



South Dakota Legislative Research Council

Issue Memorandum 94-4

DIVISION OF EMERGENCY MANAGEMENT

The Division of Emergency Management is a statewide organization, with all sixty-six counties in the state combining to form this branch of the Department of Military and Veterans Affairs. The purpose of this division is to provide that there is adequate preparation to deal with an emergency or disaster throughout the state. Each organized county is required to develop its own local arrangement and establish an emergency management plan in accordance with the state emergency management plan and program. These local organizations comprise the bulk of emergency relief activities.

Most of those individuals working in this area are volunteers and county emergency personnel. At the state level, there are nineteen FTE in the Division of Emergency Management. The budget for Fiscal Year 1995 was approved at \$1,505,910. Most of this total, \$1,173,065, consists of federal funds. The aggregate funding represents an increase of \$6,268 from FY 94.

A common misconception on the part of the public is that the National Guard is the primary means of emergency assistance. This is not the case. The National Guard is a last resort in dealing with these situations. In the broad scheme of emergency responses, very few are dealt with by the National Guard. Because of the small number of crises with which the National Guard deals,

area that does not look to be affected by federal cutbacks in the National Guard, vis a vis armory closings and force reductions. One of the reasons the National Guard does not respond to more situations is the issue of cost. A county that calls the National Guard in to assist with a situation must pay for this assistance. In some cases, counties appear surprised to learn that they must reimburse the state for the time and effort of Guard units.

State law clearly deals with the issue of costs incurred by one division of government while assisting another. In SDCL 33-15-8.3 the issue of reimbursement between political subdivisions cooperating is addressed. This section states that the subdivision that receives assistance shall reimburse the providing subdivision for expenses of "all equipment used, and the compensation paid to all officers and members of such forces . . . for the actual traveling and maintenance expenses of such officers and members while rendering such aid, and the costs of all insurance covering such officers and members while so engaged." In other words, when the National Guard is called in to serve in an emergency situation, the unit of government that is being assisted is liable for these expenses, not the state.

SDCL 33-15-1(7) allows the state government to provide emergency funding after the standard for minimum local effort has been met. Such efforts would total up to

emergency management is one

value. This equates to \$2 for every \$1,000 in property value in an affected county. At this point, the Governor may order relief up to a maximum of 60 percent of the "additional local effort expenditures," for such "operational costs needed for the particular emergency or disaster situation." (33-15-24.4).

The types of incidents the Division can/will respond to are covered in SDCL 33-15-1(4). These incidents include: enemy attack, fire, flood, snowstorm, windstorm, tornadoes, cyclone, drought, earthquake, or other man-made or natural incidents. When responding, the Division of Emergency Management provides either technical or coordination assistance. Examples of assistance provided are: "firefighting services, police services, medical and health services, hazardous materials, search and rescue, engineering, warning, communications, radiological, chemical . . . special weapons of defense, evacuation of persons or livestock" or "other functions related to civilian or livestock protection."

There are requirements that must be met before the Division can respond. Another misconception the public seems to have of this Division during last spring's flooding relates to the issue previously mentioned concerning the National Guard's role. While the public associates the National Guard with emergency assistance, so, too, do they see the head of this agency, the Adjutant General, as having the authority to order assistance. Again, this perception is inaccurate.

The typical process taken to begin National Guard intervention is for a local

two mills of a county's assessed property

The local commander then makes a formal request to the Governor, who then determines whether or not to offer assistance. If the Governor does decide to intervene, authorization is granted to the Adjutant General to begin relief operations.

The Adjutant General cannot authorize an order for intervention on his own. The Adjutant General has the responsibility to coordinate and carry out all emergency management activities within the state. Still, as defined in 33-15-8, the Governor must give the Adjutant General the authority to act before any intervention may take place. In cases where it is deemed necessary to expedite the process, the Governor may authorize the Adjutant General to act in his behalf.

Federal funding in this area is provided through Emergency Management Assistance (EMA), which is under the auspices of the Federal Emergency Management Agency (FEMA). EMA funding covers incidents most commonly associated with Emergency Management, such as fires and flooding. The federal government provides 50 percent funding in cases deemed appropriate for EMA funding.

In order for a state to receive EMA funding, the process is similar to what a local commander must do to procure state assistance. The state must submit a detailed report, after much research, to obtain a federal disaster declaration. After receiving the state's report, FEMA will conduct an investigation to determine if there is enough damage to warrant federal assistance. If a disaster declaration is granted, the road to EMA funding is cleared. Currently, there

commander to determine that there is an imminent danger to life and property.

Due to the flooding in eastern South Dakota last spring, the Division of Emergency Management was forced to temporarily alter its planning and operations. In order to assist counties and communities with flood control, personnel and resources from the Division were diverted from day-to-day activities. Since this diversion, the Division has managed to complete all scheduled activities by implementing more flexibility in its planning and operation schedules. This scheduling flexibility incorporated paying overtime to workers when necessary, along with altering previous work schedules. The scheduled activities consisted primarily of commitments to the federal government. In the event of additional flooding this year, similar steps would be taken.

As in many areas of state government, federal mandates or funding changes appear likely to affect the way the Division of Emergency Management operates. For years, the federal government has provided 100 percent funding for Nuclear War Preparedness (NWP).

are approximately sixteen northeastern South Dakota counties that are being considered for federal disaster assistance.

While fully funded for state Fiscal Year 95, it is anticipated that in Federal Fiscal Year 1996 (beginning October 1, 1995), the federal government will reduce funding in this area to 50 percent. The uncertainty for this division and its supervising agency, the Department of Military and Veterans Affairs, is if the Legislature will provide funding for something that has never previously required support.

Should the Legislature decide not to appropriate the anticipated 50 percent needed to maintain current operational levels, four to five FTE would be affected, and possibly eliminated. According to officials in the Department of Military and Veterans Affairs, currently some NWP dollars are used for multi-hazard situations. Multi-hazard situations would include cases where basic preparation is similar or identical. For instance, whether a crisis is a flood, fire, or nuclear war, there are some aspects of emergency planning that are universal. These are areas that would be affected if funding were reduced or eliminated.

This issue memorandum was written by Chris Eitemiller, Fiscal Analyst for the

Legislative Research Council. It is designed to supply background information on the subject and is not a policy statement made by the Legislative Research Council.
