


[Miss. Code Ann. § 33-15-17](#)

Current through the 2019 Regular Session, not including changes and corrections made by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation. The final official version of the statutes affected by 2019 legislation will appear on Lexis Advance in September 2019.

Mississippi Code 1972 Annotated > Title 33. Military Affairs (Chs. 1 — 15) > Chapter 15. Emergency Management and Civil Defense (Arts. 1 — 7) > Article 1. Emergency Management Law. (§§ 33-15-1 — 33-15-53)

Notice

 This section has more than one version with varying effective dates.

§ 33-15-17. Local organization of emergency management [Effective until July 1, 2019].

(a) Each county and municipality, or counties and the municipalities therein acting jointly, or two (2) or more counties acting jointly, of this state are hereby authorized and directed to establish a local organization for emergency management in accordance with the state emergency management plan and program, if required and authorized so to do by such state emergency management plan. Each local organization for emergency management shall have a director who shall be appointed by the governing body of the political subdivision, or political subdivisions acting jointly, and who shall have direct responsibility for the organization, administration and operation of such local organization for emergency management, subject to the direction and control of such governing body. Each local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of the state emergency management plan. Each county shall develop an emergency management plan and program that is coordinated and consistent with the State Comprehensive Emergency Management Plan and program. Counties that are part of an interjurisdictional emergency management agreement entered into pursuant to this section shall cooperatively develop an emergency management plan and program that is coordinated and consistent with the state emergency management plan and program.

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

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

(1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and

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property, including emergency assistance to the victims of any enemy attack or man-made, technological or natural disasters; and to direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies;

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

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

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

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

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

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

(8) To enter into mutual aid agreements in the manner authorized by [Section 33-15-19](#).

(d) A local emergency as defined in [Section 33-15-5](#) may be proclaimed by the mayor or governing body of a municipality or the governing body of a county. In the event a local emergency is proclaimed by the mayor of a municipality, the governing body of such municipality shall review and approve or disapprove the need for continuing the local emergency at its first regular meeting following such proclamation or at a special meeting legally called for such review. Thereafter, the governing body shall review the need for continuing the local emergency at least every thirty (30) days until such local emergency is terminated, and shall proclaim the termination of such local emergency at the earliest possible date that conditions warrant. During a local emergency, the governing body of a political subdivision may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread notice and publicity. The authorization granted by this section to impose a curfew shall not be construed as restricting in any manner the existing authority to impose a curfew pursuant to police power for any other lawful purpose.

History

Codes, 1942, § 8610-09; Laws, 1942, ch. 206; Laws, 1952, ch. 312, § 9; Laws, 1980, ch. 491, § 9; Laws, 1983, ch. 420, § 4; Laws, 1995, ch. 333, § 9; Laws, 2005, 5th Ex Sess, ch. 20, § 1; Laws, 2010, ch. 347, § 1; Laws, 2012, ch. 359, § 2, eff from and after July 1, 2012.

Annotations

Notes

Amendment Notes —

The 2005 amendment, 5th Ex Sess, ch. 20, substituted “33-15-5” for “33-15-3” in (b); added (c)(4) and redesignated former (c)(4) through (c)(6) as present (c)(5) through (c)(7); and substituted “thirty (30)” for “seven (7)” preceding “days until such local emergency” in (d).

The 2010 amendment, in (d), in the first sentence, inserted “mayor or” and “the governing body of a,” added the second sentence, and in the third sentence, added “Thereafter” and made a minor stylistic change.

The 2012 amendment added (c)(8).

The 2019 amendment, in (d), inserted "or the president of the board of supervisors of a county" in the first and second sentences, inserted "or the governing body of such county" in the second sentence, and inserted "of such municipality or the governing body of such county" in the third sentence.

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Miss. Code Section [33-15-17](#) makes it clear that Civil Defense Director exercises power under control and direction of governing authority that hired Director; also that, in absence of stated term in contract, person appointed as Civil Defense Director serves until removed by appointing authority. Jones, Apr. 7, 1993, A.G. Op. #93-0173.

The statute authorizes the Harrison County Board of Supervisors, under its emergency powers, acting through its local organization for emergency management, to order the evacuation of boats from marinas along the coast line of Harrison County in the event of an emergency, such as a hurricane. Meadows, September 4, 1998, A.G. Op. #98-0560.

An emergency management agency may purchase with funds appropriated to it by the county and distribute to the general public within its jurisdiction such written or printed information regarding emergency actions and emergency assistance as it finds, consistent with fact, and encompasses such findings of fact in an order finding the necessity for such purpose, are necessary and proper for emergency management purposes and are neither inconsistent nor in conflict with the policies and plans set by the federal and state emergency management agencies. Souderes, May 21, 1999, A.G. Op. #99-0251.

Pursuant to *Section [33-15-17\(c\)\(4\)](#)*, the county has the authority to contract directly with medical personnel and, in so doing, provide that personnel with the full immunity afforded a county employee pursuant to *Section [33-15-21](#)*. Meadows, Jan. 30, 2003, A.G. Op. #03-0054.

Where, as result of a disaster, counties enter into contractual agreements with FEMA wherein FEMA agrees to pay overtime or additional compensations to certain personnel, if such agreements are spread upon the minutes of the board of supervisors, and if the board makes findings that such agreements constitute an employment contract applicable to exempt employees, then such payments would be permissible under *Section [33-15-17](#)*. Hudson, Sept. 27, 2005, A.G. Op. 05-0477.

Even though a county board of supervisors faced an extreme financial crisis as a result of Hurricane Katrina, as a matter of law, given the mandatory language of *Section [27-3-52](#)*, there was no authority for the board to exercise discretion in the awarding of compensation increases provided therein. Meadows, Nov. 14, 2005, A.G. Op. 05-0551.

In light of the authority contained in *Section [33-15-17\(b\)](#)*, a city was authorized to pay city firemen for the use of their privately owned four wheelers in accordance with rates approved by FEMA and the governing authorities of the municipality. McCreary, Aug. 11, 2006, A.G. Op. 06-0370.

Installation of GPS or other electronic tracking devices on county vehicles for emergency management purposes does not violate privacy rights under state law. Disclosure of the presence of such devices to the drivers and occupants of county vehicles is a matter of county policy. Drane, March 16, 2007, A.G. Op. #07-00105, [2007 Miss. AG LEXIS 74](#).

Research References & Practice Aids

Cross References —

Definition of "local emergency", as proclaimed in accordance with this section, as affecting Disaster Assistance Act of 1993, see § [33-15-305](#).

Civil emergencies, see §§ [45-17-1](#) et seq.

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

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

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- (1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any enemy attack or man-made, technological or natural disasters; and to direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies;
- (2) To appoint, employ, remove, or provide, with or without compensation, air raid wardens, rescue teams, auxiliary fire and police personnel, and other emergency management workers;
- (3) To establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government, and direction and control of emergency operation during an emergency;
- (4) To donate public funds, supplies, labor and equipment to assist any governmental entity in a county or municipality in which a disaster as described in [Section 33-15-5](#) occurs;
- (5) Subject to the order of the Governor, or the chief executive of the political subdivision, to assign and make available for duty, the employees, property or equipment of the subdivision relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency management purposes either within or outside of the limits of the subdivision;
- (6) Subject to the order of the chief executive of the county or municipality or the Governor to order the evacuation of any area subject to an impending or existing enemy attack or man-made, technological or natural disaster;
- (7) Subject to the order of the chief executive of the county or municipality or the Governor, to control or restrict egress, ingress and movement within the disaster area to the degree necessary to facilitate the protection of life and property;
- (8) To enter into mutual aid agreements in the manner authorized by [Section 33-15-19](#).

(d) A local emergency as defined in [Section 33-15-5](#) may be proclaimed by the mayor or governing body of a municipality, or the president of the board of supervisors of a county or the governing body of a county. In the event a local emergency is proclaimed by the mayor of a municipality or the president of the board of supervisors of a county, the governing body of such municipality or the governing body of such county shall review and approve or disapprove the need for continuing the local emergency at its first regular meeting following such proclamation or at a special meeting legally called for such review. Thereafter, the governing body of such municipality or the governing body of such county shall review the need for continuing the local emergency at least every thirty (30) days until such local emergency is terminated, and shall proclaim the termination of such local emergency at the earliest possible date that conditions warrant. During a local emergency, the governing body of a political subdivision may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread notice and publicity. The authorization granted by this section to impose a curfew shall not be construed as restricting in any manner the existing authority to impose a curfew pursuant to police power for any other lawful purpose.

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