

By: Stevens, Clarke, Frierson

To: Military Affairs

HOUSE BILL NO. 831

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:[BD1]

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
41 pertaining to evacuees crossing county lines; set forth procedures
42 for directing people caught on evacuation routes to safe shelter;
43 and 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
176 its civil defense director or emergency management director as its
177 agent for working with the agency in the event of a natural
178 disaster. If a county or a municipality does not have an
179 emergency management director or a civil defense director, the
180 county or municipality may designate any person who has completed
181 training programs required of emergency management directors.

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

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

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

194 SECTION 2. Section 33-15-25, Mississippi Code of 1972, is
195 amended as follows:[BD2]

196 33-15-25. (a) The Governor of the State of Mississippi is
197 authorized to enter into agreements with the federal government
198 for the purpose of matching any federal funds that may be made
199 available for emergency management purposes, which shall include
200 purchasing emergency management equipment and supplies, to the
201 state on a matching basis. Provided, that no agreement shall
202 obligate the state for an amount greater than the appropriation
203 available for such purpose. The state's portion of the purchase
204 price of any emergency management equipment may be made available
205 from any appropriation made for such purposes.

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

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

223 SECTION 3. This act shall take effect and be in force from

224 and after July 1, 2000.