

By: Representative Zuber

To: Insurance;  
Appropriations

HOUSE BILL NO. 1219

1 AN ACT TO AMEND SECTIONS 45-11-3, 45-11-5 AND 45-11-7,  
2 MISSISSIPPI CODE OF 1972, TO RETURN THE STATE FIRE ACADEMY AND  
3 STATE FIRE MARSHAL'S OFFICE TO A SPECIAL FUND AGENCY; TO AMEND  
4 SECTION 27-104-205, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR  
5 RELATED PURPOSES.

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

7 **SECTION 1.** Section 45-11-3, Mississippi Code of 1972, is  
8 amended as follows:

9 45-11-3. Whenever the State Chief Deputy Fire Marshal, or  
10 his authorized representative, shall be advised by interested  
11 persons of a dangerous or hazardous inflammable condition existing  
12 in any building that would tend to impair the safety of persons or  
13 property, he shall take proper proceedings, including furnishing  
14 of all information in regard thereto to the Attorney General who  
15 shall, if he finds such evidence sufficient, bring injunctive  
16 proceedings to have the condition corrected. Provided that this  
17 section may not apply in any instance where local fire departments  
18 or other local agencies have the authority to correct such  
19 conditions.



20 \* \* \*

21 **SECTION 2.** Section 45-11-5, Mississippi Code of 1972, is  
22 amended as follows:

23 45-11-5. (1) Any expense, including office supplies,  
24 counsel fees, expenses of deputy, detective and officers, incurred  
25 by the Commissioner of Insurance in the performance of the duties  
26 imposed upon him by Sections 45-11-1 and 45-11-3, and the  
27 operation of the State Fire Academy, as provided in Section  
28 45-11-7, shall be defrayed by all insurance companies, including  
29 stock, mutuals and reciprocals writing fire insurance, including  
30 the fire insurance components of automobile insurance, dwelling  
31 multiple peril insurance, farm multiple peril insurance and  
32 commercial multiple peril insurance, doing business in this state;  
33 and a tax of one-half of one percent (1/2 of 1%) of the gross  
34 premium receipts of these fire insurance policies is hereby levied  
35 for this purpose to be collected by the \* \* \* Department of  
36 Revenue in the same manner as the general tax on premiums is  
37 collected as provided in Section 25-15-107. In the case of  
38 indivisible multiple peril insurance policies when the fire  
39 portion of the policy is not specified, a tax of one-half of one  
40 percent (1/2 of 1%) is hereby levied on forty-five percent (45%)  
41 of the gross premium receipts of these policies.

42 (2) There is created a separate account known as the "State  
43 Fire Academy Fund" for support of the State Fire Academy. Not  
44 later than the fifteenth of the month succeeding the month in



45 which taxes under subsection (1) are collected, the State  
46 Treasurer shall transfer into this account all taxes collected  
47 under subsection (1) for the operation of the State Fire Academy.  
48 The annual expenditure for the operation of the academy shall not  
49 exceed the amount in the account; however, any unexpended funds  
50 remaining in the account at the close of the fiscal year may be  
51 carried over for use in the ensuing years.

52 (3) (a) A tax of one-half of one percent (1/2 of 1%) is  
53 hereby levied on the gross premium receipts of all insurance  
54 policies taxed in subsection (1).

55 (b) Not later than the fifteenth day of each month, the  
56 State Treasurer shall disburse the revenue from the tax levied in  
57 this subsection as follows:

58 (i) Fifty percent (50%) shall be transferred into  
59 the Municipal Fire Protection Fund in Section 83-1-37; and

60 (ii) Fifty percent (50%) shall be transferred to  
61 the County Volunteer Fire Department Fund in Section 83-1-39.

62 (4) All taxes shall be deposited into the Treasury as  
63 provided in Section 7-7-21. The \* \* \* Department of Revenue shall  
64 keep separate accounts of all taxes collected under this section  
65 and shall include these accounts in its annual report.

66 \* \* \*

67 **SECTION 3.** Section 45-11-7, Mississippi Code of 1972, is  
68 amended as follows:



69           45-11-7. (1) There is hereby created a State Fire Academy  
70 for the training and education of persons engaged in municipal,  
71 county and industrial fire protection. The Commissioner of  
72 Insurance shall appoint an Executive Director of the State Fire  
73 Academy who, along with his employees, shall be designated as a  
74 division of the Insurance Department. The executive director  
75 shall serve at the pleasure of the Commissioner of Insurance. The  
76 State Fire Academy shall be under the supervision and direction of  
77 the Executive Director of the State Fire Academy. State Fire  
78 Academy training programs for fire personnel shall be conducted at  
79 the academy with seminars to be conducted in other sections of the  
80 state as and when the State Fire Academy Advisory Board considers  
81 it necessary and advisable.

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

87           The Executive Director of the State Fire Academy is  
88 authorized and empowered to purchase, operate and maintain mobile  
89 firefighting equipment as he may find necessary and proper for the  
90 operation of the academy subject to approval of the Commissioner  
91 of Insurance. The equipment may be utilized wherever training  
92 sessions may be held at the discretion of the State Fire Academy  
93 Advisory Board.



94           (2) The Commissioner of Insurance shall be authorized to  
95 undertake appropriate action to accomplish and fulfill the  
96 purposes of the State Fire Academy, including the hiring of  
97 instructors and personnel, the lease and purchase of appropriate  
98 training equipment and to lease, purchase or construct suitable  
99 premises and quarters for conducting annual school and seminars,  
100 as the State Fire Academy Advisory Board may deem necessary and  
101 required for such purposes. Any contract entered into under and  
102 by virtue of the provisions of this section shall first be  
103 submitted to and approved by the Public Procurement Review Board,  
104 and construction pursuant to the contract shall be under the  
105 supervision of the Governor's Office of General Services.

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

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

117           (5) Each state agency, private agency or federal agency  
118 which provides training for the fire service shall coordinate such



119 efforts with the State Fire Academy to prevent duplication of cost  
120 and to \* \* \* ensure standardization of training.

121 (6) The State Fire Academy shall present an appropriate  
122 certificate signifying the successful completion of its prescribed  
123 courses.

124 (7) National firefighter standards approved by the  
125 Mississippi Fire Personnel Minimum Standards and Certification  
126 Board shall be used as the basis for classroom instruction at the  
127 fire academy.

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

132 (9) The Commissioner of Insurance is hereby authorized and  
133 empowered to establish standard guidelines for the use of, and  
134 accountability for, municipal and county fire protection funds  
135 distributed pursuant to the provisions of Sections 83-1-37 and  
136 83-1-39, Mississippi Code of 1972. Such guidelines shall include  
137 requirements for the establishment of record keeping and reports  
138 to the Commissioner of Insurance by municipalities and counties  
139 relating to the receipt and expenditure of fire protection funds,  
140 the training of fire department personnel and the submission to  
141 the Commissioner of Insurance of other data reasonably related to  
142 local fire protection responsibilities which the Commissioner of



143 Insurance deems necessary for the performance of the duties of the  
144 State Fire Academy Advisory Board.

145 (10) In order that the Commissioner of Insurance may more  
146 effectively execute the duties imposed upon him by subsection (9)  
147 of this section, there is hereby created within the State Fire  
148 Academy a Division of Fire Services Development. The division  
149 shall be staffed by a Fire Services Development Coordinator,  
150 appointed by the executive director of the academy from his  
151 current staff and by such other personnel as deemed by the  
152 Commissioner of Insurance. The division shall work with municipal  
153 and county fire coordinators to ensure effective implementation of  
154 guidelines established pursuant to subsection (9) of this section  
155 and shall serve in an advisory capacity for all aspects of fire  
156 service improvement. The Fire Service Coordinator shall annually  
157 notify the Department of Finance and Administration of those  
158 municipalities and counties which are not eligible to receive a  
159 portion of fire protection fund distributions because of failure  
160 to comply with requirements imposed in Sections 83-1-37 and  
161 83-1-39 as a prerequisite to receipt of such funds.

162 (11) There is created in the State Treasury a separate  
163 account to be known as the "State Fire Academy Construction Fund."  
164 The State Treasurer shall transfer on July 1, 1997, the sum of Six  
165 Hundred Seventy-five Thousand Dollars (\$675,000.00) and on July 1,  
166 1998, the sum of Six Hundred Seventy-five Thousand Dollars  
167 (\$675,000.00) from the State Fire Academy Fund 3502 into the



168 separate account created in this subsection. Monies in such  
169 account shall be expended solely, upon legislative appropriations,  
170 to defray expenses related to the construction of capital  
171 improvements project known as "Fire Safety and Education Building"  
172 and parking areas at the State Fire Academy by the Bureau of  
173 Building, Grounds and Real Property Management of the Office of  
174 General Services and to pay any indebtedness incurred to  
175 accomplish such construction. Funds not used after the completion  
176 of this capital improvements project shall be transferred back  
177 into State Fund 3502.

178 \* \* \*

179 ( \* \* \*12) The State Fire Academy is designated as an  
180 authorized training program for Emergency Medical Response and  
181 Emergency Medical Technician, and is authorized to provide initial  
182 and national continued competency program training, including  
183 Emergency Medical Responder, Emergency Medical Technician-Basic  
184 and Emergency Medical Technician-Advanced. The State Fire Academy  
185 shall be limited to a total of one hundred twenty (120) students  
186 per year for such Emergency Medical Responder, Emergency Medical  
187 Technician-Basic and Emergency Medical Technician-Advanced  
188 training. The training program established by the State Fire  
189 Academy shall meet or exceed the requirements of the most current  
190 training program national standard curriculum as developed by the  
191 United States Department of Transportation, National Highway  
192 Traffic Safety Administration, and shall also meet the minimum





193 testing and certification requirements established by the State  
194 Board of Health. Successful graduates of the State Fire Academy  
195 Emergency Medical Response and Emergency Medical Technician  
196 training shall be eligible for certification by the State Board of  
197 Health for the training level achieved, provided that their  
198 training meets or exceeds the minimum testing and certification  
199 requirements established by the State Board of Health for these  
200 respective skills, and such certification may be obtained in  
201 coordination with the State Board of Health pursuant to Chapters  
202 59 and 60, Title 41, Mississippi Code of 1972.

203 **SECTION 4.** Section 27-104-205, Mississippi Code of 1972, is  
204 amended as follows:

205 27-104-205. (1) From and after July 1, 2016, the expenses  
206 of the following enumerated state agencies shall be defrayed by  
207 appropriation of the Legislature from the State General  
208 Fund: \* \* \* the Office of Secretary of State (not including the  
209 Preneed Contracts Loss Recovery Fund), the Mississippi Public  
210 Service Commission, the Mississippi Department of Information  
211 Technology Services, (not including the Mississippi Department of  
212 Information Technology Services Revolving Fund), the State  
213 Personnel Board, the Mississippi Department of Insurance (not  
214 including the Municipal Fire Protection Fund, Section 83-1-37, the  
215 County Volunteer Fire Department Fund, Section 83-1-39, and the  
216 Mississippi Propane Education and Research Fund, Section  
217 75-57-119), the Mississippi Law Enforcement Officers' Minimum



218 Standards Board, the Mississippi Gaming Commission, the Office of  
219 the State Public Defender, the Mississippi Workers' Compensation  
220 Commission (not including the Second Injury Trust Fund) and the  
221 Office of Attorney General. Beginning July 1, 2016, any fees,  
222 assessments or other revenues charged for the support of the  
223 above-named state agencies shall be deposited into the State  
224 General Fund, and any special fund or depository established  
225 within the State Treasury for the deposit of such fees,  
226 assessments or revenues shall be abolished and the balance  
227 transferred to the State General Fund. Expenses heretofore drawn  
228 from such special funds or other depositories shall be drawn from  
229 the agencies' General Fund Account.

230 (2) Beginning with the fiscal year ending June 30, 2016, the  
231 amount to be appropriated annually from the State General Fund for  
232 the support of each of the above-named state agencies shall not  
233 exceed the amount appropriated for such purpose in the preceding  
234 fiscal year, plus any increases in or additional fees, assessments  
235 or other charges authorized by act of the Legislature for the  
236 succeeding fiscal year.

237 (3) The provisions of this section shall not apply to any  
238 trust fund account that is maintained by any above-named agency.

239 (4) The provisions of this section shall not prohibit any of  
240 the above-named agencies from maintaining clearing accounts in  
241 approved depositories.



242 (5) The provisions of this section shall not apply to any  
243 trust fund accounts maintained by the Public Employees' Retirement  
244 System and protected under Section 272A of the Mississippi  
245 Constitution of 1890.

246 **SECTION 5.** This act shall take effect and be in force from  
247 and after July 1, 2022.

