenever the director determines that funds are
411 immediately needed in the Disaster Assistance Trust Fund to
412 provide for disaster assistance under this article, he shall
413 notify the Executive Director of the Department of Finance and
414 Administration of his determination and shall requisition the
415 amount of funds from the Working Cash-Stabilization Fund that are
416 needed in the trust fund, which shall be subject to the
417 limitations set forth below in this subsection. At the same time
418 he makes the requisition, the director shall notify the Lieutenant
419 Governor, the Speaker of the House of Representatives and the
420 respective Chairmen of the Senate Appropriations Committee, the
421 Senate Finance Committee, the House Appropriations Committee and
422 the House Ways and Means Committee of his determination of the
423 need for the funds and the amount that he has requisitioned. Upon
424 receipt of such a requisition from the director, the Executive
425 Director of the Department of Finance and Administration shall
426 ascertain if the amount requisitioned is available in the Working
427 Cash-Stabilization Reserve Fund and is within the limitations set
428 forth below in this subsection and, if it is, he shall transfer
429 that amount from the Working Cash-Stabilization Reserve Fund to
430 the trust fund. If the amount requisitioned is more than the
431 amount available in the Working Cash-Stabilization Fund or above
432 the limitations set forth below in this subsection, the executive
433 director shall transfer the amount that is available within the

434 limitations. The maximum amount that may be transferred from the
435 Working Cash-Stabilization Reserve Fund to the trust fund for any
436 one (1) disaster occurrence shall be Five Hundred Thousand Dollars
437 (\$500,000.00) and the maximum amount that may be transferred
438 during any fiscal year shall be One Million Dollars
439 (\$1,000,000.00).

440 (6) Unexpended state funds in the Disaster Assistance Trust
441 Fund at the end of a fiscal year shall not lapse into the State
442 General Fund but shall remain in the trust fund for use under this
443 article for as long as the funds are needed for the particular
444 purpose for which they were appropriated or transferred into the
445 trust fund. After any state funds in the trust fund are no longer
446 needed for the particular purpose for which they were appropriated
447 or transferred into the trust fund, the director may use those
448 funds for any other purpose under this article for which they
449 currently are needed and for which other funds are not available.

450 If there is no current need for such funds for any purpose under
451 this article, the funds and the income earned from the investment
452 of the funds shall be transferred back to the particular fund or
453 funds in the State Treasury from which they were appropriated or
454 transferred into the trust fund, upon certification of the
455 director to the Executive Director of the Department of Finance
456 and Administration that the funds are not currently needed.

457 SECTION 5. Section 33-15-313, Mississippi Code of 1972, is
458 amended as follows:

459 33-15-313. (1) Subject to the conditions specified in this
460 section, the director shall allocate funds from the trust fund to
461 meet the cost of any one or more projects. The completion of all
462 or part of a project before application for funds under this
463 article shall not disqualify such project or any part thereof.

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

467 declaration to the Governor.

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

486 (4) No funds shall be allocated from the trust fund to a
487 state or local agency until the agency has indicated in writing
488 its acceptance of the project application and the cost-sharing
489 related thereto in such form as the director prescribes. The
490 project application shall provide for the performance of the work
491 by the state or local agency, shall provide for the methods of
492 handling the funds allocated and the matching funds provided by
493 the local agency, and shall contain such other provisions as are
494 deemed necessary to ensure completion of the work included in the
495 project application and the proper expenditures of funds as
496 provided herein.

497 SECTION 6. This act shall take effect and be in force from
498 and after July 1, 2000.