

By: Senator(s) Carmichael, King

To: Veterans and Military
Affairs; Appropriations

SENATE BILL NO. 2463

1 AN ACT TO AMEND SECTION 33-15-15, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE REIMBURSEMENT TO A POLITICAL SUBDIVISION FOR
3 EMPLOYEES' OVERTIME WHILE DEPLOYED AS MEMBERS OF AN EMERGENCY
4 MANAGEMENT SUPPORT FORCE; TO AMEND SECTION 33-15-19, MISSISSIPPI
5 CODE OF 1972, TO AUTHORIZE MUNICIPALITIES AND COUNTIES TO
6 PARTICIPATE IN THE STATEWIDE MUTUAL AID COMPACT ESTABLISHED BY THE
7 MISSISSIPPI EMERGENCY MANAGEMENT AGENCY; TO AMEND SECTION
8 33-15-307, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE USE OF THE
9 DISASTER ASSISTANCE TRUST FUND FOR REIMBURSEMENT OF COSTS TO LOCAL
10 GOVERNMENTS FOR OVERTIME AND BACKFILL OF DEPLOYED PERSONNEL; AND
11 FOR RELATED PURPOSES.

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

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

15 33-15-15. (a) The agency is authorized to provide, within
16 or without the state, such support from available personnel,
17 equipment and other resources of state agencies and the political
18 subdivisions of the state as may be necessary to reinforce
19 emergency management agencies in areas stricken by emergency.
20 Such support shall be rendered with due consideration of the plans
21 of the federal government, this state, the other states and of the
22 criticalness of the existing situation. Emergency management
23 support forces shall be called to duty upon orders of the agency
24 and shall perform their functions in any part of the state, or,
25 upon the conditions specified in this section, in other states.

26 (b) Personnel of emergency management support forces while
27 on duty, whether within or without the state, shall:

28 (1) If they are employees of the state, have the
29 powers, duties, rights, privileges and immunities and receive the
30 compensation incidental to their employment;

31 (2) If they are employees of a political subdivision of
32 the state, and whether serving within or without such political
33 subdivision, have the powers, duties, rights, privileges and
34 immunities and receive the compensation incidental to their
35 employment; and

36 (3) If they are not employees of the state or a
37 political subdivision thereof, be entitled to compensation by the
38 state at a rate commensurate with their duties and
39 responsibilities and to the same rights and immunities as are
40 provided by law for the employees of this state.

41 All personnel of emergency management support forces shall,
42 while on duty, be subject to the operational control of the
43 authority in charge of emergency management activities in the area
44 in which they are serving, and shall be reimbursed for all actual
45 and necessary travel and subsistence expenses, and for death,
46 disability or injury to such personnel while on such emergency
47 duty as a member of an emergency management support force, the
48 state shall pay compensation to the heirs in event of death or the
49 individual in event of injury or disability in accordance with
50 payment schedules contained in the Mississippi Workers'
51 Compensation Law.

52 (c) The state shall reimburse a political subdivision for
53 the actual and necessary travel, subsistence and maintenance
54 expenses of employees of such political subdivision while serving
55 as members of an emergency management support force, and for all
56 payments for death, disability or injury of such employees
57 incurred in the course of such duty, and for all losses of or
58 damage to supplies and equipment of such political subdivision
59 resulting from the operation of such emergency management support
60 force. The state may also reimburse a political subdivision for
61 employees' overtime while deployed as members of an emergency
62 management support force and backfill of deployed forces when
63 determined by the director to be necessary to avoid serious

64 financial consequences for the political subdivision providing
65 support and when requested by the chief elected official of the
66 political subdivision stating the circumstances for the request.

67 (d) Whenever an emergency management support force of
68 another state shall render aid in this state pursuant to the
69 orders of the governor of its home state and upon the request of
70 the Governor of this state, the personnel thereof shall have the
71 powers, duties, rights, privileges and immunities of emergency
72 management personnel serving in similar capacities in this state,
73 except compensation, and this state shall reimburse such other
74 state for the compensation paid and actual and necessary travel,
75 subsistence and maintenance expenses of the personnel of such
76 emergency management support force while rendering such aid, and
77 for all payments for death, disability or injury of such personnel
78 incurred in the course of rendering such aid, and for all losses
79 of or damage to supplies and equipment of such other state or a
80 political subdivision thereof resulting from the rendering of such
81 aid; provided, that the laws of such other state contain
82 provisions substantially similar to this section.

83 (e) No personnel of emergency management support forces of
84 this state shall be ordered by the Governor to operate in any
85 other state unless the laws of such other state contain provisions
86 substantially similar to this section.

87 **SECTION 2.** Section 33-15-19, Mississippi Code of 1972, is
88 amended as follows:

89 33-15-19. (a) The governing body of a municipality or
90 county of the state is authorized to participate in the Statewide
91 Mutual Aid Compact (SMAC) established by the agency as a mechanism
92 to standardize mutual aid arrangements between jurisdictions
93 within the state. SMAC provides guidelines for requesting and
94 receiving mutual aid, liability protection and reimbursement
95 procedures for providing such aid. The governing body of each
96 political subdivision of the state is strongly encouraged to sign

97 and ratify the SMAC for mutual aid between their jurisdiction and
98 other cities or counties within the state. A copy of this
99 agreement must be signed by the senior elected official of the
100 jurisdiction and the director and will be maintained on file by
101 the agency.

102 (b) Political subdivisions of the state are also authorized
103 to develop and enter into mutual aid agreements with other
104 jurisdictions outside the state for reciprocal emergency aid and
105 assistance in case of emergencies too extensive to be dealt with
106 unassisted. Copies of the agreements shall be sent to the agency
107 and shall be consistent with the state comprehensive emergency
108 management plan and program, and in time of emergency it shall be
109 the duty of each local emergency management organization to render
110 assistance in accordance with the provisions of such mutual aid
111 agreements.

112 (c) The Governor may enter into compacts with any state or
113 group of states if he finds that joint action with that state or
114 group of states is desirable in meeting common intergovernmental
115 problems of emergency management planning or emergency prevention,
116 mitigation, response and recovery.

117 **SECTION 3.** Section 33-15-307, Mississippi Code of 1972, is
118 amended as follows:

119 33-15-307. (1) The provisions of this article shall be
120 invoked only pursuant to a state of emergency declared by the
121 Governor or an emergency or major disaster declared by the
122 President, or pursuant to an executive order of the Governor, or
123 administrative order of the director, in order to provide state or
124 local government resources and personnel in compliance with the
125 provisions of the Emergency Management Assistance Compact, Section
126 45-18-1 et seq., or in nondeclared times for administrative and
127 training costs associated with state disaster response and
128 recovery programs. Each declaration shall cite the cause for the

129 declaration and define the area eligible for assistance and the
130 type of assistance to be provided.

131 (2) The Disaster Assistance Trust Fund is created as a
132 special fund in the State Treasury into which shall be paid any
133 funds appropriated or otherwise made available by the Legislature
134 for disaster assistance, any funds transferred from the Working
135 Cash-Stabilization Reserve Fund as provided under subsection (5)
136 of this section, any income from investment of the funds in the
137 trust fund, and federal reimbursement for administrative costs for
138 management of the Individuals and Households Program (IHP), the
139 Public Assistance Program, the Hazard Mitigation Program and
140 Disaster Reservist Program.

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

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

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

149 (b) The state's cost share of the Individuals and
150 Households Program (IHP) pursuant to Section 33-15-209(1) under a
151 major disaster declared by the President.

152 (c) Administrative costs for managing the IHP Program.

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

155 (e) The State Temporary Housing Program pursuant to
156 Section 33-15-217 under a state of emergency declared by the
157 Governor.

158 (f) Out-of-pocket expenses, including travel, per diem,
159 overtime and other similar expenses, of state or local agencies
160 when so tasked by the Governor or the director for emergency
161 response under the provisions of Section 33-15-11(b)(7) and

162 current executive orders. This includes actual emergency response
163 and recovery activities, and applies to mobilization and
164 deployment of personnel from state or local agencies to another
165 state under the provisions of the Emergency Management Assistance
166 Compact. At the discretion of the director, this may include
167 reimbursement of costs to local governments for overtime and
168 backfill of deployed personnel within the state under the
169 provisions of Section 33-15-15(a) and to jurisdictions who are
170 signatories of the Statewide Mutual Aid Compact (SMAC).

171 (g) Costs incurred as a result of state active duty for
172 the Mississippi National Guard when so tasked by the Governor to
173 provide support to other agencies and local governments in a major
174 disaster or emergency situation, or when tasked by the Governor to
175 provide support to another state under the provisions of the
176 Emergency Management Assistance Compact.

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

179 (i) Administrative costs of the Hazard Mitigation
180 Program.

181 (j) Costs incurred as a result of the implementation of
182 the Disaster Reservist Program under a major disaster declaration.

183 (k) Administrative costs of the Disaster Reservist
184 Program.

185 (l) Costs incurred as a result of the implementation of
186 public assistance, and/or individual assistance, and/or Disaster
187 Reservist Program, and/or hazard mitigation, and/or temporary
188 housing under a Governor's state of emergency.

189 (m) The state's portion of the cost share for public
190 assistance under a major disaster declaration for tornado or other
191 storm damage to public facilities and infrastructure occurring on
192 November 10, 2002, as provided in Sections 1 through 16 of Chapter
193 3, Third Extraordinary Session 2002.

194 (n) Actual costs, including personnel call-back wages,
195 base and overtime wages, travel, per diem and other out-of-pocket
196 expenses incurred by regional response teams as a result of being
197 mobilized or deployed when so tasked by the Governor pursuant to
198 Section 33-15-11(b)(7), or by the director for emergency response
199 pursuant to Section 33-15-15(a).

200 (5) Whenever the director determines that funds are
201 immediately needed in the Disaster Assistance Trust Fund to
202 provide for disaster assistance under this article, he shall
203 notify the Executive Director of the Department of Finance and
204 Administration of his determination and shall requisition the
205 amount of funds from the Working Cash-Stabilization Fund that are
206 needed in the trust fund, which shall be subject to the
207 limitations set forth below in this subsection. At the same time
208 he makes the requisition, the director shall notify the Lieutenant
209 Governor, the Speaker of the House of Representatives and the
210 respective Chairmen of the Senate Appropriations Committee, the
211 Senate Finance Committee, the House Appropriations Committee and
212 the House Ways and Means Committee of his determination of the
213 need for the funds and the amount that he has requisitioned. Upon
214 receipt of such a requisition from the director, the Executive
215 Director of the Department of Finance and Administration shall
216 ascertain if the amount requisitioned is available in the Working
217 Cash-Stabilization Reserve Fund and is within the limitations set
218 forth below in this subsection and, if it is, he shall transfer
219 that amount from the Working Cash-Stabilization Reserve Fund to
220 the trust fund. If the amount requisitioned is more than the
221 amount available in the Working Cash-Stabilization Fund or above
222 the limitations set forth below in this subsection, the executive
223 director shall transfer the amount that is available within the
224 limitations. The maximum amount that may be transferred from the
225 Working Cash-Stabilization Reserve Fund to the trust fund for any
226 one (1) disaster occurrence shall be Five Hundred Thousand Dollars

227 (\$500,000.00) and the maximum amount that may be transferred
228 during any fiscal year shall be One Million Dollars
229 (\$1,000,000.00).

230 (6) Unexpended state funds in the Disaster Assistance Trust
231 Fund at the end of a fiscal year shall not lapse into the State
232 General Fund but shall remain in the trust fund for use under this
233 article for as long as the funds are needed for the particular
234 purpose for which they were appropriated, deposited or transferred
235 into the trust fund. After any state funds in the trust fund are
236 no longer needed for the particular purpose for which they were
237 appropriated, deposited or transferred into the trust fund, the
238 director may use those funds for any other purpose under this
239 article for which they currently are needed and for which other
240 funds are not available. If there is no current need for such
241 funds for any purpose under this article, the funds and the income
242 earned from the investment of the funds shall be transferred back
243 to the particular fund or funds in the State Treasury from which
244 they were appropriated or transferred into the trust fund, upon
245 certification of the director to the Executive Director of the
246 Department of Finance and Administration that the funds are not
247 currently needed.

248 **SECTION 4.** This act shall take effect and be in force from
249 and after its passage.