

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

Committee Sub. for SB NO. 2906

By Senator(s) Furniss, Gordon, King

17 **Amend by striking all after the enacting clause and inserting**
18 **in lieu thereof the following:**

19

20 SECTION 1. Section 33-15-5, Mississippi Code of 1972, is
21 amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

73 (g) "Local emergency" means the duly proclaimed
74 existence of conditions of disaster or extreme peril to the safety

75 of persons and property within the territorial limits of a county
76 and/or municipality caused by such conditions as air or water
77 pollution, fire, flood, storm, epidemic, earthquake, resource
78 shortages or other natural or man-made conditions, which
79 conditions are or are likely to be beyond the control of the
80 services, personnel, equipment and facilities of the political
81 subdivision and require the combined forces of other subdivisions
82 or of the state to combat.

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

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

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

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

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

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

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

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

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

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

125 SECTION 2. Section 33-15-11, Mississippi Code of 1972, is
126 amended as follows:

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

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

136 (1) To make, amend, and rescind the necessary orders,
137 rules and regulations to carry out the provisions of this article
138 with due consideration of the plans of the federal government, and
139 to enter into disaster assistance grants and agreements with the
140 federal government under the terms as may be required by federal
141 law.

142 (2) To work with the Mississippi Emergency Management
143 Agency in preparing a comprehensive plan and program for the
144 emergency management of this state, such plan and program to be

145 integrated into and coordinated with the emergency management
146 plans of the federal government and of other states to the fullest
147 possible extent, and to coordinate the preparation of plans and
148 programs for emergency management by the political subdivisions of
149 this state, such local plans to be integrated into and coordinated
150 with the emergency management plan and program of this state to
151 the fullest possible extent.

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

168 (4) To cooperate with the President and the heads of
169 the Armed Forces, and the Emergency Management Agency of the
170 United States, and with the officers and agencies of other states
171 in matters pertaining to the emergency management of the state and
172 nation and the incidents thereof; and in connection therewith, to
173 take any measures which he may deem proper to carry into effect
174 any request of the President and the appropriate federal officers
175 and agencies, for any action looking to emergency management,
176 including the direction or control of (a) blackouts and practice
177 blackouts, air raid drills, mobilization of emergency management
178 forces, and other tests and exercises, (b) warnings and signals
179 for drills or attacks and the mechanical devices to be used in

180 connection therewith, (c) the effective screening or extinguishing
181 of all lights and lighting devices and appliances, (d) shutting
182 off water mains, gas mains, electric power connections and the
183 suspension of all other utility services, (e) the conduct of
184 civilians and the movement and cessation of movement of
185 pedestrians and vehicular traffic during, prior, and subsequent to
186 drills or attack, (f) public meetings or gatherings under
187 emergency conditions, and (g) the evacuation and reception of the
188 civilian population * * *.

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

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

201 (7) To utilize the services and facilities of existing
202 officers and agencies of the state and of the political
203 subdivisions thereof; and all such officers and agencies shall
204 cooperate with and extend their services and facilities to the
205 Governor as he may request.

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

212 (9) To delegate any authority vested in him under this
213 article, and to provide for the subdelegation of any such
214 authority.

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

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

235 (12) Authorize any agency or arm of the state to create
236 a special emergency management revolving fund, accept donations,
237 contributions, fees, grants, including federal funds, as may be
238 necessary for such agency or arm of the state to administer its
239 functions of this article as set forth in the executive order of
240 the Governor.

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

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

247 (15) To control, restrict and regulate by rationing,
248 freezing, use of quotas, prohibitions on shipments, price fixing,
249 allocation or other means, the use, sale or distribution of food,

250 feed, fuel, clothing, and other commodities, materials, goods or
251 services.

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

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

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

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

283 (3) To commandeer or utilize any private property if
284 necessary to cope with a disaster or emergency, provided that such

285 private property so commandeered or utilized shall be paid for
286 under terms and conditions agreed upon by the participating
287 parties. The owner of said property shall immediately be given a
288 receipt for the said private property and said receipt shall serve
289 as a valid claim against the Treasury of the State of Mississippi
290 for the agreed upon market value of said property.

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

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

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

304 (2) In performing its duties under this article, the agency
305 shall:

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

319 The state comprehensive emergency management plan will be

320 operations oriented and:

321 (i) Include an evacuation component that includes
322 specific regional and interregional planning provisions and
323 promotes intergovernmental coordination of evacuation activities.

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

329 (ii) Include a shelter component that includes
330 specific regional and interregional planning provisions and
331 promotes coordination of shelter activities between the public,
332 private and nonprofit sectors. This component must, at a minimum:

333 contain strategies to ensure the availability of adequate public
334 shelter space in each region of the state; establish strategies
335 for refuge-of-last-resort programs; provide strategies to assist
336 local emergency management efforts to ensure that adequate
337 staffing plans exist for all shelters, including medical and
338 security personnel; provide for a postdisaster communications
339 system for public shelters; establish model shelter guidelines for
340 operations, registration, inventory, power generation capability,
341 information management and staffing; and set forth policy guidance
342 for sheltering people with special needs.

343 (iii) Include a postdisaster response and recovery
344 component that includes specific regional and interregional
345 planning provisions and promotes intergovernmental coordination of
346 postdisaster response and recovery activities. This component
347 must provide for postdisaster response and recovery strategies
348 according to whether a disaster is minor, major or catastrophic.
349 The postdisaster response and recovery component must, at a
350 minimum: establish the structure of the state's postdisaster
351 response and recovery organization; establish procedures for
352 activating the state's plan; set forth policies used to guide
353 postdisaster response and recovery activities; describe the chain
354 of command during the postdisaster response and recovery period;

355 describe initial and continuous postdisaster response and recovery
356 actions; identify the roles and responsibilities of each involved
357 agency and organization; provide for a comprehensive
358 communications plan; establish procedures for monitoring mutual
359 aid agreements; provide for rapid impact assessment teams; ensure
360 the availability of an effective statewide urban search and rescue
361 program coordinated with the fire services; ensure the existence
362 of a comprehensive statewide medical care and relief plan
363 administered by the State Department of Health; and establish
364 systems for coordinating volunteers and accepting and distributing
365 donated funds and goods.

366 (iv) Include additional provisions addressing
367 aspects of preparedness, response and recovery, as determined
368 necessary by the agency.

369 (v) Address the need for coordinated and
370 expeditious deployment of state resources, including the
371 Mississippi National Guard. In the case of an imminent major
372 disaster, procedures should address predeployment of the
373 Mississippi National Guard, and, in the case of an imminent
374 catastrophic disaster, procedures should address predeployment of
375 the Mississippi National Guard and the United States Armed Forces.

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

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

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

389 (viii) 1. Assign lead and support

390 responsibilities to state agencies and personnel for emergency
391 support functions and other support activities.

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

402 (b) Adopt standards and requirements for county
403 emergency management plans. The standards and requirements must
404 ensure that county plans are coordinated and consistent with the
405 state comprehensive emergency management plan. If a municipality
406 elects to establish an emergency management program, it must adopt
407 a city emergency management plan that complies with all standards
408 and requirements applicable to county emergency management plans.

409 (c) Assist political subdivisions in preparing and
410 maintaining emergency management plans.

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

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

421 (f) In accordance with the State Comprehensive
422 Emergency Management Plan and program for emergency management,
423 ascertain the requirements of the state and its political
424 subdivisions for equipment and supplies of all kinds in the event

425 of an emergency; plan for and either procure supplies, medicines,
426 materials and equipment or enter into memoranda of agreement or
427 open purchase orders that will ensure their availability; and use
428 and employ from time to time any of the property, services and
429 resources within the state in accordance with this article.

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

432 (h) Prepare and distribute to appropriate state and
433 local officials catalogs of federal, state and private assistance
434 programs.

435 (i) Implement training programs to improve the ability
436 of state and local emergency management personnel to prepare and
437 implement emergency management plans and programs.

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

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

446 (l) Cooperate with the federal government and any
447 public or private agency or entity in achieving any purpose of
448 this article.

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

453 (n) Delegate, as necessary and appropriate, authority
454 vested in it under this article and provide for the subdelegation
455 of such authority.

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

460 subdivisions.

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

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

468 (r) In accordance with Section 33-15-15, create,
469 implement, administer, promulgate, amend and rescind rules
470 regarding the development of the Mississippi Disaster Reservist
471 Program.

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

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

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

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

490 33-15-307. (1) The provisions of this article shall be
491 invoked only pursuant to a state of emergency declared by the
492 Governor or an emergency or major disaster declared by the
493 President, or pursuant to an executive order of the Governor, or
494 administrative order of the director, in order to provide state or

495 local government resources and personnel in compliance with the
496 provisions of the * * * Emergency Management Assistance Compact,
497 Section 45-18-1 et seq, or in nondeclared times for administrative
498 and training costs associated with state disaster response and
499 recovery programs. Each declaration shall cite the cause for the
500 declaration and define the area eligible for assistance and the
501 type of assistance to be provided.

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

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

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

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

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

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

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

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

528 (f) Out-of-pocket expenses, including travel, per diem,
529 overtime and other similar expenses, of state or local agencies

530 when so tasked by the Governor or the director for emergency
531 response under the provisions of Section 33-15-11(b)(7) and
532 current executive orders. This includes actual emergency response
533 and recovery activities, and applies to mobilization and
534 deployment of state or local agencies to another state under the
535 provisions of the Emergency Management Assistance Compact.

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

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

544 (i) Administrative costs of the Hazard Mitigation
545 Program;

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

548 (k) Administrative costs of the Disaster Reservist
549 Program;

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

565 Director of the Department of Finance and Administration shall
566 ascertain if the amount requisitioned is available in the Working
567 Cash-Stabilization Reserve Fund and is within the limitations set
568 forth below in this subsection and, if it is, he shall transfer
569 that amount from the Working Cash-Stabilization Reserve Fund to
570 the trust fund. If the amount requisitioned is more than the
571 amount available in the Working Cash-Stabilization Fund or above
572 the limitations set forth below in this subsection, the executive
573 director shall transfer the amount that is available within the
574 limitations. The maximum amount that may be transferred from the
575 Working Cash-Stabilization Reserve Fund to the trust fund for any
576 one (1) disaster occurrence shall be Five Hundred Thousand Dollars
577 (\$500,000.00) and the maximum amount that may be transferred
578 during any fiscal year shall be One Million Dollars
579 (\$1,000,000.00).

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

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

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

599 45-18-1. Section 45-18-3 may be cited as the Emergency

600 Management Assistance Compact.

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

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

608 EMERGENCY MANAGEMENT ASSISTANCE COMPACT

609 ARTICLE I -- PURPOSE AND AUTHORITIES

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

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

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

632 ARTICLE II -- GENERAL IMPLEMENTATION

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

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

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

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

655 ARTICLE III -- PARTY STATE RESPONSIBILITIES

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

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

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

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

670 potential emergency.

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

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

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

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

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

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

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

700 ii. The amount and type of personnel, equipment,
701 materials and supplies needed, and a reasonable estimate of the
702 length of time they will be needed.

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

705 location.

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

712 ARTICLE IV -- LIMITATIONS

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

736 ARTICLE V -- LICENSES AND PERMITS

737 Whenever any person holds a license, certificate or other
738 permit issued by any party state to the compact evidencing the
739 meeting of qualifications for professional, mechanical or other

740 skills, and when such assistance is requested by the receiving
741 party state, such person shall be deemed licensed, certified or
742 permitted by the state requesting assistance to render aid
743 involving such skill to meet a declared emergency or disaster,
744 subject to such limitations and conditions as the Governor of the
745 requesting state may prescribe by executive order or otherwise.

746 ARTICLE VI -- LIABILITY

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

757 ARTICLE VII -- SUPPLEMENTARY AGREEMENTS

758 Inasmuch as it is probable that the pattern and detail of the
759 machinery for mutual aid among two (2) or more states may differ
760 from that among the states that are party hereto, this instrument
761 contains elements of a broad base common to all states, and
762 nothing herein contained shall preclude any state from entering
763 into supplementary agreements with another state or affect any
764 other agreements already in force between states. Supplementary
765 agreements may comprehend, but shall not be limited to, provisions
766 for evacuation and reception of injured and other persons and the
767 exchange of medical, fire, police, public utility, reconnaissance,
768 welfare, transportation and communications personnel and equipment
769 and supplies.

770 ARTICLE VIII -- COMPENSATION

771 Each party state shall provide for the payment of
772 compensation and death benefits to injured members of the
773 emergency forces of that state and representatives of deceased
774 members of such forces in case such members sustain injuries or

775 are killed while rendering aid pursuant to this compact, in the
776 same manner and on the same terms as if the injury or death were
777 sustained within their own state.

778 ARTICLE IX -- REIMBURSEMENT

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

792 ARTICLE X -- EVACUATION

793 Plans for the orderly evacuation and interstate reception of
794 portions of the civilian population as the result of any emergency
795 or disaster of sufficient proportions to so warrant, shall be
796 worked out and maintained between the party states and the
797 emergency management/services directors of the various
798 jurisdictions where any type of incident requiring evacuations
799 might occur. Such plans shall be put into effect by request of
800 the state from which evacuees come and shall include the manner of
801 transporting such evacuees, the number of evacuees to be received
802 in different areas, the manner in which food, clothing, housing
803 and medical care will be provided, the registration of the
804 evacuees, the providing of facilities for the notification of
805 relatives or friends, and the forwarding of such evacuees to other
806 areas or the bringing in of additional materials, supplies and all
807 other relevant factors. Such plans shall provide that the party
808 state receiving evacuees and the party state from which the
809 evacuees come shall mutually agree as to reimbursement of

810 out-of-pocket expenses incurred in receiving and caring for such
811 evacuees, for expenditures for transportation, food, clothing,
812 medicines and medical care and like items. Such expenditures
813 shall be reimbursed as agreed by the party state from which the
814 evacuees come. After the termination of the emergency or
815 disaster, the party state from which the evacuees come shall
816 assume the responsibility for the ultimate support of repatriation
817 of such evacuees.

818 ARTICLE XI -- IMPLEMENTATION

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

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

830 C. Duly authenticated copies of this compact and of such
831 supplementary agreements as may be entered into shall, at the time
832 of their approval, be deposited with each of the party states and
833 with the Federal Emergency Management Agency and other appropriate
834 agencies of the United States government.

835 ARTICLE XII - VALIDITY

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

842 ARTICLE XIII -- ADDITIONAL PROVISIONS

843 Nothing in this compact shall authorize or permit the use of
844 military force by the National Guard of a state at any place

845 outside that state in any emergency for which the President is
846 authorized by law to call into federal service the militia, or for
847 any purpose for which the use of the Army or the Air Force would
848 in the absence of express statutory authorization be prohibited
849 under Section 1385 of Title 18, United States Code.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.