

By: Senator(s) Furniss

To: Veterans and Military  
Affairs

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2428

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

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

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

13 33-15-14. (1) The agency is responsible for maintaining a  
14 comprehensive statewide program of emergency management. The  
15 agency is responsible for coordination with efforts of the federal  
16 government with other departments and agencies of state  
17 government, with county and municipal governments and school  
18 boards and with private agencies that have a role in emergency  
19 management.

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

22 (a) Work with Governor, or his representative, in  
23 preparing a State Comprehensive Emergency Management Plan of this  
24 state, which shall be integrated into and coordinated with the  
25 emergency management plans of the federal government and of other  
26 states to the fullest possible extent, and to coordinate the  
27 preparation of plans and programs for emergency management by the  
28 political subdivisions of the state, such local plans to be  
29 integrated into and coordinated with the emergency plan and  
30 program of this state. The plan must contain provisions to ensure



31 that the state is prepared for emergencies and minor, major and  
32 catastrophic disasters, and the agency shall work closely with  
33 local governments and agencies and organizations with emergency  
34 management responsibilities in preparing and maintaining the plan.  
35 The State Comprehensive Emergency Management Plan will be  
36 operations oriented and:

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

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

59 (iii) Include a postdisaster response and recovery  
60 component that includes specific regional and interregional  
61 planning provisions and promotes intergovernmental coordination of  
62 postdisaster response and recovery activities. This component  
63 must provide for postdisaster response and recovery strategies



64 according to whether a disaster is minor, major or catastrophic.  
65 The postdisaster response and recovery component must, at a  
66 minimum: establish the structure of the state's postdisaster  
67 response and recovery organization; establish procedures for  
68 activating the state's plan; set forth policies used to guide  
69 postdisaster response and recovery activities; describe the chain  
70 of command during the postdisaster response and recovery period;  
71 describe initial and continuous postdisaster response and recovery  
72 actions; identify the roles and responsibilities of each involved  
73 agency and organization; provide for a comprehensive  
74 communications plan; establish procedures for monitoring mutual  
75 aid agreements; provide for rapid impact assessment teams; ensure  
76 the availability of an effective statewide urban search and rescue  
77 program coordinated with the fire services; ensure the existence  
78 of a comprehensive statewide medical care and relief plan  
79 administered by the State Department of Health; and establish  
80 systems for coordinating volunteers and accepting and distributing  
81 donated funds and goods.

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

85 (v) Address the need for coordinated and  
86 expeditious deployment of state resources, including the  
87 Mississippi National Guard. In the case of an imminent major  
88 disaster, procedures should address predeployment of the  
89 Mississippi National Guard, and, in the case of an imminent  
90 catastrophic disaster, procedures should address predeployment of  
91 the Mississippi National Guard and the United States Armed Forces.  
92 This subparagraph (v) does not authorize the agency to call out  
93 and deploy the Mississippi National Guard, which authority and  
94 determination rests solely with the Governor.

95 (vi) Establish a system of communications and  
96 warning to ensure that the state's population and emergency



97 management agencies are warned of developing emergency situations  
98 and can communicate emergency response decisions.

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

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

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

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

125 (c) Assist political subdivisions in preparing and  
126 maintaining emergency management plans.

127 (d) Review periodically political subdivision emergency  
128 management plans for consistency with the State Comprehensive



129 Emergency Management Plan and standards and requirements adopted  
130 under this section.

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

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

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

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

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

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



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

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

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

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

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

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

186           (q) In accordance with Section 25-43-1 et seq., create,  
187 implement, administer, promulgate, amend and rescind rules,  
188 programs and plans needed to carry out the provisions of this  
189 article with due consideration for, and in cooperating with, the  
190 plans and programs of the federal government.

191           (r) Do other things necessary, incidental or  
192 appropriate for the implementation of this article.



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

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

199           33-15-25. (a) The Governor of the State of Mississippi is  
200 authorized to enter into agreements with the federal government  
201 for the purpose of matching any federal funds that may be made  
202 available for emergency management purposes, which shall include  
203 purchasing emergency management equipment and supplies, to the  
204 state on a matching basis. Provided, that no agreement shall  
205 obligate the state for an amount greater than the appropriation  
206 available for such purpose. The state's portion of the purchase  
207 price of any emergency management equipment may be made available  
208 from any appropriation made for such purposes.

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

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



226           **SECTION 3.** This act shall take effect and be in force from  
227 and after July 1, 2002.

