

By: Representative Dickson

To: Corrections

HOUSE BILL NO. 1135

1 AN ACT TO AMEND SECTION 47-5-452, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE NONVIOLENT OFFENDERS WHO ARE UNDER THE CUSTODY OF THE
3 DEPARTMENT OF CORRECTIONS TO PARTICIPATE IN JOINT STATE-COUNTY
4 WORK PROGRAMS AS VOLUNTEER FIREFIGHTERS AFTER SUCH OFFENDERS HAVE
5 RECEIVED THE PROPER TRAINING FROM THE STATE FIRE ACADEMY; TO AMEND
6 SECTION 45-11-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;
7 AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 47-5-452, Mississippi Code of 1972, is
10 amended as follows:

11 47-5-452. (1) Upon written request by a majority of the
12 board of supervisors of any county, the Commissioner of
13 Corrections may authorize offenders committed to the custody of
14 the Department of Corrections to clean abandoned or neglected
15 cemeteries of the county or clean public roads of the county. The
16 offenders shall be under the supervision of the department and the
17 department shall establish all proper regulations for the working,
18 guarding, safekeeping, clothing, housing and subsistence of
19 offenders while working.

20 (2) Upon written request by a majority of the board of
21 supervisors of any county, the Commissioner of Corrections may
22 authorize nonviolent offenders who meet the criteria described in
23 Section 47-5-451 and who have been trained by the State Fire
24 Academy, as prescribed in Section 45-11-7, to work as volunteer
25 firefighters. The offenders shall be under the supervision of the
26 Department of Corrections, and the department shall establish all
27 proper regulations for the working, guarding and safekeeping of
28 such offenders while working as volunteer firefighters.

29 **SECTION 2.** Section 45-11-7, Mississippi Code of 1972, is
30 amended as follows:

31 45-11-7. (1) There is hereby created a State Fire Academy
32 for the training and education of persons engaged in municipal,
33 county and industrial fire protection. The Commissioner of
34 Insurance shall appoint an Executive Director of the State Fire
35 Academy who, along with his employees, shall be designated as a
36 division of the Insurance Department. The executive director
37 shall serve at the pleasure of the Commissioner of Insurance. The
38 State Fire Academy shall be under the supervision and direction of
39 the Executive Director of the State Fire Academy. State Fire
40 Academy training programs for fire personnel shall be conducted at
41 the academy with seminars to be conducted in other sections of the
42 state as and when the State Fire Academy Advisory Board considers
43 it necessary and advisable.

44 The Commissioner of Insurance may establish and charge
45 reasonable fees for the training programs and other services
46 provided by the academy. A record of all funds received pursuant
47 to this paragraph shall be maintained as is required for other
48 monies pursuant to Section 45-11-5.

49 The Executive Director of the State Fire Academy is
50 authorized and empowered to purchase, operate and maintain mobile
51 fire fighting equipment as he may find necessary and proper for
52 the operation of the academy subject to approval of the
53 Commissioner of Insurance. The equipment may be utilized wherever
54 training sessions may be held at the discretion of the State Fire
55 Academy Advisory Board.

56 (2) The Commissioner of Insurance shall be authorized to
57 undertake appropriate action to accomplish and fulfill the
58 purposes of the State Fire Academy, including the hiring of
59 instructors and personnel, the lease and purchase of appropriate
60 training equipment and to lease, purchase or construct suitable
61 premises and quarters for conducting annual school and seminars,

62 as the State Fire Academy Advisory Board may deem necessary and
63 required for such purposes. Any contract entered into under and
64 by virtue of the provisions of this section shall first be
65 submitted to and approved by the Public Procurement Review Board,
66 and construction pursuant to the contract shall be under the
67 supervision of the Governor's Office of General Services.

68 (3) Vouchers for operating expense for the State Fire
69 Academy shall be signed by the Executive Director of the State
70 Fire Academy and payment thereof shall be made from such funds to
71 be derived from a special allocation from the State Fire Academy
72 Fund as provided in Section 45-11-5.

73 (4) The State Fire Academy is hereby officially designated
74 as the agency of this state to conduct training for fire personnel
75 on a statewide basis in which members of all duly constituted fire
76 departments may participate. This subsection shall not be
77 construed to affect the authority of any fire department to
78 conduct training for its own personnel.

79 (5) Each state agency, private agency or federal agency
80 which provides training for the fire service shall coordinate such
81 efforts with the State Fire Academy to prevent duplication of cost
82 and to insure standardization of training.

83 (6) The State Fire Academy shall present an appropriate
84 certificate signifying the successful completion of its prescribed
85 courses.

86 (7) National fire fighter standards approved by the
87 Mississippi Fire Personnel Minimum Standards and Certification
88 Board shall be used as the basis for classroom instruction at the
89 fire academy.

90 (8) The Commissioner of Insurance, Executive Director of the
91 State Fire Academy, and the Mississippi Fire Personnel Minimum
92 Standards and Certification Board shall coordinate all state
93 programs related to fire department operations.

94 (9) The Commissioner of Insurance is hereby authorized and
95 empowered to establish standard guidelines for the use of, and
96 accountability for, municipal and county fire protection funds
97 distributed pursuant to the provisions of Sections 83-1-37 and
98 83-1-39, Mississippi Code of 1972. Such guidelines shall include
99 requirements for the establishment of record keeping and reports
100 to the Commissioner of Insurance by municipalities and counties
101 relating to the receipt and expenditure of fire protection funds,
102 the training of fire department personnel and the submission to
103 the Commissioner of Insurance of other data reasonably related to
104 local fire protection responsibilities which the Commissioner of
105 Insurance deems necessary for the performance of the duties of the
106 State Fire Academy Advisory Board.

107 (10) In order that the Commissioner of Insurance may more
108 effectively execute the duties imposed upon him by subsection (9)
109 of this section, there is hereby created within the State Fire
110 Academy a Division of Fire Services Development. The division
111 shall be staffed by a Fire Services Development Coordinator,
112 appointed by the executive director of the academy from his
113 current staff and by such other personnel as deemed by the
114 Commissioner of Insurance. The division shall work with municipal
115 and county fire coordinators to ensure effective implementation of
116 guidelines established pursuant to subsection (9) of this section
117 and shall serve in an advisory capacity for all aspects of fire
118 service improvement. The Fire Service Coordinator shall annually
119 notify the Department of Finance and Administration of those
120 municipalities and counties which are not eligible to receive a
121 portion of fire protection fund distributions because of failure
122 to comply with requirements imposed in Sections 83-1-37 and
123 83-1-39 as a prerequisite to receipt of such funds.

124 (11) There is created in the State Treasury a separate
125 account to be known as the "State Fire Academy Construction Fund."
126 The State Treasurer shall transfer on July 1, 1997, the sum of Six

127 Hundred Seventy-five Thousand Dollars (\$675,000.00) and on July 1,
128 1998, the sum of Six Hundred Seventy-five Thousand Dollars
129 (\$675,000.00) from the State Fire Academy Fund 3502 into the
130 separate account created in this subsection. Monies in such
131 account shall be expended solely, upon legislative appropriations,
132 to defray expenses related to the construction of capital
133 improvements project known as "Fire Safety and Education Building"
134 and parking areas at the State Fire Academy by the Bureau of
135 Building, Grounds and Real Property Management of the Office of
136 General Services and to pay any indebtedness incurred to
137 accomplish such construction. Funds not used after the completion
138 of this capital improvements project shall be transferred back
139 into State Fund 3502.

140 (12) The State Fire Academy is authorized to train
141 nonviolent offenders to be volunteer firefighters if such
142 offenders are under the jurisdiction of the Department of
143 Corrections and have been approved to receive such training by the
144 Commissioner of Corrections as prescribed in Section 47-5-452.

145 **SECTION 3.** This act shall take effect and be in force from
146 and after July 1, 2007.