

By: Representative Touchstone

To: Ways and Means

HOUSE BILL NO. 1045

1 AN ACT TO AMEND SECTION 83-1-39, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE COUNTIES TO MAKE CONTRIBUTIONS TO THE MISSISSIPPI BURN
3 CARE FUND FROM THE INSURANCE REBATE MONIES PAID TO COUNTIES 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 Department of Revenue shall pay over to
9 the State Treasurer, to be credited to a fund entitled "County
10 Volunteer Fire Department Fund," the sum of Four Million Eight
11 Hundred Fifty Thousand Dollars (\$4,850,000.00) 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. Of these monies, Two
22 Hundred Fifty Thousand Dollars (\$250,000.00) shall be designated
23 for the purposes prescribed in subsection (3)(f) of this section.

24 (2) Using 1990 as a base year, the Department of Revenue
25 shall pay to the State Treasurer, to be credited to the "County
26 Volunteer Fire Department Fund," an amount representing one-half
27 of ten percent (1/2 of 10%) of any growth after 1990 of the
28 insurance premium tax collected annually from the taxes levied on
29 the gross premium on fire insurance policies written on properties
30 in this state, in addition to the amount collected by it under
31 Section 27-15-103 et seq.

32 (3) Insurance rebate monies shall be expended by the board
33 of supervisors for fire protection purposes of each county and
34 other purposes authorized under this subsection for the
35 following * * *:

36 (a) For training expenses;

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

42 (c) Purchase of insurance on county-owned firefighting
43 equipment;



44 (d) Fire protection service contracts, including, but
45 not limited to, municipalities, legal fire protection districts,
46 and nonprofit corporations providing or coordinating fire service
47 in or out of the county;

48 (e) Appropriations to legal fire protection districts
49 located in counties subject to all restrictions applicable to the
50 use of insurance rebate monies; * * *

51 (f) Training of any county personnel as needed for the
52 adoption of and compliance with the codes established and
53 promulgated by the Mississippi Building Codes Council or for
54 windstorm mitigation programs as approved by the Commissioner of
55 Insurance. These monies shall be apportioned and distributed
56 amongst qualifying counties. Any monies designated under this
57 paragraph (f) that are not expended annually shall be returned to
58 the County Volunteer Fire Protection Fund to be distributed for
59 fire protection services * * *;

60 (g) Any county-owned equipment or other property, at
61 the option of the board of supervisors, may be used by any legally
62 created fire department * * *; and

63 (h) In the discretion of the board of supervisors,
64 contributions to the Mississippi Burn Care Fund established under
65 Section 7-9-70 in an annual amount not to exceed two percent (2%)
66 of the insurance rebate monies.

67 (4) Insurance rebate monies not expended in a given fiscal
68 year for fire protection and other purposes authorized under



69 subsection (3) shall be placed in a special fund with a written
70 plan approved by the Commissioner of Insurance for disposition and
71 expenditure of such monies. After the contracts for fire
72 protection services have been approved and accepted by the board
73 of supervisors, the monies shall be released to be expended in
74 such manner as provided by this section.

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

77 (a) Designates a county fire service coordinator who is
78 responsible for seeing that standard guidelines established by the
79 Commissioner of Insurance pursuant to Section 45-11-7(9),
80 Mississippi Code of 1972, are followed. The county fire
81 coordinator must demonstrate that he possesses fire-related
82 knowledge and experience;

83 (b) Designates one (1) member of the sheriff's
84 department to be the county fire investigator and, from and after
85 July 1, 2008, requires the designated member of the sheriff's
86 department to attend the State Fire Academy to be trained in arson
87 investigation; however, in the event of a loss of the county fire
88 investigator due to illness, death, resignation, discharge or
89 other legitimate cause, notice shall be immediately given to the
90 Commissioner of Insurance and the county may continue to receive
91 payments on an interim basis for a period not to exceed one (1)
92 year;



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

95 (d) Counties shall levy a tax of not less than
96 one-fourth (1/4) mill on all property of the county or appropriate
97 avails of not less than one-fourth (1/4) mill from the county's
98 general fund for fire protection purposes. Municipalities making
99 a written declaration to the county that they fund and provide
100 their own fire services shall be exempted from this levy. This
101 levy shall be used for fire protection purposes which include, but
102 are not limited to, contracting with any provider of fire
103 protection services.

104 (6) (a) No funds shall be paid by the county to any
105 provider of fire protection services except in accordance with a
106 written contract entered into in accordance with guidelines
107 established by the Commissioner of Insurance and properly approved
108 by the board of supervisors and Commissioner of Insurance. No
109 county shall distribute funds to any fire service provider which
110 has not met the reporting requirements required by the
111 Commissioner of Insurance. At such time that a fire protection
112 services provider, particularly a county volunteer fire
113 department, a municipality or a fire protection district, has
114 fulfilled the obligations of the written contract and has met the
115 reporting requirements provided for in this subsection and the
116 board of supervisors has received the insurance rebate monies, the
117 board of supervisors shall disburse the appropriate amount to the



118 fire protection services provider within a reasonable time, not to
119 exceed six (6) weeks, from the time such requirements are met.
120 Insurance rebate monies used for the purposes of contracting shall
121 be expended by the fire service provider for capital construction,
122 training expenses, purchase of firefighting equipment, including
123 payments on any loans made for the purpose of purchasing
124 firefighting equipment, and purchase of insurance for any fire
125 equipment owned or operated by the provider.

126 (b) If the Commissioner of Insurance believes that a
127 county is using the funds in a manner not consistent with
128 subsections (5) and (6) of this section, the commissioner shall
129 request the State Auditor to conduct an investigation pursuant to
130 Section 7-7-211(e).

131 (7) The board of supervisors of any county may contribute
132 funds directly to any provider of fire protection services serving
133 such county. Such contributions must be used for fire protection
134 purposes as may be reasonably established by the Commissioner of
135 Insurance.

136 (8) Any municipal, county or local water association or
137 other utility district supplying water may, upon adoption of a
138 resolution authorizing such action, contribute free of charge to a
139 volunteer fire department or fire protection district serving such
140 local government, political subdivision or utility district such
141 water as is necessary for firefighting or training activities of
142 such volunteer fire department or fire protection district.



143 (9) The board of supervisors of any county may, in its
144 discretion, grade, gravel, shell and/or maintain real property of
145 a county volunteer fire department, including roads or driveways
146 thereof, as necessary for the effective and safe operation of such
147 county volunteer fire department. Any action taken by the board
148 of supervisors under the authority of this subsection shall be
149 spread upon the minutes of the board of supervisors when the work
150 is authorized.

151 (10) For the purpose of this section, "fire protection
152 district" means a district organized under Section 19-5-151 et
153 seq., or pursuant to any other code section or by any local and
154 private act authorizing the establishment of a fire protection
155 district, unless the context clearly requires otherwise.

156 **SECTION 2.** This act shall take effect and be in force from
157 and after July 1, 2018.

