

By: Representatives Burnett, Sykes

To: County Affairs

HOUSE BILL NO. 164

1 AN ACT TO AMEND SECTION 33-15-17, MISSISSIPPI CODE OF 1972,
2 TO ALLOW THE PRESIDENT OF A COUNTY BOARD OF SUPERVISORS TO
3 PROCLAIM A LOCAL EMERGENCY; AND FOR RELATED PURPOSES.

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

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

7 33-15-17. (a) Each county and municipality, or counties and
8 the municipalities therein acting jointly, or two (2) or more
9 counties acting jointly, of this state are hereby authorized and
10 directed to establish a local organization for emergency
11 management in accordance with the state emergency management plan
12 and program, if required and authorized so to do by such state
13 emergency management plan. Each local organization for emergency
14 management shall have a director who shall be appointed by the
15 governing body of the political subdivision, or political
16 subdivisions acting jointly, and who shall have direct
17 responsibility for the organization, administration and operation
18 of such local organization for emergency management, subject to



19 the direction and control of such governing body. Each local
20 organization for emergency management shall perform emergency
21 management functions within the territorial limits of the
22 political subdivision within which it is organized, and, in
23 addition, shall conduct such functions outside of such territorial
24 limits as may be required pursuant to the provisions of the state
25 emergency management plan. Each county shall develop an emergency
26 management plan and program that is coordinated and consistent
27 with the State Comprehensive Emergency Management Plan and
28 program. Counties that are part of an interjurisdictional
29 emergency management agreement entered into pursuant to this
30 section shall cooperatively develop an emergency management plan
31 and program that is coordinated and consistent with the state
32 emergency management plan and program.

33 (b) In carrying out the provisions of this article each
34 county and municipality, or the two (2) acting jointly, or two (2)
35 or more counties acting jointly, where there is joint
36 organization, in which any disaster as described in Section
37 33-15-5 occurs, shall have the power to enter into contracts and
38 incur obligations necessary to combat such disaster, protecting
39 the health and safety of persons and property, and providing
40 emergency assistance to the victims of such disaster. Each county
41 and municipality is authorized to exercise the powers vested under
42 this section in the light of the exigencies of the extreme
43 emergency situation without regard to time-consuming procedures



44 and formalities prescribed by law pertaining to the performance of
45 public work, entering into contracts, the incurring of
46 obligations, the employment of temporary workers, the rental of
47 equipment, the purchase of supplies and materials, the levying of
48 taxes and the appropriation and expenditure of public funds.

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

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

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

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

67 (4) To donate public funds, supplies, labor and
68 equipment to assist any governmental entity in a county or



69 municipality in which a disaster as described in Section 33-15-5
70 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 (8) To enter into mutual aid agreements in the manner
89 authorized by Section 33-15-19.

90 (d) A local emergency as defined in Section 33-15-5 may be
91 proclaimed by the mayor or governing body of a municipality or the
92 president of the board of supervisors of a county or the governing
93 body of a county. In the event a local emergency is proclaimed by



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

115 **SECTION 2.** This act shall take effect and be in force from
116 and after July 1, 2018.

