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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE - EMERGENCY MANAGEMENT

Introduced By: Senators Raptakis, Burke, F Lombardi, and Picard

Date Introduced: February 15, 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 further, emergency orders and powers executed by any governor shall only be
13 extended past the order's original term upon the passage of a joint resolution of the general
14 assembly, voting in a special session, to authorize that extension, and which vote is held within
15 thirty (30) days after the expiration date of the governor's order. The general assembly, by
16 concurrent resolution, may terminate a state of disaster emergency at any time. Thereupon, the
17 governor shall issue an executive order or proclamation ending the state of disaster emergency and
18 what actions are being taken to control the emergency and what action the public should take to
19 protect themselves. All executive orders or proclamations issued under this subsection shall

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

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

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

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

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

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

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

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

34 (5) Direct and compel the evacuation of all or part of the population from any stricken or

1 threatened area within the state if the governor deems this action necessary for the preservation of
2 life or other disaster mitigation, response, or recovery;

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

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

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

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

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

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

32 (12) Whenever, in the governor's opinion, due to a disaster there is liable to be a serious
33 shortage in the supply of food, fuel, clothing, antitoxins, serums, immunizing agents, or any other
34 pharmaceutical agents or medical supplies, or any other necessity of life or defense, and the federal

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

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

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

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

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

29 (f) Nothing contained herein shall be construed to limit or restrict the power of the general
30 assembly to appropriate any federal funds received by the state of Rhode Island pursuant to § 35-
31 4-22.1.

32 (g) Powers conferred upon the governor pursuant to the provisions of subsection (e) of this
33 section for disaster emergency response shall not exceed a period of one hundred eighty (180) days
34 from the date of the emergency order or proclamation of a state of disaster emergency, unless and

1 until the general assembly extends the one hundred eighty (180) day period by concurrent
2 resolution.

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

6 (1) 20-06;

7 (2) 20-19;

8 (3) 20-37;

9 (4) 20-46 as amended by 21-60;

10 (5) 20-72;

11 (6) 21-26;

12 (7) 21-67; and

13 (8) 21-68, limited to paragraph 8.

14 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

1 This act would provide that emergency orders and powers executed by any governor would
2 only be extended past the order's original term upon the passage of a joint resolution of the general
3 assembly authorizing that extension, voting in a special session that is held within thirty (30) days
4 after the expiration date of the governor's order.

5 This act would take effect upon passage.

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