

By: Representative Robinson (84th)

To: County Affairs;
Municipalities

HOUSE BILL NO. 1450

1 AN ACT TO AMEND SECTION 33-15-17, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IF A LOCAL EMERGENCY IS PROCLAIMED BY THE
3 GOVERNING BODY OF A MUNICIPALITY OR COUNTY, THE NEED FOR THE
4 EMERGENCY SHALL BE REVIEWED EVERY SEVEN DAYS; TO PROVIDE THAT IF
5 THE EMERGENCY IS PROCLAIMED IN CONJUNCTION WITH THE DECLARATION OF
6 AN EMERGENCY BY THE GOVERNOR OF THE STATE OR THE PRESIDENT OF THE
7 UNITED STATES, THE NEED FOR THE EMERGENCY SHALL ONLY BE REVIEWED
8 EVERY THIRTY DAYS; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 33-15-17, Mississippi Code of 1972, is
11 amended as follows:

12 33-15-17. (a) Each county and municipality, or counties and
13 the municipalities therein acting jointly, or two (2) or more
14 counties acting jointly, of this state are hereby authorized and
15 directed to establish a local organization for emergency
16 management in accordance with the state emergency management plan
17 and program, if required and authorized so to do by such state
18 emergency management plan. Each local organization for emergency
19 management shall have a director who shall be appointed by the
20 governing body of the political subdivision, or political
21 subdivisions acting jointly, and who shall have direct
22 responsibility for the organization, administration and operation
23 of such local organization for emergency management, subject to
24 the direction and control of such governing body. Each local
25 organization for emergency management shall perform emergency
26 management functions within the territorial limits of the
27 political subdivision within which it is organized, and, in
28 addition, shall conduct such functions outside of such territorial
29 limits as may be required pursuant to the provisions of the state
30 emergency management plan. Each county shall develop an emergency

31 management plan and program that is coordinated and consistent
32 with the state comprehensive emergency management plan and
33 program. Counties that are part of an interjurisdictional
34 emergency management agreement entered into pursuant to this
35 section shall cooperatively develop an emergency management plan
36 and program that is coordinated and consistent with the state
37 emergency management plan and program.

38 (b) In carrying out the provisions of this article each
39 county and municipality, or the two (2) acting jointly, or two (2)
40 or more counties acting jointly, where there is joint
41 organization, in which any disaster as described in Section
42 33-15-5 occurs, shall have the power to enter into contracts and
43 incur obligations necessary to combat such disaster, protecting
44 the health and safety of persons and property, and providing
45 emergency assistance to the victims of such disaster. Each county
46 and municipality is authorized to exercise the powers vested under
47 this section in the light of the exigencies of the extreme
48 emergency situation without regard to time-consuming procedures
49 and formalities prescribed by law pertaining to the performance of
50 public work, entering into contracts, the incurring of
51 obligations, the employment of temporary workers, the rental of
52 equipment, the purchase of supplies and materials, the levying of
53 taxes and the appropriation and expenditure of public funds.

54 (c) Each county and each municipality, or two (2) or more
55 counties acting jointly, shall have the power and authority:

56 (1) To appropriate and expend funds, make contracts,
57 obtain and distribute equipment, materials, and supplies for
58 emergency management purposes; provide for the health and safety
59 of persons and property, including emergency assistance to the
60 victims of any enemy attack or man-made, technological or natural
61 disasters; and to direct and coordinate the development of
62 emergency management plans and programs in accordance with the

63 policies and plans set by the federal and state emergency
64 management agencies;

65 (2) To appoint, employ, remove, or provide, with or
66 without compensation, air raid wardens, rescue teams, auxiliary
67 fire and police personnel, and other emergency management workers;

68 (3) To establish, as necessary, a primary and one or
69 more secondary emergency operating centers to provide continuity
70 of government, and direction and control of emergency operation
71 during an emergency;

72 (4) To donate public funds, supplies, labor and
73 equipment to assist any governmental entity in a county or
74 municipality in which a disaster as described in Section 33-15-5
75 occurs;

76 (5) Subject to the order of the Governor, or the chief
77 executive of the political subdivision, to assign and make
78 available for duty, the employees, property or equipment of the
79 subdivision relating to fire fighting, engineering, rescue,
80 health, medical and related services, police, transportation,
81 construction, and similar items or services for emergency
82 management purposes either within or outside of the limits of the
83 subdivision;

84 (6) Subject to the order of the chief executive of the
85 county or municipality or the Governor to order the evacuation of
86 any area subject to an impending or existing enemy attack or
87 man-made, technological or natural disaster;

88 (7) Subject to the order of the chief executive of the
89 county or municipality or the Governor, to control or restrict
90 egress, ingress and movement within the disaster area to the
91 degree necessary to facilitate the protection of life and
92 property.

93 (d) (1) A local emergency as defined in Section 33-15-5 may
94 be proclaimed by the governing body of a municipality or county.
95 Unless the provisions of subparagraph (2) apply, the governing

96 body shall review the need for continuing the local emergency at
97 least every seven (7) days until such local emergency is
98 terminated, and shall proclaim the termination of such local
99 emergency at the earliest possible date that conditions warrant.

100 (2) If the local emergency is declared by the governing
101 body in conjunction with the declaration of an emergency by the
102 Governor or the President of the United States, the governing body
103 shall review the need for continuing the local emergency at least
104 every thirty (30) days until the declaration of emergency by the
105 Governor or the President has expired.

106 (3) During a local emergency, the governing body of a
107 political subdivision may promulgate orders and regulations
108 necessary to provide for the protection of life and property,
109 including orders or regulations imposing a curfew within
110 designated boundaries where necessary to preserve the public order
111 and safety. Such orders and regulations and amendments and
112 rescissions thereof shall be in writing and shall be given
113 widespread notice and publicity. The authorization granted by
114 this section to impose a curfew shall not be construed as
115 restricting in any manner the existing authority to impose a
116 curfew pursuant to police power for any other lawful purpose.

117 **SECTION 2.** This act shall take effect and be in force from
118 and after July 1, 2006.