

By: Representative Henley

To: County Affairs

HOUSE BILL NO. 556

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 board of supervisors of a county  
95 or the governing body of a county. \* \* \* If 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.

