

1 HB328
2 114916-2
3 By Representatives Baker (A), Shiver, Faust, McMillan, Thigpen
4 and Harper
5 RFD: Government Operations
6 First Read: 19-JAN-10

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ENROLLED, An Act,

To amend Sections 31-9-6 and 31-9-9, Code of Alabama 1975, relating to emergency management; to provide further for the powers of the Governor and local emergency management agencies to enter into mutual aid agreements with federally recognized Indian tribes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 31-9-6 and 31-9-9, Code of Alabama 1975, are amended to read as follows:

"§31-9-6.

"In performing his duties under this chapter, the Governor is authorized and empowered:

"(1) To make, amend and rescind the necessary orders, rules and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon him in this chapter, with due consideration of the plans of the federal government.

"(2) To prepare a comprehensive plan and program for the emergency management of this state, such plan and program to be integrated 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 this state, such plans to be integrated into

1 and coordinated with the emergency management plans and
2 programs of this state to the fullest possible extent.

3 "(3) In accordance with such plan and program for
4 the emergency management of this state, to ascertain the
5 requirements of the state, or the political subdivisions
6 thereof, for food or clothing or other necessities of life in
7 the event of disaster or emergency and to plan for and procure
8 supplies, medicines, materials and equipment for the purposes
9 set forth in this chapter; to make surveys of the industries,
10 resources and facilities within the state as are necessary to
11 carry out the purposes of this chapter; to institute training
12 programs and public information programs; and to take all
13 other preparatory steps, including the partial or full
14 mobilization of emergency management organizations in advance
15 of actual disaster, to insure the furnishing of adequately
16 trained and equipped forces of emergency management personnel
17 in time of need.

18 "(4) To make, amend and rescind the necessary
19 orders, rules and regulations looking to the direction or
20 control of practice blackouts, air raid drills, mobilization
21 of emergency management forces and other tests and exercises,
22 warnings and signals for drills or attacks, the mechanical
23 devices to be used in connection therewith, the effective
24 screening or extinguishing of all lights and lighting devices
25 and appliances, the conduct of civilians and the movement or

1 cessation of movement of pedestrians and vehicular traffic,
2 public meetings or gatherings, the evacuation and reception of
3 civilian population, and shutting off water mains, gas mains,
4 electric power connections and the suspension of all other
5 public utilities, during, prior and subsequent to drills or
6 attacks.

7 "(5) To create and establish mobile support units
8 and to provide for their compensation.

9 "(6) To cooperate with the President and the heads
10 of the armed forces, with the Emergency Management Agency of
11 the United States and with the officers and agencies of other
12 states in matters pertaining to the emergency management of
13 the state and nation and the incidents thereof.

14 "(7) With due consideration to the recommendation of
15 the local authorities, to appoint full-time state and regional
16 area directors.

17 "(8) To utilize the services and facilities of
18 existing officers and agencies of the state and the political
19 subdivisions thereof.

20 "(9) On behalf of this state, to enter into
21 reciprocal aid agreements or compacts with other states and
22 the federal government, including federally recognized Indian
23 tribes. Such mutual aid agreements shall be limited to the
24 furnishing or exchange of food, clothing, medicine and other
25 supplies; engineering services; emergency housing; police

1 services; national or state guards while under the control of
2 the state; health, medical and related services; fire
3 fighting, rescue, transportation and construction services and
4 equipment; personnel necessary to provide or conduct these
5 services; such other supplies, equipment, facilities,
6 personnel and services as may be needed; and the reimbursement
7 of costs and expenses for equipment, supplies, personnel and
8 similar items for mobile support units, fire fighting and
9 police units and health units. Such agreements shall be on
10 such terms and conditions as are deemed necessary.

11 "(10) To sponsor and develop mutual aid plans and
12 agreements between the political subdivisions of the state,
13 similar to the mutual aid agreements with other states
14 referred to in subdivision (1) of this section.

15 "(11) To delegate any administrative authority
16 vested in him under this chapter, and to provide for the
17 subdelegation of any such authority.

18 "(12) To take such action and give such directions
19 to state and local law-enforcement officers and agencies as
20 may be reasonable and necessary for the purpose of securing
21 compliance with the provisions of this chapter and with the
22 orders, rules, and regulations made pursuant thereto.

23 "§31-9-9.

24 "(a) The director of each local organization for
25 emergency management may develop or cause to be developed

1 mutual aid agreements with other public and private agencies
2 within this state for reciprocal emergency management aid and
3 assistance in case of disaster too great to be dealt with
4 unassisted. Such agreements shall be consistent with the state
5 emergency management plan and program, and a copy of each such
6 agreement shall be filed with the State Director of Emergency
7 Management immediately after being entered into. In time of
8 emergency it shall be the duty of each local organization for
9 emergency management to render assistance in accordance with
10 the provisions of such mutual aid agreements.

11 "(b) The director of each local organization for
12 emergency management may assist in negotiation of reciprocal
13 mutual aid agreements between the Governor and adjoining
14 states or political subdivisions thereof, and shall carry out
15 any such agreement relating to the local and political
16 subdivision.

17 "(c) The directors of each local organization for
18 emergency management may develop or cause to be developed
19 mutual aid agreements with federally recognized Indian tribes
20 located within the state."

21 Section 2. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.

