

By: Furniss

To: Veterans and Military  
Affairs;  
Appropriations

## SENATE BILL NO. 3123

1 AN ACT TO AMEND SECTION 33-15-11, MISSISSIPPI CODE OF 1972,  
2 TO MAKE TECHNICAL CHANGES TO THE PROVISIONS PROVIDING EMERGENCY  
3 MANAGEMENT POWERS OF THE GOVERNOR; TO AMEND SECTION 33-15-307,  
4 MISSISSIPPI CODE OF 1972, TO REVISE THE PURPOSES FOR WHICH THE  
5 DISASTER ASSISTANCE TRUST FUND MAY BE USED; TO AMEND SECTION  
6 33-15-317, MISSISSIPPI CODE OF 1972, TO REVISE THE MAXIMUM LIMIT  
7 ON THE ADVANCE OF FUNDS WHICH A STATE OR LOCAL AGENCY MAY RECEIVE  
8 TO INITIATE A PROJECT; TO AMEND SECTION 43-41-13, MISSISSIPPI CODE  
9 OF 1972, TO REVISE THE AMOUNT OF STATE GRANTS AWARDED TO  
10 INDIVIDUALS AND FAMILIES UNDER THE STATE'S NATURAL DISASTER PLAN;  
11 TO AMEND SECTIONS 45-18-1 AND 45-18-3, MISSISSIPPI CODE OF 1972,  
12 TO CHANGE THE NAME OF THE "SOUTHERN REGIONAL EMERGENCY MANAGEMENT  
13 COMPACT" TO THE "EMERGENCY MANAGEMENT ASSISTANCE COMPACT"; AND FOR  
14 RELATED PURPOSES.

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

16 SECTION 1. Section 33-15-11, Mississippi Code of 1972, is  
17 amended as follows:[JMR1]

18 33-15-11. (a) The Governor shall have general direction and  
19 control of the activities of the Emergency Management Agency and  
20 Council and shall be responsible for the carrying out of the  
21 provisions of this article, and in the event of a man-made,  
22 technological or natural disaster or emergency beyond local  
23 control, may assume direct operational control over all or any  
24 part of the emergency management functions within this state.

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

27 (1) To make, amend, and rescind the necessary orders,  
28 rules and regulations to carry out the provisions of this article  
29 with due consideration of the plans of the federal government, and  
30 to enter into disaster assistance grants and agreements with the  
31 federal government under the terms as may be required by federal  
32 law.

33           (2) To work with the Mississippi Emergency Management  
34 Agency in preparing a comprehensive plan and program for the  
35 emergency management of this state, such plan and program to be  
36 integrated into and coordinated with the emergency management  
37 plans of the federal government and of other states to the fullest  
38 possible extent, and to coordinate the preparation of plans and  
39 programs for emergency management by the political subdivisions of  
40 this state, such local plans to be integrated into and coordinated  
41 with the emergency management plan and program of this state to  
42 the fullest possible extent.

43           (3) In accordance with such plan and program for  
44 emergency management of this state, to ascertain the requirements  
45 of the state or the political subdivisions thereof for food or  
46 clothing or other necessities of life in the event of attack or  
47 natural or man-made or technological disasters and to plan for and  
48 procure supplies, medicines, materials, and equipment, and to use  
49 and employ from time to time any of the property, services, and  
50 resources within the state, for the purposes set forth in this  
51 article; to make surveys of the industries, resources and  
52 facilities within the state as are necessary to carry out the  
53 purposes of this article; to institute training programs and  
54 public information programs, and to take all other preparatory  
55 steps, including the partial or full mobilization of emergency  
56 management organizations in advance of actual disaster, to insure  
57 the furnishing of adequately trained and equipped forces of  
58 emergency management personnel in time of need.

59           (4) To cooperate with the President and the heads of  
60 the Armed Forces, and the Emergency Management Agency of the  
61 United States, and with the officers and agencies of other states  
62 in matters pertaining to the emergency management of the state and  
63 nation and the incidents thereof; and in connection therewith, to  
64 take any measures which he may deem proper to carry into effect  
65 any request of the President and the appropriate federal officers

66 and agencies, for any action looking to emergency management,  
67 including the direction or control of (a) blackouts and practice  
68 blackouts, air raid drills, mobilization of emergency management  
69 forces, and other tests and exercises, (b) warnings and signals  
70 for drills or attacks and the mechanical devices to be used in  
71 connection therewith, (c) the effective screening or extinguishing  
72 of all lights and lighting devices and appliances, (d) shutting  
73 off water mains, gas mains, electric power connections and the  
74 suspension of all other utility services, (e) the conduct of  
75 civilians and the movement and cessation of movement of  
76 pedestrians and vehicular traffic during, prior, and subsequent to  
77 drills or attack, (f) public meetings or gatherings under  
78 emergency conditions, and (g) the evacuation and reception of the  
79 civilian population \* \* \*.

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

85 (6) To employ such measures and give such directions to  
86 the state or local boards of health as may be reasonably necessary  
87 for the purpose of securing compliance with the provisions of this  
88 article or with the findings or recommendations of such boards of  
89 health by reason of conditions arising from enemy attack or the  
90 threat of enemy attack or natural, man-made or technological  
91 disaster.

92 (7) To utilize the services and facilities of existing  
93 officers and agencies of the state and of the political  
94 subdivisions thereof; and all such officers and agencies shall  
95 cooperate with and extend their services and facilities to the  
96 Governor as he may request.

97 (8) To establish agencies and offices and to appoint  
98 executive, technical, clerical, and other personnel as may be

99 necessary to carry out the provisions of this article including,  
100 with due consideration to the recommendation of the local  
101 authorities, part-time or full-time state and regional area  
102 directors.

103           (9) To delegate any authority vested in him under this  
104 article, and to provide for the subdelegation of any such  
105 authority.

106           (10) On behalf of this state to enter into reciprocal  
107 aid agreements or compacts with other states and the federal  
108 government, either on a statewide basis or local political  
109 subdivision basis or with a neighboring state or province of a  
110 foreign country. Such mutual aid arrangements shall be limited to  
111 the furnishings or exchange of food, clothing, medicine, and other  
112 supplies; engineering services; emergency housing; police  
113 services; national or state guards while under the control of the  
114 state; health, medical and related services; fire fighting,  
115 rescue, transportation, and construction services and equipment;  
116 personnel necessary to provide or conduct these services; and such  
117 other supplies, equipment, facilities, personnel, and services as  
118 may be needed; the reimbursement of costs and expenses for  
119 equipment, supplies, personnel, and similar items for mobile  
120 support units, fire fighting, and police units and health units;  
121 and on such terms and conditions as are deemed necessary.

122           (11) To sponsor and develop mutual aid plans and  
123 agreements between the political subdivisions of the state,  
124 similar to the mutual aid arrangements with other states referred  
125 to above.

126           (12) Authorize any agency or arm of the state to create  
127 a special emergency management revolving fund, accept donations,  
128 contributions, fees, grants, including federal funds, as may be  
129 necessary for such agency or arm of the state to administer its  
130 functions of this article as set forth in the executive order of  
131 the Governor.

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

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

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

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

(c) In addition to the powers conferred upon the Governor in this section, the Legislature hereby expressly delegates to the Governor the following powers and duties in the event of an impending enemy attack, an enemy attack, or a man-made, technological or natural disaster where such disaster is beyond local control:

(1) To suspend the provisions of any regulatory statute

165 prescribing the procedures for conduct of state business, or the  
166 orders, rules or regulations of any state agency, if strict  
167 compliance with the provisions of any statute, order, rule or  
168 regulation would in any way prevent, hinder or delay necessary  
169 action in coping with a disaster or emergency.

170           (2) To transfer the direction, personnel or functions  
171 of state agencies, boards, commissions or units thereof for the  
172 purpose of performing or facilitating disaster or emergency  
173 services.

174           (3) To commandeer or utilize any private property if  
175 necessary to cope with a disaster or emergency, provided that such  
176 private property so commandeered or utilized shall be paid for  
177 under terms and conditions agreed upon by the participating  
178 parties. The owner of said property shall immediately be given a  
179 receipt for the said private property and said receipt shall serve  
180 as a valid claim against the Treasury of the State of Mississippi  
181 for the agreed upon market value of said property.

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

186           SECTION 2. Section 33-15-307, Mississippi Code of 1972, is  
187 amended as follows:

188           33-15-307. (1) The provisions of this article shall be  
189 invoked only pursuant to a state of emergency declared by the  
190 Governor or an emergency or major disaster declared by the  
191 President, or pursuant to an executive order of the Governor in  
192 order to provide state or local government resources and personnel  
193 in compliance with the provisions of the Emergency Management  
194 Assistance Compact, Section 45-18-1 et seq. Each declaration  
195 shall cite the cause for the declaration and define the area  
196 eligible for assistance and the type of assistance to be provided.

197           (2) The Disaster Assistance Trust Fund is created as a

special fund in the State Treasury into which shall be paid any funds appropriated by the Legislature for disaster assistance, any funds transferred from the Working Cash-Stabilization Reserve Fund as provided under subsection (5) of this section, any income from investment of the funds in the trust fund, and federal reimbursement for administrative costs for management of the Individual and Family Grant Program, the Public Assistance Program, and the Hazard Mitigation Program.

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

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

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

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

(c) Administrative costs for managing the IFG Program.

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

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

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

(g) Costs incurred as a result of state active duty for

the Mississippi National Guard when so tasked by the Governor to provide support to other agencies and local governments in a major disaster or emergency situation, or when tasked by the Governor to provide support to another state under the provisions of the Emergency Management Assistance Compact.

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

(i) Administrative costs of the Hazard Mitigation Program.

(5) Whenever the director determines that funds are immediately needed in the Disaster Assistance Trust Fund to provide for disaster assistance under this article, he shall notify the Executive Director of the Department of Finance and Administration of his determination and shall requisition the amount of funds from the Working Cash-Stabilization Fund that are needed in the trust fund, which shall be subject to the limitations set forth below in this subsection. At the same time he makes the requisition, the director shall notify the Lieutenant Governor, the Speaker of the House of Representatives and the respective chairmen of the Senate Appropriations Committee, the Senate Finance Committee, the House Appropriations Committee and the House Ways and Means Committee of his determination of the need for the funds and the amount that he has requisitioned. Upon receipt of such a requisition from the director, the Executive Director of the Department of Finance and Administration shall ascertain if the amount requisitioned is available in the Working Cash-Stabilization Reserve Fund and is within the limitations set forth below in this subsection and, if it is, he shall transfer that amount from the Working Cash-Stabilization Reserve Fund to the trust fund. If the amount requisitioned is more than the amount available in the Working Cash-Stabilization Fund or above the limitations set forth below in this subsection, the executive director shall transfer the amount that is available within the



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

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

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

SECTION 3. Section 33-15-317, Mississippi Code of 1972, is amended as follows:

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

(2) Disaster assistance funds provided from federal sources under the provisions of PL 93-288 as amended by PL 100-707 shall

be deposited in the trust fund, and the director shall make advances or reimbursement therefrom for expenditures for eligible work or for payment for performance.

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

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

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

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

SECTION 5. Section 45-18-1, Mississippi Code of 1972, is amended as follows:

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

SECTION 6. Section 45-18-3, Mississippi Code of 1972, is

330 amended as follows:

331       45-18-3. The Legislature of the State of Mississippi hereby  
332 authorizes the Governor of the State of Mississippi to enter into  
333 a compact on behalf of the State of Mississippi with any other  
334 state legally joining therein, in the form substantially as  
335 follows:

336                   EMERGENCY MANAGEMENT ASSISTANCE COMPACT

337                   ARTICLE I -- PURPOSE AND AUTHORITIES

338       This compact is made and entered into by and between the  
339 participating member states which enact this compact, hereinafter  
340 called party states. For the purposes of this agreement, the term  
341 "states" is taken to mean the several states, the Commonwealth of  
342 Puerto Rico, the District of Columbia, and all United States  
343 territorial possessions.

344       The purpose of this compact is to provide for mutual  
345 assistance between the states entering into this compact in  
346 managing any emergency or disaster that is duly declared by the  
347 Governor of the affected state(s), whether arising from natural  
348 disaster, technological hazard, man-made disaster, civil emergency  
349 aspects of resources shortages, community disorders, insurgency,  
350 or enemy attack.

351       This compact shall also provide for mutual cooperation in  
352 emergency-related exercises, testing, or other training activities  
353 using equipment and personnel simulating performance of any aspect  
354 of the giving and receiving of aid by party states or subdivisions  
355 of party states during emergencies, such actions occurring outside  
356 actual declared emergency periods. Mutual assistance in this  
357 compact may include the use of the states' National Guard forces,  
358 either in accordance with the National Guard Mutual Assistance  
359 Compact or by mutual agreement between states.

360                   ARTICLE II -- GENERAL IMPLEMENTATION

361       Each party state entering into this compact recognizes many  
362 emergencies transcend political jurisdictional boundaries and that

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

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

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

### ARTICLE III -- PARTY STATE RESPONSIBILITIES

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

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

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

ii. Review party states' individual emergency plans and

develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency.

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

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

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

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

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

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

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

ii. The amount and type of personnel, equipment,

materials and supplies needed, and a reasonable estimate of the length of time they will be needed.

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

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

#### ARTICLE IV -- LIMITATIONS

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

effect or loaned resources remain in the receiving state(s),  
whichever is longer.

#### ARTICLE V -- LICENSES AND PERMITS

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

#### ARTICLE VI -- LIABILITY

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

#### ARTICLE VII -- SUPPLEMENTARY AGREEMENTS

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

exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel and equipment and supplies.

#### ARTICLE VIII -- COMPENSATION

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

#### ARTICLE IX -- REIMBURSEMENT

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

#### ARTICLE X -- EVACUATION

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management/services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of



the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

#### ARTICLE XI -- IMPLEMENTATION

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

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

C. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and

with the Federal Emergency Management Agency and other appropriate agencies of the United States government.

#### ARTICLE XII - VALIDITY

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

#### ARTICLE XIII -- ADDITIONAL PROVISIONS

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

SECTION 7. This act shall take effect and be in force from and after its passage.