

By: Representative Mangold

To: Public Utilities

HOUSE BILL NO. 835

1 AN ACT TO AMEND SECTION 33-15-11, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE GOVERNOR'S EMERGENCY AUTHORITY TO ALLOW FOR LOCAL  
3 GOVERNING AUTHORITIES TO HAVE DISCRETION ON SUSPENDING CERTAIN  
4 UTILITY SHUTOFFS DURING AN EMERGENCY; AND FOR RELATED PURPOSES.

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

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

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

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

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



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

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

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



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

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



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

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

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

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



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

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

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

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



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

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

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

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

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

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



143 finds that a local authority is unable to cope with the emergency.  
144 Such proclamation shall be in writing and shall take effect  
145 immediately upon its execution by the Governor. As soon  
146 thereafter as possible, such proclamation shall be filed with the  
147 Secretary of State and be given widespread notice and publicity.  
148 The Governor, upon advice of the director, shall review the need  
149 for continuing the state of emergency at least every thirty (30)  
150 days until the emergency is terminated and shall proclaim a  
151 reduction of area or the termination of the state of emergency at  
152 the earliest possible date that conditions warrant.

153           (18) To declare an emergency impact area when he finds  
154 that the conditions described in Section 33-15-5(o) exist. The  
155 proclamation shall be in writing and shall take effect immediately  
156 upon its execution by the Governor. As soon as possible, the  
157 proclamation shall be filed with the Secretary of State and be  
158 given widespread notice and publicity. The Governor shall review  
159 the need for continuing the declaration of emergency impact area  
160 at least every thirty (30) days until the emergency is terminated,  
161 and shall proclaim the reduction of the emergency impact area or  
162 termination of the declaration of emergency impact area at the  
163 earliest date or dates possible.

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



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

170 (1) To suspend the provisions of any regulatory statute  
171 prescribing the procedures for conduct of state business, or the  
172 orders, rules or regulations of any state agency, if strict  
173 compliance with the provisions of any statute, order, rule or  
174 regulation would in any way prevent, hinder or delay necessary  
175 action in coping with a disaster or emergency. However, in  
176 regards to utility shutoffs, this subparagraph shall only allow  
177 the Governor to suspend the provisions of any statute, order, rule  
178 or regulation for the purpose of authorizing local governing  
179 authorities to suspend water, electric, sewer and natural gas  
180 shutoffs during the emergency at the discretion and in the manner  
181 determined by the local governing authority, and in no instance  
182 may the Governor require the local governing authorities to  
183 suspend such shutoffs.

184 (2) To transfer the direction, personnel or functions  
185 of state agencies, boards, commissions or units thereof for the  
186 purpose of performing or facilitating disaster or emergency  
187 services.

188 (3) To commandeer or utilize any private property if  
189 necessary to cope with a disaster or emergency, provided that such  
190 private property so commandeered or utilized shall be paid for  
191 under terms and conditions agreed upon by the participating  
192 parties. The owner of said property shall immediately be given a





193 receipt for the said private property and said receipt shall serve  
194 as a valid claim against the Treasury of the State of Mississippi  
195 for the agreed upon market value of said property.

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

200 (d) This section does not authorize the Governor or a  
201 designee of the Governor to act in contravention of Section  
202 33-7-303.

203 **SECTION 2.** This act shall take effect and be in force from  
204 and after its passage.

