

By: Furniss

To: Veterans and Military  
Affairs

SENATE BILL NO. 2906  
(As Sent to Governor)

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 33-15-11, MISSISSIPPI  
8 CODE OF 1972, TO MAKE TECHNICAL CHANGES TO THE PROVISIONS  
9 PROVIDING EMERGENCY MANAGEMENT POWERS OF THE GOVERNOR; TO AMEND  
10 SECTION 43-41-13, MISSISSIPPI CODE OF 1972, TO REVISE THE AMOUNT  
11 OF STATE GRANTS AWARDED TO INDIVIDUALS AND FAMILIES UNDER THE  
12 STATE'S NATURAL DISASTER PLAN; TO AMEND SECTIONS 45-18-1 AND  
13 45-18-3, MISSISSIPPI CODE OF 1972, TO CHANGE THE NAME OF THE  
14 "SOUTHERN REGIONAL EMERGENCY MANAGEMENT COMPACT" TO THE "EMERGENCY  
15 MANAGEMENT ASSISTANCE COMPACT"; AND FOR RELATED PURPOSES.

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

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

19 33-15-5. The following words, whenever used in this article  
20 shall, unless a different meaning clearly appears from the  
21 context, have the following meanings:

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

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

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

30 (i) Reduction of vulnerability of people and  
31 communities of this state to damage, injury and loss of life and  
32 property resulting from natural, technological or man-made

33 emergencies or hostile military paramilitary action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

103 the severity of resulting damage, as follows:

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

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

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

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

122 SECTION 2. Section 33-15-11, Mississippi Code of 1972, is  
123 amended as follows:[JMR2]

124 33-15-11. (a) The Governor shall have general direction and  
125 control of the activities of the Emergency Management Agency and  
126 Council and shall be responsible for the carrying out of the  
127 provisions of this article, and in the event of a man-made,  
128 technological or natural disaster or emergency beyond local  
129 control, may assume direct operational control over all or any  
130 part of the emergency management functions within this state.

131 (b) In performing his duties under this article, the  
132 Governor is further authorized and empowered:

133 (1) To make, amend, and rescind the necessary orders,  
134 rules and regulations to carry out the provisions of this article  
135 with due consideration of the plans of the federal government, and

136 to enter into disaster assistance grants and agreements with the  
137 federal government under the terms as may be required by federal  
138 law.

139           (2) To work with the Mississippi Emergency Management  
140 Agency in preparing a comprehensive plan and program for the  
141 emergency management of this state, such plan and program to be  
142 integrated into and coordinated with the emergency management  
143 plans of the federal government and of other states to the fullest  
144 possible extent, and to coordinate the preparation of plans and  
145 programs for emergency management by the political subdivisions of  
146 this state, such local plans to be integrated into and coordinated  
147 with the emergency management plan and program of this state to  
148 the fullest possible extent.

149           (3) In accordance with such plan and program for  
150 emergency management of this state, to ascertain the requirements  
151 of the state or the political subdivisions thereof for food or  
152 clothing or other necessities of life in the event of attack or  
153 natural or man-made or technological disasters and to plan for and  
154 procure supplies, medicines, materials, and equipment, and to use  
155 and employ from time to time any of the property, services, and  
156 resources within the state, for the purposes set forth in this  
157 article; to make surveys of the industries, resources and  
158 facilities within the state as are necessary to carry out the  
159 purposes of this article; to institute training programs and  
160 public information programs, and to take all other preparatory  
161 steps, including the partial or full mobilization of emergency  
162 management organizations in advance of actual disaster, to insure  
163 the furnishing of adequately trained and equipped forces of  
164 emergency management personnel in time of need.

165           (4) To cooperate with the President and the heads of  
166 the Armed Forces, and the Emergency Management Agency of the  
167 United States, and with the officers and agencies of other states  
168 in matters pertaining to the emergency management of the state and

169 nation and the incidents thereof; and in connection therewith, to  
170 take any measures which he may deem proper to carry into effect  
171 any request of the President and the appropriate federal officers  
172 and agencies, for any action looking to emergency management,  
173 including the direction or control of (a) blackouts and practice  
174 blackouts, air raid drills, mobilization of emergency management  
175 forces, and other tests and exercises, (b) warnings and signals  
176 for drills or attacks and the mechanical devices to be used in  
177 connection therewith, (c) the effective screening or extinguishing  
178 of all lights and lighting devices and appliances, (d) shutting  
179 off water mains, gas mains, electric power connections and the  
180 suspension of all other utility services, (e) the conduct of  
181 civilians and the movement and cessation of movement of  
182 pedestrians and vehicular traffic during, prior, and subsequent to  
183 drills or attack, (f) public meetings or gatherings under  
184 emergency conditions, and (g) the evacuation and reception of the  
185 civilian population \* \* \*.

186 (5) To take such action and give such directions to  
187 state and local law enforcement officers and agencies as may be  
188 reasonable and necessary for the purpose of securing compliance  
189 with the provisions of this article and with the orders, rules and  
190 regulations made pursuant thereto.

191 (6) To employ such measures and give such directions to  
192 the state or local boards of health as may be reasonably necessary  
193 for the purpose of securing compliance with the provisions of this  
194 article or with the findings or recommendations of such boards of  
195 health by reason of conditions arising from enemy attack or the  
196 threat of enemy attack or natural, man-made or technological  
197 disaster.

198 (7) To utilize the services and facilities of existing  
199 officers and agencies of the state and of the political  
200 subdivisions thereof; and all such officers and agencies shall  
201 cooperate with and extend their services and facilities to the

202 Governor as he may request.

203           (8) To establish agencies and offices and to appoint  
204 executive, technical, clerical, and other personnel as may be  
205 necessary to carry out the provisions of this article including,  
206 with due consideration to the recommendation of the local  
207 authorities, part-time or full-time state and regional area  
208 directors.

209           (9) To delegate any authority vested in him under this  
210 article, and to provide for the subdelegation of any such  
211 authority.

212           (10) On behalf of this state to enter into reciprocal  
213 aid agreements or compacts with other states and the federal  
214 government, either on a statewide basis or local political  
215 subdivision basis or with a neighboring state or province of a  
216 foreign country. Such mutual aid arrangements shall be limited to  
217 the furnishings or exchange of food, clothing, medicine, and other  
218 supplies; engineering services; emergency housing; police  
219 services; national or state guards while under the control of the  
220 state; health, medical and related services; fire fighting,  
221 rescue, transportation, and construction services and equipment;  
222 personnel necessary to provide or conduct these services; and such  
223 other supplies, equipment, facilities, personnel, and services as  
224 may be needed; the reimbursement of costs and expenses for  
225 equipment, supplies, personnel, and similar items for mobile  
226 support units, fire fighting, and police units and health units;  
227 and on such terms and conditions as are deemed necessary.

228           (11) To sponsor and develop mutual aid plans and  
229 agreements between the political subdivisions of the state,  
230 similar to the mutual aid arrangements with other states referred  
231 to above.

232           (12) Authorize any agency or arm of the state to create  
233 a special emergency management revolving fund, accept donations,  
234 contributions, fees, grants, including federal funds, as may be

235 necessary for such agency or arm of the state to administer its  
236 functions of this article as set forth in the executive order of  
237 the Governor.

238           (13) To authorize the Commissioner of Public Safety to  
239 select, train, organize, and equip a ready reserve of auxiliary  
240 highway patrolmen.

241           (14) To suspend or limit the sale, dispensing or  
242 transportation of alcoholic beverages, firearms, explosives and  
243 combustibles.

244           (15) To control, restrict and regulate by rationing,  
245 freezing, use of quotas, prohibitions on shipments, price fixing,  
246 allocation or other means, the use, sale or distribution of food,  
247 feed, fuel, clothing, and other commodities, materials, goods or  
248 services.

249           (16) To proclaim a state of emergency in an area  
250 affected or likely to be affected thereby when he finds that the  
251 conditions described in Section 33-15-5(g) exist, or when he is  
252 requested to do so by the mayor of a municipality or by the  
253 president of the board of supervisors of a county, or when he  
254 finds that a local authority is unable to cope with the emergency.  
255 Such proclamation shall be in writing and shall take effect  
256 immediately upon its issuance. As soon thereafter as possible,  
257 such proclamation shall be filed with the Secretary of State and  
258 be given widespread notice and publicity. The Governor, upon  
259 advise of the director, shall review the need for continuing the  
260 state of emergency at least every thirty (30) days until the  
261 emergency is terminated and shall proclaim the termination of the  
262 state of emergency at the earliest possible date that conditions  
263 warrant.

264           (c) In addition to the powers conferred upon the Governor in  
265 this section, the Legislature hereby expressly delegates to the  
266 Governor the following powers and duties in the event of an  
267 impending enemy attack, an enemy attack, or a man-made,



268 technological or natural disaster where such disaster is beyond  
269 local control:

270 (1) To suspend the provisions of any regulatory statute  
271 prescribing the procedures for conduct of state business, or the  
272 orders, rules or regulations of any state agency, if strict  
273 compliance with the provisions of any statute, order, rule or  
274 regulation would in any way prevent, hinder or delay necessary  
275 action in coping with a disaster or emergency.

276 (2) To transfer the direction, personnel or functions  
277 of state agencies, boards, commissions or units thereof for the  
278 purpose of performing or facilitating disaster or emergency  
279 services.

280 (3) To commandeer or utilize any private property if  
281 necessary to cope with a disaster or emergency, provided that such  
282 private property so commandeered or utilized shall be paid for  
283 under terms and conditions agreed upon by the participating  
284 parties. The owner of said property shall immediately be given a  
285 receipt for the said private property and said receipt shall serve  
286 as a valid claim against the Treasury of the State of Mississippi  
287 for the agreed upon market value of said property.

288 (4) To perform and exercise such other functions,  
289 powers and duties as may be necessary to promote and secure the  
290 safety and protection of the civilian population in coping with a  
291 disaster or emergency.

292 SECTION 3. Section 33-15-14, Mississippi Code of 1972, is  
293 amended as follows:

294 33-15-14. (1) The agency is responsible for maintaining a  
295 comprehensive statewide program of emergency management. The  
296 agency is responsible for coordination with efforts of the federal  
297 government with other departments and agencies of state  
298 government, with county and municipal governments and school  
299 boards and with private agencies that have a role in emergency  
300 management.

301           (2) In performing its duties under this article, the agency  
302 shall:

303           (a) Work with Governor, or his representative, in  
304 preparing a state comprehensive emergency management plan of this  
305 state, which shall be integrated into and coordinated with the  
306 emergency management plans of the federal government and of other  
307 states to the fullest possible extent, and to coordinate the  
308 preparation of plans and programs for emergency management by the  
309 political subdivisions of the state, such local plans to be  
310 integrated into and coordinated with the emergency plan and  
311 program of this state. The plan must contain provisions to ensure  
312 that the state is prepared for emergencies and minor, major and  
313 catastrophic disasters, and the agency shall work closely with  
314 local governments and agencies and organizations with emergency  
315 management responsibilities in preparing and maintaining the plan.

316       The state comprehensive emergency management plan will be  
317 operations oriented and:

318           (i) Include an evacuation component that includes  
319 specific regional and interregional planning provisions and  
320 promotes intergovernmental coordination of evacuation activities.

321       This component must, at a minimum: ensure coordination  
322 pertaining to evacuees crossing county lines; set forth procedures  
323 for directing people caught on evacuation routes to safe shelter;  
324 and establish policies and strategies for emergency medical  
325 evacuations.

326           (ii) Include a shelter component that includes  
327 specific regional and interregional planning provisions and  
328 promotes coordination of shelter activities between the public,  
329 private and nonprofit sectors. This component must, at a minimum:  
330 contain strategies to ensure the availability of adequate public  
331 shelter space in each region of the state; establish strategies  
332 for refuge-of-last-resort programs; provide strategies to assist  
333 local emergency management efforts to ensure that adequate

334 staffing plans exist for all shelters, including medical and  
335 security personnel; provide for a postdisaster communications  
336 system for public shelters; establish model shelter guidelines for  
337 operations, registration, inventory, power generation capability,  
338 information management and staffing; and set forth policy guidance  
339 for sheltering people with special needs.

340 (iii) Include a postdisaster response and recovery  
341 component that includes specific regional and interregional  
342 planning provisions and promotes intergovernmental coordination of  
343 postdisaster response and recovery activities. This component  
344 must provide for postdisaster response and recovery strategies  
345 according to whether a disaster is minor, major or catastrophic.  
346 The postdisaster response and recovery component must, at a  
347 minimum: establish the structure of the state's postdisaster  
348 response and recovery organization; establish procedures for  
349 activating the state's plan; set forth policies used to guide  
350 postdisaster response and recovery activities; describe the chain  
351 of command during the postdisaster response and recovery period;  
352 describe initial and continuous postdisaster response and recovery  
353 actions; identify the roles and responsibilities of each involved  
354 agency and organization; provide for a comprehensive  
355 communications plan; establish procedures for monitoring mutual  
356 aid agreements; provide for rapid impact assessment teams; ensure  
357 the availability of an effective statewide urban search and rescue  
358 program coordinated with the fire services; ensure the existence  
359 of a comprehensive statewide medical care and relief plan  
360 administered by the State Department of Health; and establish  
361 systems for coordinating volunteers and accepting and distributing  
362 donated funds and goods.

363 (iv) Include additional provisions addressing  
364 aspects of preparedness, response and recovery, as determined  
365 necessary by the agency.

366 (v) Address the need for coordinated and

367 expeditious deployment of state resources, including the  
368 Mississippi National Guard. In the case of an imminent major  
369 disaster, procedures should address predeployment of the  
370 Mississippi National Guard, and, in the case of an imminent  
371 catastrophic disaster, procedures should address predeployment of  
372 the Mississippi National Guard and the United States Armed Forces.

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

376 (vi) Establish a system of communications and  
377 warning to ensure that the state's population and emergency  
378 management agencies are warned of developing emergency situations  
379 and can communicate emergency response decisions.

380 (vii) Establish guidelines and schedules for  
381 annual exercises that evaluate the ability of the state and its  
382 political subdivisions to respond to minor, major and catastrophic  
383 disasters and support local emergency management agencies. Such  
384 exercises shall be coordinated with local governments and, to the  
385 extent possible, the federal government.

386 (viii) 1. Assign lead and support  
387 responsibilities to state agencies and personnel for emergency  
388 support functions and other support activities.

389 2. The agency shall prepare an interim  
390 postdisaster response and recovery component that substantially  
391 complies with the provisions of this paragraph (a). Each state  
392 agency assigned lead responsibility for an emergency support  
393 function by the state comprehensive emergency management plan  
394 shall also prepare a detailed operational plan needed to implement  
395 its responsibilities. The complete state comprehensive emergency  
396 management plan shall be submitted to the Governor no later than  
397 January 1, 1996, and on January 1 of every even-numbered year  
398 thereafter.

399 (b) Adopt standards and requirements for county

400 emergency management plans. The standards and requirements must  
401 ensure that county plans are coordinated and consistent with the  
402 state comprehensive emergency management plan. If a municipality  
403 elects to establish an emergency management program, it must adopt  
404 a city emergency management plan that complies with all standards  
405 and requirements applicable to county emergency management plans.

406 (c) Assist political subdivisions in preparing and  
407 maintaining emergency management plans.

408 (d) Review periodically political subdivision emergency  
409 management plans for consistency with the State Comprehensive  
410 Emergency Management Plan and standards and requirements adopted  
411 under this section.

412 (e) Make recommendations to the Legislature, building  
413 code organizations and political subdivisions for zoning, building  
414 and other land use controls, safety measures for securing mobile  
415 homes or other nonpermanent or semipermanent structures; and other  
416 preparedness, prevention and mitigation measures designed to  
417 eliminate emergencies or reduce their impact.

418 (f) In accordance with the State Comprehensive  
419 Emergency Management Plan and program for emergency management,  
420 ascertain the requirements of the state and its political  
421 subdivisions for equipment and supplies of all kinds in the event  
422 of an emergency; plan for and either procure supplies, medicines,  
423 materials and equipment or enter into memoranda of agreement or  
424 open purchase orders that will ensure their availability; and use  
425 and employ from time to time any of the property, services and  
426 resources within the state in accordance with this article.

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

429 (h) Prepare and distribute to appropriate state and  
430 local officials catalogs of federal, state and private assistance  
431 programs.

432 (i) Implement training programs to improve the ability

433 of state and local emergency management personnel to prepare and  
434 implement emergency management plans and programs.

435 (j) Review periodically emergency operating procedures  
436 of state agencies and recommend revisions as needed to ensure  
437 consistency with the State Comprehensive Emergency Management Plan  
438 and program.

439 (k) Prepare, in advance whenever possible, such  
440 executive orders, proclamations and rules for issuance by the  
441 Governor as are necessary or appropriate for coping with  
442 emergencies and disasters.

443 (l) Cooperate with the federal government and any  
444 public or private agency or entity in achieving any purpose of  
445 this article.

446 (m) Assist political subdivisions with the creation and  
447 training of urban search and rescue teams and promote the  
448 development and maintenance of a state urban search and rescue  
449 program.

450 (n) Delegate, as necessary and appropriate, authority  
451 vested in it under this article and provide for the subdelegation  
452 of such authority.

453 (o) Report biennially to the Governor and the President  
454 of the Senate, and the Speaker of the House of Representatives, no  
455 later than January 1 of every odd-numbered year, the status of the  
456 emergency management capabilities of the state and its political  
457 subdivisions.

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

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

465 (r) In accordance with Section 33-15-15, create,

466 implement, administer, promulgate, amend and rescind rules  
467 regarding the development of the Mississippi Disaster Reservist  
468 Program.

469 SECTION 4. Section 43-41-13, Mississippi Code of 1972, is  
470 amended as follows:

471 43-41-13. (1) The state grant under this article shall be  
472 equal to twenty-five percent (25%) of the actual cost of meeting  
473 necessary expenses or serious needs, plus state administrative  
474 expenses in excess of five percent (5%) of the total federal  
475 grant, and shall be made only on the condition that the remaining  
476 seventy-five percent (75%) of the grant, plus five percent (5%)  
477 administrative cost, is provided by the federal government.

478 (2) An individual or family shall not receive a grant or  
479 grants under the provisions of this article aggregating more than  
480 the amount specified annually by the Federal Emergency Management  
481 Agency and published in the Federal Register with respect to any  
482 one (1) major disaster declared by the President. In the case of  
483 a federally declared disaster, such aggregate amount shall include  
484 both state and federal share of the grant.

485 SECTION 5. Section 33-15-307, Mississippi Code of 1972, is  
486 amended as follows:

487 33-15-307. (1) The provisions of this article shall be  
488 invoked only pursuant to a state of emergency declared by the  
489 Governor or an emergency or major disaster declared by the  
490 President, or pursuant to an executive order of the Governor, or  
491 administrative order of the director, in order to provide state or  
492 local government resources and personnel in compliance with the  
493 provisions of the \* \* \* Emergency Management Assistance Compact,  
494 Section 45-18-1 et seq, or in nondeclared times for administrative  
495 and training costs associated with state disaster response and  
496 recovery programs. Each declaration shall cite the cause for the  
497 declaration and define the area eligible for assistance and the  
498 type of assistance to be provided.

499           (2) The Disaster Assistance Trust Fund is created as a  
500 special fund in the State Treasury into which shall be paid any  
501 funds appropriated by the Legislature for disaster assistance, any  
502 funds transferred from the Working Cash-Stabilization Reserve Fund  
503 as provided under subsection (5) of this section, any income from  
504 investment of the funds in the trust fund, and federal  
505 reimbursement for administrative costs for management of the  
506 Individual and Family Grant Program \* \* \*, the Public Assistance  
507 Program, the Hazard Mitigation Program and Disaster Reservist  
508 Program.

509           (3) Income from investment of the funds in the trust fund,  
510 and all other funds deposited therein pursuant to law, shall be  
511 available for expenditure, transfer and allocation pursuant to  
512 this article.

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

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

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

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

521                 (d) Administrative costs for managing the Public  
522 Assistance Program.

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

525                 (f) Out-of-pocket expenses, including travel, per diem,  
526 overtime and other similar expenses, of state or local agencies  
527 when so tasked by the Governor or the director for emergency  
528 response under the provisions of Section 33-15-11(b)(7) and  
529 current executive orders. This includes actual emergency response  
530 and recovery activities, and applies to mobilization and  
531 deployment of state or local agencies to another state under the



532 provisions of the Emergency Management Assistance Compact.

533 (g) Costs incurred as a result of state active duty for  
534 the Mississippi National Guard when so tasked by the Governor to  
535 provide support to other agencies and local governments in a major  
536 disaster or emergency situation, or when tasked by the Governor to  
537 provide support to another state under the provisions of the  
538 Emergency Management Assistance Compact.

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

541 (i) Administrative costs of the Hazard Mitigation  
542 Program;

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

545 (k) Administrative costs of the Disaster Reservist  
546 Program;

547 (5) Whenever the director determines that funds are  
548 immediately needed in the Disaster Assistance Trust Fund to  
549 provide for disaster assistance under this article, he shall  
550 notify the Executive Director of the Department of Finance and  
551 Administration of his determination and shall requisition the  
552 amount of funds from the Working Cash-Stabilization Fund that are  
553 needed in the trust fund, which shall be subject to the  
554 limitations set forth below in this subsection. At the same time  
555 he makes the requisition, the director shall notify the Lieutenant  
556 Governor, the Speaker of the House of Representatives and the  
557 respective Chairmen of the Senate Appropriations Committee, the  
558 Senate Finance Committee, the House Appropriations Committee and  
559 the House Ways and Means Committee of his determination of the  
560 need for the funds and the amount that he has requisitioned. Upon  
561 receipt of such a requisition from the director, the Executive  
562 Director of the Department of Finance and Administration shall  
563 ascertain if the amount requisitioned is available in the Working  
564 Cash-Stabilization Reserve Fund and is within the limitations set

565 forth below in this subsection and, if it is, he shall transfer  
566 that amount from the Working Cash-Stabilization Reserve Fund to  
567 the trust fund. If the amount requisitioned is more than the  
568 amount available in the Working Cash-Stabilization Fund or above  
569 the limitations set forth below in this subsection, the executive  
570 director shall transfer the amount that is available within the  
571 limitations. The maximum amount that may be transferred from the  
572 Working Cash-Stabilization Reserve Fund to the trust fund for any  
573 one (1) disaster occurrence shall be Five Hundred Thousand Dollars  
574 (\$500,000.00) and the maximum amount that may be transferred  
575 during any fiscal year shall be One Million Dollars  
576 (\$1,000,000.00).

577 (6) Unexpended state funds in the Disaster Assistance Trust  
578 Fund at the end of a fiscal year shall not lapse into the State  
579 General Fund but shall remain in the trust fund for use under this  
580 article for as long as the funds are needed for the particular  
581 purpose for which they were appropriated or transferred into the  
582 trust fund. After any state funds in the trust fund are no longer  
583 needed for the particular purpose for which they were appropriated  
584 or transferred into the trust fund, the director may use those  
585 funds for any other purpose under this article for which they  
586 currently are needed and for which other funds are not available.

587 If there is no current need for such funds for any purpose under  
588 this article, the funds and the income earned from the investment  
589 of the funds shall be transferred back to the particular fund or  
590 funds in the State Treasury from which they were appropriated or  
591 transferred into the trust fund, upon certification of the  
592 director to the Executive Director of the Department of Finance  
593 and Administration that the funds are not currently needed.

594 SECTION 6. Section 45-18-1, Mississippi Code of 1972, is  
595 amended as follows:

596 45-18-1. Section 45-18-3 may be cited as the Emergency  
597 Management Assistance Compact.

598 SECTION 7. Section 45-18-3, Mississippi Code of 1972, is  
599 amended as follows:

600 45-18-3. The Legislature of the State of Mississippi hereby  
601 authorizes the Governor of the State of Mississippi to enter into  
602 a compact on behalf of the State of Mississippi with any other  
603 state legally joining therein, in the form substantially as  
604 follows:

605 EMERGENCY MANAGEMENT ASSISTANCE COMPACT

606 ARTICLE I -- PURPOSE AND AUTHORITIES

607 This compact is made and entered into by and between the  
608 participating member states which enact this compact, hereinafter  
609 called party states. For the purposes of this agreement, the term  
610 "states" is taken to mean the several states, the Commonwealth of  
611 Puerto Rico, the District of Columbia, and all United States  
612 territorial possessions.

613 The purpose of this compact is to provide for mutual  
614 assistance between the states entering into this compact in  
615 managing any emergency or disaster that is duly declared by the  
616 Governor of the affected state(s), whether arising from natural  
617 disaster, technological hazard, man-made disaster, civil emergency  
618 aspects of resources shortages, community disorders, insurgency,  
619 or enemy attack.

620 This compact shall also provide for mutual cooperation in  
621 emergency-related exercises, testing, or other training activities  
622 using equipment and personnel simulating performance of any aspect  
623 of the giving and receiving of aid by party states or subdivisions  
624 of party states during emergencies, such actions occurring outside  
625 actual declared emergency periods. Mutual assistance in this  
626 compact may include the use of the states' National Guard forces,  
627 either in accordance with the National Guard Mutual Assistance  
628 Compact or by mutual agreement between states.

629 ARTICLE II -- GENERAL IMPLEMENTATION

630 Each party state entering into this compact recognizes many

631 emergencies transcend political jurisdictional boundaries and that  
632 intergovernmental coordination is essential in managing these and  
633 other emergencies under this compact. Each state further  
634 recognizes that there will be emergencies which require immediate  
635 access and present procedures to apply outside resources to make a  
636 prompt and effective response to such an emergency. This is  
637 because few, if any, individual states have all the resources they  
638 may need in all types of emergencies or the capability of  
639 delivering resources to areas where emergencies exist.

640 The prompt, full and effective utilization of resources of  
641 the participating states, including any resources on hand or  
642 available from the federal government or any other source, that  
643 are essential for the safety, care and welfare of the people in  
644 the event of any emergency or disaster declared by a party state,  
645 shall be the underlying principle on which all articles of this  
646 compact shall be understood.

647 On behalf of the Governor of each state participating in the  
648 compact, the legally designated state official who is assigned  
649 responsibility for emergency management will be responsible for  
650 formulation of the appropriate interstate mutual aid plans and  
651 procedures necessary to implement this compact.

652 ARTICLE III -- PARTY STATE RESPONSIBILITIES

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

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

658 i. Review individual state hazards analyses and, to the  
659 extent reasonably possible, determine all those potential  
660 emergencies the party states might jointly suffer, whether due to  
661 natural disaster, technological hazard, man-made disaster,  
662 emergency aspects of resource shortages, civil disorders,  
663 insurgency, or enemy attack.

664           ii. Review party states' individual emergency plans and  
665 develop a plan which will determine the mechanism for the  
666 interstate management and provision of assistance concerning any  
667 potential emergency.

668           iii. Develop interstate procedures to fill any  
669 identified gaps and to resolve any identified inconsistencies or  
670 overlaps in existing or developed plans.

671           iv. Assist in warning communities adjacent to or  
672 crossing the state boundaries.

673           v. Protect and assure uninterrupted delivery of  
674 services, medicines, water, food, energy and fuel, search and  
675 rescue, and critical lifeline equipment, services and resources,  
676 both human and material.

677           vi. Inventory and set procedures for the interstate  
678 loan and delivery of human and material resources, together with  
679 procedures for reimbursement or forgiveness.

680           vii. Provide, to the extent authorized by law, for  
681 temporary suspension of any statutes or ordinances that restrict  
682 the implementation of the above responsibilities.

683           B. The authorized representative of a party state may  
684 request assistance of another party state by contacting the  
685 authorized representative of that state. The provisions of this  
686 agreement shall only apply to requests for assistance made by and  
687 to authorized representatives. Requests may be verbal or in  
688 writing. If verbal, the request shall be confirmed in writing  
689 within thirty (30) days of the verbal request. Requests shall  
690 provide the following information:

691           i. A description of the emergency service function for  
692 which assistance is needed, such as, but not limited to, fire  
693 services, law enforcement, emergency medical, transportation,  
694 communications, public works and engineering, building inspection,  
695 planning and information assistance, mass care, resource support,  
696 health and medical services, and search and rescue.

697           ii. The amount and type of personnel, equipment,  
698 materials and supplies needed, and a reasonable estimate of the  
699 length of time they will be needed.

700           iii. The specific place and time for staging of the  
701 assisting party's response and a point of contact at that  
702 location.

703           C. There shall be frequent consultation between state  
704 officials who have assigned emergency management responsibilities  
705 and other appropriate representatives of the party states with  
706 affected jurisdictions and the United States Government, with free  
707 exchange of information, plans and resource records relating to  
708 emergency capabilities.

709                                   ARTICLE IV -- LIMITATIONS

710           Any party state requested to render mutual aid or conduct  
711 exercises and training for mutual aid shall take such action as is  
712 necessary to provide and make available the resources covered by  
713 this compact in accordance with the terms hereof; provided that it  
714 is understood that the state rendering aid may withhold resources  
715 to the extent necessary to provide reasonable protection for such  
716 state. Each party state shall afford to the emergency forces of  
717 any party state, while operating within its state limits under the  
718 terms and conditions of this compact, the same powers (except that  
719 of arrest unless specifically authorized by the receiving state),  
720 duties, rights and privileges as are afforded forces of the state  
721 in which they are performing emergency services. Emergency forces  
722 will continue under the command and control of their regular  
723 leaders, but the organizational units will come under the  
724 operational control of the emergency services authorities of the  
725 state receiving assistance. These conditions may be activated, as  
726 needed, only subsequent to a declaration of a state of emergency  
727 or disaster by the Governor of the party state that is to receive  
728 assistance or commencement of exercises or training for mutual aid  
729 and shall continue so long as the exercises or training for mutual

730 aid are in progress, the state of emergency or disaster remains in  
731 effect or loaned resources remain in the receiving state(s),  
732 whichever is longer.

733 ARTICLE V -- LICENSES AND PERMITS

734 Whenever any person holds a license, certificate or other  
735 permit issued by any party state to the compact evidencing the  
736 meeting of qualifications for professional, mechanical or other  
737 skills, and when such assistance is requested by the receiving  
738 party state, such person shall be deemed licensed, certified or  
739 permitted by the state requesting assistance to render aid  
740 involving such skill to meet a declared emergency or disaster,  
741 subject to such limitations and conditions as the Governor of the  
742 requesting state may prescribe by executive order or otherwise.

743 ARTICLE VI -- LIABILITY

744 Officers or employees of a party state rendering aid in  
745 another state pursuant to this compact shall be considered agents  
746 of the requesting state for tort liability and immunity purposes;  
747 and no party state or its officers or employees rendering aid in  
748 another state pursuant to this compact shall be liable on account  
749 of any act or omission in good faith on the part of such forces  
750 while so engaged or on account of the maintenance or use of any  
751 equipment or supplies in connection therewith. Good faith in this  
752 article shall not include willful misconduct, gross negligence or  
753 recklessness.

754 ARTICLE VII -- SUPPLEMENTARY AGREEMENTS

755 Inasmuch as it is probable that the pattern and detail of the  
756 machinery for mutual aid among two (2) or more states may differ  
757 from that among the states that are party hereto, this instrument  
758 contains elements of a broad base common to all states, and  
759 nothing herein contained shall preclude any state from entering  
760 into supplementary agreements with another state or affect any  
761 other agreements already in force between states. Supplementary  
762 agreements may comprehend, but shall not be limited to, provisions

763 for evacuation and reception of injured and other persons and the  
764 exchange of medical, fire, police, public utility, reconnaissance,  
765 welfare, transportation and communications personnel and equipment  
766 and supplies.

767 ARTICLE VIII -- COMPENSATION

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

775 ARTICLE IX -- REIMBURSEMENT

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

789 ARTICLE X -- EVACUATION

790 Plans for the orderly evacuation and interstate reception of  
791 portions of the civilian population as the result of any emergency  
792 or disaster of sufficient proportions to so warrant, shall be  
793 worked out and maintained between the party states and the  
794 emergency management/services directors of the various  
795 jurisdictions where any type of incident requiring evacuations



796 might occur. Such plans shall be put into effect by request of  
797 the state from which evacuees come and shall include the manner of  
798 transporting such evacuees, the number of evacuees to be received  
799 in different areas, the manner in which food, clothing, housing  
800 and medical care will be provided, the registration of the  
801 evacuees, the providing of facilities for the notification of  
802 relatives or friends, and the forwarding of such evacuees to other  
803 areas or the bringing in of additional materials, supplies and all  
804 other relevant factors. Such plans shall provide that the party  
805 state receiving evacuees and the party state from which the  
806 evacuees come shall mutually agree as to reimbursement of  
807 out-of-pocket expenses incurred in receiving and caring for such  
808 evacuees, for expenditures for transportation, food, clothing,  
809 medicines and medical care and like items. Such expenditures  
810 shall be reimbursed as agreed by the party state from which the  
811 evacuees come. After the termination of the emergency or  
812 disaster, the party state from which the evacuees come shall  
813 assume the responsibility for the ultimate support of repatriation  
814 of such evacuees.

#### 815 ARTICLE XI -- IMPLEMENTATION

816 A. This compact shall become operative immediately upon its  
817 enactment into law by any two (2) states; thereafter, this compact  
818 shall become effective as to any other state upon its enactment by  
819 such state.

820 B. Any party state may withdraw from this compact by  
821 enacting a statute repealing the same, but no such withdrawal  
822 shall take effect until thirty (30) days after the Governor of the  
823 withdrawing state has given notice in writing of such withdrawal  
824 to the Governors of all other party states. Such action shall not  
825 relieve the withdrawing state from obligations assumed hereunder  
826 prior to the effective date of withdrawal.

827 C. Duly authenticated copies of this compact and of such  
828 supplementary agreements as may be entered into shall, at the time

829 of their approval, be deposited with each of the party states and  
830 with the Federal Emergency Management Agency and other appropriate  
831 agencies of the United States government.

832 ARTICLE XII - VALIDITY

833 This compact shall be construed to effectuate the purposes  
834 stated in Article I hereof. If any provision of this compact is  
835 declared unconstitutional, or the applicability thereof to any  
836 person or circumstances is held invalid, the constitutionality of  
837 the remainder of this compact and the applicability thereof to  
838 other persons and circumstances shall not be affected thereby.

839 ARTICLE XIII -- ADDITIONAL PROVISIONS

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

847 SECTION 8. This act shall take effect and be in force from  
848 and after its passage.