

By: The Entire Membership

To: County Affairs;
MunicipalitiesCOMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 25

1 AN ACT TO AMEND SECTION 33-15-17, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO DONATE PUBLIC FUNDS,
3 SUPPLIES, LABOR AND EQUIPMENT TO ASSIST ANY COUNTY OR MUNICIPALITY
4 IN WHICH A DISASTER OCCURS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 33-15-17, Mississippi Code of 1972, is
7 amended as follows:

8 33-15-17. (a) Each county and municipality, or counties and
9 the municipalities therein acting jointly, or two (2) or more
10 counties acting jointly, of this state are hereby authorized and
11 directed to establish a local organization for emergency
12 management in accordance with the state emergency management plan
13 and program, if required and authorized so to do by such state
14 emergency management plan. Each local organization for emergency
15 management shall have a director who shall be appointed by the
16 governing body of the political subdivision, or political
17 subdivisions acting jointly, and who shall have direct
18 responsibility for the organization, administration and operation
19 of such local organization for emergency management, subject to
20 the direction and control of such governing body. Each local
21 organization for emergency management shall perform emergency
22 management functions within the territorial limits of the
23 political subdivision within which it is organized, and, in
24 addition, shall conduct such functions outside of such territorial
25 limits as may be required pursuant to the provisions of the state
26 emergency management plan. Each county shall develop an emergency
27 management plan and program that is coordinated and consistent
28 with the State Comprehensive Emergency Management Plan and

29 program. Counties that are part of an interjurisdictional
30 emergency management agreement entered into pursuant to this
31 section shall cooperatively develop an emergency management plan
32 and program that is coordinated and consistent with the state
33 emergency management plan and program.

34 (b) In carrying out the provisions of this article each
35 county and municipality, or the two (2) acting jointly, or two (2)
36 or more counties acting jointly, where there is joint
37 organization, in which any disaster as described in Section
38 33-15-5 occurs, shall have the power to enter into contracts and
39 incur obligations necessary to combat such disaster, protecting
40 the health and safety of persons and property, and providing
41 emergency assistance to the victims of such disaster. Each county
42 and municipality is authorized to exercise the powers vested under
43 this section in the light of the exigencies of the extreme
44 emergency situation without regard to time-consuming procedures
45 and formalities prescribed by law pertaining to the performance of
46 public work, entering into contracts, the incurring of
47 obligations, the employment of temporary workers, the rental of
48 equipment, the purchase of supplies and materials, the levying of
49 taxes and the appropriation and expenditure of public funds.

50 (c) Each county and each municipality, or two (2) or more
51 counties acting jointly, shall have the power and authority:

52 (1) To appropriate and expend funds, make contracts,
53 obtain and distribute equipment, materials, and supplies for
54 emergency management purposes; provide for the health and safety
55 of persons and property, including emergency assistance to the
56 victims of any enemy attack or man-made, technological or natural
57 disasters; and to direct and coordinate the development of
58 emergency management plans and programs in accordance with the
59 policies and plans set by the federal and state emergency
60 management agencies;

61 (2) To appoint, employ, remove, or provide, with or
62 without compensation, air raid wardens, rescue teams, auxiliary
63 fire and police personnel, and other emergency management workers;

64 (3) To establish, as necessary, a primary and one or
65 more secondary emergency operating centers to provide continuity
66 of government, and direction and control of emergency operation
67 during an emergency;

68 (4) To donate public funds, supplies, labor and
69 equipment to assist any county or municipality in which a disaster
70 as described in Section 33-15-5 occurs;

71 (5) Subject to the order of the Governor, or the chief
72 executive of the political subdivision, to assign and make
73 available for duty, the employees, property or equipment of the
74 subdivision relating to fire fighting, engineering, rescue,
75 health, medical and related services, police, transportation,
76 construction, and similar items or services for emergency
77 management purposes either within or outside of the limits of the
78 subdivision;

79 (6) Subject to the order of the chief executive of the
80 county or municipality or the Governor to order the evacuation of
81 any area subject to an impending or existing enemy attack or
82 man-made, technological or natural disaster;

83 (7) Subject to the order of the chief executive of the
84 county or municipality or the Governor, to control or restrict
85 egress, ingress and movement within the disaster area to the
86 degree necessary to facilitate the protection of life and
87 property.

88 (d) A local emergency as defined in Section 33-15-5 may be
89 proclaimed by the governing body of a municipality or county. The
90 governing body shall review the need for continuing the local
91 emergency at least every thirty (30) days until such local
92 emergency is terminated, and shall proclaim the termination of
93 such local emergency at the earliest possible date that conditions

94 warrant. During a local emergency, the governing body of a
95 political subdivision may promulgate orders and regulations
96 necessary to provide for the protection of life and property,
97 including orders or regulations imposing a curfew within
98 designated boundaries where necessary to preserve the public order
99 and safety. Such orders and regulations and amendments and
100 rescissions thereof shall be in writing and shall be given
101 widespread notice and publicity. The authorization granted by
102 this section to impose a curfew shall not be construed as
103 restricting in any manner the existing authority to impose a
104 curfew pursuant to police power for any other lawful purpose.

105 **SECTION 2.** This act shall take effect and be in force from
106 and after its passage.