

1 HB328  
2 114916-1  
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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8 SYNOPSIS: Under existing law, the Governor may enter  
9 into mutual aid agreements with other states and  
10 the federal government.

11 This bill would authorize the Governor to  
12 enter into mutual agreements with federally  
13 recognized Indian tribes.

14 Under existing law, local emergency  
15 management agencies may enter into mutual aid  
16 agreements with public and private agencies within  
17 the state, and local emergency management agencies  
18 may assist in the negotiation of mutual aid  
19 agreements between the Governor and adjoining  
20 states.

21 This bill would authorize the director of a  
22 local agency for emergency management to develop or  
23 cause to be developed mutual aid agreements with  
24 federally recognized Indian tribes located in the  
25 state.

26  
27 A BILL

1 TO BE ENTITLED

2 AN ACT

3  
4 To amend Sections 31-9-6 and 31-9-9, Code of Alabama  
5 1975, relating to emergency management; to provide further for  
6 the powers of the Governor and local emergency management  
7 agencies to enter into mutual aid agreements with federally  
8 recognized Indian tribes.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 "§31-9-6.

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

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

20 "(2) To prepare a comprehensive plan and program for  
21 the emergency management of this state, such plan and program  
22 to be integrated and coordinated with the emergency management  
23 plans of the federal government and of other states to the  
24 fullest possible extent, and to coordinate the preparation of  
25 plans and programs for emergency management by the political  
26 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  
26 cessation of movement of pedestrians and vehicular traffic,  
27 public meetings or gatherings, the evacuation and reception of

1 civilian population, and shutting off water mains, gas mains,  
2 electric power connections and the suspension of all other  
3 public utilities, during, prior and subsequent to drills or  
4 attacks.

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

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

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

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

18 "(9) On behalf of this state, to enter into  
19 reciprocal aid agreements or compacts with other states and  
20 the federal government, including federally recognized Indian  
21 tribes. Such mutual aid agreements shall be limited to the  
22 furnishing or exchange of food, clothing, medicine and other  
23 supplies; engineering services; emergency housing; police  
24 services; national or state guards while under the control of  
25 the state; health, medical and related services; fire  
26 fighting, rescue, transportation and construction services and  
27 equipment; personnel necessary to provide or conduct these

1 services; such other supplies, equipment, facilities,  
2 personnel and services as may be needed; and the reimbursement  
3 of costs and expenses for equipment, supplies, personnel and  
4 similar items for mobile support units, fire fighting and  
5 police units and health units. Such agreements shall be on  
6 such terms and conditions as are deemed necessary.

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

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

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

19 "§31-9-9.

20 "(a) The director of each local organization for  
21 emergency management may develop or cause to be developed  
22 mutual aid agreements with other public and private agencies  
23 within this state for reciprocal emergency management aid and  
24 assistance in case of disaster too great to be dealt with  
25 unassisted. Such agreements shall be consistent with the state  
26 emergency management plan and program, and a copy of each such  
27 agreement shall be filed with the State Director of Emergency

1 Management immediately after being entered into. In time of  
2 emergency it shall be the duty of each local organization for  
3 emergency management to render assistance in accordance with  
4 the provisions of such mutual aid agreements.

5 "(b) The director of each local organization for  
6 emergency management may assist in negotiation of reciprocal  
7 mutual aid agreements between the Governor and adjoining  
8 states or political subdivisions thereof, and shall carry out  
9 any such agreement relating to the local and political  
10 subdivision.

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

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