HOUSE BILL NO. 1125

AN ACT TO AMEND SECTION 33-15-14, MISSISSIPPI CODE OF 1972, TO REQUIRE LOCAL CIVIL DEFENSE DIRECTORS AND EMERGENCY MANAGEMENT DIRECTORS TO BE TRAINED TO CARRY OUT THEIR RESPONSIBILITIES AND TO BE DESIGNATED AS THEIR POLITICAL SUBDIVISION'S AGENT FOR WORKING WITH THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY IN ALL NATURAL DISASTERS; TO AMEND SECTION 33-15-25, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY TO WITHHOLD FUNDS FROM ANY POLITICAL SUBDIVISION THAT OWES REFUNDS ON PAST INCOMPLETE PROJECTS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 33-15-14, Mississippi Code of 1972, is amended as follows:

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

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

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

(i) Include an evacuation component that includes
specific regional and interregional planning provisions and
promotes intergovernmental coordination of evacuation activities.
This component must, at a minimum: ensure coordination pertaining
to evacuees crossing county lines; set forth procedures for
directing people caught on evacuation routes to safe shelter; and
establish policies and strategies for emergency medical
evacuations.

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

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

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

(v) Address the need for coordinated and expeditious deployment of state resources, including the Mississippi National Guard. In the case of an imminent major disaster, procedures should address predeployment of the Mississippi National Guard, and, in the case of an imminent catastrophic disaster, procedures should address predeployment of the Mississippi National Guard and the United States Armed Forces. This subparagraph (v) does not authorize the agency to call out and deploy the Mississippi National Guard, which authority and determination rests solely with the Governor.
(vi) Establish a system of communications and warning to ensure that the state's population and emergency management agencies are warned of developing emergency situations and can communicate emergency response decisions.

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

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

2. The agency shall prepare an interim postdisaster response and recovery component that substantially complies with the provisions of this paragraph (a). Each state agency assigned lead responsibility for an emergency support function by the State Comprehensive Emergency Management Plan shall also prepare a detailed operational plan needed to implement its responsibilities. The complete State Comprehensive Emergency Management Plan shall be submitted to the Governor no later than January 1, 1996, and on January 1 of every even-numbered year thereafter.

(b) Adopt standards and requirements for county emergency management plans. The standards and requirements must ensure that county plans are coordinated and consistent with the State Comprehensive Emergency Management Plan. If a municipality elects to establish an emergency management program, it must adopt a city emergency management plan that complies with all standards and requirements applicable to county emergency management plans.

(c) Assist political subdivisions in preparing and maintaining emergency management plans.
(d) Review periodically political subdivision emergency management plans for consistency with the State Comprehensive Emergency Management Plan and standards and requirements adopted under this section.

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

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

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

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

(i) Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs, and require all local civil defense directors or emergency management directors to complete such training as a condition to their authority to continue service in their emergency management positions.

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

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

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

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

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

(o) Require each county or municipality to designate its civil defense director or emergency management director as its agent for working with the agency in the event of a natural disaster. If a county or a municipality does not have an emergency management director or a civil defense director, the county or municipality may designate any person who has completed training programs required of emergency management directors.

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

(q) In accordance with Section 25-43-1 et seq., create, implement, administer, promulgate, amend and rescind rules, programs and plans needed to carry out the provisions of this article with due consideration for, and in cooperating with, the plans and programs of the federal government.
(r) Do other things necessary, incidental or appropriate for the implementation of this article.

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

SECTION 2. Section 33-15-25, Mississippi Code of 1972, is amended as follows:

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

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

(c) The agency may withhold from any county board of supervisors, municipality or not-for-profit entity a portion or all of a subgrant whenever the agency determines that the county,
municipality or not-for-profit entity owes a refund on any past
subgrant project that was not completed as required.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2001.