

By: Senator(s) Chassaniol

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2190

1 AN ACT TO AMEND SECTION 33-15-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF THE TERM "NATURAL EMERGENCY" AS USED IN
3 THE EMERGENCY MANAGEMENT LAW TO INCLUDE A PUBLIC HEALTH EMERGENCY
4 SUCH AS AN EPIDEMIC OR A PANDEMIC; TO AMEND SECTION 33-15-11,
5 MISSISSIPPI CODE OF 1972, TO LIMIT THE DURATION OF CERTAIN STATE
6 OF EMERGENCIES TO 45 DAYS UNLESS EXTENDED BY THE LEGISLATURE; TO
7 AUTHORIZE THE GOVERNOR, UPON GUIDANCE FROM THE DEPARTMENT OF
8 HEALTH, TO ALLOW CERTAIN MEDICAL PROFESSIONAL LICENSEES IN OTHER
9 STATES TO PERFORM PROFESSIONAL SERVICES IN MISSISSIPPI DURING THE
10 PERIOD OF A DECLARED EMERGENCY; TO CREATE NEW SECTION 41-39-17,
11 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF HEALTH TO
12 TAKE POSSESSION OF DEAD HUMAN BODIES IN ANY COUNTY WHERE THE
13 DEPARTMENT BELIEVES THAT THE COUNTY LACKS SUFFICIENT FACILITIES
14 AND TRAINED PERSONNEL; AND FOR RELATED PURPOSES.

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

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

18 33-15-5. The following words, whenever used in this article
19 shall, unless a different meaning clearly appears from the
20 context, have the following meanings:

21 (a) "Agency" means the Mississippi Emergency Management
22 Agency, created by Section 33-15-7.

23 (b) "Director" means the Director of Emergency
24 Management, appointed pursuant to Section 33-15-7.



25 (c) "Emergency management" means the preparation for,
26 the mitigation of, the response to, and the recovery from
27 emergencies and disasters. Specific emergency management
28 responsibilities include, but are not limited to:

29 (i) Reduction of vulnerability of people and
30 communities of this state to damage, injury and loss of life and
31 property resulting from natural, technological or man-made
32 emergencies or hostile military paramilitary action.

33 (ii) Preparation for prompt and efficient response
34 and recovery to protect lives and property affected by
35 emergencies.

36 (iii) Response to emergencies using all systems,
37 plans and resources necessary to preserve adequately the health,
38 safety and welfare of persons or property affected by the
39 emergency.

40 (iv) Recovery from emergencies by providing for
41 the rapid and orderly start of restoration and rehabilitation of
42 persons and property affected by emergencies.

43 (v) Provision of an emergency management system
44 embodying all aspects of preemergency preparedness and
45 postemergency response, recovery and mitigation.

46 (vi) Assistance in anticipation, recognition,
47 appraisal, prevention and mitigation of emergencies which may be
48 caused or aggravated by inadequate planning for, and regulation of
49 public and private facilities and land use.



(d) "Civil defense," whenever it appears in the laws of the State of Mississippi, shall mean "emergency management" unless the context clearly indicates otherwise.

(e) "State of war emergency" means the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States or upon receipt by the state of a warning from the federal government indicating that such an attack is probable or imminent.

(f) "State of emergency" means the duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons or property within the state caused by air or water pollution, fire, flood, storm, epidemic, earthquake, hurricane, resource shortages, or other natural or man-made conditions other than conditions causing a "state of war emergency," which conditions by reasons of their magnitude are or are likely to be beyond the control of the services, personnel, equipment and facilities of any single county and/or municipality and requires combined forces of the state to combat.

(g) "Local emergency" means the duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a county and/or municipality caused by such conditions as air or water pollution, fire, flood, storm, epidemic, earthquake, hurricane, resource shortages or other natural or man-made conditions, which



conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the political subdivision and require the combined forces of other subdivisions or of the state to combat.

(h) "Emergency" means any occurrence, or threat thereof, whether natural, technological, or man-made, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

(i) "Man-made emergency" means an emergency caused by an action against persons or society, including, but not limited to, emergency attack, sabotage, terrorism, civil unrest or other action impairing the orderly administration of government.

(j) "Natural emergency" means an emergency caused by a natural event, including, but not limited to, a hurricane, a storm, a flood, severe wave action, a drought or an earthquake, or a public health emergency such as an epidemic or a pandemic.

(k) "Technological emergency" means an emergency caused by a technological failure or accident, including, but not limited to, an explosion, transportation accident, radiological accident, or chemical or other hazardous material incident.

(l) "Local emergency management agency" means an organization created to discharge the emergency management responsibilities and functions of a political subdivision.

(m) "Disaster" means any natural, technological or civil emergency as defined in this section that causes damage of



sufficient severity and magnitude to result in a declaration of an emergency by a county or municipality, the Governor or the President of the United States. Disasters shall be identified by the severity of resulting damage, as follows:

(i) "Catastrophic disaster" means a disaster that will require massive state and federal assistance, including immediate military involvement.

(ii) "Major disaster" means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance.

(iii) "Minor disaster" means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for state or federal assistance.

(n) "Disaster Reservist" means any person hired on a temporary basis pursuant to State Personnel Board policies and procedures regulating personal service contracts, that is hired to perform specific tasks related to a Governor's State of Emergency, or by an emergency or disaster declaration of the President of the United States, by the agency, and is assigned to perform such duties as may be required under the direction of the appropriate agency supervisor.

(o) "Emergency impact area" means the area of the state in which market conditions exist due to a state of emergency



creating a likelihood that prices ordinarily charged for goods and services could be raised unfairly due to the underlying emergency.

(p) "Political subdivision" means a local government created by the State of Mississippi to assist in fulfilling the state's obligations. The term "political subdivision" includes levee districts.

SECTION 2. Section 33-15-11, Mississippi Code of 1972, is amended as follows:

33-15-11. (* * *1) The Governor shall have general direction and control of the activities of the Emergency Management Agency and Council and shall be responsible for the carrying out of the provisions of this article, and in the event of a man-made, technological or natural disaster or emergency beyond local control, may assume direct operational control over all or any part of the emergency management functions within this state.

(* * *2) In performing his duties under this article, the Governor is further authorized and empowered:

(* * *a) To make, amend and rescind the necessary orders, rules and regulations to carry out the provisions of this article with due consideration of the plans of the federal government, and to enter into disaster assistance grants and agreements with the federal government under the terms as may be required by federal law.



148 (* * *b) To work with the Mississippi Emergency
149 Management Agency in preparing a comprehensive plan and program
150 for the emergency management of this state, such plan and program
151 to be integrated into and coordinated with the emergency
152 management plans of the federal government and of other states to
153 the fullest possible extent, and to coordinate the preparation of
154 plans and programs for emergency management by the political
155 subdivisions of this state, such local plans to be integrated into
156 and coordinated with the emergency management plan and program of
157 this state to the fullest possible extent.

158 (* * *c) In accordance with such plan and program for
159 emergency management of this state, to ascertain the requirements
160 of the state or the political subdivisions thereof for food or
161 clothing or other necessities of life in the event of attack or
162 natural or man-made or technological disasters and to plan for and
163 procure supplies, medicines, materials and equipment, and to use
164 and employ from time to time any of the property, services and
165 resources within the state, for the purposes set forth in this
166 article; to make surveys of the industries, resources and
167 facilities within the state as are necessary to carry out the
168 purposes of this article; to institute training programs and
169 public information programs, and to take all other preparatory
170 steps, including the partial or full mobilization of emergency
171 management organizations in advance of actual disaster, to insure



the furnishing of adequately trained and equipped forces of
emergency management personnel in time of need.

(* * *d) To cooperate with the President and the heads
of the Armed Forces, and the Emergency Management Agency of the
United States, and with the officers and agencies of other states
in matters pertaining to the emergency management of the state and
nation and the incidents thereof; and in connection therewith, to
take any measures which he may deem proper to carry into effect
any request of the President and the appropriate federal officers
and agencies, for any action looking to emergency management,
including the direction or control of (* * *i) blackouts and
practice blackouts, air raid drills, mobilization of emergency
management forces, and other tests and exercises, (* * *ii)
warnings and signals for drills or attacks and the mechanical
devices to be used in connection therewith, (* * *iii) the
effective screening or extinguishing of all lights and lighting
devices and appliances, (* * *iv) shutting off water mains, gas
mains, electric power connections and the suspension of all other
utility services, (* * *v) the conduct of civilians and the
movement and cessation of movement of pedestrians and vehicular
traffic during, prior and subsequent to drills or attack,
(* * *vi) public meetings or gatherings under emergency
conditions, and (* * *vii) the evacuation and reception of the
civilian population.



196 (* * *e) To take such action and give such directions
197 to state and local law enforcement officers and agencies as may be
198 reasonable and necessary for the purpose of securing compliance
199 with the provisions of this article and with the orders, rules and
200 regulations made pursuant thereto.

201 (* * *f) To employ such measures and give such
202 directions to the state or local boards of health as may be
203 reasonably necessary for the purpose of securing compliance with
204 the provisions of this article or with the findings or
205 recommendations of such boards of health by reason of conditions
206 arising from enemy attack or the threat of enemy attack or
207 natural, man-made or technological disaster.

208 (* * *g) To utilize the services and facilities of
209 existing officers and agencies of the state and of the political
210 subdivisions thereof; and all such officers and agencies shall
211 cooperate with and extend their services and facilities to the
212 Governor as he may request.

213 (* * *h) To establish agencies and offices and to
214 appoint executive, technical, clerical and other personnel as may
215 be necessary to carry out the provisions of this article
216 including, with due consideration to the recommendation of the
217 local authorities, part-time or full-time state and regional area
218 directors.



219 (* * *i) To delegate any authority vested in him under
220 this article, and to provide for the subdelegation of any such
221 authority.

222 (* * *j) On behalf of this state to enter into
223 reciprocal aid agreements or compacts with other states and the
224 federal government, either on a statewide basis or local political
225 subdivision basis or with a neighboring state or province of a
226 foreign country. Such mutual aid arrangements shall be limited to
227 the furnishings or exchange of food, clothing, medicine and other
228 supplies; engineering services; emergency housing; police
229 services; national or state guards while under the control of the
230 state; health, medical and related services; firefighting, rescue,
231 transportation and construction services and equipment; personnel
232 necessary to provide or conduct these services; and such other
233 supplies, equipment, facilities, personnel and services as may be
234 needed; the reimbursement of costs and expenses for equipment,
235 supplies, personnel and similar items for mobile support units,
236 firefighting and police units and health units; and on such terms
237 and conditions as are deemed necessary.

238 (* * *k) To sponsor and develop mutual aid plans and
239 agreements between the political subdivisions of the state,
240 similar to the mutual aid arrangements with other states referred
241 to above.

242 (* * *l) To collect information and data for
243 assessment of vulnerabilities and capabilities within the borders



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

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

(* * * n) To authorize the Commissioner of Public Safety to select, train, organize and equip a ready reserve of auxiliary highway patrolmen.

(* * * o) To suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles.

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

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



finds that a local authority is unable to cope with the emergency. Such proclamation shall be in writing and shall take effect immediately upon its execution by the Governor. As soon thereafter as possible, such proclamation shall be filed with the Secretary of State and be given widespread notice and publicity. * * * The Governor may revoke at any time any proclamation issued under the authority of this paragraph.

(r) No proclamation declared under the authority of paragraph (p) of this subsection may remain in force and effect for more than forty-five (45) days from the date of issuance, and no new proclamation may be issued based on the conditions giving rise to the issuance of the original proclamation unless specifically authorized by the Legislature. This paragraph may not be suspended by subsection (3) (a) of this section.

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



294 (* * *3) In addition to the powers conferred upon the
295 Governor in this section, the Legislature hereby expressly
296 delegates to the Governor the following powers and duties in the
297 event of an impending enemy attack, an enemy attack, or a
298 man-made, technological or natural disaster where such disaster is
299 beyond local control:

300 (* * *a) To suspend the provisions of any regulatory
301 statute prescribing the procedures for conduct of state business,
302 or the orders, rules or regulations of any state agency, if strict
303 compliance with the provisions of any statute, order, rule or
304 regulation would in any way prevent, hinder or delay necessary
305 action in coping with a disaster or emergency.

306 (* * *b) To transfer the direction, personnel or
307 functions of state agencies, boards, commissions or units thereof
308 for the purpose of performing or facilitating disaster or
309 emergency services.

310 (* * *c) To commandeer or utilize any private property
311 if necessary to cope with a disaster or emergency, provided that
312 such private property so commandeered or utilized shall be paid
313 for under terms and conditions agreed upon by the participating
314 parties. The owner of said property shall immediately be given a
315 receipt for the said private property and said receipt shall serve
316 as a valid claim against the Treasury of the State of Mississippi
317 for the agreed upon market value of said property.



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

(e) Upon guidance from the State Department of Health, to authorize physicians, nurse practitioners, physician assistants and registered nurses licensed in other states to perform professional services in the State of Mississippi under conditions that the Governor considers appropriate for a period not to exceed the duration of any state of emergency or state of war emergency.

(* * *4) This section does not authorize the Governor or a designee of the Governor to act in contravention of Section 33-7-303.

SECTION 3. The following shall be codified as Section 41-39-17, Mississippi Code of 1972:

41-39-17. (1) Whenever the Governor has proclaimed a state of emergency for reasons of natural, technological or man-made disaster, or state of war emergency as defined in Section 33-15-5, in instances where the Department of Health has determined that there are insufficient facilities or trained personnel in any county to receive and store human dead bodies, the Department of Health may take possession of such human dead bodies and perform any functions that would be the responsibility of a county coroner respecting such bodies.



342 (2) Whenever the Department of Health assumes
343 responsibilities as provided in subsection (1) of this section,
344 the State Health Officer shall issue a finding stating the reasons
345 for taking action, and shall state what actions the department
346 will take with respect to the receipt, storage and disposal of any
347 human dead bodies received.

348 **SECTION 4.** This act shall take effect and be in force from
349 and after July 1, 2021.

