

By: Representative Zuber

To: Insurance

HOUSE BILL NO. 819
(As Passed the House)

1 AN ACT TO AMEND SECTION 83-1-37, MISSISSIPPI CODE OF 1972, TO
2 INCREASE FUNDS UNDER THE MUNICIPAL FIRE PROTECTION FUND; TO ALLOW
3 USE OF FIRE REBATE MONIES FOR EMERGENCY MEDICAL SERVICES TRAINING
4 AND EQUIPMENT; TO AMEND SECTION 83-1-39, MISSISSIPPI CODE OF 1972,
5 TO INCREASE FUNDS UNDER THE COUNTY VOLUNTEER FIRE PROTECTION FUND;
6 TO ALLOW USE OF FIRE REBATE MONIES FOR EMERGENCY MEDICAL SERVICES
7 TRAINING AND EQUIPMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 83-1-37, Mississippi Code of 1972, is
10 amended as follows:

11 83-1-37. (1) The Department of Revenue shall pay for credit
12 to a fund known as the "Municipal Fire Protection Fund," the sum
13 of * * * Seven Million Five Hundred Thousand Dollars
14 (\$7,500,000.00) annually out of the insurance premium tax
15 collected annually from the taxes levied on the gross premiums on
16 fire insurance policies written on properties in this state, under
17 Sections 27-15-103 through 27-15-127. The State Treasurer shall
18 credit this amount to the Municipal Fire Protection Fund. This
19 fund shall be set aside and earmarked for payment to
20 municipalities in this state, as hereinafter provided.



21 (2) Using 1990 as a base year, the Department of Revenue
22 shall pay over annually to the State Treasurer, for credit to the
23 "Municipal Fire Protection Fund," an amount representing one-half
24 of ten percent (1/2 of 10%) of any growth after 1990 of the
25 insurance premium tax collected annually from the taxes levied on
26 the gross premium on fire insurance policies written on properties
27 in this state, under Sections 27-15-103 through 27-15-127.

28 (3) The fund hereby created and denominated "Municipal Fire
29 Protection Fund" shall be apportioned and paid over by the
30 Department of Insurance to the incorporated municipalities
31 certified as eligible to participate in the fund by the
32 Commissioner of Insurance, and shall be distributed * * * in the
33 following manner annually: each municipality shall be paid Six
34 Thousand Dollars (\$6,000.00), with the remainder of the monies to
35 be paid on a population basis, to be determined by the most recent
36 federal census * * *. Municipalities receiving these funds shall
37 earmark such monies for fire protection services.

38 * * *

39 (* * *4) The amount paid under subsections (1) and (2) of
40 this section to a municipality shall be used and expended in
41 accordance with the guidelines established by the Commissioner of
42 Insurance authorized by Section 45-11-7, * * * for the training of
43 municipal personnel as needed for the adoption of and compliance
44 with the minimum building codes as established and promulgated by
45 the Mississippi Building Codes Council, * * * for windstorm



46 mitigation programs as approved by the Commissioner of Insurance,
47 and for emergency medical service training and equipment as
48 provided by municipal fire protection services. A municipality
49 may provide reasonable remuneration to municipal volunteer
50 firefighters in accordance with the guidelines established by the
51 Commissioner of Insurance authorized by Section 45-11-7.

52 (* * *5) Each municipality shall levy a tax of not less
53 than one-fourth (1/4) mill on all property of the municipality or
54 appropriate the avails of not less than one-fourth (1/4) mill from
55 the municipality's general fund for fire protection purposes.
56 Municipalities may allow such millage to be collected by the
57 county. Each municipality shall annually provide the Commissioner
58 of Insurance and the State Fire Coordinator on a form provided by
59 the State Fire Coordinator a report stating whether the
60 municipality is levied the one-fourth (1/4) mill hereby required
61 or in lieu thereof is allowing such millage to be collected by the
62 county.

63 (6) The Commissioner of Insurance may promulgate rules and
64 regulations to establish guidelines for the use of fire rebate
65 funds.

66 **SECTION 2.** Section 83-1-39, Mississippi Code of 1972, is
67 amended as follows:

68 83-1-39. (1) The Department of Revenue shall pay over to
69 the State Treasurer, to be credited to a fund entitled "County
70 Volunteer Fire Department Fund," the sum of * * * Seven Million



71 Five Hundred Thousand Dollars (\$7,500,000.00) annually out of the
72 insurance premium tax in addition to the amount collected by it
73 under the provisions of Section 27-15-103 et seq. Such funds,
74 hereinafter referred to as insurance rebate monies, are hereby
75 earmarked for payment to the various counties of the state and
76 shall be paid over to the counties by the Department of Insurance
77 in the following manner: each county shall be paid Thirty
78 Thousand Dollars (\$30,000.00), with the remainder of the monies to
79 be paid on the basis of the population of each county as it
80 compares to the population of participating counties, not counting
81 residents of any municipality. Such insurance rebate monies shall
82 only be distributed to those counties which are in compliance with
83 subsections (5) and (6) of this section. * * *

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

92 (3) Insurance rebate monies shall be expended by the board
93 of supervisors for fire protection purposes of each county for the
94 following categories:



95 (a) For training expenses, including emergency medical
96 services training;

97 (b) Purchase of equipment, purchase of fire trucks,
98 repair and refurbishing of fire trucks and firefighting equipment,
99 for emergency medical services equipment, and capital construction
100 anywhere in the county or pledging as security for a period of not
101 more than ten (10) years for such purchases;

102 (c) Purchase of insurance on county-owned firefighting
103 or emergency medical services equipment;

104 (d) Fire protection service contracts, including, but
105 not limited to, municipalities, legal fire protection districts,
106 and nonprofit corporations providing or coordinating fire service
107 or emergency medical services in or out of the county;

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

111 (f) Training of any county personnel as needed for the
112 adoption of and compliance with the codes established and
113 promulgated by the Mississippi Building Codes Council or for
114 windstorm mitigation programs as approved by the Commissioner of
115 Insurance * * *;

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



119 (h) At the option of the board of supervisors, a county
120 may provide reasonable remuneration to volunteer firefighters in
121 accordance with the guidelines established by the Commissioner of
122 Insurance authorized by Section 45-11-7; or

123 (i) For any use allowed in accordance with the
124 guidelines as established by the Commissioner of Insurance.

125 (4) Insurance rebate monies not expended in a given fiscal
126 year for fire protection purposes shall be placed in a special
127 fund with a written plan approved by the Commissioner of Insurance
128 for disposition and expenditure of such monies. After the
129 contracts for fire protection services have been approved and
130 accepted by the board of supervisors, the monies shall be released
131 to be expended in such manner as provided by this section.

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

134 (a) Designates a county fire service coordinator who is
135 responsible for seeing that standard guidelines established by the
136 Commissioner of Insurance pursuant to Section 45-11-7(9),
137 Mississippi Code of 1972, are followed. The county fire
138 coordinator must demonstrate that he possesses fire-related
139 knowledge and experience;

140 (b) Designates one (1) member of the sheriff's
141 department to be the county fire investigator and, from and after
142 July 1, 2008, requires the designated member of the sheriff's
143 department to attend the State Fire Academy to be trained in arson



144 investigation; however, in the event of a loss of the county fire
145 investigator due to illness, death, resignation, discharge or
146 other legitimate cause, notice shall be immediately given to the
147 Commissioner of Insurance and the county may continue to receive
148 payments on an interim basis for a period not to exceed one (1)
149 year;

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

152 (d) Counties shall levy a tax of not less than
153 one-fourth (1/4) mill on all property of the county or appropriate
154 avails of not less than one-fourth (1/4) mill from the county's
155 general fund for fire protection purposes. Municipalities making
156 a written declaration to the county that they fund and provide
157 their own fire services shall be exempted from this levy. This
158 levy shall be used for fire protection purposes which include, but
159 are not limited to, contracting with any provider of fire
160 protection services.

161 (6) (a) No funds shall be paid by the county to any
162 provider of fire protection services except in accordance with a
163 written contract entered into in accordance with guidelines
164 established by the Commissioner of Insurance and properly approved
165 by the board of supervisors and Commissioner of Insurance. No
166 county shall distribute funds to any fire service provider which
167 has not met the reporting requirements required by the
168 Commissioner of Insurance. At such time that a fire protection



169 services provider, particularly a county volunteer fire
170 department, a municipality or a fire protection district, has
171 fulfilled the obligations of the written contract and has met the
172 reporting requirements provided for in this subsection and the
173 board of supervisors has received the insurance rebate monies, the
174 board of supervisors shall disburse the appropriate amount to the
175 fire protection services provider within a reasonable time, not to
176 exceed six (6) weeks, from the time such requirements are met.
177 Insurance rebate monies used for the purposes of contracting shall
178 be expended by the fire service provider for capital construction,
179 training expenses, purchase of firefighting equipment, including
180 payments on any loans made for the purpose of purchasing
181 firefighting equipment, * * * purchase of insurance for any fire
182 equipment owned or operated by the provider, and for training and
183 equipment of emergency medical services as provided by fire
184 protection services.

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

190 (7) The board of supervisors of any county may contribute
191 funds directly to any provider of fire protection services serving
192 such county. Such contributions must be used for fire protection



193 purposes as may be reasonably established by the Commissioner of
194 Insurance.

195 (8) Any municipal, county or local water association or
196 other utility district supplying water may, upon adoption of a
197 resolution authorizing such action, contribute free of charge to a
198 volunteer fire department or fire protection district serving such
199 local government, political subdivision or utility district such
200 water as is necessary for firefighting or training activities of
201 such volunteer fire department or fire protection district.

202 (9) The board of supervisors of any county may, in its
203 discretion, grade, gravel, shell and/or maintain real property of
204 a county volunteer fire department, including roads or driveways
205 thereof, as necessary for the effective and safe operation of such
206 county volunteer fire department. Any action taken by the board
207 of supervisors under the authority of this subsection shall be
208 spread upon the minutes of the board of supervisors when the work
209 is authorized.

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

215 (11) The Commissioner of Insurance may promulgate rules and
216 regulations to establish guidelines for the use of fire rebate
217 funds.



218 **SECTION 3.** (1) There is created in the State Treasury a
219 special fund to be designated as the "Mississippi First Responders
220 Health and Safety Trust Fund" to be administered by the
221 Commissioner of Insurance to assist the state, municipalities,
222 counties and fire protection districts with providing benefits
223 required by the Mississippi First Responders Health and Safety
224 Act. This fund shall consist of monies provided to it through the
225 provisions of subsection (2) of this section, and any monies which
226 may be appropriated to it by the Legislature. Unexpended amounts
227 remaining in the fund at the end of a fiscal year shall not lapse
228 into the State General Fund, and any interest earned on amounts in
229 the fund shall be deposited to the credit of the fund.

230 (2) The Department of Revenue shall pay for credit to the
231 fund created under subsection (1) of this section the sum of Five
232 Hundred Thousand Dollars (\$500,000.00) annually out of the
233 insurance premium tax collected annually from the taxes levied on
234 the gross premiums on fire insurance policies written on
235 properties in this state.

236 **SECTION 4.** This act shall take effect and be in force from
237 and after July 1, 2022.

