

By: Senator(s) Robertson

To: Finance

SENATE BILL NO. 2015

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 IN WHICH A  
4 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) Upon request from the Governor, to donate public  
69 funds, supplies, labor and equipment to assist any county in which  
70 a disaster 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 seven (7) days until such local emergency  
92 is terminated, and shall proclaim the termination of such local  
93 emergency at the earliest possible date that conditions warrant.

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

105       **SECTION 2.** This act shall take effect and be in force from  
106 and after August 26, 2005.