

2020 -- H 8149

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LC005643  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE - EMERGENCY MANAGEMENT

Introduced By: Representatives Filippi, and Place

Date Introduced: December 10, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 30-15-9 of the General Laws in Chapter 30-15 entitled "Emergency  
2 Management" is hereby amended to read as follows:

3 **30-15-9. Governor's responsibilities relating to disaster emergencies.**

4 (a) The governor shall be responsible for meeting the dangers to the state and people  
5 presented by disasters.

6 (b) A state of emergency shall be declared by executive order or proclamation of the  
7 governor if he or she finds a disaster has occurred or that this occurrence, or the threat thereof, is  
8 imminent. The state of disaster emergency shall continue until the governor finds that the threat or  
9 danger has passed or the disaster has been dealt with to the extent that emergency conditions no  
10 longer exist and terminates the state of disaster emergency by executive order or proclamation, but  
11 no state of disaster emergency may continue for longer than thirty (30) days unless renewed by the  
12 governor for an additional thirty (30) days. The governor may renew for an additional thirty (30)  
13 days at the expiration of the first renewal period of thirty (30) days. After ninety (90) days, the  
14 governor shall issue an executive order or proclamation declaring the state of emergency  
15 terminated, unless a request by the governor for an extension of the state of disaster emergency for  
16 a specific number of days is approved by a resolution of both chambers of the general assembly.

17 The general assembly, by concurrent resolution, may terminate a state of disaster emergency at any  
18 time. Thereupon, the governor shall issue an executive order or proclamation ending the state of  
19 disaster emergency and what actions are being taken to control the emergency and what action the

1 public should take to protect themselves. All executive orders or proclamations issued under this  
2 subsection shall indicate the nature of the disaster, the area or areas threatened, and the conditions  
3 that have brought it about or that make possible termination of the state of disaster emergency. An  
4 executive order or proclamation shall be disseminated promptly by means calculated to bring its  
5 contents to the attention of the general public and, unless the circumstances attendant upon the  
6 disaster prevent or impede, promptly filed with the agency, the secretary of state, and the city and  
7 town clerks in the area to which it applies.

8 (c) An executive order or proclamation of a state of disaster emergency, shall activate the  
9 state and local disaster emergency plans applicable to the political subdivision or area in question  
10 and shall be authority for the deployment and use of any forces to which the plan or plans apply  
11 and for the use or distribution of any supplies, equipment, and materials and facilities assembled,  
12 stockpiled, or arranged to be made available pursuant to this chapter or any other provision of law  
13 relating to disaster emergencies.

14 (d) During the continuance of any state of disaster emergency the governor is commander-  
15 in-chief of the organized and unorganized militia and of all other forces available for emergency  
16 duty. To the greatest extent practicable, the governor shall delegate or assign command authority  
17 by prior arrangement embodied in appropriate executive orders or regulations, but nothing herein  
18 restricts the governor's authority to do so by orders issued at the time of the disaster emergency.

19 (e) In addition to any other powers conferred upon the governor by law, the governor may  
20 exercise the following powers, limited in scope and duration as is reasonably necessary for  
21 emergency response:

22 (1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct  
23 of state business, or the orders, rules, or regulations of any state agency, if strict compliance with  
24 the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay  
25 necessary action in coping with the emergency, provided that the suspension of any statute, order,  
26 rule or regulation will be limited in duration and scope to the emergency action requiring said  
27 suspension;

28 (2) Utilize all available resources of the state government as reasonably necessary to cope  
29 with the disaster emergency and of each political subdivision of the state;

30 (3) Transfer the direction, personnel, or functions of state departments and agencies or units  
31 thereof for the purpose of performing or facilitating emergency services;

32 (4) Subject to any applicable requirements for compensation under § 30-15-11,  
33 commandeer or utilize any private property if the governor finds this necessary to cope with the  
34 disaster emergency;

1 (5) Direct and compel the evacuation of all or part of the population from any stricken or  
2 threatened area within the state if the governor deems this action necessary for the preservation of  
3 life or other disaster mitigation, response, or recovery;

4 (6) Prescribe routes, modes of transportation, and destinations in connection with  
5 evacuation;

6 (7) Control ingress and egress to and from a high risk area, the movement of persons within  
7 the area, and the occupancy of premises therein;

8 (8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms,  
9 explosives, and combustibles;

10 (9) Make provision for the availability and use of temporary emergency shelter;

11 (10) Make and promulgate such rules and regulations as the governor may deem advisable  
12 for the assigning, detailing, and making available for duty and use in any city or town of this state  
13 any of the personnel, apparatus, or equipment of any police or fire department of any other city or  
14 town, or of any volunteer fire company, or of any fire district, and that personnel shall have the  
15 same powers, duties, rights, privileges, and immunities as if performing their duties in the city or  
16 town in which they normally would be employed, but the personnel shall obey the orders of the  
17 police and fire authorities of the city or town to which assigned, detailed, or made available. When  
18 assigned, detailed, or made available as aforesaid, the city or town in which the police or firemen  
19 shall perform outside duties shall provide them with subsistence or pay them a reasonable  
20 allowance therefor, and shall also be liable for any damage to the apparatus or equipment incurred  
21 while being so used; provided, however, that a city or town shall be reimbursed by the state out of  
22 the general fund of the state for all expenses incurred under the foregoing provisions of this  
23 subsection;

24 (11) Designate as a special emergency health and sanitation area, any area within the state  
25 that has been seriously damaged by disaster, or in which the existence of any military, naval, or air  
26 establishment of the United States of America or of any industrial establishment constructed or  
27 enlarged for purposes of national defense, has caused an increase in the population of that area to  
28 such an extent as to produce unusual problems of health and sanitation. It is the duty of state health  
29 authorities and the local code enforcement officials to make and enforce rules and regulations  
30 designed to prevent the introduction of any contagious or infectious disease and to safeguard the  
31 public health within the area. The governor may promulgate and enforce additional rules and  
32 regulations for the protection of the public health within areas as may be necessary;

33 (12) Whenever, in the governor's opinion, due to a disaster there is liable to be a serious  
34 shortage in the supply of food, fuel, clothing, antitoxins, serums, immunizing agents, or any other

1 pharmaceutical agents or medical supplies, or any other necessity of life or defense, and the federal  
2 authorities are not adequately dealing with the situation, promulgate such rules and regulations as  
3 he or she, from time to time, deems necessary to regulate the sale, purchase, or distribution of those  
4 necessities and to prohibit and prevent the wasting, secreting, hiding, or hoarding of, or profiteering  
5 from, those necessities; additionally, during a declared time of state or national emergency, no  
6 person, firm, or corporation shall increase the price of any item it sells or offers for sale at retail  
7 immediately prior to the proclamation of emergency or during the proclaimed state of emergency.  
8 Nothing in this section shall prohibit the fluctuation in the price of items sold at retail that occurs  
9 during the normal course of business. Any person, firm, or corporation who or that violates any  
10 provision of this subsection shall be fined not more than one hundred dollars (\$100);

11 (13) Do all other things necessary to effectively cope with disasters in the state not  
12 inconsistent with other provisions of law;

13 (14) Adopt and enforce measures to provide for the safe disposal of infectious waste as  
14 may be reasonable and necessary for emergency response due to a state disaster emergency. Such  
15 measures may include, but are not limited to, the collection, storage, handling, destruction,  
16 treatment, transportation, and disposal of infectious waste;

17 (15) Adopt and enforce measures to provide for the safe disposal of corpses as may be  
18 reasonable and necessary for emergency response due to a state disaster emergency. Such measures  
19 may include, but are not limited to, the embalming, burial, cremation, interment, disinterment,  
20 transportation, and disposal of corpses; and

21 (16) Compel a person to submit to a physical examination and/or testing as necessary to  
22 diagnose or treat the person. The medical examination and/or testing may be performed by any  
23 qualified person authorized by the department of health and must not be reasonably likely to result  
24 in serious harm to the affected individual. The medical examination and/or testing shall be  
25 performed immediately upon the order of the department of health without resort to judicial or  
26 quasi-judicial authority. If the department of health is uncertain whether a person who refuses to  
27 undergo medical examination and/or testing may have been exposed to an infectious disease or  
28 otherwise poses a danger to public health, the department of health may subject the individual to  
29 isolation or quarantine pursuant to § 23-8-4.

30 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would allow the governor to renew an initial thirty (30) day executive order or  
2 proclamation of a state of disaster emergency by the governor for two (2) additional thirty (30) day  
3 extensions. After ninety (90) days, the governor would be required to receive general assembly  
4 approval for any further extensions.

5           This act would take effect upon passage.

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