

By: Senator(s) Parker

To: Appropriations; County
Affairs

SENATE BILL NO. 2131

1 AN ACT TO AMEND SECTION 33-15-17, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A LOCAL EMERGENCY MAY BE PROCLAIMED BY THE PUBLIC
3 OFFICIAL AUTHORIZED BY THE GOVERNING BODY OF A COUNTY; AND FOR
4 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 governmental entity in a county or



70 municipality in which a disaster as described in Section 33-15-5
71 occurs;

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

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

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

89 (8) To enter into mutual aid agreements in the manner
90 authorized by Section 33-15-19.

91 (d) A local emergency as defined in Section 33-15-5 may be
92 proclaimed by the mayor or governing body of a municipality, or
93 the public official authorized by the governing body of a county
94 or the governing body of a county. In the event a local emergency



95 is proclaimed by the mayor of a municipality, the governing body
96 of such municipality shall review and approve or disapprove the
97 need for continuing the local emergency at its first regular
98 meeting following such proclamation or at a special meeting
99 legally called for such review. Thereafter, the governing body
100 shall review the need for continuing the local emergency at least
101 every thirty (30) days until such local emergency is terminated,
102 and shall proclaim the termination of such local emergency at the
103 earliest possible date that conditions warrant. During a local
104 emergency, the governing body of a political subdivision may
105 promulgate orders and regulations necessary to provide for the
106 protection of life and property, including orders or regulations
107 imposing a curfew within designated boundaries where necessary to
108 preserve the public order and safety. Such orders and regulations
109 and amendments and rescissions thereof shall be in writing and
110 shall be given widespread notice and publicity. The authorization
111 granted by this section to impose a curfew shall not be construed
112 as restricting in any manner the existing authority to impose a
113 curfew pursuant to police power for any other lawful purpose.

114 **SECTION 2.** This act shall take effect and be in force from
115 and after July 1, 2015.

