

By: Senator(s) Michel, McLendon

To: Insurance

SENATE BILL NO. 2335
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 45-11-7, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE LIMITATION ON THE NUMBER OF EMERGENCY MEDICAL RESPONDER
3 STUDENTS THE STATE FIRE ACADEMY MAY TRAIN PER YEAR; TO AMEND
4 SECTION 83-1-37, MISSISSIPPI CODE OF 1972, TO REVISE THE MUNICIPAL
5 FIRE PROTECTION FUND TO ALLOW USE OF FIRE REBATE MONIES FOR
6 EMERGENCY MEDICAL SERVICES TRAINING AND EQUIPMENT; TO AMEND
7 SECTION 83-1-39, MISSISSIPPI CODE OF 1972, TO REVISE THE COUNTY
8 VOLUNTEER FIRE PROTECTION FUND TO ALLOW USE OF FIRE REBATE MONIES
9 FOR EMERGENCY MEDICAL SERVICES TRAINING AND EQUIPMENT; AND FOR
10 RELATED PURPOSES.

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

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

14 45-11-7. (1) There is hereby created a State Fire Academy
15 for the training and education of persons engaged in municipal,
16 county and industrial fire protection. The Commissioner of
17 Insurance shall appoint an Executive Director of the State Fire
18 Academy who, along with his employees, shall be designated as a
19 division of the Insurance Department. The executive director
20 shall serve at the pleasure of the Commissioner of Insurance. The
21 State Fire Academy shall be under the supervision and direction of
22 the Executive Director of the State Fire Academy. State Fire



23 Academy training programs for fire personnel shall be conducted at
24 the academy with seminars to be conducted in other sections of the
25 state as and when the State Fire Academy Advisory Board considers
26 it necessary and advisable.

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

32 The Executive Director of the State Fire Academy is
33 authorized and empowered to purchase, operate and maintain mobile
34 firefighting equipment as he may find necessary and proper for the
35 operation of the academy subject to approval of the Commissioner
36 of Insurance. The equipment may be utilized wherever training
37 sessions may be held at the discretion of the State Fire Academy
38 Advisory Board.

39 (2) The Commissioner of Insurance shall be authorized to
40 undertake appropriate action to accomplish and fulfill the
41 purposes of the State Fire Academy, including the hiring of
42 instructors and personnel, the lease and purchase of appropriate
43 training equipment and to lease, purchase or construct suitable
44 premises and quarters for conducting annual school and seminars,
45 as the State Fire Academy Advisory Board may deem necessary and
46 required for such purposes. Any contract entered into under and
47 by virtue of the provisions of this section shall first be



48 submitted to and approved by the Public Procurement Review Board,
49 and construction pursuant to the contract shall be under the
50 supervision of the Governor's Office of General Services.

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

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

62 (5) Each state agency, private agency or federal agency
63 which provides training for the fire service shall coordinate such
64 efforts with the State Fire Academy to prevent duplication of cost
65 and to * * * ensure standardization of training.

66 (6) The State Fire Academy shall present an appropriate
67 certificate signifying the successful completion of its prescribed
68 courses.

69 (7) National firefighter standards approved by the
70 Mississippi Fire Personnel Minimum Standards and Certification
71 Board shall be used as the basis for classroom instruction at the
72 fire academy.



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

77 (9) The Commissioner of Insurance is hereby authorized and
78 empowered to establish standard guidelines for the use of, and
79 accountability for, municipal and county fire protection funds
80 distributed pursuant to the provisions of Sections 83-1-37 and
81 83-1-39, Mississippi Code of 1972. Such guidelines shall include
82 requirements for the establishment of record keeping and reports
83 to the Commissioner of Insurance by municipalities and counties
84 relating to the receipt and expenditure of fire protection funds,
85 the training of fire department personnel and the submission to
86 the Commissioner of Insurance of other data reasonably related to
87 local fire protection responsibilities which the Commissioner of
88 Insurance deems necessary for the performance of the duties of the
89 State Fire Academy Advisory Board.

90 (10) In order that the Commissioner of Insurance may more
91 effectively execute the duties imposed upon him by subsection (9)
92 of this section, there is hereby created within the State Fire
93 Academy a Division of Fire Services Development. The division
94 shall be staffed by a Fire Services Development Coordinator,
95 appointed by the executive director of the academy from his
96 current staff and by such other personnel as deemed by the
97 Commissioner of Insurance. The division shall work with municipal



98 and county fire coordinators to ensure effective implementation of
99 guidelines established pursuant to subsection (9) of this section
100 and shall serve in an advisory capacity for all aspects of fire
101 service improvement. The Fire Service Coordinator shall annually
102 notify the Department of Finance and Administration of those
103 municipalities and counties which are not eligible to receive a
104 portion of fire protection fund distributions because of failure
105 to comply with requirements imposed in Sections 83-1-37 and
106 83-1-39 as a prerequisite to receipt of such funds.

107 (11) There is created in the State Treasury a separate
108 account to be known as the "State Fire Academy Construction Fund."
109 The State Treasurer shall transfer on July 1, 1997, the sum of Six
110 Hundred Seventy-five Thousand Dollars (\$675,000.00) and on July 1,
111 1998, the sum of Six Hundred Seventy-five Thousand Dollars
112 (\$675,000.00) from the State Fire Academy Fund 3502 into the
113 separate account created in this subsection. Monies in such
114 account shall be expended solely, upon legislative appropriations,
115 to defray expenses related to the construction of capital
116 improvements project known as "Fire Safety and Education Building"
117 and parking areas at the State Fire Academy by the Bureau of
118 Building, Grounds and Real Property Management of the Office of
119 General Services and to pay any indebtedness incurred to
120 accomplish such construction. Funds not used after the completion
121 of this capital improvements project shall be transferred back
122 into State Fund 3502.



123 (12) From and after July 1, 2016, the expenses of this
124 agency shall be defrayed by appropriation from the State General
125 Fund and all user charges and fees authorized under this section
126 shall be deposited into the State General Fund as authorized by
127 law.

128 (13) From and after July 1, 2016, no state agency shall
129 charge another state agency a fee, assessment, rent or other
130 charge for services or resources received by authority of this
131 section.

132 (14) The State Fire Academy is designated as an authorized
133 training program for Emergency Medical Response and Emergency
134 Medical Technician, and is authorized to provide initial and
135 national continued competency program training, including
136 Emergency Medical Responder, Emergency Medical Technician-Basic
137 and Emergency Medical Technician-Advanced. The State Fire Academy
138 shall be limited to a total of one hundred twenty (120) students
139 per year for * * * Emergency Medical Technician-Basic and
140 Emergency Medical Technician-Advanced training; however, no
141 limitation shall apply to the number of Emergency Medical
142 Responder students. The training program established by the State
143 Fire Academy shall meet or exceed the requirements of the most
144 current training program national standard curriculum as developed
145 by the United States Department of Transportation, National
146 Highway Traffic Safety Administration, and shall also meet the
147 minimum testing and certification requirements established by the



148 State Board of Health. Successful graduates of the State Fire
149 Academy Emergency Medical Response and Emergency Medical
150 Technician training shall be eligible for certification by the
151 State Board of Health for the training level achieved, provided
152 that their training meets or exceeds the minimum testing and
153 certification requirements established by the State Board of
154 Health for these respective skills, and such certification may be
155 obtained in coordination with the State Board of Health pursuant
156 to Chapters 59 and 60, Title 41, Mississippi Code of 1972.

157 **SECTION 2.** Section 83-1-37, Mississippi Code of 1972, is
158 amended as follows:

159 83-1-37. (1) The Department of Revenue shall pay for credit
160 to a fund known as the "Municipal Fire Protection Fund," the sum
161 of Four Million Eight Hundred Fifty Thousand Dollars
162 (\$4,850,000.00) annually out of the insurance premium tax
163 collected annually from the taxes levied on the gross premiums on
164 fire insurance policies written on properties in this state, under
165 Sections 27-15-103 through 27-15-127. The State Treasurer shall
166 credit this amount to the Municipal Fire Protection Fund. This
167 fund shall be set aside and earmarked for payment to
168 municipalities in this state, as hereinafter provided.

169 (2) Using 1990 as a base year, the Department of Revenue
170 shall pay over annually to the State Treasurer, for credit to the
171 "Municipal Fire Protection Fund," an amount representing one-half
172 of ten percent (1/2 of 10%) of any growth after 1990 of the



173 insurance premium tax collected annually from the taxes levied on
174 the gross premium on fire insurance policies written on properties
175 in this state, under Sections 27-15-103 through 27-15-127.

176 (3) The fund hereby created and denominated "Municipal Fire
177 Protection Fund" shall be apportioned and paid over by the
178 Department of Insurance to the incorporated municipalities
179 certified as eligible to participate in the fund by the
180 Commissioner of Insurance, and shall be distributed * * * in the
181 following manner annually: each municipality shall be paid Six
182 Thousand Dollars (\$6,000.00), with the remainder of the monies to
183 be paid on a population basis, to be determined by the most recent
184 federal census * * *. Municipalities receiving these funds shall
185 earmark such monies for fire protection services.

186 * * *

187 (* * *4) The amount paid under subsections (1) and (2) of
188 this section to a municipality shall be used and expended in
189 accordance with the guidelines established by the Commissioner of
190 Insurance authorized by Section 45-11-7, * * * for the training of
191 municipal personnel as needed for the adoption of and compliance
192 with the minimum building codes as established and promulgated by
193 the Mississippi Building Codes Council, * * * for windstorm
194 mitigation programs as approved by the Commissioner of Insurance,
195 and for emergency medical service training and equipment as
196 provided by municipal fire protection services. A municipality
197 may provide reasonable remuneration to municipal volunteer



198 firefighters in accordance with the guidelines established by the
199 Commissioner of Insurance authorized by Section 45-11-7.

200 (* * *5) Each municipality shall levy a tax of not less
201 than one-fourth (1/4) mill on all property of the municipality or
202 appropriate the avails of not less than one-fourth (1/4) mill from
203 the municipality's general fund for fire protection purposes.
204 Municipalities may allow such millage to be collected by the
205 county. Each municipality shall annually provide the Commissioner
206 of Insurance and the State Fire Coordinator on a form provided by
207 the State Fire Coordinator a report stating whether the
208 municipality is levied the one-fourth (1/4) mill hereby required
209 or in lieu thereof is allowing such millage to be collected by the
210 county.

211 (6) The Commissioner of Insurance may promulgate rules and
212 regulations to establish guidelines for the use of fire rebate
213 funds.

214 **SECTION 3.** Section 83-1-39, Mississippi Code of 1972, is
215 amended as follows:

216 83-1-39. (1) The Department of Revenue shall pay over to
217 the State Treasurer, to be credited to a fund entitled "County
218 Volunteer Fire Department Fund," the sum of Four Million Eight
219 Hundred Fifty Thousand Dollars (\$4,850,000.00) annually out of the
220 insurance premium tax in addition to the amount collected by it
221 under the provisions of Section 27-15-103 et seq. Such funds,
222 hereinafter referred to as insurance rebate monies, are hereby



223 earmarked for payment to the various counties of the state and
224 shall be paid over to the counties by the Department of Insurance
225 in the following manner: each county shall be paid Thirty
226 Thousand Dollars (\$30,000.00), with the remainder of the monies to
227 be paid on the basis of the population of each county as it
228 compares to the population of participating counties, not counting
229 residents of any municipality. Such insurance rebate monies shall
230 only be distributed to those counties which are in compliance with
231 subsections (5) and (6) of this section. * * *

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

240 (3) Insurance rebate monies shall be expended by the board
241 of supervisors for fire protection purposes of each county for the
242 following categories:

243 (a) For training expenses, including emergency medical
244 services training;

245 (b) Purchase of equipment, purchase of fire trucks,
246 repair and refurbishing of fire trucks and firefighting equipment,
247 for emergency medical services equipment, and capital construction



248 anywhere in the county or pledging as security for a period of not
249 more than ten (10) years for such purchases;

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

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

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

259 (f) Training of any county personnel as needed for the
260 adoption of and compliance with the codes established and
261 promulgated by the Mississippi Building Codes Council or for
262 windstorm mitigation programs as approved by the Commissioner of
263 Insurance * * *;

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

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

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



273 (4) Insurance rebate monies not expended in a given fiscal
274 year for fire protection purposes shall be placed in a special
275 fund with a written plan approved by the Commissioner of Insurance
276 for disposition and expenditure of such monies. After the
277 contracts for fire protection services have been approved and
278 accepted by the board of supervisors, the monies shall be released
279 to be expended in such manner as provided by this section.

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

282 (a) Designates a county fire service coordinator who is
283 responsible for seeing that standard guidelines established by the
284 Commissioner of Insurance pursuant to Section 45-11-7(9),
285 Mississippi Code of 1972, are followed. The county fire
286 coordinator must demonstrate that he possesses fire-related
287 knowledge and experience;

288 (b) Designates one (1) member of the sheriff's
289 department to be the county fire investigator and, from and after
290 July 1, 2008, requires the designated member of the sheriff's
291 department to attend the State Fire Academy to be trained in arson
292 investigation; however, in the event of a loss of the county fire
293 investigator due to illness, death, resignation, discharge or
294 other legitimate cause, notice shall be immediately given to the
295 Commissioner of Insurance and the county may continue to receive
296 payments on an interim basis for a period not to exceed one (1)
297 year;



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

300 (d) Counties shall levy a tax of not less than
301 one-fourth (1/4) mill on all property of the county or appropriate
302 avails of not less than one-fourth (1/4) mill from the county's
303 general fund for fire protection purposes. Municipalities making
304 a written declaration to the county that they fund and provide
305 their own fire services shall be exempted from this levy. This
306 levy shall be used for fire protection purposes which include, but
307 are not limited to, contracting with any provider of fire
308 protection services.

309 (6) (a) No funds shall be paid by the county to any
310 provider of fire protection services except in accordance with a
311 written contract entered into in accordance with guidelines
312 established by the Commissioner of Insurance and properly approved
313 by the board of supervisors and Commissioner of Insurance. No
314 county shall distribute funds to any fire service provider which
315 has not met the reporting requirements required by the
316 Commissioner of Insurance. At such time that a fire protection
317 services provider, particularly a county volunteer fire
318 department, a municipality or a fire protection district, has
319 fulfilled the obligations of the written contract and has met the
320 reporting requirements provided for in this subsection and the
321 board of supervisors has received the insurance rebate monies, the
322 board of supervisors shall disburse the appropriate amount to the



323 fire protection services provider within a reasonable time, not to
324 exceed six (6) weeks, from the time such requirements are met.
325 Insurance rebate monies used for the purposes of contracting shall
326 be expended by the fire service provider for capital construction,
327 training expenses, purchase of firefighting equipment, including
328 payments on any loans made for the purpose of purchasing
329 firefighting equipment, * * * purchase of insurance for any fire
330 equipment owned or operated by the provider, and for training and
331 equipment of emergency medical services as provided by fire
332 protection services.

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

338 (7) The board of supervisors of any county may contribute
339 funds directly to any provider of fire protection services serving
340 such county. Such contributions must be used for fire protection
341 purposes as may be reasonably established by the Commissioner of
342 Insurance.

343 (8) Any municipal, county or local water association or
344 other utility district supplying water may, upon adoption of a
345 resolution authorizing such action, contribute free of charge to a
346 volunteer fire department or fire protection district serving such
347 local government, political subdivision or utility district such



348 water as is necessary for firefighting or training activities of
349 such volunteer fire department or fire protection district.

350 (9) The board of supervisors of any county may, in its
351 discretion, grade, gravel, shell and/or maintain real property of
352 a county volunteer fire department, including roads or driveways
353 thereof, as necessary for the effective and safe operation of such
354 county volunteer fire department. Any action taken by the board
355 of supervisors under the authority of this subsection shall be
356 spread upon the minutes of the board of supervisors when the work
357 is authorized.

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

363 (11) The Commissioner of Insurance may promulgate rules and
364 regulations to establish guidelines for the use of fire rebate
365 funds.

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

