

Senate Amendments to House Bill No. 982

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

11 **SECTION 1.** Section 7, Chapter 467, Laws of 2019, which
12 provides for the effective date of the Mississippi First
13 Responders Health and Safety Act, is amended as follows:

14 Section 7. This act shall take effect and be in force from
15 and after July 1, * * * 2022.

16 **SECTION 2.** Section 25-15-409, Mississippi Code of 1972, is
17 amended as follows:

18 25-15-409. (1) The state, municipality, county or fire
19 protection district shall, no later than January 1, * * * 2023,
20 show proof of insurance coverage that meets the requirements of
21 this article to the * * * Commissioner of Insurance, or shall show
22 satisfactory proof of the ability to pay such compensation to
23 ensure adequate coverage for all eligible first responders.

24 (2) The * * * Commissioner of Insurance shall adopt such
25 rules and regulations as are reasonable and necessary to implement
26 the provisions of this article. Such regulations shall include
27 the process by which a first responder files a claim for cancer

28 and the process by which claimants can appeal a denial of
29 benefits.

30 (3) The * * * Commissioner of Insurance shall adopt rules to
31 establish firefighter cancer prevention best practices as it
32 relates to personal protective equipment, decontamination, fire
33 suppression, apparatus and fire stations.

34 **SECTION 3.** Section 83-34-4, Mississippi Code of 1972, is
35 brought forward as follows:

36 83-34-4. (1) Nonadmitted insurers shall not be assessable
37 insurers of the association. All surplus lines insurance
38 producers placing insurance through nonadmitted insurers shall
39 collect from the insured and remit to the association a
40 nonadmitted policy fee on all premiums for all insurance written
41 by such surplus lines insurance producer for a policy from a
42 nonadmitted insurer for any and all risks in this state, except
43 that policies or portions thereof that cover residential
44 earthquake risks or residential flood risks that are not written
45 through the National Flood Insurance Program shall be exempt from
46 the nonadmitted policy fee. By procuring or selling insurance on
47 property in this state from a nonadmitted insurer, each surplus
48 lines insurance producer placing insurance through a nonadmitted
49 insurer agrees to be bound by the provisions of this chapter and
50 to collect and remit the nonadmitted policy fee provided for
51 herein.

52 (2) The nonadmitted policy fee shall be a percentage of the
53 total policy premium but the nonadmitted policy fee shall not be

54 considered premium and is not subject to premium taxes or
55 commissions. However, failure to pay the nonadmitted policy fee
56 shall be treated the same as failure to pay premium. "Total
57 policy premium" includes taxes and commissions.

58 (3) The nonadmitted policy fee percentage shall be three
59 percent (3%).

60 (4) Within twenty (20) days of the end of the quarter,
61 surplus lines insurance producers placing insurance through
62 nonadmitted insurers shall remit directly to the association all
63 nonadmitted policy fees collected in the preceding quarter. In
64 addition to the nonadmitted policy fee provided for herein,
65 surplus lines insurance producers placing insurance through
66 nonadmitted insurers shall collect and remit excess deficit
67 surcharges as provided by this chapter. Surplus lines insurance
68 producers placing insurance through nonadmitted insurers may
69 designate another surplus lines insurance producer that actually
70 procured the insurance from the nonadmitted carrier to collect and
71 remit the nonadmitted policy fees.

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

79 (6) Monies derived from the nonadmitted policy fee collected
80 under this section may be used by the association, in addition to
81 any uses provided for in Section 83-34-3(4), for education, public
82 outreach, training of building officials and other programs
83 targeted to reduce the number of policies within the association;
84 however, beginning on July 1, 2018, and ending on June 30, 2019,
85 before any fees are remitted to the association, One Million Five
86 Hundred Thousand Dollars (\$1,500,000.00) shall be diverted and
87 deposited into the Capital Expense Fund, and Four Million Five
88 Hundred Thousand Dollars (\$4,500,000.00) shall be diverted and
89 deposited into the Rural Fire Truck Fund or Supplementary Rural
90 Fire Truck Fund. Further, beginning July 1, 2019, and ending on
91 June 30, 2020, before any fees are remitted to the association,
92 Three Million Five Hundred Thousand Dollars (\$3,500,000.00) shall
93 be diverted and deposited into the Rural Fire Truck Fund or
94 Supplementary Rural Fire Truck Fund.

95 (7) This section shall stand repealed from and after July 1,
96 2022.

97 **SECTION 4.** Section 83-34-7, Mississippi Code of 1972, is
98 brought forward as follows:

99 83-34-7. (1) The Board of Directors of the Mississippi
100 Insurance Underwriting Association as presently constituted shall
101 serve as the temporary board of directors of the association.
102 Such temporary board of directors shall prepare and submit a plan
103 of operation in accordance with Section 83-34-13 and shall serve
104 until the permanent board of directors shall take office in

105 accordance with the plan of operation. The permanent board shall
106 consist of five (5) representatives of the members to be appointed
107 by the temporary board of directors subject to the approval of the
108 commissioner and three (3) agents from the coast area to be
109 appointed by the commissioner. The terms of the members of the
110 board of directors in place before March 22, 2007, shall expire on
111 March 22, 2007, and such persons shall cease to serve on the board
112 and shall relinquish all power and control of the association.

113 (2) (a) From and after March 22, 2007, the board of
114 directors of the association shall consist of the following:

115 (i) The State Treasurer;

116 (ii) Five (5) of the assessable insurer companies,
117 three (3) to be appointed by the commissioner, one (1) to be
118 appointed by the Governor, and one (1) to be appointed by the
119 Lieutenant Governor; each such assessable insurer appointed shall
120 designate a representative knowledgeable in the matters of the
121 association and authorize such representative to act and vote on
122 its behalf;

123 (iii) Three (3) agents with no less than ten (10)
124 years' experience in the property and casualty industry, two (2)
125 of whom are residents in the coast area, and one (1) of whom is
126 not a resident of the coast area; one (1) such coast area agent to
127 be appointed by the Governor, one (1) such coast area agent to be
128 appointed by the Lieutenant Governor, and the noncoast area agent
129 to be appointed by the commissioner; and

130 (iv) Two (2) business leaders who have been
131 residents of the coast area for no less than ten (10) years and
132 who have no less than ten (10) years' experience in management of
133 a business, one (1) to be appointed by the Governor, and one (1)
134 to be appointed by the Lieutenant Governor.

135 (b) Except for the State Treasurer, the board members
136 shall serve three-year terms with each term beginning on January
137 1, and the initial terms shall be staggered in the following
138 manner:

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

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

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

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

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

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

160 (vii) The initial term for one (1) of the business
161 leaders shall begin on March 22, 2007, and expire on December 31,
162 2010, thereafter to be appointed for three-year terms;

163 (viii) The initial term for one (1) of the
164 business leaders shall begin on March 22, 2007, and expire on
165 December 31, 2008, thereafter to be appointed for three-year
166 terms.

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

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

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

175 **SECTION 5.** This act shall take effect and be in force from
176 and after July 1, 2020, and shall stand repealed on June 30, 2020.

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

1 AN ACT TO AMEND SECTION 7, CHAPTER 467, LAWS OF 2019, TO
2 REVISE THE EFFECTIVE DATE OF THE MISSISSIPPI FIRST RESPONDERS
3 HEALTH AND SAFETY ACT; TO AMEND SECTION 25-15-409, MISSISSIPPI
4 CODE OF 1972, TO REVISE THE DATE BY WHICH THE STATE, MUNICIPALITY,
5 COUNTY OR FIRE PROTECTION DISTRICT MUST SHOW PROOF OF INSURANCE
6 COVERAGE THAT MEETS THE REQUIREMENTS OF THE MISSISSIPPI FIRST
7 RESPONDERS HEALTH AND SAFETY ACT; TO BRING FORWARD SECTIONS
8 83-34-4 AND 83-34-7, MISSISSIPPI CODE OF 1972, FOR PURPOSE OF
9 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

SS36\HB982A.J

Eugene S. Clarke
Secretary of the Senate