

By: Representatives Franks, Peranich

To: Conservation and Water Resources

HOUSE BILL NO. 849  
(As Passed the House)

1 AN ACT TO AMEND SECTION 75-24-25, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE PRICE RESTRICTION FOR GOODS AND SERVICES  
3 DURING EMERGENCIES SHALL APPLY STATEWIDE; TO AUTHORIZE THE OFFICE  
4 OF THE ATTORNEY GENERAL TO MONITOR PETROLEUM-BASED FUEL PRICES  
5 THROUGHOUT THE STATE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 75-24-25, Mississippi Code of 1972, is  
8 amended as follows:

9 75-24-25. (1) For the purposes of this section, the  
10 following terms shall have the meanings herein ascribed:

11 (a) "Person" means a natural person, corporation,  
12 trust, partnership, incorporated or unincorporated association, or  
13 any other legal entity.

14 (b) "State of emergency" means the duly proclaimed  
15 existence of conditions of disaster or extreme peril to the safety  
16 of persons or property within the state caused by air or water  
17 pollution, fire, flood, storm, epidemic, earthquake, hurricane,  
18 resource shortages or other natural or man-made conditions other  
19 than conditions causing a "state of war emergency," which  
20 conditions by reasons of their magnitude are or are likely to be  
21 beyond the control of the services, personnel, equipment and  
22 facilities of any single county and/or municipality and require  
23 combined forces of the state to combat.

24 (c) "Local emergency" means the duly proclaimed  
25 existence of conditions of disaster or extreme peril to the safety  
26 of persons and property within the territorial limits of a county  
27 and/or municipality caused by such conditions as air or water  
28 pollution, fire, flood, storm, epidemic, earthquake, hurricane,

29 resource shortages or other natural or man-made conditions, which  
30 conditions are or are likely to be beyond the control of the  
31 services, personnel, equipment and facilities of the political  
32 subdivision and require the combined forces of other subdivisions  
33 or of the state to combat.

34 (d) "Value received" means the consideration or payment  
35 given for the purchase of goods and services.

36 (2) Whenever, under the Mississippi Emergency Management  
37 Law, Sections 33-15-1 through 33-15-49, a state of emergency \* \* \*  
38 is declared to exist in this state, then the value received for  
39 all goods and services sold within the state shall not exceed the  
40 prices ordinarily charged for comparable goods or services in the  
41 same market area at or immediately before the declaration of a  
42 state of emergency \* \* \*. However, the value received may  
43 include: any expenses, the cost of the goods and services which  
44 are necessarily incurred in procuring such goods and services  
45 during a state of emergency or local emergency. The prices  
46 ordinarily charged for comparable goods or services in the same  
47 market area do not include temporarily discounted goods or  
48 services. The same market area does not necessarily mean a single  
49 provider of goods or services. In addition, when a local  
50 emergency is declared, then the value received for all goods and  
51 services sold within that city or county shall not exceed the  
52 prices ordinarily charged for comparable goods in that local  
53 jurisdiction.

54 (3) Any person who knowingly and willfully violates  
55 *subsection (2) of this section, when the total value \* \* \**  
56 *received during a twenty-four-hour period is Fifty Dollars*  
57 *(\$50.00) or more, shall be guilty of a upon conviction shall be  
58 punished by confinement for a term of not less than one (1) year  
59 nor more than five (5) years or a fine of not more than Five  
60 Thousand Dollars (\$5,000.00), or both.*

61 (4) Any person who knowingly and willfully violates  
62 *subsection (2) of this section, when the total value \* \* \**  
63 *received during a twenty-four-hour period is less than Fifty*  
64 *Dollars (\$50.00), shall be guilty of a misdemeanor and upon*  
65 *conviction shall be fined not more than One Thousand Dollars*  
66 *(\$1,000.00) or by imprisonment in the county jail for a term not*  
67 *to exceed six (6) months, or both. The circuit court shall have*  
68 *exclusive jurisdiction over violations under this subsection.*

69 (5) In addition to the criminal penalties prescribed in  
70 subsections (3) and (4), any knowing and willful violation of  
71 subsection (2) of this section shall be considered an unfair or  
72 deceptive trade practice subject to and governed by all the  
73 procedures and remedies available under the provisions of this  
74 chapter for enforcement of prohibited acts and practices contained  
75 therein.

76 **SECTION 2.** (1) The Legislature finds and determines that  
77 the petroleum industry is an essential element of the Mississippi  
78 economy and is therefore of vital importance to the health and  
79 welfare of all Mississippians.

80 The Legislature further finds and determines that a  
81 complete and thorough understanding of the operations of the  
82 petroleum industry is required by state government at all times to  
83 enable it to respond to possible shortages, oversupplies or other  
84 disruptions and to assess whether all consumers including  
85 emergency service agencies, state and local government agencies,  
86 and agricultural and business consumers of petroleum products have  
87 adequate and economic supplies of fuel.

88 (2) The Attorney General is authorized to monitor  
89 petroleum-based fuel prices throughout the state, using the Oil  
90 Price Information Services (OPIS) or any other service, approved  
91 by the Attorney General, that monitors petroleum-based fuel prices  
92 throughout the state. The Attorney General may promulgate such

93 rules and regulations necessary to effectuate only his authority  
94 to monitor petroleum-based fuel prices.

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