

By: Representatives Formby, Reynolds,  
Peranich, Warren, Frierson, Dedeaux, Franks,  
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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.