

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 444**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

34           **SECTION 1.** Section 83-34-1, Mississippi Code of 1972, is  
35 amended as follows:

36           83-34-1. In this chapter, unless the context otherwise  
37 requires:

38                   (a) "Essential property insurance" means insurance  
39 against direct loss to property from the risk of windstorm and  
40 hail in the manner as defined and limited in the standard real  
41 property and contents insurance forms approved by the  
42 commissioner. Essential property insurance \* \* \* may include  
43 coverage for \* \* \* either the actual cash value or replacement



44 cost value of the structure and contents. Essential property  
45 insurance includes builders risks coverage. The extent of risk  
46 covered, the insuring language and the exclusions are all subject  
47 to approval by the commissioner. Policies, rules and rates shall  
48 be filed with the commissioner in the manner provided for  
49 insurance companies.

50 (b) "Association" means the Mississippi Windstorm  
51 Underwriting Association established pursuant to the provisions of  
52 this chapter.

53 (c) "Plan of operation" means the plan of operation of  
54 the association approved or promulgated by the commissioner  
55 pursuant to the provisions of this chapter.

56 (d) "Insurable property" means real property, and  
57 contents therein when requested, at fixed locations in the coast  
58 area, which property is determined by the association to be in an  
59 insurable condition and otherwise meets the underwriting  
60 requirements of the association. Any one- or two-family dwelling  
61 built, rebuilt, altered or remodeled in compliance with the  
62 applicable building codes, including design-wind requirements,  
63 that is not otherwise rendered uninsurable by reason of use,  
64 occupancy or state of repair, shall be an insurable risk.  
65 Neighborhood area, location and environmental hazards beyond the  
66 control of the applicant or owner of the property shall not be  
67 considered in determining insurable condition. "Insurable  
68 property" shall not include insurance on motor vehicles or



69 creditor placed insurance on mobile homes. "Insurable property"  
70 includes mobile homes, modular homes or manufactured housing that  
71 are installed in compliance with applicable codes.

72 (e) "Commissioner" means the Insurance Commissioner of  
73 the State of Mississippi.

74 (f) "Coast area" means Hancock, Harrison, Jackson,  
75 Pearl River, Stone and George Counties.

76 (g) (i) "Net direct premiums," for purposes of  
77 calculating percentages of participation for assessable insurers  
78 for the year 2007, means gross direct premiums, excluding  
79 reinsurance assumed and ceded, written on property in this state  
80 for the risk of windstorm and hail less return premiums upon  
81 cancelled contracts, dividends paid or credited to policyholders,  
82 or the unused or unabsorbed portion of premium deposits. "Net  
83 direct premiums" includes the premium charge component for the  
84 risk of windstorm and hail to property in all policies, including  
85 multiperil and other policies that package or combine coverage for  
86 other risks. The plan of operation shall prescribe the portion of  
87 premium allocated for the risk of windstorm and hail in multiperil  
88 and other policies that package or combine coverage for other  
89 risks. "Net direct premiums" shall not include farm property.  
90 "Net direct premiums" shall not include the property components of  
91 motor vehicles and other mobile property, but includes premiums  
92 for the risks of windstorm and hail for mobile homes, modular  
93 homes or manufactured housing.



94                   (ii) "Net direct premiums," for purposes of  
95 calculating percentages of participation for assessable insurers  
96 after the year 2007, means those premiums reported by the  
97 assessable insurers in their annual statements to the Department  
98 of Insurance that were charged for insurance for any and all risks  
99 on real property and contents in the state. The department shall  
100 determine which lines of real property and contents insurance  
101 shall be included in the calculation of net direct premiums. The  
102 included real property and contents insurance lines may be changed  
103 from time to time in the discretion of the commissioner. "Net  
104 direct premiums" shall not include premiums for insuring farm  
105 property that are reported timely to the association as provided  
106 in the plan of operation.

107                   (iii) The commissioner is authorized and directed  
108 to provide to the association annual statements, other reports and  
109 any statistics necessary to provide the information herein  
110 required and which the commissioner is hereby authorized and  
111 empowered to obtain from any assessable insurer.

112                   (h) "Farm property" means property used for farming  
113 purposes; however, it shall not include any property used for  
114 dwelling purposes or any outbuildings used in connection  
115 therewith.

116                   (i) "Losses" includes expenses for the adjustment and  
117 resolution of claims and operational and other general expenses.



118 (j) "Bonds, loans, lines of credit and indebtedness"  
119 include interest, finance charges, and any and all other costs  
120 associated with the financing.

121 (k) "Percentage of participation" for an assessable  
122 insurer means the percentage determined by dividing the assessable  
123 insurers net direct premiums written in this state in the previous  
124 year by the aggregate net direct premiums written in this state by  
125 all assessable insurers of the association in the previous year.  
126 The percentage of participation may be modified as provided in  
127 Sections 83-34-9(3) and 83-34-13(2).

128 (l) "Nonadmitted insurers" means those insurance  
129 companies defined in Section 83-21-17, and any other companies and  
130 persons selling insurance on risks in Mississippi that are not  
131 licensed to do business in the State of Mississippi.

132 (m) "Agents placing insurance through nonadmitted  
133 insurers" means those agents defined in Section 83-21-19 and any  
134 other agents placing insurance through a nonadmitted insurer.

135 (n) "Assessable insurer" means each and every insurer  
136 authorized to write, and engaged in writing, property insurance  
137 within this state on a direct basis.

138 (o) "Minimum reserve" means an amount set forth in the  
139 plan of operation which is maintained by the association for the  
140 payment of salaries and other expenses necessary for the  
141 continuous and ongoing operation of the association.



142           (p) "Recoupable assessment" means any assessment, in  
143 whole or in part, that is levied on and payable by assessable  
144 insurers to the association which is directly recoverable from  
145 policyholders for any covered event occurring during the calendar  
146 year 2019 and approved by the commissioner. Any assessment levied  
147 due to a covered event occurring during the calendar year 2019  
148 shall be a recoupable assessment.

149           (q) "Nonrecoupable assessment" means any assessment  
150 levied on and payable by assessable insurers to the association  
151 which is not directly recoverable from policyholders.

152           (r) "Excess deficit" means a deficit that exceeds  
153 available surplus, reinsurance, recoupable and nonrecoupable  
154 assessments and other reasonably available assets of the  
155 association. The minimum reserve, as set forth in the plan of  
156 operation, shall not be considered reasonably available assets of  
157 the association when determining whether an excess deficit has  
158 occurred.

159           (s) "Covered event" means an event, such as a  
160 hurricane, other windstorm or hailstorm, which causes losses  
161 covered by the policies issued by the association to its  
162 policyholders.

163           **SECTION 2.** Section 83-34-3, Mississippi Code of 1972, is  
164 amended as follows:

165           83-34-3. (1) From and after March 22, 2007, the Mississippi  
166 Windstorm Underwriting Association, as created by Chapter 459,



167 Laws of 1987, shall be a separate and independent entity as  
168 provided for herein. At its option, the association may  
169 incorporate. All assets belonging to the association on or before  
170 March 22, 2007, shall hereinafter belong to and remain with the  
171 association. There shall be no distribution of income or assets  
172 other than for the benefit of the association, which shall have  
173 the right to invest and reinvest assets.

174 (2) From and after March 22, 2007, the association shall no  
175 longer have members. Former "members" of the association shall be  
176 "assessable insurers" and shall have no rights to the assets and  
177 profits of the association, but shall have the obligation for  
178 regular assessments as provided herein. Former members shall  
179 continue to have the obligations provided in this chapter before  
180 March 22, 2007, for all policyholder claims, costs, damages of any  
181 kind and expenses in any manner resulting from losses that  
182 occurred before March 22, 2007, for which the association may  
183 assess as needed the former members in the manner provided in this  
184 chapter before March 22, 2007. As a condition of its authority to  
185 continue to transact the business of insurance in this state and  
186 by transacting business in this state, each licensed insurer  
187 agrees to be bound by the provisions of this statute and the plan  
188 of operation as approved by the commissioner, and all amendments  
189 and revisions thereto.

190 (3) Any licensed insurer first authorized to write insurance  
191 after March 22, 2007, shall become an assessable insurer on the



192 first day of January immediately following such authorization.  
193 The determination of such insurer's participation in the  
194 association shall be made based upon writings in the prior year in  
195 the same manner as for all other assessable insurers of the  
196 association.

197 (4) Except as provided for in Section 83-34-4(6), the  
198 premiums, recoupable and nonrecoupable assessments, fees,  
199 investment income and other revenue of the association are funds  
200 received for the sole purpose of providing insurance coverage,  
201 paying claims for Mississippi citizens insured by the association,  
202 securing and repaying debt obligations issued by the association,  
203 and conducting all other activities of the association, all as  
204 required or permitted by this chapter. Such revenue shall not be  
205 considered taxes, fees, licenses or charges for services imposed  
206 by the State of Mississippi on individuals, businesses, or  
207 agencies, and shall not be used for other purposes.

208 (5) It is the intent of the Legislature that the association  
209 be and act as a nonprofit entity. The association shall be free  
210 from taxation of every kind by the state and any political  
211 subdivision or other instrumentality thereof. It is the intent of  
212 the Legislature that the association be tax exempt from all taxes,  
213 including federal taxes, and the association is granted the  
214 authority to take those steps necessary to obtain federal tax  
215 exempt status.





216 (6) Any debt obligations issued by the association, their  
217 transfer, and the income therefrom, including any profit made on  
218 the sale thereof, shall at all times be free from taxation of  
219 every kind by the state and any political subdivision or other  
220 instrumentality thereof.

221 (7) In the event of the termination of the association by  
222 act of the Legislature, or other means, the assets of the  
223 association shall be applied first to pay all debts, liabilities  
224 and obligations of the association, including the establishment of  
225 reasonable reserves for any contingent liabilities or obligations,  
226 and all remaining assets of the association shall become property  
227 of the state.

228 (8) The association shall operate as a private enterprise  
229 and shall not be subject to the procurement provisions of Section  
230 31-7-13, and policies and decisions of the association, including,  
231 but not limited to, decisions relating to incurring debt, levying  
232 of recoupable and nonrecoupable assessments, the issuance and sale  
233 of bonds, claims decisions under association policies, hiring and  
234 firing of employees, and all services relating to the operation of  
235 the association shall not be subject to the provisions of Section  
236 25-9-101 et seq. The association shall not be required to obtain  
237 or to hold a license or certificate of authority issued by the  
238 commissioner or any other office. The association shall not be  
239 required to participate as a member insurer of the Mississippi  
240 Insurance Guaranty Association.



241           **SECTION 3.** Section 83-34-4, Mississippi Code of 1972, is  
242 reenacted and amended as follows:

243           83-34-4. (1) Nonadmitted insurers shall not be assessable  
244 insurers of the association. All surplus lines insurance  
245 producers placing insurance through nonadmitted insurers shall  
246 collect from the insured and remit to the association a  
247 nonadmitted policy fee on all premiums for all insurance written  
248 by such surplus lines insurance producer for a policy from a  
249 nonadmitted insurer for any and all risks in this state, except  
250 that policies or portions thereof that cover residential  
251 earthquake risks or residential flood risks that are not written  
252 through the National Flood Insurance Program shall be exempt from  
253 the nonadmitted policy fee. By procuring or selling insurance on  
254 property in this state from a nonadmitted insurer, each surplus  
255 lines insurance producer placing insurance through a nonadmitted  
256 insurer agrees to be bound by the provisions of this chapter and  
257 to collect and remit the nonadmitted policy fee provided for  
258 herein.

259           (2) The nonadmitted policy fee shall be a percentage of the  
260 total policy premium but the nonadmitted policy fee shall not be  
261 considered premium and is not subject to premium taxes or  
262 commissions. However, failure to pay the nonadmitted policy fee  
263 shall be treated the same as failure to pay premium. "Total  
264 policy premium" includes taxes and commissions.



265 (3) The nonadmitted policy fee percentage shall be three  
266 percent (3%).

267 (4) Within twenty (20) days of the end of the quarter,  
268 surplus lines insurance producers placing insurance through  
269 nonadmitted insurers shall remit directly to the association all  
270 nonadmitted policy fees collected in the preceding quarter. In  
271 addition to the nonadmitted policy fee provided for herein,  
272 surplus lines insurance producers placing insurance through  
273 nonadmitted insurers shall collect and remit excess deficit  
274 surcharges as provided by this chapter. Surplus lines insurance  
275 producers placing insurance through nonadmitted insurers may  
276 designate another surplus lines insurance producer that actually  
277 procured the insurance from the nonadmitted carrier to collect and  
278 remit the nonadmitted policy fees.

279 (5) Each insured in this state who directly procures or  
280 renews insurance with a nonadmitted insurer on properties, risks  
281 or exposures located or to be performed, in whole or in part, in  
282 this state, other than insurance procured through a surplus lines  
283 licensee, shall be subject to the nonadmitted policy fee which  
284 shall be paid by the insured according to the procedures provided  
285 for premium taxes in Section 83-21-17(5).

286 (6) Monies derived from the nonadmitted policy fee collected  
287 under this section may be used by the association, in addition to  
288 any uses provided for in Section 83-34-3(4), for education, public  
289 outreach, training of building officials and other programs



290 targeted to reduce the number of policies within the association;  
291 however, beginning on July 1, 2018, and ending on June 30, 2019,  
292 before any fees are remitted to the association, One Million Five  
293 Hundred Thousand Dollars (\$1,500,000.00) shall be diverted and  
294 deposited into the Capital Expense Fund, and Four Million Five  
295 Hundred Thousand Dollars (\$4,500,000.00) shall be diverted and  
296 deposited into the Rural Fire Truck Fund or Supplementary Rural  
297 Fire Truck Fund. Further, beginning July 1, 2019, and ending on  
298 June 30, 2020, before any fees are remitted to the association,  
299 Three Million Five Hundred Thousand Dollars (\$3,500,000.00) shall  
300 be diverted and deposited into the Rural Fire Truck Fund or  
301 Supplementary Rural Fire Truck Fund, and Two Hundred Thousand  
302 Dollars (\$200,000.00) shall be diverted for use by the State Fire  
303 Marshal's Office for fire prevention and education.

304 (7) This section shall stand repealed from and after July  
305 1, \* \* \* 2022.

306 **SECTION 4.** Section 83-34-5, Mississippi Code of 1972, is  
307 amended as follows:

308 83-34-5. The association shall, pursuant to the provisions  
309 of this chapter and the plan of operation, and with respect to  
310 essential property insurance on insurable property, have the  
311 power:

312 (a) To issue policies of essential property insurance  
313 on insurable property to applicants;



314 (b) At its option, and with consent of the  
315 commissioner, to issue policies of related essential property  
316 insurance on insurable property to applicants;

317 (c) To purchase reinsurance for all or part of the  
318 risks of the association;

319 (d) To levy and collect \* \* \* recoupable and  
320 nonrecoupable assessments from assessable insurers;

321 (e) To issue bonds or incur other forms of  
322 indebtedness, including, but not limited to, loans, lines of  
323 credit or letters of credit;

324 (f) To establish underwriting criteria consistent with  
325 the provisions of this chapter and as approved by the  
326 commissioner;

327 (g) To invest and reinvest income and assets subject to  
328 the oversight of the commissioner;

329 (h) To enter into contractual agreements with third  
330 parties, including the Mississippi Windstorm Mitigation  
331 Coordinating Council, for the purposes of developing and  
332 implementing windstorm mitigation programs; and

333 (i) All other powers necessary to carry out the  
334 provisions and intent of this chapter.

335 **SECTION 5.** Section 83-34-7, Mississippi Code of 1972, is  
336 amended as follows:

337 83-34-7. (1) The Board of Directors of the Mississippi  
338 Insurance Underwriting Association as presently constituted shall



339 serve as the temporary board of directors of the association.  
340 Such temporary board of directors shall prepare and submit a plan  
341 of operation in accordance with Section 83-34-13 and shall serve  
342 until the permanent board of directors shall take office in  
343 accordance with the plan of operation. The permanent board shall  
344 consist of five (5) representatives of the members to be appointed  
345 by the temporary board of directors subject to the approval of the  
346 commissioner and three (3) agents from the coast area to be  
347 appointed by the commissioner. The terms of the members of the  
348 board of directors in place before March 22, 2007, shall expire on  
349 March 22, 2007, and such persons shall cease to serve on the board  
350 and shall relinquish all power and control of the association.

351 (2) (a) From and after \* \* \* July 1, 2019, the board of  
352 directors of the association shall consist of the following:

353 (i) The State Treasurer, who shall serve as an ex  
354 officio, nonvoting member;

355 (ii) \* \* \* Six (6) of the assessable insurer  
356 companies, \* \* \* four (4) to be appointed by the commissioner, one  
357 (1) to be appointed by the Governor, and one (1) to be appointed  
358 by the Lieutenant Governor; each such assessable insurer appointed  
359 shall designate a representative knowledgeable in the matters of  
360 the association and authorize such representative to act and vote  
361 on its behalf;

362 (iii) Three (3) agents with no less than ten (10)  
363 years' experience in the property and casualty industry, two (2)



364 of whom are residents in the coast area, and one (1) of whom is  
365 not a resident of the coast area; one (1) such coast area agent to  
366 be appointed by the Governor, one (1) such coast area agent to be  
367 appointed by the Lieutenant Governor, and the noncoast area agent  
368 to be appointed by the commissioner; and

369 (iv) Two (2) business leaders who are residents of  
370 the coast area and have \* \* \* no less than ten (10) years'  
371 experience in management of a business, one (1) to be appointed by  
372 the Governor, and one (1) to be appointed by the Lieutenant  
373 Governor.

374 (b) \* \* \* Board members shall serve three-year terms  
375 with each term beginning on January 1, and the initial terms shall  
376 be staggered in the following manner:

377 (i) The initial term for three (3) of the  
378 assessable insurers shall begin on March 22, 2007, and expire on  
379 December 31, 2010, thereafter to be appointed for three-year  
380 terms;

381 (ii) The initial term for one (1) of the  
382 assessable insurers shall begin on March 22, 2007, and expire on  
383 December 31, 2009, thereafter to be appointed for three-year  
384 terms;

385 (iii) The initial term for one (1) of the  
386 assessable insurers shall begin on March 22, 2007, and expire on  
387 December 31, 2008, thereafter to be appointed for three-year  
388 terms;



389 (iv) The initial term for one (1) of the agents  
390 shall begin on March 22, 2007, and expire on December 31, 2010,  
391 thereafter to be appointed for three-year terms;

392 (v) The initial term for one (1) of the agents  
393 shall begin on March 22, 2007, and expire on December 31, 2009,  
394 thereafter to be appointed for three-year terms;

395 (vi) The initial term for one (1) of the agents  
396 shall begin on March 22, 2007, and expire on December 31, 2008,  
397 thereafter to be appointed for three-year terms;

398 (vii) The initial term for one (1) of the business  
399 leaders shall begin on March 22, 2007, and expire on December 31,  
400 2010, thereafter to be appointed for three-year terms;

401 (viii) The initial term for one (1) of the  
402 business leaders shall begin on March 22, 2007, and expire on  
403 December 31, 2008, thereafter to be appointed for three-year  
404 terms \* \* \*; and

405 (ix) The initial term for one (1) of the  
406 assessable insurers shall begin on July 1, 2019, and expire on  
407 December 31, 2019, and thereafter to be appointed for three-year  
408 terms.

409 (3) On or before March 22, 2007, the appropriate public  
410 official shall make such appointments and request such  
411 resignations from the existing board as are appropriate to comply  
412 with this section.





413 (4) The board shall be staffed by as many employees as it  
414 deems necessary.

415 (5) The board of directors has the power to act and make  
416 binding decisions on behalf of the association on all issues.

417 **SECTION 6.** Section 83-34-9, Mississippi Code of 1972, is  
418 amended as follows:

419 83-34-9. (1) All assessable insurers of the association  
420 shall participate in \* \* \* recoupable and nonrecoupable  
421 assessments levied by the association based upon their percentage  
422 of participation. The association may allow affiliated insurers  
423 to combine their annual net direct premiums and other data,  
424 including data that supports any incentives that may be allowed by  
425 the association, to the extent that such grouping promotes the  
426 voluntary writing of essential property insurance in the coast  
427 area. Any provisions for credits and grouping of data shall be  
428 prescribed in the plan of operation.

429 (2) All profits of the association shall remain as assets of  
430 the association.

431 (3) The plan of operation shall provide financial incentives  
432 or financial penalties, or both, to ensure that assessable  
433 insurers write essential property insurance in the coast area.  
434 The incentives and penalties may include, but are not limited to,  
435 a reduction in \* \* \* recoupable and nonrecoupable  
436 assessments, \* \* \* adjustments in the percentage of participation,  
437 and other incentives and penalties as provided in the plan of



438 operation. The commissioner shall approve the plan of operation  
439 as provided in Section 83-34-13.

440 **SECTION 7.** Section 83-34-10, Mississippi Code of 1972, is  
441 amended as follows:

442 83-34-10. (1) In the event of a \* \* \* covered event that  
443 may produce losses in excess of funds that may be immediately  
444 available to the association, or in the event that the association  
445 determines that it will otherwise have a claim deficit or any  
446 other deficit, then the association, with consent of the  
447 commissioner, shall have the power to levy \* \* \* recoupable and  
448 nonrecoupable assessments against assessable insurers based upon  
449 their percentage of participation. \* \* \*

450 The minimum reserve, as set forth in the plan of operation,  
451 shall not be considered as funds available to the association in  
452 determining whether to levy a recoupable or nonrecoupable  
453 assessment.

454 (2) A nonrecoupable assessment levied under this section  
455 shall not exceed six percent (6%) of the association's year-end  
456 total limits in force for the preceding calendar year, or Two  
457 Hundred Fifty Million Dollars (\$250,000,000.00), whichever is  
458 less. Further, in any calendar year, the annual total of all  
459 nonrecoupable assessment funds collected shall not exceed, in the  
460 aggregate, Two Hundred Fifty Million Dollars (\$250,000,000.00).

461 **SECTION 8.** Section 83-34-12, Mississippi Code of 1972, is  
462 amended as follows:



463           83-34-12. The \* \* \* recoupable or nonrecoupable assessment  
464 of an assessable insurer may, after hearing, be ordered deferred,  
465 in whole or in part, upon application by the insurer if, in the  
466 opinion of the commissioner, payment of the recoupable or  
467 nonrecoupable assessment would render the insurer insolvent or in  
468 danger of insolvency, or would otherwise leave the insurer in such  
469 a condition that further transaction of the insurer's business  
470 would be hazardous to its policyholders, creditors, assessable  
471 insurers, subscribers, stockholders or the public. If that  
472 payment of \* \* \* a recoupable or nonrecoupable assessment against  
473 an assessable insurer is deferred by order of the commissioner, in  
474 whole or in part, the amount by which the recoupable or  
475 nonrecoupable assessment is deferred shall be assessed against  
476 other assessable insurers in the same manner as provided in  
477 Section 83-34-9.

478           **SECTION 9.** Section 83-34-13, Mississippi Code of 1972, is  
479 amended as follows:

480           83-34-13. (1) Within forty-five (45) days after March 22,  
481 2007, the directors of the association shall submit to the  
482 commissioner for review and approval a proposed plan of operation  
483 revised to be consistent with the provisions of Chapter 425, Laws  
484 of 2007. The association shall maintain a plan of operation. The  
485 plan shall provide for the efficient, economical, fair and  
486 nondiscriminatory administration of the association. The plan may  
487 include the establishment of a minimum reserve, methods for the



488 nonrecoupable assessment of all assessable insurers for deficits  
489 and expenses, the establishment of necessary facilities,  
490 management of the association, underwriting standards, procedures  
491 for determining the amounts of insurance to be provided to  
492 specific risks, time limits and procedures for processing  
493 applications for insurance, and for such other provisions as may  
494 be deemed necessary by the board to carry out the purposes of this  
495 chapter. The plan of operation shall include in the plan of  
496 operation a mechanism for recoupment of recoupable assessments.

497 (2) The plan of operation shall provide financial incentives  
498 or financial penalties, or both, to ensure that assessable  
499 insurers write essential property insurance in the coast area.  
500 The incentives and penalties may include, but are not limited to,  
501 a reduction in \* \* \* nonrecoupable assessments, \* \* \* adjustments  
502 in the percentage of participation, and other incentives and  
503 penalties as provided in the plan of operation.

504 (3) The plan of operation shall provide (a) that the  
505 association shall offer a two percent (2%) deductible for loss  
506 from named storms; and (b) that the association shall also offer  
507 options for other deductibles for loss from named storms with  
508 appropriate rate reductions that shall include at least a twenty  
509 percent (20%) deductible for loss from named storms.

510 (4) The plan of operation shall provide that the association  
511 use actuarially appropriate geographical zones for rating and for



512 the use of credits and penalties to encourage voluntary writing in  
513 the coast area.

514 (5) The commissioner shall approve the plan of operation and  
515 all amendments before they become effective. It is the obligation  
516 of the commissioner to confirm that such plan fulfills the  
517 purposes of this chapter. If the commissioner approves a proposed  
518 plan or amendment, he shall certify the approval to the directors,  
519 and the plan, or amendment thereto, shall become effective ten  
520 (10) days after such certification. If the commissioner  
521 disapproves all or any part of the proposed plan of operation, or  
522 amendment thereto, he shall return the same to the directors with  
523 a written statement giving the reasons for disapproval and any  
524 recommendations the commissioner may wish to make. Within ten  
525 (10) days thereafter, the directors may alter the plan or  
526 amendment in accordance with the commissioner's recommendation or  
527 may return a new plan to the commissioner. The commissioner shall  
528 consider the proposals and shall then promulgate and place into  
529 effect a plan of operation certifying the same to the directors of  
530 the association after approval by the board of directors. Any  
531 such plan promulgated by the commissioner shall take effect ten  
532 (10) days after certification to the directors.

533 (6) The commissioner may review the plan of operation at any  
534 time he deems expedient or prudent. After review of the plan, the  
535 commissioner may amend the plan after consultation with the



536 directors of the association and upon certification to the  
537 directors of the amendment.

538       **SECTION 10.** Section 83-34-23, Mississippi Code of 1972, is  
539 amended as follows:

540       83-34-23. There shall be no liability on the part of the  
541 insurance commissioner or any of his staff and representatives for  
542 any action taken under and pursuant to the provisions of this  
543 chapter. There shall be no liability on the part of the  
544 association, its agents, representatives or employees, the members  
545 of the board, or any assessable insurer of the association, except  
546 for the \* \* \* specific obligations \* \* \* stated in any contract of  
547 insurance and the duty to pay assessments as provided in this  
548 chapter.

549       **SECTION 11.** Section 83-34-31, Mississippi Code of 1972, is  
550 amended as follows:

551       83-34-31. (1) The board of directors, subject to the  
552 approval of the commissioner, shall have the power and authority  
553 to issue bonds, and the power and authority to enter into loans,  
554 letters of credit, lines of credit, and other forms of  
555 indebtedness, as needed for operations, the purchase of  
556 reinsurance, claim losses, and incurred but not reported claims.

557       \* \* \*

558       ( \* \* \* 2 ) \* \* \* The bonds must be in a form approved by the  
559 commissioner. With approval of the commissioner, the association  
560 may issue bonds or incur other indebtedness to retire or



561 consolidate bonds as appropriate. Bonds and other debt  
562 obligations issued by or on behalf of the association are not to  
563 be considered "state bonds" and shall not be an obligation of the  
564 state.

565 ( \* \* \* 3) The state hereby covenants with holders of bonds  
566 issued pursuant to this \* \* \* chapter that the state will not  
567 limit, alter or deny the duties and obligations of this chapter,  
568 and of the association and the commissioner as established by this  
569 chapter, necessary to fulfill the terms of any agreements with  
570 bondholders, or in any way impair the rights and remedies of such  
571 bondholders as long as any such bonds remain outstanding unless  
572 adequate provision has been made for the payment of such bonds  
573 pursuant to the documents authorizing the issuance of such bonds.

574 **SECTION 12.** Section 83-34-33, Mississippi Code of 1972, is  
575 amended as follows:

576 83-34-33. (1) When the association knows or has reason to  
577 believe that (a) it has or will incur losses from a \* \* \* covered  
578 event that exceeds available surplus, reinsurance, recoupable or  
579 nonrecoupable assessments and other reasonably available assets of  
580 the association, such that one or more bond issues or other  
581 financing, or both, will be necessary to pay claims losses and  
582 other related expenses, or (b) the association has \* \* \* an excess  
583 deficit that cannot be reasonably resolved by income available to  
584 the association above the minimum reserve, then the association  
585 shall immediately give notice to the commissioner and request that



586 the commissioner implement \* \* \* an excess \* \* \* deficit surcharge  
587 on all property and casualty insurance premiums for insurance for  
588 property and operations in this state designed to recover to the  
589 association the amount of all such bonds and other indebtedness  
590 resulting from the \* \* \* covered event, or other deficit.

591 (2) All such bonds and loans are secured by the power and  
592 duty of the commissioner to implement surcharges against all  
593 property and casualty insurance premiums for insurance for  
594 property and activities in this state sufficient to repay the  
595 bonds or loans, or both.

596 (3) If any of the bonds remain unsold sixty (60) days after  
597 issuance, the commissioner shall require all assessable insurers  
598 to purchase the bonds, which purchased bonds shall be treated as  
599 admitted assets; each assessable insurer shall be required to  
600 purchase that percentage of the unsold portion of the bond issue  
601 that equals the assessable insurer's current percentage of  
602 participation. An assessable insurer shall not be required to  
603 purchase the bonds to the extent that the commissioner determines  
604 that the purchase would endanger or impair the solvency of the  
605 insurer. The bonds must be in a form approved by the  
606 commissioner. With approval of the commissioner, the association  
607 may issue bonds or incur other indebtedness to retire or  
608 consolidate bonds as appropriate. Bonds and other debt  
609 obligations issued by or on behalf of the association are not to





610 be considered "state bonds" and shall not be an obligation of the  
611 state.

612 ( \* \* \*4) At such time as the commissioner can reasonably  
613 estimate the amount of bonds or indebtedness, or both,  
614 necessitated by a \* \* \* covered event, and in no event more than  
615 ninety (90) days from the notice given by the association, the  
616 commissioner shall have the duty and the power to implement an  
617 excess \* \* \* deficit surcharge on all property and casualty  
618 insurance premiums for insurance for property and activities in  
619 this state. "Premiums" includes premiums for policies issued by  
620 or for the association and by or for the Mississippi Residential  
621 Property Insurance Underwriting Association. "Premiums" shall not  
622 include premiums for workers' compensation coverage, premiums for  
623 medical malpractice liability coverage including medical  
624 malpractice liability coverage issued by companies created under  
625 Section 83-47-1 et seq., nor any premiums for coverage by  
626 insurance pools or plans administered by or through the State of  
627 Mississippi.

628 ( \* \* \*5) If the excess deficit surcharge is designed to  
629 repay bonds, it shall be designated as such and all funds  
630 recovered from the excess deficit surcharge shall be used for  
631 repayment of the bonds for which it was implemented, until such  
632 time as the bonds have been paid or redeemed.

633 ( \* \* \*6) If the excess deficit surcharge is designed to  
634 repay a specific indebtedness incurred for losses from a



635 specific \* \* \* covered event, it shall be designated as such and  
636 all funds recovered from the excess deficit surcharge shall be  
637 used for repayment of the indebtedness for which it was  
638 implemented, until such time as the indebtedness has been paid or  
639 redeemed.

640 ( \* \* \* 7) Such excess deficit surcharge shall be  
641 specifically identified on either the premium statements or the  
642 policy declarations pages or other appropriate policy forms as  
643 relating to the specific \* \* \* covered event losses or bonds or  
644 indebtedness for which it was implemented. The commissioner shall  
645 name each such excess deficit surcharge so that it can be  
646 uniformly identified by insurers and agents.

647 ( \* \* \* 8) The excess deficit surcharge shall be a percentage  
648 of the total policy premium but the excess deficit surcharge shall  
649 not be considered premium and is not subject to premium taxes or  
650 commissions. However, failure to pay the excess deficit surcharge  
651 shall be treated the same as failure to pay premium. "Total  
652 policy premium" includes taxes and commissions.

653 ( \* \* \* 9) The commissioner shall implement an appropriate  
654 excess deficit surcharge percentage sufficient to recover the  
655 amount necessary for repayment of bonds and indebtedness  
656 necessitated by a \* \* \* covered event, or the resolution of other  
657 deficit, as applicable. If at any time such surcharge shall be  
658 insufficient, the commissioner shall increase the excess deficit  
659 surcharge as necessary and appropriate. The commissioner shall



660 cease excess deficit surcharges as he determines appropriate funds  
661 have been collected. However, the commissioner shall endeavor to  
662 apply excess deficit surcharges on a one-year basis in order to  
663 promote consistency, nondiscrimination and fairness among  
664 policyholders purchasing or renewing insurance during that year.  
665 Any collections in excess of the amounts needed shall be assets of  
666 the association for investment and other uses.

667 ( \* \* \*10) Each licensed insurer issuing insurance for  
668 property and casualty risks in the state and each agent placing  
669 insurance through nonadmitted insurers, shall collect the excess  
670 deficit surcharges established by the commissioner under the  
671 authority of this section. Funds collected by such licensed  
672 insurers and agents placing insurance through nonadmitted insurers  
673 as excess deficit surcharges authorized by this section shall be  
674 collected and held in trust and shall be fully remitted to the  
675 association on a quarterly basis with forms providing appropriate  
676 information as designed by the association. Insurers and agents  
677 shall remit such funds to the association within twenty (20) days  
678 after the end of each quarter. At such time the insurers and  
679 agents shall further remit to the association all interest earned  
680 on the excess deficit surcharge funds.

681 ( \* \* \*11) The association and the commissioner are both  
682 specifically given the power to audit licensed insurers and agents  
683 placing insurance through nonadmitted insurers to confirm the



684 accuracy of remittances of excess deficit surcharges at the  
685 expense of the licensed insurers and agents.

686 ( \* \* \*12) The commissioner has the duty and power to adjust  
687 the percentage of any excess deficit surcharge previously  
688 established as he finds appropriate taking into consideration any  
689 relevant factors, including, but not limited to, consolidation or  
690 replacement of bonds, any additional indebtedness resulting from  
691 a \* \* \* covered event, the rate of recovery, anticipated length of  
692 total recovery, and impact of other \* \* \* covered events; however,  
693 the commissioner shall not reduce the amount of \* \* \* excess  
694 deficit surcharges implemented and designated to pay or redeem  
695 bonds, or other indebtedness below the amount necessary to timely  
696 pay or redeem such bonds, or other indebtedness.

697 ( \* \* \*13) When the association knows or has reason to  
698 believe that excess deficit surcharges authorized by this section  
699 previously established by the commissioner will be insufficient to  
700 timely pay or redeem bonds or indebtedness, the association shall  
701 immediately give notice to the commissioner. The commissioner  
702 shall alter such excess deficit surcharge as necessary to timely  
703 pay or redeem bonds or pay other indebtedness.

704 ( \* \* \*14) The association shall report quarterly to the  
705 commissioner providing all financial information for each excess  
706 deficit surcharge authorized by this section, including:

707 (a) The original and current outstanding indebtedness  
708 of all bonds and loans;



709 (b) Total excess deficit surcharge funds recovered to  
710 date; and

711 (c) Any information requested by the commissioner.

712 ( \* \* \*15) The commissioner may request, and the association  
713 shall provide, on an immediate basis to the commissioner any  
714 financial information or other information concerning any excess  
715 deficit surcharge. This section shall not limit the reporting  
716 requirements provided by Section 83-34-25.

717 **SECTION 13.** Section 83-34-35, Mississippi Code of 1972, is  
718 amended as follows:

719 83-34-35. In order to avoid or lessen the possibility and  
720 amount of excess deficit surcharges authorized by this chapter,  
721 the commissioner shall approve rates for policies issued by the  
722 association at least adequate to fund annual reinsurance above a  
723 self-insured retention of One Hundred Million Dollars  
724 (\$100,000,000.00) that, combined with any readily available  
725 reserves of the association, is sufficient to cover at least the  
726 probable maximum losses from a storm expected to occur once every  
727 one hundred (100) years as predicted by a model or method approved  
728 by the commissioner for the properties insured by the association  
729 at the time the reinsurance was negotiated. The amount of  
730 reinsurance in the foregoing rate adequacy requirement shall  
731 increase every two (2) years by increasing the probable maximum  
732 loss by five (5) years, until such time as the probable maximum  
733 loss insured is for a storm expected to occur every one hundred



734 fifty (150) years. The commissioner may approve rates in excess  
735 of the minimums required by this section as consistent with his  
736 duties and the insurance laws of the State of Mississippi. Any  
737 self-insured retention related to the purchase of reinsurance  
738 shall be subject to the prior approval of the commissioner.

739 **SECTION 14.** Section 83-34-11, Mississippi Code of 1972,  
740 which implements a surcharge on all property and casualty  
741 insurance premiums in this state, is hereby repealed.

742 **SECTION 15.** Section 17-23-1, Mississippi Code of 1972, is  
743 brought forward as follows:

744 17-23-1. (1) There is established the Rural Fire Truck  
745 Acquisition Assistance Program to be administered by the  
746 Department of Insurance for the purpose of assisting counties and  
747 municipalities in the acquisition of fire trucks.

748 (2) There is created in the State Treasury a special fund to  
749 be designated as the "Rural Fire Truck Fund." The Legislature may  
750 appropriate that amount necessary to fulfill the obligations  
751 created under this section by the Department of Insurance, from  
752 the State General Fund to such special fund, which sum shall be  
753 added to the remainder of the money transferred on July 1, 1995,  
754 and during the 1996 Regular Session to the Rural Fire Truck Fund.  
755 Unexpended amounts remaining in the fund at the end of a fiscal  
756 year shall not lapse into the State General Fund, and any interest  
757 earned on amounts in the fund shall be deposited to the credit of  
758 the fund. Unobligated amounts remaining in the Rural Fire Truck



759 Fund, Fund No. 3507, or in any fund created for funds appropriated  
760 or otherwise made available for this program, may be used as  
761 matching funds by any county with remaining eligibility as  
762 provided herein. It is the intent of the Legislature that the  
763 Department of Insurance continue to accept applications from the  
764 counties for fire trucks as provided in subsection (3) of this  
765 section.

766 (3) (a) A county that meets the requirements provided  
767 herein may receive an amount not to exceed Seven Hundred Forty  
768 Thousand Dollars (\$740,000.00) as provided in subparagraphs (i),  
769 (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi) and  
770 (xii) of this paragraph, and such amount shall be divided as  
771 follows: an amount of not more than Fifty Thousand Dollars  
772 (\$50,000.00) per fire truck for the first six (6) trucks and not  
773 more than Seventy Thousand Dollars (\$70,000.00) per fire truck for  
774 the seventh, eighth, ninth, tenth and eleventh trucks, and not  
775 more than Ninety Thousand Dollars (\$90,000.00) per fire truck for  
776 the twelfth truck. Monies distributed under this chapter shall be  
777 expended only for the purchase of new fire trucks and such trucks  
778 must meet the National Fire Protection Association (NFPA)  
779 standards in the 1900 series.

780 (i) Any county that has not applied for a fire  
781 truck under this section is eligible to submit applications for  
782 twelve (12) fire trucks as follows: six (6) fire trucks at not  
783 more than Fifty Thousand Dollars (\$50,000.00) per truck and five



784 (5) fire trucks at not more than Seventy Thousand Dollars  
785 (\$70,000.00) per truck, and one (1) fire truck at not more than  
786 Ninety Thousand Dollars (\$90,000.00) or a total of Seven Hundred  
787 Forty Thousand Dollars (\$740,000.00).

788 (ii) Any county that has received one (1) fire  
789 truck under this section is eligible to submit applications for  
790 eleven (11) fire trucks as follows: five (5) fire trucks at not  
791 more than Fifty Thousand Dollars (\$50,000.00) per truck and five  
792 (5) fire trucks at not more than Seventy Thousand Dollars  
793 (\$70,000.00) per truck, and one (1) fire truck at not more than  
794 Ninety Thousand Dollars (\$90,000.00) or a total of Six Hundred  
795 Ninety Thousand Dollars (\$690,000.00).

796 (iii) Any county that has received two (2) fire  
797 trucks under this section is eligible to submit an application for  
798 ten (10) fire trucks as follows: four (4) fire trucks at not more  
799 than Fifty Thousand Dollars (\$50,000.00) per truck and five (5)  
800 fire trucks at not more than Seventy Thousand Dollars (\$70,000.00)  
801 per truck, and one (1) fire truck at not more than Ninety Thousand  
802 Dollars (\$90,000.00) or a total of not more than Six Hundred Forty  
803 Thousand Dollars (\$640,000.00).

804 (iv) Any county that has received three (3) fire  
805 trucks under this section is eligible to submit an application for  
806 nine (9) fire trucks as follows: three (3) fire trucks at not  
807 more than Fifty Thousand Dollars (\$50,000.00) per truck and five  
808 (5) fire trucks at not more than Seventy Thousand Dollars





809 (\$70,000.00) per truck, and one (1) fire truck at not more than  
810 Ninety Thousand Dollars (\$90,000.00) or a total of not more than  
811 Five Hundred Ninety Thousand Dollars (\$590,000.00).

812 (v) Any county that has received four (4) fire  
813 trucks under this section is eligible to submit an application for  
814 eight (8) fire trucks as follows: two (2) fire trucks at not more  
815 than Fifty Thousand Dollars (\$50,000.00) per truck and five (5)  
816 fire trucks at not more than Seventy Thousand Dollars (\$70,000.00)  
817 per truck, and one (1) fire truck at not more than Ninety Thousand  
818 Dollars (\$90,000.00) or a total of not more than Five Hundred  
819 Forty Thousand Dollars (\$540,000.00).

820 (vi) Any county that has received five (5) fire  
821 trucks under this section is eligible to submit an application for  
822 seven (7) fire trucks as follows: one (1) fire truck at not more  
823 than Fifty Thousand Dollars (\$50,000.00) per truck and five (5)  
824 fire trucks at not more than Seventy Thousand Dollars (\$70,000.00)  
825 per truck, and one (1) fire truck at not more than Ninety Thousand  
826 Dollars (\$90,000.00) or a total of not more than Four Hundred  
827 Ninety Thousand Dollars (\$490,000.00).

828 (vii) Any county that has received six (6) fire  
829 trucks under this section is eligible to submit an application for  
830 six (6) fire trucks as follows: five (5) fire trucks at not more  
831 than Seventy Thousand Dollars (\$70,000.00) per truck, and one (1)  
832 fire truck at not more than Ninety Thousand Dollars (\$90,000.00)



833 or a total of not more than Four Hundred Forty Thousand Dollars  
834 (\$440,000.00).

835 (viii) Any county that has received seven (7) fire  
836 trucks under this section is eligible to submit an application for  
837 five (5) fire trucks as follows: four (4) fire trucks at not more  
838 than Seventy Thousand Dollars (\$70,000.00) per truck, and one (1)  
839 fire truck at not more than Ninety Thousand Dollars (\$90,000.00)  
840 or a total of not more than Three Hundred Seventy Thousand Dollars  
841 (\$370,000.00).

842 (ix) Any county that has received eight (8) fire  
843 trucks under this section is eligible to submit an application for  
844 four (4) fire trucks as follows: three (3) fire trucks at not  
845 more than Seventy Thousand Dollars (\$70,000.00) per truck, and one  
846 (1) fire truck at not more than Ninety Thousand Dollars  
847 (\$90,000.00) or a total of not more than Three Hundred Thousand  
848 Dollars (\$300,000.00).

849 (x) Any county that has received nine (9) fire  
850 trucks under this section is eligible to submit an application for  
851 three (3) fire trucks as follows: two (2) fire truck at not more  
852 than Seventy Thousand Dollars (\$70,000.00) per truck, and one (1)  
853 fire truck at not more than Ninety Thousand Dollars (\$90,000.00)  
854 or a total of not more than Two Hundred Thirty Thousand Dollars  
855 (\$230,000.00).

856 (xi) Any county that has received ten (10) fire  
857 trucks under this section is eligible to submit an application for



858 two (2) fire trucks as follows: one (1) fire truck at not more  
859 than Seventy Thousand Dollars (\$70,000.00) per truck, and one (1)  
860 fire truck at not more than Ninety Thousand Dollars (\$90,000.00)  
861 or a total of not more than One Hundred Sixty Thousand Dollars  
862 (\$160,000.00).

863 (xii) Any county that has received eleven (11)  
864 fire trucks under this section is eligible to submit an  
865 application for one (1) fire truck at not more than Ninety  
866 Thousand Dollars (\$90,000.00).

867 (xiii) Any county may apply for one (1) fire truck  
868 at not more than Ninety Thousand Dollars (\$90,000.00) as provided  
869 in subparagraph (xii), provided that the county agrees to forego  
870 any previous fire truck for which the county has not previously  
871 applied, and that the county has received approval from the Rural  
872 Fire Truck Acquisition Assistance Program Committee to apply for  
873 and receive a truck under subparagraph (xii).

874 (b) The board of supervisors of the county shall submit  
875 its request for the receipt of monies to the Department of  
876 Insurance. A committee composed of the Commissioner of Insurance,  
877 the State Fire Coordinator, the Director of the Rating Bureau and  
878 the Director of the State Fire Academy shall review the requests  
879 by the boards of supervisors and shall determine whether the  
880 county or municipality for which the board of supervisors has  
881 requested a truck meets the requirements of eligibility under this  
882 chapter.



883                   (c) To be eligible to receive monies under this  
884 chapter:

885                   (i) A county or municipality must pledge to set  
886 aside or dedicate each year as matching funds, for a period not to  
887 extend over ten (10) years, local funds in an amount equal to or  
888 not less than one-tenth (1/10) of the amount of monies for which  
889 it is requesting distribution from the Rural Fire Truck Fund,  
890 which pledged monies may be derived from local ad valorem tax  
891 authorized by law or from any other funds available to the county  
892 or municipality, except for those funds received by municipalities  
893 or counties from the Municipal Fire Protection Fund or the County  
894 Volunteer Fire Department Fund, as defined in Sections 83-1-37 and  
895 83-1-39.

896                   (ii) A municipality must provide adequate  
897 documentation of its contract with the county that requires the  
898 municipality to provide fire protection in rural areas. The term  
899 "rural areas" means any area within the county located outside the  
900 boundaries of an incorporated municipality or any incorporated  
901 municipality with a population of two thousand five hundred  
902 (2,500) or less.

903                   (d) The Department of Insurance shall maintain an  
904 accurate record of all monies distributed to counties and  
905 municipalities and the number of fire trucks purchased and the  
906 cost for each fire truck, such records to be kept separate from  
907 other records of the Department of Insurance; notify counties and



908 municipalities of the Rural Fire Truck Acquisition Assistance  
909 Program and the requirements for them to become eligible to  
910 participate; adopt and promulgate such rules and regulations as  
911 may be necessary and desirable to implement the provisions of this  
912 chapter; and file with the Legislature a report detailing how  
913 monies made available under this chapter were distributed and  
914 spent during the preceding portion of the fiscal year in each  
915 county and municipality, the number of fire trucks purchased, the  
916 counties and municipalities making such purchases, and the cost of  
917 each fire truck purchased.

918       **SECTION 16.** This act shall take effect and be in force from  
919 and after July 1, 2019, and shall stand repealed on June 30, 2019.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1       AN ACT TO AMEND SECTION 83-34-1, MISSISSIPPI CODE OF 1972, TO  
2 DEFINE CERTAIN TERMS AS USED IN THE MISSISSIPPI WINDSTORM  
3 UNDERWRITING ASSOCIATION LAW; TO AMEND SECTION 83-34-3,  
4 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND REENACTED  
5 SECTION 83-34-4, MISSISSIPPI CODE OF 1972, TO DIVERT A CERTAIN  
6 AMOUNT OF FUNDS DERIVED FROM THE NONADMITTED POLICY FEE INTO THE  
7 RURAL FIRE TRUCK FUND OR SUPPLEMENTARY RURAL FIRE TRUCK FUND, AND  
8 TO EXTEND THE REPEALER ON THE SECTION; TO AMEND SECTION 83-34-5,  
9 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 83-34-7,  
10 MISSISSIPPI CODE OF 1972, TO REVISE THE MEMBERSHIP OF THE BOARD OF  
11 DIRECTORS OF THE ASSOCIATION; TO AMEND SECTION 83-34-9,  
12 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION  
13 83-34-10, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ASSOCIATION  
14 TO LEVY RECOUPABLE AND NONRECOUPABLE ASSESSMENTS UPON THE  
15 OCCURRENCE OF CERTAIN EVENTS, TO PROVIDE THAT THE MINIMUM RESERVE  
16 SHALL NOT BE CONSIDERED AS FUNDS AVAILABLE TO THE ASSOCIATION IN  
17 DETERMINING WHETHER TO LEVY A RECOUPABLE OR NONRECOUPABLE  
18 ASSESSMENT, AND TO SET THE MAXIMUM TOTAL OF NONRECOUPABLE  
19 ASSESSMENTS; TO AMEND SECTION 83-34-12, MISSISSIPPI CODE OF 1972,  
20 IN CONFORMITY; TO AMEND SECTION 83-34-13, MISSISSIPPI CODE OF



21 1972, TO PROVIDE THAT THE ASSOCIATION'S PLAN OF OPERATION MAY  
22 INCLUDE THE ESTABLISHMENT OF A MINIMUM RESERVE; TO AMEND SECTIONS  
23 83-34-23 AND 83-34-31, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO  
24 AMEND SECTION 83-34-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE  
25 COMMISSIONER OF INSURANCE TO IMPLEMENT AN EXCESS DEFICIT SURCHARGE  
26 FOR COVERED EVENT LOSSES ON ALL PROPERTY AND CASUALTY PREMIUMS; TO  
27 AMEND SECTION 83-34-35, MISSISSIPPI CODE OF 1972, IN CONFORMITY;  
28 TO REPEAL SECTION 83-34-11, MISSISSIPPI CODE OF 1972, WHICH  
29 IMPLEMENTS A SURCHARGE ON ALL PROPERTY AND CASUALTY PREMIUMS FOR  
30 THE PURPOSE OF REIMBURSING ASSESSABLE INSURERS WHO PAID A REGULAR  
31 ASSESSMENT; TO BRING FORWARD SECTION 17-23-1, MISSISSIPPI CODE OF  
32 1972, FOR PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

