

By: Senator(s) Jackson

To: Insurance

SENATE BILL NO. 3024

1 AN ACT TO AMEND SECTION 83-1-39, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE BOARD OF SUPERVISORS OF EACH COUNTY TO USE INSURANCE  
3 REBATE MONIES FOR THE CONSTRUCTION OR RENOVATION OF A BUILDING FOR  
4 FIRE PROTECTION PURPOSES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 83-1-39, Mississippi Code of 1972, is  
7 amended as follows:

8 83-1-39. (1) The State Tax Commission shall pay over to the  
9 State Treasurer, to be credited to a fund entitled "County  
10 Volunteer Fire Department Fund," the sum of Four Million Six  
11 Hundred Thousand Dollars (\$4,600,000.00) annually out of the  
12 insurance premium tax in addition to the amount collected by it  
13 under the provisions of Section 27-15-103 et seq. Such funds,  
14 hereinafter referred to as insurance rebate monies, are hereby  
15 earmarked for payment to the various counties of the state and  
16 shall be paid over to the counties by the Department of Insurance  
17 on the basis of the population of each county as it compares to  
18 the population of participating counties, not counting residents  
19 of any municipality. Such insurance rebate monies shall only be  
20 distributed to those counties which are in compliance with  
21 subsections (5) and (6) of this section.

22 (2) Using 1990 as a base year, the State Tax Commission  
23 shall pay to the State Treasurer, to be credited to the "County  
24 Volunteer Fire Department Fund," an amount representing one-half  
25 of ten percent (1/2 of 10%) of any growth after 1990 of the  
26 insurance premium tax collected annually from the taxes levied on  
27 the gross premium on fire insurance policies written on properties



28 in this state, in addition to the amount collected by it under  
29 Section 27-15-103 et seq.

30 (3) Insurance rebate monies shall be expended by the board  
31 of supervisors for fire protection purposes of each county as  
32 follows:

33 (a) For training expenses;

34 (b) Purchase of equipment, purchase of fire trucks,  
35 repair and refurbishing of fire trucks and fire fighting  
36 equipment, and capital construction anywhere in the county or  
37 pledging as security for a period of not more than ten (10) years  
38 for such purchases;

39 (c) Purchase of insurance on county-owned fire fighting  
40 equipment;

41 (d) Fire protection service contracts (including but  
42 not limited to municipalities, legal fire protection districts,  
43 and nonprofit corporations providing or coordinating fire service  
44 in or out of the county); \* \* \*

45 (e) Appropriations to legal fire protection districts  
46 located in counties subject to all restrictions applicable to the  
47 use of insurance rebate monies; or

48 (f) Construction or renovation of a building for fire  
49 protection purposes.

50 Any county-owned equipment or other property, at the  
51 option of the board of supervisors, may be used by any legally  
52 created fire department.

53 (4) Insurance rebate monies not expended in a given fiscal  
54 year for fire protection purposes shall be placed in a special  
55 fund with a written plan for disposition and expenditure of such  
56 monies. After the contracts for fire protection services have  
57 been approved and accepted by the board of supervisors, the monies  
58 shall be released to be expended in such manner as provided by  
59 this section.



60 (5) No county shall receive payments pursuant to this  
61 section after July 1, 1988, unless such county:

62 (a) Designates a county fire service coordinator who is  
63 responsible for seeing that standard guidelines established by the  
64 Commissioner of Insurance pursuant to Section 45-11-7(9),  
65 Mississippi Code of 1972, are followed. The county fire  
66 coordinator must demonstrate that he possesses fire-related  
67 knowledge and experience;

68 (b) Designates one (1) member of the sheriff's  
69 department to be the county arson investigator and requires the  
70 designated member of the sheriff's department to attend the State  
71 Fire Academy to be trained in arson investigation;

72 (c) Adheres to the standard guidelines established by  
73 the Commissioner of Insurance pursuant to Section 45-11-7(9); and

74 (d) Counties shall levy a tax of not less than  
75 one-fourth (1/4) mill on all property of the county or appropriate  
76 avails of not less than one-fourth (1/4) mill from the county's  
77 general fund for fire protection purposes. Municipalities making  
78 a written declaration to the county that they fund and provide  
79 their own fire services shall be exempted from this levy. This  
80 levy may be used for fire protection purposes which include but  
81 are not limited to contracting with any provider of fire  
82 protection services.

83 (6) No funds shall be paid by the county to any provider of  
84 fire protection services except in accordance with a written  
85 contract entered into in accordance with guidelines established by  
86 the Commissioner of Insurance and properly approved by the board  
87 of supervisors and Commissioner of Insurance. No county shall  
88 distribute funds to any fire service provider which has not met  
89 the reporting requirements required by the Commissioner of  
90 Insurance. At such time that a fire protection services provider,  
91 particularly a county volunteer fire department, a municipality or  
92 a fire protection district, has fulfilled the obligations of the



93 written contract and has met the reporting requirements provided  
94 for in this subsection and the board of supervisors has received  
95 the insurance rebate monies, the board of supervisors shall  
96 disburse the appropriate amount to the fire protection services  
97 provider within a reasonable time, not to exceed six (6) weeks,  
98 from the time such requirements are met. Insurance rebate monies  
99 used for the purposes of contracting shall be expended by the fire  
100 service provider for capital construction, training expenses,  
101 purchase of fire fighting equipment including payments on any  
102 loans made for the purpose of purchasing fire fighting equipment,  
103 and purchase of insurance for any fire equipment owned or operated  
104 by the provider.

105 (7) The board of supervisors of any county may contribute  
106 funds directly to any provider of fire protection services serving  
107 such county. Such contributions must be used for fire protection  
108 purposes as may be reasonably established by the Commissioner of  
109 Insurance.

110 (8) Any municipal, county or local water association or  
111 other utility district supplying water may, upon adoption of a  
112 resolution authorizing such action, contribute free of charge to a  
113 volunteer fire department or fire protection district serving such  
114 local government, political subdivision or utility district, such  
115 water as is necessary for fire fighting or training activities of  
116 such volunteer fire department or fire protection district.

117 (9) The board of supervisors of any county may, in its  
118 discretion, grade, gravel, shell and/or maintain real property of  
119 a county volunteer fire department, including roads or driveways  
120 thereof, as necessary for the effective and safe operation of such  
121 county volunteer fire department. Any action taken by the board  
122 of supervisors under the authority of this subsection shall be  
123 spread upon the minutes of the board of supervisors when the work  
124 is authorized.



125           (10) For the purpose of this section, "fire protection  
126 district" means a district organized under Section 19-5-151 et  
127 seq., or pursuant to any other Code section or by any local and  
128 private act authorizing the establishment of a fire protection  
129 district, unless the context clearly requires otherwise.

130           **SECTION 2.** This act shall take effect and be in force from  
131 and after its passage.

