

By: Representatives Warren, Davis, Howell

To: County Affairs;
Appropriations

HOUSE BILL NO. 1028

1 AN ACT TO AMEND SECTION 17-23-1, MISSISSIPPI CODE OF 1972, TO
2 ALLOW THE PURCHASE OF USED FIRE TRUCKS FOR COUNTIES AND
3 MUNICIPALITIES UNDER THE RURAL FIRE TRUCK ACQUISITION ASSISTANCE
4 PROGRAM; TO AMEND SECTION 17-23-11, MISSISSIPPI CODE OF 1972, TO
5 ALLOW THE PURCHASE OF USED FIRE TRUCKS FOR COUNTIES AND
6 MUNICIPALITIES UNDER THE SUPPLEMENTARY RURAL FIRE TRUCK
7 ACQUISITION ASSISTANCE PROGRAM; AND FOR RELATED PURPOSES.

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

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

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

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

30 intent of the Legislature that the Department of Insurance
31 continue to accept applications from the counties for fire trucks
32 as provided in subsection (3) of this section.

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

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

51 (ii) Any county that has received one (1) fire
52 truck under this section is eligible to submit applications for
53 six (6) fire trucks as follows: five (5) fire trucks at not more
54 than Fifty Thousand Dollars (\$50,000.00) per truck and one (1)
55 fire truck at not more than Seventy Thousand Dollars (\$70,000.00)
56 per truck or a total of Three Hundred Twenty Thousand Dollars
57 (\$320,000.00).

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

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

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

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

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

86 (vii) Any county that has received six (6) fire
87 trucks under this section is eligible to submit an application for
88 one (1) fire truck at not more than Seventy Thousand Dollars
89 (\$70,000.00) per truck.

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

96 county or municipality for which the board of supervisors has
97 requested a truck meets the requirements of eligibility under this
98 chapter.

99 (c) To be eligible to receive monies under this
100 chapter:

101 (i) A county or municipality must pledge to set
102 aside or dedicate each year as matching funds, for a period not to
103 extend over ten (10) years, local funds in an amount equal to or
104 not less than one-tenth (1/10) of the amount of monies for which
105 it is requesting distribution from the Rural Fire Truck Fund,
106 which pledged monies may be derived from local ad valorem tax
107 authorized by law or from any other funds available to the county
108 or municipality, except for those funds received by municipalities
109 or counties from the Municipal Fire Protection Fund or the County
110 Volunteer Fire Department Fund, as defined in Sections 83-1-37 and
111 83-1-39.

112 (ii) A municipality must provide adequate
113 documentation of its contract with the county that requires the
114 municipality to provide fire protection in rural areas. The term
115 "rural areas" means any area within the county located outside the
116 boundaries of an incorporated municipality or any incorporated
117 municipality with a population of two thousand five hundred
118 (2,500) or less.

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

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

134 **SECTION 2.** Section 17-23-11, Mississippi Code of 1972, is
135 amended as follows:

136 17-23-11. (1) There is established a supplementary rural
137 fire truck acquisition assistance program to be administered by
138 the Department of Insurance for the purpose of assisting counties
139 and municipalities in the acquisition of fire trucks. The
140 supplementary rural fire truck acquisition assistance program is
141 in addition to the rural fire truck acquisition assistance program
142 established in Section 17-23-1 or any other program by which
143 counties and municipalities acquire fire trucks.

144 (2) There is created in the State Treasury a special fund to
145 be designated as the "Supplementary Rural Fire Truck Fund" which
146 shall consist of funds appropriated or otherwise made available by
147 the Legislature in any manner, and funds from any other source
148 designated for deposit into such fund. Monies in the fund shall
149 be used for the purpose of assisting counties and municipalities
150 in the acquisition of fire trucks. Unexpended amounts remaining
151 in the fund at the end of a fiscal year shall not lapse into the
152 State General Fund, and any interest earned on amounts in the fund
153 shall be deposited to the credit of the fund.

154 (3) (a) A county that meets the requirements provided
155 herein may receive an amount of not more than Fifty Thousand
156 Dollars (\$50,000.00) per fire truck. Monies distributed under
157 this section shall be expended only for the purchase of new or
158 used fire trucks and such trucks must meet the National Fire
159 Protection Association (NFPA) standards in the 1900 series.

160 (b) The board of supervisors of the county shall submit
161 its request for the receipt of monies to the Department of

162 Insurance. A committee composed of the Commissioner of Insurance,
163 the State Fire Coordinator, the Director of the Rating Bureau and
164 the Director of the State Fire Academy shall review the requests
165 by the boards of supervisors and shall determine whether the
166 county or municipality for which the board of supervisors has
167 requested a truck meets the requirements of eligibility under this
168 section.

169 (c) To be eligible to receive monies under this
170 section:

171 (i) A county or municipality must pledge to set
172 aside or dedicate each year as matching funds, for a period not to
173 extend over ten (10) years, local funds in an amount equal to or
174 not less than one-tenth (1/10) of the amount of monies for which
175 it is requesting distribution from the Supplementary Rural Fire
176 Truck Fund, which pledged monies may be derived from local ad
177 valorem tax authorized by law or from any other funds available to
178 the county or municipality, except for those funds received by
179 municipalities or counties from the Municipal Fire Protection Fund
180 or the County Volunteer Fire Department Fund, as defined in
181 Sections 83-1-37 and 83-1-39.

182 (ii) A municipality must provide adequate
183 documentation of its contract with the county that requires the
184 municipality to provide fire protection in rural areas. The term
185 "rural areas" means any area within the county located outside the
186 boundaries of an incorporated municipality or any incorporated
187 municipality with a population of two thousand five hundred
188 (2,500) or less.

189 (d) The Department of Insurance shall maintain an
190 accurate record of all monies distributed to counties and
191 municipalities and the number of fire trucks purchased and the
192 cost for each fire truck, such records to be kept separate from
193 other records of the Department of Insurance; notify counties and
194 municipalities of the supplementary rural fire truck acquisition

195 assistance program and the requirements for them to become
196 eligible to participate; adopt and promulgate such rules and
197 regulations as may be necessary and desirable to implement the
198 provisions of this section; and file with the Legislature a report
199 detailing how monies made available under this chapter were
200 distributed and spent during the preceding portion of the fiscal
201 year in each county and municipality, the number of fire trucks
202 purchased, the counties and municipalities making such purchases
203 and the cost of each fire truck purchased.

204 **SECTION 3.** This act shall take effect and be in force from
205 and after its passage.