

By: Senator(s) Michel

To: Appropriations

SENATE BILL NO. 2788

1 AN ACT TO AMEND SECTION 27-104-205, MISSISSIPPI CODE OF 1972,
 2 TO REMOVE THE REQUIREMENT THAT THE STATE FIRE MARSHAL AND THE
 3 STATE FIRE ACADEMY BE FUNDED BY APPROPRIATIONS FROM THE GENERAL
 4 FUND; TO AMEND SECTIONS 45-11-3, 45-11-5 AND 45-11-7, MISSISSIPPI
 5 CODE OF 1972, TO DELETE THE PROVISIONS OF LAW REQUIRING CERTAIN
 6 EXPENSES OF THE STATE FIRE MARSHAL AND THE STATE FIRE ACADEMY TO
 7 BE DEFRAID BY APPROPRIATION FROM THE STATE GENERAL FUND; AND FOR
 8 RELATED PURPOSES.

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

10 **SECTION 1.** Section 27-104-205, Mississippi Code of 1972, is
 11 amended as follows:

12 27-104-205. (1) From and after July 1, 2016, the expenses
 13 of the following enumerated state agencies shall be defrayed by
 14 appropriation of the Legislature from the State General
 15 Fund: * * * the Office of Secretary of State (not including the
 16 Preneed Contracts Loss Recovery Fund), the Mississippi Public
 17 Service Commission, the Mississippi Department of Information
 18 Technology Services, (not including the Mississippi Department of
 19 Information Technology Services Revolving Fund), the State
 20 Personnel Board, the Mississippi Department of Insurance (not
 21 including the Municipal Fire Protection Fund, Section 83-1-37, the



22 County Volunteer Fire Department Fund, Section 83-1-39, and the
23 Mississippi Propane Education and Research Fund, Section
24 75-57-119), the Mississippi Law Enforcement Officers' Minimum
25 Standards Board, the Mississippi Gaming Commission, the Office of
26 the State Public Defender, the Mississippi Workers' Compensation
27 Commission (not including the Second Injury Trust Fund) and the
28 Office of Attorney General. Beginning July 1, 2016, any fees,
29 assessments or other revenues charged for the support of the
30 above-named state agencies shall be deposited into the State
31 General Fund, and any special fund or depository established
32 within the State Treasury for the deposit of such fees,
33 assessments or revenues shall be abolished and the balance
34 transferred to the State General Fund. Expenses heretofore drawn
35 from such special funds or other depositories shall be drawn from
36 the agencies' General Fund Account.

37 (2) Beginning with the fiscal year ending June 30, 2016, the
38 amount to be appropriated annually from the State General Fund for
39 the support of each of the above-named state agencies shall not
40 exceed the amount appropriated for such purpose in the preceding
41 fiscal year, plus any increases in or additional fees, assessments
42 or other charges authorized by act of the Legislature for the
43 succeeding fiscal year.

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



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

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

53 **SECTION 2.** Section 45-11-3, Mississippi Code of 1972, is
54 amended as follows:

55 45-11-3. Whenever the State Chief Deputy Fire Marshal, or
56 his authorized representative, shall be advised by interested
57 persons of a dangerous or hazardous inflammable condition existing
58 in any building that would tend to impair the safety of persons or
59 property, he shall take proper proceedings, including furnishing
60 of all information in regard thereto to the Attorney General who
61 shall, if he finds such evidence sufficient, bring injunctive
62 proceedings to have the condition corrected. Provided that this
63 section may not apply in any instance where local fire departments
64 or other local agencies have the authority to correct such
65 conditions.

66 * * *

67 **SECTION 3.** Section 45-11-5, Mississippi Code of 1972, is
68 amended as follows:

69 45-11-5. (1) Any expense, including office supplies,
70 counsel fees, expenses of deputy, detective and officers, incurred



71 by the Commissioner of Insurance in the performance of the duties
72 imposed upon him by Sections 45-11-1 and 45-11-3, and the
73 operation of the State Fire Academy, as provided in Section
74 45-11-7, shall be defrayed by all insurance companies, including
75 stock, mutuals and reciprocals writing fire insurance, including
76 the fire insurance components of automobile insurance, dwelling
77 multiple peril insurance, farm multiple peril insurance and
78 commercial multiple peril insurance, doing business in this state;
79 and a tax of one-half of one percent (1/2 of 1%) of the gross
80 premium receipts of these fire insurance policies is hereby levied
81 for this purpose to be collected by the * * * Department of
82 Revenue in the same manner as the general tax on premiums is
83 collected as provided in Section 25-15-107. In the case of
84 indivisible multiple peril insurance policies when the fire
85 portion of the policy is not specified, a tax of one-half of one
86 percent (1/2 of 1%) is hereby levied on forty-five percent (45%)
87 of the gross premium receipts of these policies.

88 (2) There is created a separate account known as the "State
89 Fire Academy Fund" for support of the State Fire Academy. Not
90 later than the fifteenth of the month succeeding the month in
91 which taxes under subsection (1) are collected, the State
92 Treasurer shall transfer into this account all taxes collected
93 under subsection (1) for the operation of the State Fire Academy.
94 The annual expenditure for the operation of the academy shall not
95 exceed the amount in the account; however, any unexpended funds



96 remaining in the account at the close of the fiscal year may be
97 carried over for use in the ensuing years.

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

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

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

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

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

112 * * *

113 **SECTION 4.** Section 45-11-7, Mississippi Code of 1972, is
114 amended as follows:

115 45-11-7. (1) There is hereby created a State Fire Academy
116 for the training and education of persons engaged in municipal,
117 county and industrial fire protection. The Commissioner of
118 Insurance shall appoint an Executive Director of the State Fire
119 Academy who, along with his employees, shall be designated as a
120 division of the Insurance Department. The executive director



121 shall serve at the pleasure of the Commissioner of Insurance. The
122 State Fire Academy shall be under the supervision and direction of
123 the Executive Director of the State Fire Academy. State Fire
124 Academy training programs for fire personnel shall be conducted at
125 the academy with seminars to be conducted in other sections of the
126 state as and when the State Fire Academy Advisory Board considers
127 it necessary and advisable.

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

133 The Executive Director of the State Fire Academy is
134 authorized and empowered to purchase, operate and maintain mobile
135 firefighting equipment as he may find necessary and proper for the
136 operation of the academy subject to approval of the Commissioner
137 of Insurance. The equipment may be utilized wherever training
138 sessions may be held at the discretion of the State Fire Academy
139 Advisory Board.

140 (2) The Commissioner of Insurance shall be authorized to
141 undertake appropriate action to accomplish and fulfill the
142 purposes of the State Fire Academy, including the hiring of
143 instructors and personnel, the lease and purchase of appropriate
144 training equipment and to lease, purchase or construct suitable
145 premises and quarters for conducting annual school and seminars,



146 as the State Fire Academy Advisory Board may deem necessary and
147 required for such purposes. Any contract entered into under and
148 by virtue of the provisions of this section shall first be
149 submitted to and approved by the Public Procurement Review Board,
150 and construction pursuant to the contract shall be under the
151 supervision of the Governor's Office of General Services.

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

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

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

167 (6) The State Fire Academy shall present an appropriate
168 certificate signifying the successful completion of its prescribed
169 courses.



170 (7) National firefighter standards approved by the
171 Mississippi Fire Personnel Minimum Standards and Certification
172 Board shall be used as the basis for classroom instruction at the
173 fire academy.

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

178 (9) The Commissioner of Insurance is hereby authorized and
179 empowered to establish standard guidelines for the use of, and
180 accountability for, municipal and county fire protection funds
181 distributed pursuant to the provisions of Sections 83-1-37 and
182 83-1-39, Mississippi Code of 1972. Such guidelines shall include
183 requirements for the establishment of record keeping and reports
184 to the Commissioner of Insurance by municipalities and counties
185 relating to the receipt and expenditure of fire protection funds,
186 the training of fire department personnel and the submission to
187 the Commissioner of Insurance of other data reasonably related to
188 local fire protection responsibilities which the Commissioner of
189 Insurance deems necessary for the performance of the duties of the
190 State Fire Academy Advisory Board.

191 (10) In order that the Commissioner of Insurance may more
192 effectively execute the duties imposed upon him by subsection (9)
193 of this section, there is hereby created within the State Fire
194 Academy a Division of Fire Services Development. The division



195 shall be staffed by a Fire Services Development Coordinator,
196 appointed by the executive director of the academy from his
197 current staff and by such other personnel as deemed by the
198 Commissioner of Insurance. The division shall work with municipal
199 and county fire coordinators to ensure effective implementation of
200 guidelines established pursuant to subsection (9) of this section
201 and shall serve in an advisory capacity for all aspects of fire
202 service improvement. The Fire Service Coordinator shall annually
203 notify the Department of Finance and Administration of those
204 municipalities and counties which are not eligible to receive a
205 portion of fire protection fund distributions because of failure
206 to comply with requirements imposed in Sections 83-1-37 and
207 83-1-39 as a prerequisite to receipt of such funds.

208 (11) There is created in the State Treasury a separate
209 account to be known as the "State Fire Academy Construction Fund."
210 The State Treasurer shall transfer on July 1, 1997, the sum of Six
211 Hundred Seventy-five Thousand Dollars (\$675,000.00) and on July 1,
212 1998, the sum of Six Hundred Seventy-five Thousand Dollars
213 (\$675,000.00) from the State Fire Academy Fund 3502 into the
214 separate account created in this subsection. Monies in such
215 account shall be expended solely, upon legislative appropriations,
216 to defray expenses related to the construction of capital
217 improvements project known as "Fire Safety and Education Building"
218 and parking areas at the State Fire Academy by the Bureau of
219 Building, Grounds and Real Property Management of the Office of



220 General Services and to pay any indebtedness incurred to
221 accomplish such construction. Funds not used after the completion
222 of this capital improvements project shall be transferred back
223 into State Fund 3502.

224 (12) * * * The State Fire Academy is designated as an
225 authorized training program for Emergency Medical Response and
226 Emergency Medical Technician, and is authorized to provide initial
227 and national continued competency program training, including
228 Emergency Medical Responder, Emergency Medical Technician-Basic
229 and Emergency Medical Technician-Advanced. The State Fire Academy
230 shall be limited to a total of one hundred twenty (120) students
231 per year for such Emergency Medical Responder, Emergency Medical
232 Technician-Basic and Emergency Medical Technician-Advanced
233 training. The training program established by the State Fire
234 Academy shall meet or exceed the requirements of the most current
235 training program national standard curriculum as developed by the
236 United States Department of Transportation, National Highway
237 Traffic Safety Administration, and shall also meet the minimum
238 testing and certification requirements established by the State
239 Board of Health. Successful graduates of the State Fire Academy
240 Emergency Medical Response and Emergency Medical Technician
241 training shall be eligible for certification by the State Board of
242 Health for the training level achieved, provided that their
243 training meets or exceeds the minimum testing and certification
244 requirements established by the State Board of Health for these



245 respective skills, and such certification may be obtained in
246 coordination with the State Board of Health pursuant to Chapters
247 59 and 60, Title 41, Mississippi Code of 1972.

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

