

By: Representatives Rushing, Porter

To: County Affairs;  
Municipalities

HOUSE BILL NO. 629

1 AN ACT TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO LEND THEIR  
2 COUNTY OR MUNICIPAL OWNED EQUIPMENT AS WELL AS THE OPERATORS OF  
3 SUCH EQUIPMENT TO LAW ENFORCEMENT, FIRE, MEDICAL RESCUE OR OTHER  
4 EMERGENCY SERVICES WHO ARE DISPATCHED TO PRIVATE PROPERTY FOR AN  
5 EMERGENCY THAT OCCURS ON SUCH PRIVATE PROPERTY UNDER CERTAIN  
6 CIRCUMSTANCES; TO AMEND SECTION 17-5-15, MISSISSIPPI CODE OF 1972,  
7 TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) If law enforcement, fire, medical rescue or  
10 other emergency services are dispatched to private property for an  
11 emergency and are unable to perform such necessary and needed  
12 functions with their own equipment as well as their own operators  
13 of the equipment for such emergency, then the commanding officer  
14 at the emergency is authorized to request from the county board of  
15 supervisors or governing municipal authorities, as the case may  
16 be, for the use of county or municipal owned equipment as long as  
17 the county or municipality has passed the necessary resolution as  
18 set out under subsection (4) of this section. For purposes of  
19 this section, the term "emergency" means a circumstance that



20 likely will result in substantial harm to an individual's health,  
21 safety, or welfare.

22 (2) In addition to the use of county or municipal owned  
23 equipment, as the case may be, public employees of the county or  
24 municipality may be used to operate such equipment when venturing  
25 onto private property to assist in an emergency.

26 (3) The use of county or municipal owned equipment and  
27 operators of the equipment, as authorized pursuant to this  
28 section, shall only be applicable during the emergency, and the  
29 authority and use of such equipment and operator(s) of such  
30 equipment shall cease once the emergency is resolved.

31 (3) Except in cases of willful misconduct, gross negligence  
32 or bad faith, any county or municipal employee or agent complying  
33 with and performing duties pursuant to this section shall not be  
34 liable for death or injury to persons or damage to property.

35 (4) In order to carry out the provisions of this section,  
36 the board of supervisors of any county and the governing  
37 authorities of any municipality, are each authorized, in their  
38 discretion, upon order duly adopted and entered upon their  
39 official minutes to lend county or municipal owned equipment and  
40 operators of such equipment, to law enforcement, fire, medical  
41 rescue or other emergency services who are dispatched to private  
42 property for an emergency. Such equipment and operators may be  
43 lent for such amount and in accordance with such terms and  
44 conditions as the governing authorities may prescribe. The



45 lending agreements also may include an equipment operator's fee  
46 equal to the average hourly salary that is paid to all operators  
47 of such county or municipal owned equipment by the county or  
48 municipality that lends the equipment as set out under this  
49 section. Proceeds from the lending of such equipment shall be  
50 deposited into the road and bridge fund of the county or the  
51 municipal general fund, as the case may be.

52       **SECTION 2.** Section 17-5-15, Mississippi Code of 1972, is  
53 amended as follows:

54       17-5-15. The governing authorities of any county and the  
55 governing authorities of any municipality, are each authorized, in  
56 their discretion, upon order duly adopted and entered upon their  
57 official minutes, to lend to or to enter into leases with other  
58 counties or municipalities for the use of county-owned or  
59 municipally owned equipment and operators of such equipment. Such  
60 equipment and operators may be lent or leased for such amount and  
61 in accordance with such terms and conditions as the governing  
62 authorities may prescribe; however, except as otherwise provided  
63 under Section 1 of this act for an emergency on private property,  
64 such equipment and operators may be used only in the performance  
65 of public projects of a county or municipality. The lending or  
66 lease agreements also may include an equipment operator's fee  
67 equal to the average hourly salary that is paid to all operators  
68 of such county-owned or municipally owned equipment by the county  
69 or municipality that lends or leases the equipment. Proceeds from



70 the lending or leasing of such equipment shall be deposited into  
71 the road and bridge fund of the county or the municipal general  
72 fund, as the case may be.

73           **SECTION 3.** This act shall take effect and be in force from  
74 and after July 1, 2024.

