

By: Representative Williamson

To: Accountability,  
Efficiency, Transparency

HOUSE BILL NO. 1474

1 AN ACT TO AMEND SECTION 33-15-11, MISSISSIPPI CODE OF 1972,  
2 TO LIMIT THE TIME PERIOD OF STATE OF EMERGENCY PROCLAMATIONS TO 30  
3 DAYS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 33-15-11, Mississippi Code of 1972, is  
6 amended as follows:

7 33-15-11. (a) The Governor shall have general direction and  
8 control of the activities of the Emergency Management Agency and  
9 Council and shall be responsible for the carrying out of the  
10 provisions of this article, and in the event of a man-made,  
11 technological or natural disaster or emergency beyond local  
12 control, may assume direct operational control over all or any  
13 part of the emergency management functions within this state.

14 (b) In performing his duties under this article, the  
15 Governor is further authorized and empowered:

16 (1) To make, amend and rescind the necessary orders,  
17 rules and regulations to carry out the provisions of this article  
18 with due consideration of the plans of the federal government, and



19 to enter into disaster assistance grants and agreements with the  
20 federal government under the terms as may be required by federal  
21 law.

22 (2) To work with the Mississippi Emergency Management  
23 Agency in preparing a comprehensive plan and program for the  
24 emergency management of this state, such plan and program to be  
25 integrated into and coordinated with the emergency management  
26 plans of the federal government and of other states to the fullest  
27 possible extent, and to coordinate the preparation of plans and  
28 programs for emergency management by the political subdivisions of  
29 this state, such local plans to be integrated into and coordinated  
30 with the emergency management plan and program of this state to  
31 the fullest possible extent.

32 (3) In accordance with such plan and program for  
33 emergency management of this state, to ascertain the requirements  
34 of the state or the political subdivisions thereof for food or  
35 clothing or other necessities of life in the event of attack or  
36 natural or man-made or technological disasters and to plan for and  
37 procure supplies, medicines, materials and equipment, and to use  
38 and employ from time to time any of the property, services and  
39 resources within the state, for the purposes set forth in this  
40 article; to make surveys of the industries, resources and  
41 facilities within the state as are necessary to carry out the  
42 purposes of this article; to institute training programs and  
43 public information programs, and to take all other preparatory



44 steps, including the partial or full mobilization of emergency  
45 management organizations in advance of actual disaster, to insure  
46 the furnishing of adequately trained and equipped forces of  
47 emergency management personnel in time of need.

48 (4) To cooperate with the President and the heads of  
49 the Armed Forces, and the Emergency Management Agency of the  
50 United States, and with the officers and agencies of other states  
51 in matters pertaining to the emergency management of the state and  
52 nation and the incidents thereof; and in connection therewith, to  
53 take any measures which he may deem proper to carry into effect  
54 any request of the President and the appropriate federal officers  
55 and agencies, for any action looking to emergency management,  
56 including the direction or control of (a) blackouts and practice  
57 blackouts, air raid drills, mobilization of emergency management  
58 forces, and other tests and exercises, (b) warnings and signals  
59 for drills or attacks and the mechanical devices to be used in  
60 connection therewith, (c) the effective screening or extinguishing  
61 of all lights and lighting devices and appliances, (d) shutting  
62 off water mains, gas mains, electric power connections and the  
63 suspension of all other utility services, (e) the conduct of  
64 civilians and the movement and cessation of movement of  
65 pedestrians and vehicular traffic during, prior and subsequent to  
66 drills or attack, (f) public meetings or gatherings under  
67 emergency conditions, and (g) the evacuation and reception of the  
68 civilian population.



69           (5) To take such action and give such directions to  
70 state and local law enforcement officers and agencies as may be  
71 reasonable and necessary for the purpose of securing compliance  
72 with the provisions of this article and with the orders, rules and  
73 regulations made pursuant thereto.

74           (6) To employ such measures and give such directions to  
75 the state or local boards of health as may be reasonably necessary  
76 for the purpose of securing compliance with the provisions of this  
77 article or with the findings or recommendations of such boards of  
78 health by reason of conditions arising from enemy attack or the  
79 threat of enemy attack or natural, man-made or technological  
80 disaster.

81           (7) To utilize the services and facilities of existing  
82 officers and agencies of the state and of the political  
83 subdivisions thereof; and all such officers and agencies shall  
84 cooperate with and extend their services and facilities to the  
85 Governor as he may request.

86           (8) To establish agencies and offices and to appoint  
87 executive, technical, clerical and other personnel as may be  
88 necessary to carry out the provisions of this article including,  
89 with due consideration to the recommendation of the local  
90 authorities, part-time or full-time state and regional area  
91 directors.



92           (9) To delegate any authority vested in him under this  
93 article, and to provide for the subdelegation of any such  
94 authority.

95           (10) On behalf of this state to enter into reciprocal  
96 aid agreements or compacts with other states and the federal  
97 government, either on a statewide basis or local political  
98 subdivision basis or with a neighboring state or province of a  
99 foreign country. Such mutual aid arrangements shall be limited to  
100 the furnishings or exchange of food, clothing, medicine and other  
101 supplies; engineering services; emergency housing; police  
102 services; national or state guards while under the control of the  
103 state; health, medical and related services; firefighting, rescue,  
104 transportation and construction services and equipment; personnel  
105 necessary to provide or conduct these services; and such other  
106 supplies, equipment, facilities, personnel and services as may be  
107 needed; the reimbursement of costs and expenses for equipment,  
108 supplies, personnel and similar items for mobile support units,  
109 firefighting and police units and health units; and on such terms  
110 and conditions as are deemed necessary.

111           (11) To sponsor and develop mutual aid plans and  
112 agreements between the political subdivisions of the state,  
113 similar to the mutual aid arrangements with other states referred  
114 to above.

115           (12) To collect information and data for assessment of  
116 vulnerabilities and capabilities within the borders of Mississippi



117 as it pertains to the nation and state's security and homeland  
118 defense. This information shall be exempt from the Mississippi  
119 Public Records Act, Section 25-61-1 et seq.

120 (13) Authorize any agency or arm of the state to create  
121 a special emergency management revolving fund, accept donations,  
122 contributions, fees, grants, including federal funds, as may be  
123 necessary for such agency or arm of the state to administer its  
124 functions of this article as set forth in the Executive Order of  
125 the Governor.

126 (14) To authorize the Commissioner of Public Safety to  
127 select, train, organize and equip a ready reserve of auxiliary  
128 highway patrolmen.

129 (15) To suspend or limit the sale, dispensing or  
130 transportation of alcoholic beverages, firearms, explosives and  
131 combustibles.

132 (16) To control, restrict and regulate by rationing,  
133 freezing, use of quotas, prohibitions on shipments, price-fixing,  
134 allocation or other means, the use, sale or distribution of food,  
135 feed, fuel, clothing and other commodities, materials, goods or  
136 services.

137 (17) To proclaim a state of emergency in an area  
138 affected or likely to be affected thereby when he finds that the  
139 conditions described in Section 33-15-5(g) exist, or when he is  
140 requested to do so by the mayor of a municipality or by the  
141 president of the board of supervisors of a county, or when he



142 finds that a local authority is unable to cope with the emergency.  
143 Such proclamation shall be in writing and shall take effect  
144 immediately upon its execution by the Governor. As soon  
145 thereafter as possible, such proclamation shall be filed with the  
146 Secretary of State and be given widespread notice and publicity.  
147 The Governor, upon advice of the director, shall review the need  
148 for continuing the state of emergency \* \* \*. \* \* \* The Governor  
149 shall not continue the state of emergency for more than a total of  
150 thirty (30) days without extension by the Legislature by specific  
151 enactment to extend the state of emergency.

152 (18) To declare an emergency impact area when he finds  
153 that the conditions described in Section 33-15-5(o) exist. The  
154 proclamation shall be in writing and shall take effect immediately  
155 upon its execution by the Governor. As soon as possible, the  
156 proclamation shall be filed with the Secretary of State and be  
157 given widespread notice and publicity. The Governor shall review  
158 the need for continuing the declaration of emergency impact  
159 area \* \* \* every \* \* \* fourteen (14) days until the emergency is  
160 terminated, and shall proclaim the reduction of the emergency  
161 impact area or termination of the declaration of emergency impact  
162 area at the earliest date or dates possible.

163 (c) In addition to the powers conferred upon the Governor in  
164 this section, the Legislature hereby expressly delegates to the  
165 Governor the following powers and duties in the event of an  
166 impending enemy attack, an enemy attack, or a man-made,



167 technological or natural disaster where such disaster is beyond  
168 local control:

169 (1) To suspend the provisions of any regulatory statute  
170 prescribing the procedures for conduct of state business, or the  
171 orders, rules or regulations of any state agency, if strict  
172 compliance with the provisions of any statute, order, rule or  
173 regulation would in any way prevent, hinder or delay necessary  
174 action in coping with a disaster or emergency.

175 (2) To transfer the direction, personnel or functions  
176 of state agencies, boards, commissions or units thereof for the  
177 purpose of performing or facilitating disaster or emergency  
178 services.

179 (3) To commandeer or utilize any private property if  
180 necessary to cope with a disaster or emergency, provided that such  
181 private property so commandeered or utilized shall be paid for  
182 under terms and conditions agreed upon by the participating  
183 parties. The owner of said property shall immediately be given a  
184 receipt for the said private property and said receipt shall serve  
185 as a valid claim against the Treasury of the State of Mississippi  
186 for the agreed upon market value of said property.

187 (4) To perform and exercise such other functions,  
188 powers and duties as may be necessary to promote and secure the  
189 safety and protection of the civilian population in coping with a  
190 disaster or emergency.





191           (d) This section does not authorize the Governor or a  
192   designee of the Governor to act in contravention of Section  
193   33-7-303.

194           **SECTION 2.** This act shall take effect and be in force from  
195   and after July 1, 2022.

