

By: Representatives Formby, Reynolds,
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To: Insurance;
Appropriations

HOUSE BILL NO. 1436

1 AN ACT TO AMEND SECTION 17-23-1, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF INSURANCE TO ACCEPT APPLICATIONS UNDER
3 THE RURAL FIRE TRUCK ACQUISITION ASSISTANCE PROGRAM FOR A TOTAL OF
4 SEVEN FIRE TRUCKS PER COUNTY; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 17-23-1, Mississippi Code of 1972, is
7 amended as follows:

8 17-23-1. (1) There is established a rural fire truck
9 acquisition assistance program to be administered by the
10 Department of Insurance for the purpose of assisting counties and
11 municipalities in the acquisition of fire trucks.

12 (2) There is created in the State Treasury a special fund to
13 be designated as the "Rural Fire Truck Fund." The Legislature may
14 appropriate that amount necessary to fulfill the obligations
15 created under this section by the Department of Insurance, from
16 the State General Fund to such special fund, which sum shall be
17 added to the remainder of the money transferred on July 1, 1995,
18 and during the 1996 Regular Session to the Rural Fire Truck Fund.
19 Unexpended amounts remaining in the fund at the end of a fiscal
20 year shall not lapse into the State General Fund, and any interest
21 earned on amounts in the fund shall be deposited to the credit of
22 the fund. Unobligated amounts remaining in the Rural Fire Truck
23 Fund, Fund No. 3507, or in Fund No. 3508, or in Fund No. 3504, or
24 in any fund created for funds appropriated or otherwise made
25 available for this program, may be used as matching funds by any
26 county with remaining eligibility as provided herein. It is the
27 intent of the Legislature that the Department of Insurance

28 continue to accept applications from the counties for fire trucks
29 as provided in subsection (3) of this section.

30 (3) (a) A county that meets the requirements provided
31 herein may receive an amount not to exceed Three Hundred Seventy
32 Thousand Dollars (\$370,000.00) as provided in subparagraphs (i),
33 (ii), (iii), (iv), (v), (vi) and (vii) of this paragraph, and such
34 amount shall be divided as follows: An amount of not more than
35 Fifty Thousand Dollars (\$50,000.00) per fire truck for the first
36 six (6) trucks and not more than Seventy Thousand Dollars
37 (\$70,000.00) for the seventh truck. Monies distributed under this
38 chapter shall be expended only for the purchase of new fire trucks
39 and such trucks must meet the National Fire Protection Association
40 (NFPA) standards in the 1900 series.

41 (i) Any county that has not applied for a fire
42 truck under this section is eligible to submit applications for
43 seven (7) fire trucks as follows: six (6) fire trucks at not more
44 than Fifty Thousand Dollars (\$50,000.00) per truck and one (1)
45 fire truck at not more than Seventy Thousand Dollars (\$70,000.00)
46 per truck or a total of Three Hundred Seventy Thousand Dollars
47 (\$370,000.00).

48 (ii) Any county that has received one (1) fire
49 truck under this section is eligible to submit applications for
50 six (6) fire trucks as follows: five (5) fire trucks at not more
51 than Fifty Thousand Dollars (\$50,000.00) per truck and one (1)
52 fire truck at not more than Seventy Thousand Dollars (\$70,000.00)
53 per truck or a total of Three Hundred Twenty Thousand Dollars
54 (\$320,000.00).

55 (iii) Any county that has received two (2) fire
56 trucks under this section is eligible to submit an application for
57 five (5) fire trucks as follows: four (4) fire trucks at not more
58 than Fifty Thousand Dollars (\$50,000.00) per truck and one (1)
59 fire truck at not more than Seventy Thousand Dollars (\$70,000.00)

60 per truck or a total of not more than Two Hundred Seventy Thousand
61 Dollars (\$270,000.00).

62 (iv) Any county that has received three (3) fire
63 trucks under this section is eligible to submit an application for
64 four (4) fire trucks as follows: three (3) fire trucks at not
65 more than Fifty Thousand Dollars (\$50,000.00) per truck and one
66 (1) fire truck at not more than Seventy Thousand Dollars
67 (\$70,000.00) per truck or a total of not more than Two Hundred
68 Twenty Thousand Dollars (\$220,000.00).

69 (v) Any county that has received four (4) fire
70 trucks under this section is eligible to submit an application for
71 three (3) fire trucks as follows: two (2) fire trucks at not more
72 than Fifty Thousand Dollars (\$50,000.00) per truck and one (1)
73 fire truck at not more than Seventy Thousand Dollars (\$70,000.00)
74 per truck or a total of not more than One Hundred Seventy Thousand
75 Dollars (\$170,000.00).

76 (vi) Any county that has received five (5) fire
77 trucks under this section is eligible to submit an application for
78 two (2) fire trucks as follows: one (1) fire truck at not more
79 than Fifty Thousand Dollars (\$50,000.00) per truck and one (1)
80 fire truck at not more than Seventy Thousand Dollars (\$70,000.00)
81 per truck or a total of not more than One Hundred Twenty Thousand
82 Dollars (\$120,000.00).

83 (vii) Any county that has received six (6) fire
84 trucks under this section is eligible to submit an application for
85 one (1) fire truck at not more than Seventy Thousand Dollars
86 (\$70,000.00) per truck.

87 (b) The board of supervisors of the county shall submit
88 its request for the receipt of monies to the Department of
89 Insurance. A committee composed of the Commissioner of Insurance,
90 the State Fire Coordinator, the Director of the Rating Bureau and
91 the Director of the State Fire Academy shall review the requests
92 by the boards of supervisors and shall determine whether the

93 county or municipality for which the board of supervisors has
94 requested a truck meets the requirements of eligibility under this
95 chapter.

96 (c) To be eligible to receive monies under this
97 chapter:

98 (i) A county or municipality must pledge to set
99 aside or dedicate each year as matching funds, for a period not to
100 extend over ten (10) years, local funds in an amount equal to or
101 not less than one-tenth (1/10) of the amount of monies for which
102 it is requesting distribution from the Rural Fire Truck Fund,
103 which pledged monies may be derived from local ad valorem tax
104 authorized by law or from any other funds available to the county
105 or municipality, except for those funds received by municipalities
106 or counties from the Municipal Fire Protection Fund or the County
107 Volunteer Fire Department Fund, as defined in Sections 83-1-37 and
108 83-1-39.

109 (ii) A municipality must provide adequate
110 documentation of its contract with the county that requires the
111 municipality to provide fire protection in rural areas. The term
112 "rural areas" means any area within the county located outside the
113 boundaries of an incorporated municipality or any incorporated
114 municipality with a population of two thousand five hundred
115 (2,500) or less.

116 (d) The Department of Insurance shall maintain an
117 accurate record of all monies distributed to counties and
118 municipalities and the number of fire trucks purchased and the
119 cost for each fire truck, such records to be kept separate from
120 other records of the Department of Insurance; notify counties and
121 municipalities of the rural fire truck acquisition assistance
122 program and the requirements for them to become eligible to
123 participate; adopt and promulgate such rules and regulations as
124 may be necessary and desirable to implement the provisions of this
125 chapter; and file with the Legislature a report detailing how

126 monies made available under this chapter were distributed and
127 spent during the preceding portion of the fiscal year in each
128 county and municipality, the number of fire trucks purchased, the
129 counties and municipalities making such purchases and the cost of
130 each fire truck purchased.

131 **SECTION 2.** This act shall take effect and be in force from
132 and after July 1, 2004.