

By: Representative Kinkade

To: County Affairs

HOUSE BILL NO. 166

1 AN ACT TO AMEND SECTION 33-15-17, MISSISSIPPI CODE OF 1972,
2 TO ALLOW A COUNTY OFFICIAL, WHO IS AUTHORIZED BY THE BOARD OF
3 SUPERVISORS, TO PROCLAIM A LOCAL EMERGENCY WITH RATIFICATION OF
4 SUCH PROCLAMATION BY THE BOARD OF SUPERVISORS; AND FOR RELATED
5 PURPOSES.

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

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

92 (d) A local emergency as defined in Section 33-15-5 may be
93 proclaimed by the mayor or governing body of a municipality or a



94 county official authorized by the governing body of a county or
95 the governing body of a county. In the event a local emergency is
96 proclaimed by the mayor of a municipality, the governing body of
97 such municipality shall review and approve or disapprove the need
98 for continuing the local emergency at its first regular meeting
99 following such proclamation or at a special meeting legally called
100 for such review. Thereafter, the governing body shall review the
101 need for continuing the local emergency at least every thirty (30)
102 days until such local emergency is terminated, and shall proclaim
103 the termination of such local emergency at the earliest possible
104 date that conditions warrant. During a local emergency, the
105 governing body of a political subdivision may promulgate orders
106 and regulations necessary to provide for the protection of life
107 and property, including orders or regulations imposing a curfew
108 within designated boundaries where necessary to preserve the
109 public order and safety. Such orders and regulations and
110 amendments and rescissions thereof shall be in writing and shall
111 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.

