

By: Representatives Williamson, Eubanks

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1104

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, 2023.

