

2022 -- S 2110

LC003845

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE -- EMERGENCY MANAGEMENT

Introduced By: Senators Rogers, de la Cruz, E Morgan, Algieri, F Lombardi, Ciccone,  
Gallo, DiPalma, Burke, and Archambault

Date Introduced: January 25, 2022

Referred To: Senate 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; provided, however that the renewal shall not be extended beyond an additional thirty  
13 (30) days, without a joint resolution of the general assembly. The general assembly, by concurrent  
14 resolution, may terminate a state of disaster emergency at any time. Thereupon, the governor shall  
15 issue an executive order or proclamation ending the state of disaster emergency and what actions  
16 are being taken to control the emergency and what action the public should take to protect  
17 themselves. All executive orders or proclamations issued under this subsection shall indicate the  
18 nature of the disaster, the area or areas threatened, and the conditions that have brought it about or  
19 that make possible termination of the state of disaster emergency. An executive order or

1 proclamation shall be disseminated promptly by means calculated to bring its contents to the  
2 attention of the general public and, unless the circumstances attendant upon the disaster prevent or  
3 impede, promptly filed with the agency, the secretary of state, and the city and town clerks in the  
4 area to which it applies.

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

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

16 (e) In addition to any other powers conferred upon the governor by law, the governor may  
17 exercise the following powers, subject to the provisions of subsection (g) of this section, limited in  
18 scope and duration as is reasonably necessary for emergency response:

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

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

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

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

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

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

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

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

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

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

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

30           (12) Whenever, in the governor's opinion, due to a disaster there is liable to be a serious  
31 shortage in the supply of food, fuel, clothing, antitoxins, serums, immunizing agents, or any other  
32 pharmaceutical agents or medical supplies, or any other necessity of life or defense, and the federal  
33 authorities are not adequately dealing with the situation, promulgate such rules and regulations as  
34 he or she, from time to time, deems necessary to regulate the sale, purchase, or distribution of those

1 necessities and to prohibit and prevent the wasting, secreting, hiding, or hoarding of, or profiteering  
2 from, those necessities; additionally, during a declared time of state or national emergency, no  
3 person, firm, or corporation shall increase the price of any item it sells or offers for sale at retail  
4 immediately prior to the proclamation of emergency or during the proclaimed state of emergency.  
5 Nothing in this section shall prohibit the fluctuation in the price of items sold at retail that occurs  
6 during the normal course of business. Any person, firm, or corporation who or that violates any  
7 provision of this subsection shall be fined not more than one hundred dollars (\$100);

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

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

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

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

27 (f) Nothing contained herein shall be construed to limit or restrict the power of the general  
28 assembly to appropriate any federal funds received by the state of Rhode Island pursuant to § 35-  
29 4-22.1.

30 (g) Powers conferred upon the governor pursuant to the provisions of subsection (e) of this  
31 section for disaster emergency response shall not exceed a period of one hundred eighty (180) days  
32 from the date of the emergency order or proclamation of a state of disaster emergency, unless and  
33 until the general assembly extends the one hundred eighty (180) day period by concurrent  
34 resolution.

1 (h) Nothing contained in subsection (g) of this section shall be construed to apply to the  
2 following executive orders issued by the governor that shall remain in effect and may be extended  
3 by further executive order up to, but not beyond, September 1, 2021:

4 (1) 20-06;

5 (2) 20-19;

6 (3) 20-37;

7 (4) 20-46 as amended by 21-60;

8 (5) 20-72;

9 (6) 21-26;

10 (7) 21-67; and

11 (8) 21-68, limited to paragraph 8.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO MILITARY AFFAIRS AND DEFENSE -- EMERGENCY MANAGEMENT

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1           This act would limit the governor to one thirty (30) day renewal of a declaration of  
2 emergency without a joint resolution of the general assembly.

3           This act would take effect upon passage.

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