

By: Representative Whittington

To: Public Utilities

HOUSE BILL NO. 185

1 AN ACT TO AMEND SECTION 33-15-19, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE PUBLIC UTILITIES TO DEVELOP AND ENTER INTO MUTUAL AID
3 AGREEMENTS WITHIN THE STATE FOR RECIPROCAL EMERGENCY ASSISTANCE IN
4 CASES OF EMERGENCIES OR DISASTERS; TO AMEND SECTION 33-15-21,
5 MISSISSIPPI CODE OF 1972, TO PROVIDE CERTAIN IMMUNITY TO PUBLIC
6 UTILITIES WHILE PERFORMING SUCH ASSISTANCE; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** Section 33-15-19, Mississippi Code of 1972, is
10 amended as follows:

11 33-15-19. (a) The governing body of a municipality or
12 county of the state or any public utility as defined in Section
13 77-3-3 is authorized to develop and enter into mutual aid
14 agreements within the state for reciprocal emergency management
15 aid and assistance in case of disaster or emergency too extensive
16 to be dealt with unassisted. Copies of the agreements shall be
17 sent to the agency. Such arrangements shall be consistent with
18 the state emergency management plan and program, and in time of
19 emergency it shall be the duty of each local emergency management
20 organization to render assistance in accordance with the
21 provisions of such mutual aid arrangements.

22 (b) The Governor may enter into compacts with any state or
23 group of states if he or she finds that joint action with that
24 state or group of states is desirable in meeting common
25 intergovernmental problems of emergency management planning or
26 emergency prevention, mitigation, response and recovery.

27 **SECTION 2.** Section 33-15-21, Mississippi Code of 1972, is
28 amended as follows:

29 33-15-21. (a) Neither the state nor any political
30 subdivision thereof, nor other agencies, nor public utilities as
31 defined in Section 77-3-3, nor, except in cases of willful
32 misconduct, the agents, employees, or representatives of any of
33 them engaged in any emergency management activities, while
34 complying with or attempting to comply with this article or any
35 rule or regulation promulgated pursuant to the provisions of this
36 article, shall be liable for the death of or any injury to
37 persons, or damage to property, as a result of such activity. The
38 provisions of this section shall not affect the right of any
39 person to receive benefits to which he would otherwise be entitled
40 under this article, or under the workmen's compensation law, or
41 under any pension law, nor the right of any such person to receive
42 any benefits or compensation under any act of Congress.

43 (b) Any person owning or controlling real estate or other
44 premises who voluntarily and without compensation grants a license
45 or privilege, or otherwise permits the designation or use of the
46 whole or any part or parts of such real estate or premises for the
47 purpose of sheltering persons or providing assistance to persons
48 during or in recovery from an actual, impending, mock or practice
49 attack or any man-made, technological or natural disaster,
50 together with his successors in interest, if any, shall not be
51 civilly liable for negligently causing the death of, or injury to,
52 any person on or about such real estate or premises by virtue of
53 its use for emergency management purposes, or loss of, or damage
54 to, the property of such person.

55 **SECTION 3.** This act shall take effect and be in force from
56 and after July 1, 2006.