

## **Senate Amendments to House Bill No. 25**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

### **AMENDMENT NO. 1**

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

7           **SECTION 1.** Section 33-15-17, Mississippi Code of 1972, is  
8 amended as follows:  
9           33-15-17. (a) Each county and municipality, or counties and  
10 the municipalities therein acting jointly, or two (2) or more  
11 counties acting jointly, of this state are hereby authorized and  
12 directed to establish a local organization for emergency  
13 management in accordance with the state emergency management plan  
14 and program, if required and authorized so to do by such state  
15 emergency management plan. Each local organization for emergency  
16 management shall have a director who shall be appointed by the  
17 governing body of the political subdivision, or political  
18 subdivisions acting jointly, and who shall have direct  
19 responsibility for the organization, administration and operation  
20 of such local organization for emergency management, subject to  
21 the direction and control of such governing body. Each local  
22 organization for emergency management shall perform emergency  
23 management functions within the territorial limits of the  
24 political subdivision within which it is organized, and, in  
25 addition, shall conduct such functions outside of such territorial  
26 limits as may be required pursuant to the provisions of the state  
27 emergency management plan. Each county shall develop an emergency  
28 management plan and program that is coordinated and consistent  
29 with the State Comprehensive Emergency Management Plan and  
30 program. Counties that are part of an interjurisdictional  
31 emergency management agreement entered into pursuant to this  
32 section shall cooperatively develop an emergency management plan

33 and program that is coordinated and consistent with the state  
34 emergency management plan and program.

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

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

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

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

65 (3) To establish, as necessary, a primary and one or  
66 more secondary emergency operating centers to provide continuity

67 of government, and direction and control of emergency operation  
68 during an emergency;

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

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

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

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

90 (d) A local emergency as defined in Section 33-15-5 may be  
91 proclaimed by the governing body of a municipality or county. The  
92 governing body shall review the need for continuing the local  
93 emergency at least every thirty (30) days until such local  
94 emergency is terminated, and shall proclaim the termination of  
95 such local emergency at the earliest possible date that conditions  
96 warrant. During a local emergency, the governing body of a  
97 political subdivision may promulgate orders and regulations  
98 necessary to provide for the protection of life and property,  
99 including orders or regulations imposing a curfew within  
100 designated boundaries where necessary to preserve the public order  
101 and safety. Such orders and regulations and amendments and

102 rescissions thereof shall be in writing and shall be given  
103 widespread notice and publicity. The authorization granted by  
104 this section to impose a curfew shall not be construed as  
105 restricting in any manner the existing authority to impose a  
106 curfew pursuant to police power for any other lawful purpose.

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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 GOVERNMENTAL ENTITY IN  
4 A COUNTY OR MUNICIPALITY IN WHICH A DISASTER OCCURS; AND FOR  
5 RELATED PURPOSES.

SS01\HB25A.J

John O. Gilbert  
Secretary of the Senate