

**Adopted**  
**COMMITTEE AMENDMENT NO 1 PROPOSED TO**  
**House Bill No. 521**

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

22           **SECTION 1.** (1) The Mississippi Insurance Department shall  
23 establish the Mississippi Length-of-Service Award Program (LOSAP)  
24 for the recruitment and the retention of volunteer firefighters.  
25 Such program shall provide paid Length-of-Service Awards to  
26 eligible volunteer firefighters and shall be open to all  
27 Mississippi volunteer fire department members.

28           (2) The following words and phrases shall have the meanings  
29 as defined in this section unless the context clearly indicates  
30 otherwise:

31           (a) "Length-of-Service Award Program" means a program  
32 to provide paid length-of-service awards to eligible volunteer  
33 firefighters.

34           (b) "Eligible volunteer firefighter" means a bona fide  
35 volunteer firefighter who is registered with the State of  
36 Mississippi or a political subdivision thereof and is an active  
37 part-time or on-call member of a volunteer fire department or a  
38 volunteer firefighter. Eligible volunteer firefighter shall not  
39 include full-time firefighters or career firefighters unless such  
40 firefighters are also active eligible volunteer firefighters when



41 they are not acting as full-time or career firefighters and meet  
42 all other required qualifications as provided by the Mississippi  
43 Length-of-Service Award Program Board of Trustees in collaboration  
44 with the Mississippi Insurance Department.

45 (c) "Defined contribution" means the predefined  
46 contribution that the Mississippi Length-of-Service Award Program  
47 Board of Trustees in collaboration with the Mississippi Insurance  
48 Department establishes as a yearly contribution to an eligible  
49 volunteer firefighter's LOSAP account.

50 (3) (a) The LOSAP shall be administered by the Mississippi  
51 Length-of-Service Award Program Board of Trustees, which shall be  
52 comprised of the following members:

53 (i) The Commissioner of Insurance, or his or her  
54 designee;

55 (ii) The State Fire Coordinator, or his or her  
56 designee;

57 (iii) The State Treasurer, or his or her designee;

58 (iv) One (1) member from the state at large  
59 appointed by the Governor; and

60 (v) One (1) member from the state at large  
61 appointed by the Lieutenant Governor.

62 (b) The LOSAP Board of Trustees, in collaboration with  
63 the Mississippi Insurance Department, shall have the following  
64 powers and duties:



65 (i) Establish a points system to be awarded to  
66 volunteer firefighters for their performance of certain activities  
67 as determined by the board and award LOSAP service credit based  
68 upon that points system;

69 (ii) Create a list of the activities that points  
70 will be awarded for. Such list shall include, at a minimum, the  
71 number of emergency and nonemergency calls responded to by the  
72 volunteer member; the activities and training of each member as  
73 determined on an annual basis; and the volunteer fire department  
74 members eligible time to be considered as an active member of the  
75 department before the establishment of the LOSAP on July 1, 2023;

76 (iii) Determine the annual contribution to each  
77 volunteer's LOSAP account; and

78 (iv) Promulgate any rules and regulations as  
79 necessary to implement the provisions of this section. All such  
80 rules and regulations shall be in compliance with Sections 83-1-37  
81 and 83-1-39 and Section 457(e)(11) of the United States Internal  
82 Revenue Code.

83 (4) There is hereby created in the State Treasury a special  
84 fund to be known as the "Mississippi Volunteer Firefighter  
85 Length-of-Service Awards Program Fund" (LOSAP Fund) to be  
86 maintained by the State Treasurer. The Treasurer of the State of  
87 Mississippi may invest the monies deposited in the special fund.  
88 The amounts to be invested shall be determined by the Treasurer  
89 and shall be in the approximate amount of the total monies



90 deposited in said special fund less the anticipated withdrawals  
91 and disbursements from the Mississippi Length-of-Service Award  
92 Program to be made within the following ninety-day period. Such  
93 funds shall be invested by said Treasurer in short-term bonds,  
94 Treasury Bills, or other direct obligations of the United States  
95 of America, or any national or state banks in the State of  
96 Mississippi. Monies may be deposited into the fund by the State  
97 Insurance Commissioner as authorized from collections as set forth  
98 under the Municipal Fire Protection Fund in Section 83-1-37 and  
99 the County Volunteer Fire Fund in Section 83-1-39. Monies may  
100 also be deposited into the fund by the State Insurance  
101 Commissioner from any state source funds or special funds  
102 appropriated by the Legislature, including the Annual Fire Fund.  
103 Monies in the fund shall first be used for the purpose of  
104 providing retirement benefits as a defined contribution to  
105 volunteer firefighters for the purpose of recruiting and retaining  
106 volunteer firefighters as provided in this section. After the  
107 LOSAP has been funded, the remaining amounts shall be deposited  
108 into the Fire Insurance Rebate Fund for distribution to municipal  
109 and county fire departments. Any other unexpended amounts  
110 remaining in the fund at the end of a fiscal year shall not lapse  
111 into the State General Fund, and any interest earned on amounts in  
112 the fund shall be deposited to the credit of the fund.

113 (5) The Mississippi Insurance Department shall notify the  
114 Mississippi Length-of-Service Award Program Board of Trustees and



115 the State Fire Marshal of any volunteer fire department member  
116 that is ineligible to receive LOSAP funds due to the member or  
117 department's failure to file required documentation or financial  
118 reports or failure to comply with an audit or review by the  
119 Mississippi Insurance Department. A volunteer fire department  
120 member or department reported by the Mississippi Insurance  
121 Department shall be ineligible to receive funds under this section  
122 until the Mississippi Insurance Department notifies the  
123 Mississippi Length-of-Service Award Program Board of Trustees and  
124 the State Fire Marshal that the volunteer member or department has  
125 come into compliance.

126 (6) A member of the Mississippi Length-of-Service Award  
127 Program may receive the funds allocated on their behalf to the  
128 program upon their withdrawal from the program.

129 (7) The Mississippi Length-of-Service Award Program may  
130 allocate a maximum of Five Hundred Dollars (\$500.00) in yearly  
131 defined contributions to each member's LOSAP account.

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

134 83-1-37. (1) The Department of Revenue shall pay for credit  
135 to a fund known as the "Municipal Fire Protection Fund," the sum  
136 of Four Million Eight Hundred Fifty Thousand Dollars  
137 (\$4,850,000.00) annually out of the insurance premium tax  
138 collected annually from the taxes levied on the gross premiums on  
139 fire insurance policies written on properties in this state, under



140 Sections 27-15-103 through 27-15-127. The State Treasurer shall  
141 credit this amount to the Municipal Fire Protection Fund. This  
142 fund shall be set aside and earmarked for payment to  
143 municipalities in this state, as hereinafter provided.

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

151 (3) The fund hereby created and denominated "Municipal Fire  
152 Protection Fund" shall be apportioned and paid over by the  
153 Department of Insurance to the incorporated municipalities  
154 certified as eligible to participate in the fund by the  
155 Commissioner of Insurance, and shall be distributed in the  
156 following manner annually: each municipality shall be paid Six  
157 Thousand Dollars (\$6,000.00), with the remainder of the monies to  
158 be paid on a population basis, to be determined by the most recent  
159 federal census. Municipalities receiving these funds shall  
160 earmark such monies for fire protection services.

161 (4) The amount paid under subsections (1) and (2) of this  
162 section to a municipality shall be used and expended in accordance  
163 with the guidelines established by the Commissioner of Insurance  
164 authorized by Section 45-11-7, for the training of municipal



165 personnel as needed for the adoption of and compliance with the  
166 minimum building codes as established and promulgated by the  
167 Mississippi Building Codes Council, for windstorm mitigation  
168 programs as approved by the Commissioner of Insurance, \* \* \* for  
169 emergency medical service training and equipment as provided by  
170 municipal fire protection services, and for the Mississippi  
171 Length-of-Service Awards Program as provided in Section 1 of this  
172 act. A municipality may provide reasonable remuneration to  
173 municipal volunteer firefighters in accordance with the guidelines  
174 established by the Commissioner of Insurance authorized by Section  
175 45-11-7.

176 (5) Each municipality shall levy a tax of not less than  
177 one-fourth (1/4) mill on all property of the municipality or  
178 appropriate the avails of not less than one-fourth (1/4) mill from  
179 the municipality's general fund for fire protection purposes.  
180 Municipalities may allow such millage to be collected by the  
181 county. Each municipality shall annually provide the Commissioner  
182 of Insurance and the State Fire Coordinator on a form provided by  
183 the State Fire Coordinator a report stating whether the  
184 municipality is levied the one-fourth (1/4) mill hereby required  
185 or in lieu thereof is allowing such millage to be collected by the  
186 county.

187 (6) The Commissioner of Insurance may promulgate rules and  
188 regulations to establish guidelines for the use of fire rebate  
189 funds.



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

192           83-1-39. (1) The Department of Revenue shall pay over to  
193 the State Treasurer, to be credited to a fund entitled "County  
194 Volunteer Fire Department Fund," the sum of Four Million Eight  
195 Hundred Fifty Thousand Dollars (\$4,850,000.00) annually out of the  
196 insurance premium tax in addition to the amount collected by it  
197 under the provisions of Section 27-15-103 et seq. Such funds,  
198 hereinafter referred to as insurance rebate monies, are hereby  
199 earmarked for payment to the various counties of the state and  
200 shall be paid over to the counties by the Department of Insurance  
201 in the following manner: each county shall be paid Thirty  
202 Thousand Dollars (\$30,000.00), with the remainder of the monies to  
203 be paid on the basis of the population of each county as it  
204 compares to the population of participating counties, not counting  
205 residents of any municipality. Such insurance rebate monies shall  
206 only be distributed to those counties which are in compliance with  
207 subsections (5) and (6) of this section.

208           (2) Using 1990 as a base year, the Department of Revenue  
209 shall pay to the State Treasurer, to be credited to the "County  
210 Volunteer Fire Department Fund," an amount representing one-half  
211 of ten percent (1/2 of 10%) of any growth after 1990 of the  
212 insurance premium tax collected annually from the taxes levied on  
213 the gross premium on fire insurance policies written on properties





214 in this state, in addition to the amount collected by it under  
215 Section 27-15-103 et seq.

216 (3) Insurance rebate monies shall be expended by the board  
217 of supervisors for fire protection purposes of each county for the  
218 following categories:

219 (a) For training expenses, including emergency medical  
220 services training;

221 (b) Purchase of equipment, purchase of fire trucks,  
222 repair and refurbishing of fire trucks and firefighting equipment,  
223 for emergency medical services equipment, and capital construction  
224 anywhere in the county or pledging as security for a period of not  
225 more than ten (10) years for such purchases;

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

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

232 (e) Appropriations to legal fire protection districts  
233 located in counties subject to all restrictions applicable to the  
234 use of insurance rebate monies;

235 (f) Training of any county personnel as needed for the  
236 adoption of and compliance with the codes established and  
237 promulgated by the Mississippi Building Codes Council or for



238 windstorm mitigation programs as approved by the Commissioner of  
239 Insurance;

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

243 (h) At the option of the board of supervisors, a county  
244 may provide reasonable remuneration to volunteer firefighters in  
245 accordance with the guidelines established by the Commissioner of  
246 Insurance authorized by Section 45-11-7; \* \* \*

247 (i) For the Mississippi Length-of-Service Awards  
248 Program as provided in Section 1 of this act; or

249 ( \* \* \*j) For any use allowed in accordance with the  
250 guidelines as established by the Commissioner of Insurance.

251 (4) Insurance rebate monies not expended in a given fiscal  
252 year for fire protection purposes shall be placed in a special  
253 fund with a written plan approved by the Commissioner of Insurance  
254 for disposition and expenditure of such monies. After the  
255 contracts for fire protection services have been approved and  
256 accepted by the board of supervisors, the monies shall be released  
257 to be expended in such manner as provided by this section.

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

260 (a) Designates a county fire service coordinator who is  
261 responsible for seeing that standard guidelines established by the  
262 Commissioner of Insurance pursuant to Section 45-11-7(9),



263 Mississippi Code of 1972, are followed. The county fire  
264 coordinator must demonstrate that he possesses fire-related  
265 knowledge and experience;

266 (b) Designates one (1) member of the sheriff's  
267 department to be the county fire investigator and, from and after  
268 July 1, 2008, requires the designated member of the sheriff's  
269 department to attend the State Fire Academy to be trained in arson  
270 investigation; however, in the event of a loss of the county fire  
271 investigator due to illness, death, resignation, discharge or  
272 other legitimate cause, notice shall be immediately given to the  
273 Commissioner of Insurance and the county may continue to receive  
274 payments on an interim basis for a period not to exceed one (1)  
275 year;

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

278 (d) Counties shall levy a tax of not less than  
279 one-fourth (1/4) mill on all property of the county or appropriate  
280 avails of not less than one-fourth (1/4) mill from the county's  
281 general fund for fire protection purposes. Municipalities making  
282 a written declaration to the county that they fund and provide  
283 their own fire services shall be exempted from this levy. This  
284 levy shall be used for fire protection purposes which include, but  
285 are not limited to, contracting with any provider of fire  
286 protection services.



287           (6) (a) No funds shall be paid by the county to any  
288 provider of fire protection services except in accordance with a  
289 written contract entered into in accordance with guidelines  
290 established by the Commissioner of Insurance and properly approved  
291 by the board of supervisors and Commissioner of Insurance. No  
292 county shall distribute funds to any fire service provider which  
293 has not met the reporting requirements required by the  
294 Commissioner of Insurance. At such time that a fire protection  
295 services provider, particularly a county volunteer fire  
296 department, a municipality or a fire protection district, has  
297 fulfilled the obligations of the written contract and has met the  
298 reporting requirements provided for in this subsection and the  
299 board of supervisors has received the insurance rebate monies, the  
300 board of supervisors shall disburse the appropriate amount to the  
301 fire protection services provider within a reasonable time, not to  
302 exceed six (6) weeks, from the time such requirements are met.  
303 Insurance rebate monies used for the purposes of contracting shall  
304 be expended by the fire service provider for capital construction,  
305 training expenses, purchase of firefighting equipment, including  
306 payments on any loans made for the purpose of purchasing  
307 firefighting equipment, purchase of insurance for any fire  
308 equipment owned or operated by the provider, and for training and  
309 equipment of emergency medical services as provided by fire  
310 protection services.



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

316 (7) The board of supervisors of any county may contribute  
317 funds directly to any provider of fire protection services serving  
318 such county. Such contributions must be used for fire protection  
319 purposes as may be reasonably established by the Commissioner of  
320 Insurance.

321 (8) Any municipal, county or local water association or  
322 other utility district supplying water may, upon adoption of a  
323 resolution authorizing such action, contribute free of charge to a  
324 volunteer fire department or fire protection district serving such  
325 local government, political subdivision or utility district such  
326 water as is necessary for firefighting or training activities of  
327 such volunteer fire department or fire protection district.

328 (9) The board of supervisors of any county may, in its  
329 discretion, grade, gravel, shell and/or maintain real property of  
330 a county volunteer fire department, including roads or driveways  
331 thereof, as necessary for the effective and safe operation of such  
332 county volunteer fire department. Any action taken by the board  
333 of supervisors under the authority of this subsection shall be  
334 spread upon the minutes of the board of supervisors when the work  
335 is authorized.



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

341 (11) The Commissioner of Insurance may promulgate rules and  
342 regulations to establish guidelines for the use of fire rebate  
343 funds.

344 **SECTION 4.** Section 17-23-21, Mississippi Code of 1972, is  
345 amended as follows:

346 17-23-21. There is created in the State Treasury a special  
347 fund to be designated as the "Annual Fire Fund" to be administered  
348 by the Commissioner of Insurance. Monies in the fund, upon  
349 appropriation by the Legislature, may be used by the commissioner  
350 only for the purpose of his or her discretion in requesting the  
351 State Fiscal Officer, and notifying the Legislative Budget Office  
352 of such, to transfer funds from this fund to the Mississippi  
353 Volunteer Firefighter Length-of-Service Awards Program Fund, Rural  
354 Fire Truck Fund, the Supplementary Rural Fire Truck Fund, the  
355 Municipal Fire Protection Fund and/or the County Volunteer Fire  
356 Department Fund; however, the commissioner shall request the State  
357 Fiscal Officer to transfer at least One Million Five Hundred  
358 Thousand Dollars (\$1,500,000.00) annually to the Rural and  
359 Supplementary Rural Fire Truck Funds. This fund shall consist of  
360 monies provided to it through the provisions of Section



361 83-34-4(6), and any monies which may be appropriated to it by the  
362 Legislature. Unexpended amounts remaining in the fund at the end  
363 of a fiscal year shall not lapse into the State General Fund, and  
364 any interest earned on amounts in the fund shall be deposited to  
365 the credit of the fund.

366 **SECTION 5.** This act shall take effect and be in force from  
367 and after July 1, 2023, and shall stand repealed on June 30, 2023.

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

1 AN ACT TO AUTHORIZE THE MISSISSIPPI INSURANCE DEPARTMENT TO  
2 CREATE THE MISSISSIPPI LENGTH-OF-SERVICE AWARD PROGRAM (LOSAP) FOR  
3 THE RECRUITMENT AND RETENTION OF VOLUNTEER FIREFIGHTERS; TO  
4 PROVIDE THAT THE PROGRAM WILL PROVIDE PAID LENGTH-OF-SERVICE  
5 AWARDS TO ELIGIBLE VOLUNTEER FIREFIGHTERS; TO PROVIDE DEFINITIONS;  
6 TO PROVIDE THAT THE LOSAP SHALL BE ADMINISTERED BY THE MISSISSIPPI  
7 LENGTH-OF-SERVICE AWARD PROGRAM BOARD OF TRUSTEES AND TO PROVIDE  
8 THE MEMBERS WHO WILL SERVE ON THE BOARD; TO PROVIDE THE POWERS AND  
9 DUTIES OF THE LOSAP BOARD OF TRUSTEES; TO CREATE THE "MISSISSIPPI  
10 VOLUNTEER FIREFIGHTER LENGTH-OF-SERVICE AWARDS PROGRAM FUND"  
11 (LOSAP FUND) MAINTAINED BY THE STATE TREASURER AND TO PROVIDE WHAT  
12 MONIES IN THE FUND MAY BE USED FOR; TO PROVIDE THAT THE  
13 MISSISSIPPI INSURANCE DEPARTMENT SHALL NOTIFY THE STATE FIRE  
14 MARSHAL AND THE LOSAP BOARD OF TRUSTEES OF ANY VOLUNTEER FIRE  
15 DEPARTMENT MEMBER WHO IS INELIGIBLE TO RECEIVE THE LOSAP FUNDS; TO  
16 AMEND SECTIONS 83-1-37 AND 83-1-39, MISSISSIPPI CODE OF 1972, TO  
17 PROVIDE FOR THE FUNDING MECHANISM OF THE PROGRAM AND TO CONFORM;  
18 TO AMEND SECTION 17-23-21, MISSISSIPPI CODE OF 1972, TO PROVIDE  
19 THAT THE COMMISSIONER MAY TRANSFER FUNDS FROM THE ANNUAL FIRE FUND  
20 TO THE LOSAP FUND; AND FOR RELATED PURPOSES.

