

By: Representatives Deweese, Hale

To: Appropriations C

## HOUSE BILL NO. 1567

1 AN ACT TO BRING FORWARD SECTIONS 17-23-1, 17-23-11, 17-23-21,  
2 19-5-95, 21-25-25, 21-25-27, 83-1-37, 83-1-39, 83-2-33, 83-3-24,  
3 83-5-72, 83-5-73 AND 83-34-4, MISSISSIPPI CODE OF 1972, FOR THE  
4 PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 17-23-1, Mississippi Code of 1972, is  
7 brought forward as follows:

8 17-23-1. (1) There is established the Rural Fire Truck  
9 Acquisition Assistance Program to be administered by the  
10 Department of Insurance for the purpose of assisting counties and  
11 municipalities in the acquisition of fire trucks.

12 (2) There is created in the State Treasury a special fund to  
13 be designated as the "Rural Fire Truck Fund." The Legislature may  
14 appropriate that amount necessary to fulfill the obligations  
15 created under this section by the Department of Insurance, from  
16 the State General Fund to such special fund, which sum shall be  
17 added to the remainder of the money transferred on July 1, 1995,  
18 and during the 1996 Regular Session to the Rural Fire Truck Fund.  
19 Unexpended amounts remaining in the fund at the end of a fiscal



20 year shall not lapse into the State General Fund, and any interest  
21 earned on amounts in the fund shall be deposited to the credit of  
22 the fund. Unobligated amounts remaining in the Rural Fire Truck  
23 Fund, Fund No. 3507, or in any fund created for funds appropriated  
24 or otherwise made available for this program, may be used as  
25 matching funds by any county with remaining eligibility as  
26 provided herein. It is the intent of the Legislature that the  
27 Department of Insurance continue to accept applications from the  
28 counties for fire trucks as provided in subsection (3) of this  
29 section.

30 (3) (a) A county that meets the requirements provided  
31 herein may receive an amount not to exceed One Million Ten  
32 Thousand Dollars (\$1,010,000.00) as provided in subparagraphs (i),  
33 (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi),  
34 (xii) and (xiii) of this paragraph, and such amount shall be  
35 divided as follows: an amount of not more than Fifty Thousand  
36 Dollars (\$50,000.00) per fire truck for the first six (6) trucks  
37 and not more than Seventy Thousand Dollars (\$70,000.00) per fire  
38 truck for the seventh, eighth, ninth, tenth and eleventh trucks,  
39 and not more than Ninety Thousand Dollars (\$90,000.00) per fire  
40 truck for the twelfth, thirteenth, fourteenth and fifteenth truck.  
41 Monies distributed under this chapter shall be expended only for  
42 the purchase of new or used fire trucks and such trucks must meet  
43 the National Fire Protection Association (NFPA) standards in the



44 1900 series and be approved by the Rural Fire Truck Review  
45 Committee.

46 (i) Any county that has not applied for a fire  
47 truck under this section is eligible to submit applications for  
48 fifteen (15) fire trucks as follows: six (6) fire trucks at not  
49 more than Fifty Thousand Dollars (\$50,000.00) per truck and five  
50 (5) fire trucks at not more than Seventy Thousand Dollars  
51 (\$70,000.00) per truck, and four (4) fire trucks at not more than  
52 Ninety Thousand Dollars (\$90,000.00) per truck or a total of One  
53 Million Ten Thousand Dollars (\$1,010,000.00).

54 (ii) Any county that has received one (1) fire  
55 truck under this section is eligible to submit applications for  
56 fourteen (14) fire trucks as follows: five (5) fire trucks at not  
57 more than Fifty Thousand Dollars (\$50,000.00) per truck and five  
58 (5) fire trucks at not more than Seventy Thousand Dollars  
59 (\$70,000.00) per truck, and four (4) fire trucks at not more than  
60 Ninety Thousand Dollars (\$90,000.00) per truck or a total of Nine  
61 Hundred Sixty Thousand Dollars (\$960,000.00).

62 (iii) Any county that has received two (2) fire  
63 trucks under this section is eligible to submit an application for  
64 thirteen (13) fire trucks as follows: four (4) fire trucks at not  
65 more than Fifty Thousand Dollars (\$50,000.00) per truck and five  
66 (5) fire trucks at not more than Seventy Thousand Dollars  
67 (\$70,000.00) per truck, and four (4) fire trucks at not more than



68 Ninety Thousand Dollars (\$90,000.00) per truck or a total of not  
69 more than Nine Hundred Ten Thousand Dollars (\$910,000.00).

70 (iv) Any county that has received three (3) fire  
71 trucks under this section is eligible to submit an application for  
72 twelve (12) fire trucks as follows: three (3) fire trucks at not  
73 more than Fifty Thousand Dollars (\$50,000.00) per truck and five  
74 (5) fire trucks at not more than Seventy Thousand Dollars  
75 (\$70,000.00) per truck, and four (4) fire trucks at not more than  
76 Ninety Thousand Dollars (\$90,000.00) per truck or a total of not  
77 more than Eight Hundred Sixty Thousand Dollars (\$860,000.00).

78 (v) Any county that has received four (4) fire  
79 trucks under this section is eligible to submit an application for  
80 eleven (11) fire trucks as follows: two (2) fire trucks at not  
81 more than Fifty Thousand Dollars (\$50,000.00) per truck and five  
82 (5) fire trucks at not more than Seventy Thousand Dollars  
83 (\$70,000.00) per truck, and four (4) fire trucks at not more than  
84 Ninety Thousand Dollars (\$90,000.00) per truck or a total of not  
85 more than Eight Hundred Ten Thousand Dollars (\$810,000.00).

86 (vi) Any county that has received five (5) fire  
87 trucks under this section is eligible to submit an application for  
88 ten (10) fire trucks as follows: one (1) fire truck at not more  
89 than Fifty Thousand Dollars (\$50,000.00) per truck and five (5)  
90 fire trucks at not more than Seventy Thousand Dollars (\$70,000.00)  
91 per truck, and four (4) fire trucks at not more than Ninety



92 Thousand Dollars (\$90,000.00) per truck or a total of not more  
93 than Seven Hundred Sixty Thousand Dollars (\$760,000.00).

94 (vii) Any county that has received six (6) fire  
95 trucks under this section is eligible to submit an application for  
96 nine (9) fire trucks as follows: five (5) fire trucks at not more  
97 than Seventy Thousand Dollars (\$70,000.00) per truck, and four (4)  
98 fire trucks at not more than Ninety Thousand Dollars (\$90,000.00)  
99 per truck or a total of not more than Seven Hundred Ten Thousand  
100 Dollars (\$710,000.00).

101 (viii) Any county that has received seven (7) fire  
102 trucks under this section is eligible to submit an application for  
103 eight (8) fire trucks as follows: four (4) fire trucks at not  
104 more than Seventy Thousand Dollars (\$70,000.00) per truck, and  
105 four (4) fire trucks at not more than Ninety Thousand Dollars  
106 (\$90,000.00) per truck or a total of not more than Six Hundred  
107 Forty Thousand Dollars (\$640,000.00).

108 (ix) Any county that has received eight (8) fire  
109 trucks under this section is eligible to submit an application for  
110 seven (7) fire trucks as follows: three (3) fire trucks at not  
111 more than Seventy Thousand Dollars (\$70,000.00) per truck, and  
112 four (4) fire trucks at not more than Ninety Thousand Dollars  
113 (\$90,000.00) per truck or a total of not more than Five Hundred  
114 Seventy Thousand Dollars (\$570,000.00).

115 (x) Any county that has received nine (9) fire  
116 trucks under this section is eligible to submit an application for



117 six (6) fire trucks as follows: two (2) fire trucks at not more  
118 than Seventy Thousand Dollars (\$70,000.00) per truck, and four (4)  
119 fire trucks at not more than Ninety Thousand Dollars (\$90,000.00)  
120 per truck or a total of not more than Five Hundred Thousand  
121 Dollars (\$500,000.00).

122 (xi) Any county that has received ten (10) fire  
123 trucks under this section is eligible to submit an application for  
124 five (5) fire trucks as follows: one (1) fire truck at not more  
125 than Seventy Thousand Dollars (\$70,000.00) per truck, and four (4)  
126 fire trucks at not more than Ninety Thousand Dollars (\$90,000.00)  
127 per truck or a total of not more than Four Hundred Thirty Thousand  
128 Dollars (\$430,000.00).

129 (xii) Any county that has received eleven (11)  
130 fire trucks under this section is eligible to submit an  
131 application for four (4) fire trucks at not more than Ninety  
132 Thousand Dollars (\$90,000.00) per truck.

133 (xiii) Any county may apply for four (4) fire  
134 trucks at not more than Ninety Thousand Dollars (\$90,000.00) per  
135 truck as provided in subparagraph (xii), provided that the county  
136 agrees to forego any previous fire truck under subparagraphs (i)  
137 through (xi) for which the county has not previously applied, and  
138 that the county has received approval from the Rural Fire Truck  
139 Acquisition Assistance Program Committee to apply for and receive  
140 a truck under subparagraph (xii).



(b) The board of supervisors of the county shall submit its request for the receipt of monies to the Department of Insurance. A committee composed of the Commissioner of Insurance, the State Fire Coordinator, the Director of the Rating Bureau and the Director of the State Fire Academy shall review the requests by the boards of supervisors and shall determine whether the county or municipality for which the board of supervisors has requested a truck meets the requirements of eligibility under this chapter.

(c) To be eligible to receive monies under this chapter:

(i) A county or municipality must pledge to set aside or dedicate each year as matching funds, for a period not to extend over ten (10) years, local funds in an amount equal to or not less than one-tenth (1/10) of the amount of monies for which it is requesting distribution from the Rural Fire Truck Fund, which pledged monies may be derived from local ad valorem tax authorized by law or from any other funds available to the county or municipality, except for those funds received by municipalities or counties from the Municipal Fire Protection Fund or the County Volunteer Fire Department Fund, as defined in Sections 83-1-37 and 83-1-39.

(ii) A municipality must provide adequate documentation of its contract with the county that requires the municipality to provide fire protection in rural areas. The term



"rural areas" means any area within the county located outside the boundaries of an incorporated municipality or any incorporated municipality with a population of two thousand five hundred (2,500) or less.

(d) The Department of Insurance shall maintain an accurate record of all monies distributed to counties and municipalities and the number of fire trucks purchased and the cost for each fire truck, such records to be kept separate from other records of the Department of Insurance; notify counties and municipalities of the Rural Fire Truck Acquisition Assistance Program and the requirements for them to become eligible to participate; adopt and promulgate such rules and regulations as may be necessary and desirable to implement the provisions of this chapter; and file with the Legislature a report detailing how monies made available under this chapter were distributed and spent during the preceding portion of the fiscal year in each county and municipality, the number of fire trucks purchased, the counties and municipalities making such purchases, and the cost of each fire truck purchased.

(4) There is created in the State Treasury a special fund to be designated as the "Rural Fire Truck Matching Assistance Fund," which shall consist of funds appropriated by the Legislature from the State General Fund or any other special source fund. The Department of Insurance shall use the funds for matching assistance to counties and municipalities with remaining





191 eligibility in accordance with the provisions of subsection (5) of  
192 this section. Unexpended amounts remaining in the fund at the end  
193 of a fiscal year shall not lapse into the State General Fund, and  
194 any interest earned on amounts in the fund shall be deposited to  
195 the credit of the fund.

196 (5) Subject to appropriation by the Legislature, the  
197 Department of Insurance may provide funds to counties and  
198 municipalities out of the Rural Fire Truck Matching Assistance  
199 Fund in an amount exceeding the amount authorized in subsection  
200 (3) of this section. However, the total amount of funds allowed  
201 under this subsection combined with the funds provided in  
202 subsection (3) of this section shall not exceed eighty percent  
203 (80%) of the purchase price of the rural fire truck. A county or  
204 municipality is eligible for such matching assistance upon meeting  
205 the following criteria:

206 (a) The county or municipality's application is  
207 approved for funding in accordance with the criteria in subsection  
208 (3) of this section;

209 (b) The department determines that the county or  
210 municipality does not have sufficient funds available for the  
211 purchase of a rural fire truck with the funds authorized in  
212 subsection (3) of this section; and

213 (c) The county has received funding for no more than  
214 eight (8) rounds from the Rural Fire Truck Acquisition Assistance  
215 Program.



216           **SECTION 2.** Section 17-23-11, Mississippi Code of 1972, is  
217 brought forward as follows:

218           17-23-11. (1) There is established a supplementary rural  
219 fire truck acquisition assistance program to be administered by  
220 the Department of Insurance for the purpose of assisting counties  
221 and municipalities in the acquisition of fire trucks. The  
222 supplementary rural fire truck acquisition assistance program is  
223 in addition to the rural fire truck acquisition assistance program  
224 established in Section 17-23-1 or any other program by which  
225 counties and municipalities acquire fire trucks.

226           (2) There is created in the State Treasury a special fund to  
227 be designated as the "Supplementary Rural Fire Truck Fund" which  
228 shall consist of funds appropriated or otherwise made available by  
229 the Legislature in any manner, and funds from any other source  
230 designated for deposit into such fund. Monies in the fund shall  
231 be used for the purpose of assisting counties and municipalities  
232 in the acquisition of fire trucks. Unexpended amounts remaining  
233 in the fund at the end of a fiscal year shall not lapse into the  
234 State General Fund, and any interest earned on amounts in the fund  
235 shall be deposited to the credit of the fund.

236           (3) (a) A county that meets the requirements provided  
237 herein may receive an amount of not more than Seventy Thousand  
238 Dollars (\$70,000.00) per fire truck. Monies distributed under  
239 this section shall be expended only for the purchase of new fire



trucks and such trucks must meet the National Fire Protection Association (NFPA) standards in the 1900 series.

(b) The board of supervisors of the county shall submit its request for the receipt of monies to the Department of Insurance. A committee composed of the Commissioner of Insurance, the State Fire Coordinator, the Director of the Rating Bureau and the Director of the State Fire Academy shall review the requests by the boards of supervisors and shall determine whether the county or municipality for which the board of supervisors has requested a truck meets the requirements of eligibility under this section.

(c) To be eligible to receive monies under this section:

(i) A county or municipality must pledge to set aside or dedicate each year as matching funds, for a period not to extend over ten (10) years, local funds in an amount equal to or not less than one-tenth (1/10) of the amount of monies for which it is requesting distribution from the Supplementary Rural Fire Truck Fund, which pledged monies may be derived from local ad valorem tax authorized by law or from any other funds available to the county or municipality, except for those funds received by municipalities or counties from the Municipal Fire Protection Fund or the County Volunteer Fire Department Fund, as defined in Sections 83-1-37 and 83-1-39.



264 (ii) A municipality must provide adequate  
265 documentation of its contract with the county that requires the  
266 municipality to provide fire protection in rural areas. The term  
267 "rural areas" means any area within the county located outside the  
268 boundaries of an incorporated municipality or any incorporated  
269 municipality with a population of two thousand five hundred  
270 (2,500) or less.

271 (iii) A county or a municipality, designated by  
272 the county, must have exhausted all rounds of applications for  
273 fire trucks available to it under Section 17-23-1.

274 (d) The Department of Insurance shall maintain an  
275 accurate record of all monies distributed to counties and  
276 municipalities and the number of fire trucks purchased and the  
277 cost for each fire truck, such records to be kept separate from  
278 other records of the Department of Insurance; notify counties and  
279 municipalities of the supplementary rural fire truck acquisition  
280 assistance program and the requirements for them to become  
281 eligible to participate; adopt and promulgate such rules and  
282 regulations as may be necessary and desirable to implement the  
283 provisions of this section; and file with the Legislature a report  
284 detailing how monies made available under this chapter were  
285 distributed and spent during the preceding portion of the fiscal  
286 year in each county and municipality, the number of fire trucks  
287 purchased, the counties and municipalities making such purchases  
288 and the cost of each fire truck purchased.



289       **SECTION 3.** Section 17-23-21, Mississippi Code of 1972, is  
290 brought forward as follows:

291       17-23-21. There is created in the State Treasury a special  
292 fund to be designated as the "Annual Fire Fund" to be administered  
293 by the Commissioner of Insurance. Monies in the fund, upon  
294 appropriation by the Legislature, may be used by the commissioner  
295 only for the purpose of his or her discretion in requesting the  
296 State Fiscal Officer, and notifying the Legislative Budget Office  
297 of such, to transfer funds from this fund to the Rural Fire Truck  
298 Fund, the Supplementary Rural Fire Truck Fund, the Municipal Fire  
299 Protection Fund and/or the County Volunteer Fire Department Fund;  
300 however, the commissioner shall request the State Fiscal Officer  
301 to transfer at least One Million Five Hundred Thousand Dollars  
302 (\$1,500,000.00) annually to the Rural and Supplementary Rural Fire  
303 Truck Funds. Upon the request of the commissioner, the State  
304 Fiscal Officer shall transfer the requested amounts from the  
305 Annual Fire Fund to the Rural Fire Truck Fund, the Supplementary  
306 Rural Fire Truck Fund, the Municipal Fire Protection Fund and/or  
307 the County Volunteer Fire Department Fund. The total amount of  
308 all such transfers shall not exceed the amount appropriated by the  
309 Legislature from the Annual Fire Fund for the fiscal year in which  
310 the transfers are made, and those transfers shall not reduce the  
311 amount of the spending authority provided to the commissioner by  
312 that appropriation. The commissioner shall document those  
313 transfers through a reconciliation with the Department of Finance



and Administration. The Annual Fire Fund shall consist of monies provided to it through the provisions of Section 83-34-4(6), and any monies which may be appropriated to it by the Legislature. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund.

**SECTION 4.** Section 19-5-95, Mississippi Code of 1972, is brought forward as follows:

19-5-95. (1) The board of supervisors of any county in this state having a population of less than one hundred fifty thousand (150,000), according to the most recent federal census, is hereby empowered and authorized to appropriate out of the county treasury annually a sum not in excess of Two Hundred Fifty Dollars (\$250.00) in aid of any fire department for services and protection by such fire department, and, in its discretion, to appropriate out of the county treasury annually a sum not in excess of the amount which would be produced by a levy of one-fourth (1/4) mill on all taxable property within the county in aid of municipal fire departments in the county, or in aid of fire protection districts and volunteer fire departments within the county which meet the requirements set forth in Section 83-1-39(6), but in no event shall the aggregate amount appropriated annually under this section exceed an amount equal to



the amount which would be produced by a levy of one-fourth (1/4) mill on all taxable property within the county.

(2) The board of supervisors of any county in this state having a population of one hundred fifty thousand (150,000) or greater, according to the most recent federal census, is hereby empowered and authorized to appropriate out of the county treasury annually a sum not in excess of One Thousand Dollars (\$1,000.00) in aid of any fire department for services and protection by such fire department, and, in its discretion, to appropriate out of the county treasury annually a sum not in excess of the amount which would be produced by a levy of three-quarters (3/4) mill on all taxable property within the county in aid of municipal fire departments in the county, or in aid of fire protection districts and volunteer fire departments within the county which meet the requirements set forth in Section 83-1-39(6), but in no event shall the aggregate amount appropriated annually under this section exceed an amount equal to the amount which would be produced by a levy of three-quarters (3/4) mill on all taxable property within the county.

(3) Any appropriation that may be provided as prescribed under this section shall be additional and supplemental to any other funds provided or made available for such purposes under this section or any other section of law and shall not be construed to restrict any such other funds that may be provided to municipal fire departments in the county, fire protection



districts and volunteer fire departments within the county which meet the requirements of Section 83-1-39(6).

**SECTION 5.** Section 21-25-25, Mississippi Code of 1972, is brought forward as follows:

21-25-25. The governing authorities of any two (2) or more municipalities may, in their discretion, contract to create a consolidated fire district, which shall consist of the whole, or a part, of the territory of such municipalities joining therein. Such contract entered into by the governing authorities of such municipalities shall embrace all of the essential terms, and shall state the amount to be contributed by each participating municipality, and the control and operation of same. An ordinance containing the contract as to control of equipment, supervision of the district, and the amount of money to be contributed by each municipality, shall be passed by the governing authorities of all participating municipalities in the same form and substance. Such ordinance shall be duly published as now required by law, and shall go into effect unless twenty percent (20%) of the qualified electors of one (1) of the participating municipalities shall petition against same and file said petition with the proper clerk on or before the next regular meeting of said governing authorities, to be held not less than fifteen (15) days thereafter. If such petition be duly filed, said governing authorities may either cancel said prior ordinance or order an election on said question. Said ordinance shall go into effect





immediately if a majority of the qualified electors voting in said election vote therefor; otherwise, said ordinance shall remain void and of no effect, and no like ordinance shall be passed within four (4) years thereafter.

Such consolidated fire district shall be given a name, and the supervision of protecting said district shall be vested in the governing authorities of the municipality decided upon and stated in the ordinance creating the consolidated fire district. The governing authorities of the municipalities in a consolidated fire district created under the provisions of this section shall have the same powers and duties as the governing authorities in any other fire district.

**SECTION 6.** Section 21-25-27, Mississippi Code of 1972, is brought forward as follows:

21-25-27. The municipal governing authorities are vested with full power to raise the levy on the property, both personal and real, by special assessment within such fire district sufficient to pay for laying such water mains, and to meet the contracted annual rental for such service. Such authorities shall have all power to enforce and collect said taxes as provided by statutes empowering municipalities to collect special assessments, and it shall be done in the same general way and may be assessed at any time and cover such length of time as the governing authorities may deem proper.



412           **SECTION 7.** Section 83-1-37, Mississippi Code of 1972, is  
413 brought forward as follows:

414           83-1-37. (1) The Department of Revenue shall pay for credit  
415 to a fund known as the "Municipal Fire Protection Fund," the sum  
416 of Four Million Eight Hundred Fifty Thousand Dollars  
417 (\$4,850,000.00) annually out of the insurance premium tax  
418 collected annually from the taxes levied on the gross premiums on  
419 fire insurance policies written on properties in this state, under  
420 Sections 27-15-103 through 27-15-127. The State Treasurer shall  
421 credit this amount to the Municipal Fire Protection Fund. This  
422 fund shall be set aside and earmarked for payment to  
423 municipalities in this state, as hereinafter provided.

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

431           (3) The fund hereby created and denominated "Municipal Fire  
432 Protection Fund" shall be apportioned and paid over by the  
433 Department of Insurance to the incorporated municipalities  
434 certified as eligible to participate in the fund by the  
435 Commissioner of Insurance, and shall be distributed in the  
436 following manner annually: each municipality shall be paid Six



Thousand Dollars (\$6,000.00), with the remainder of the monies to be paid on a population basis, to be determined by the most recent federal census. Municipalities receiving these funds shall earmark such monies for fire protection services.

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

(5) Each municipality shall levy a tax of not less than one-fourth (1/4) mill on all property of the municipality or appropriate the avails of not less than one-fourth (1/4) mill from the municipality's general fund for fire protection purposes. Municipalities may allow such millage to be collected by the county. Each municipality shall annually provide the Commissioner of Insurance and the State Fire Coordinator on a form provided by the State Fire Coordinator a report stating whether the



municipality is levied the one-fourth (1/4) mill hereby required  
or in lieu thereof is allowing such millage to be collected by the  
county.

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

**SECTION 8.** Section 83-1-39, Mississippi Code of 1972, is  
brought forward as follows:

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



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

494           (3) Insurance rebate monies shall be expended by the board  
495 of supervisors for fire protection purposes of each county for the  
496 following categories:

497               (a) For training expenses, including emergency medical  
498 services training;

499               (b) Purchase of equipment, purchase of fire trucks,  
500 repair and refurbishing of fire trucks and firefighting equipment,  
501 for emergency medical services equipment, and capital construction  
502 anywhere in the county or pledging as security for a period of not  
503 more than ten (10) years for such purchases;

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

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



510           (e) Appropriations to legal fire protection districts  
511 located in counties subject to all restrictions applicable to the  
512 use of insurance rebate monies;

513           (f) Training of any county personnel as needed for the  
514 adoption of and compliance with the codes established and  
515 promulgated by the Mississippi Building Codes Council or for  
516 windstorm mitigation programs as approved by the Commissioner of  
517 Insurance;

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

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

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

527           (4) Insurance rebate monies not expended in a given fiscal  
528 year for fire protection purposes shall be placed in a special  
529 fund with a written plan approved by the Commissioner of Insurance  
530 for disposition and expenditure of such monies. After the  
531 contracts for fire protection services have been approved and  
532 accepted by the board of supervisors, the monies shall be released  
533 to be expended in such manner as provided by this section.



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

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

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

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

(d) Counties shall levy a tax of not less than one-fourth (1/4) mill on all property of the county or appropriate avails of not less than one-fourth (1/4) mill from the county's general fund for fire protection purposes. Municipalities making a written declaration to the county that they fund and provide



559 their own fire services shall be exempted from this levy. This  
560 levy shall be used for fire protection purposes which include, but  
561 are not limited to, contracting with any provider of fire  
562 protection services.

563       (6) (a) No funds shall be paid by the county to any  
564 provider of fire protection services except in accordance with a  
565 written contract entered into in accordance with guidelines  
566 established by the Commissioner of Insurance and properly approved  
567 by the board of supervisors and Commissioner of Insurance. No  
568 county shall distribute funds to any fire service provider which  
569 has not met the reporting requirements required by the  
570 Commissioner of Insurance. At such time that a fire protection  
571 services provider, particularly a county volunteer fire  
572 department, a municipality or a fire protection district, has  
573 fulfilled the obligations of the written contract and has met the  
574 reporting requirements provided for in this subsection and the  
575 board of supervisors has received the insurance rebate monies, the  
576 board of supervisors shall disburse the appropriate amount to the  
577 fire protection services provider within a reasonable time, not to  
578 exceed six (6) weeks, from the time such requirements are met.  
579 Insurance rebate monies used for the purposes of contracting shall  
580 be expended by the fire service provider for capital construction,  
581 training expenses, purchase of firefighting equipment, including  
582 payments on any loans made for the purpose of purchasing  
583 firefighting equipment, purchase of insurance for any fire





equipment owned or operated by the provider, and for training and equipment of emergency medical services as provided by fire protection services.

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

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

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

(9) The board of supervisors of any county may, in its discretion, grade, gravel, shell and/or maintain real property of a county volunteer fire department, including roads or driveways thereof, as necessary for the effective and safe operation of such county volunteer fire department. Any action taken by the board



609 of supervisors under the authority of this subsection shall be  
610 spread upon the minutes of the board of supervisors when the work  
611 is authorized.

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

617 (11) The Commissioner of Insurance may promulgate rules and  
618 regulations to establish guidelines for the use of fire rebate  
619 funds.

620 **SECTION 9.** Section 83-2-33, Mississippi Code of 1972, is  
621 brought forward as follows:

622 83-2-33. All property and casualty insurance companies doing  
623 business in this state shall contribute annually, at such times as  
624 the Insurance Commissioner shall determine, in proportion to their  
625 gross premiums collected within the State of Mississippi during  
626 the preceding year, to a special fund in the State Treasury to be  
627 known as the "Insurance Department Fund" to be expended by the  
628 Insurance Commissioner in the payment of the expenses of the  
629 Department of Insurance as the commissioner may deem necessary.  
630 The commissioner is hereby authorized to employ such actuarial and  
631 other assistance as shall be necessary to carry out the duties of  
632 the department; and such employees shall be under the authority  
633 and direction of the Insurance Commissioner. The amount to be



634 contributed annually to the fund shall be fixed each year by the  
635 Insurance Commissioner at a percentage of the gross premiums so  
636 collected during the preceding year. However, a minimum  
637 assessment of One Hundred Dollars (\$100.00) shall be charged to  
638 each licensed property and casualty insurance company regardless  
639 of the gross premium amount collected during the preceding year.

640 The total contributions collected for the Insurance  
641 Department Fund shall not exceed the sum of Seven Hundred Fifty  
642 Thousand Dollars (\$750,000.00) in each fiscal year.

643 From and after July 1, 2016, the expenses of this agency  
644 shall be defrayed by appropriation from the State General Fund and  
645 all user charges and fees authorized under this section shall be  
646 deposited into the State General Fund as authorized by law.

647 From and after July 1, 2016, no state agency shall charge  
648 another state agency a fee, assessment, rent or other charge for  
649 services or resources received by authority of this section.

650 **SECTION 10.** Section 83-3-24, Mississippi Code of 1972, is  
651 brought forward as follows:

652 83-3-24. (1) When rating a municipality or fire district,  
653 including evaluations of rural or volunteer fire departments, the  
654 Rating Bureau shall consider the mileage, condition and  
655 maintenance of the fire trucks rather than the age of the fire  
656 trucks. For the purpose of grading municipalities or fire  
657 districts, including rural and volunteer fire departments, and  
658 awarding credits that are considered in determining an overall



659 fire rating based upon the condition of their fire trucks, the  
660 Rating Bureau shall publish guidelines for use in the grading of  
661 fire trucks not later than January 30 of the calendar year during  
662 which the Rating Bureau will apply the guidelines. These  
663 guidelines shall be published and made available to each  
664 municipality and fire district, including rural and volunteer fire  
665 departments, on the Rating Bureau's website not later than January  
666 30 of the calendar year during which the Rating Bureau will apply  
667 the guidelines. If a fire truck in a municipality or fire  
668 district, including rural and volunteer fire departments,  
669 satisfies the guidelines, then the Rating Bureau shall not  
670 recommend the replacement of the fire truck before the next  
671 grading process.

672 (2) For the purpose of grading fire departments, the  
673 alternative water supply standard shall be two hundred fifty (250)  
674 gallons per minute for a sustained period of one (1) hour.

675 **SECTION 11.** Section 83-5-72, Mississippi Code of 1972, is  
676 brought forward as follows:

677 83-5-72. All life, health and accident insurance companies  
678 and health maintenance organizations doing business in this state  
679 shall contribute annually, at such times as the Insurance  
680 Commissioner shall determine, in proportion to their gross  
681 premiums collected within the State of Mississippi during the  
682 preceding year, to a special fund in the State Treasury to be  
683 known as the "Insurance Department Fund" to be expended by the



684 Insurance Commissioner in the payment of the expenses of the  
685 Department of Insurance as the commissioner may deem necessary.  
686 The commissioner is hereby authorized to employ such actuarial and  
687 other assistance as shall be necessary to carry out the duties of  
688 the department; and the employees shall be under the authority and  
689 direction of the Insurance Commissioner. The amount to be  
690 contributed annually to the fund shall be fixed each year by the  
691 Insurance Commissioner at a percentage of the gross premiums so  
692 collected during the preceding year. However, a minimum  
693 assessment of One Hundred Dollars (\$100.00) shall be charged each  
694 licensed life, health and accident insurance company regardless of  
695 the gross premium amount collected during the preceding year.

696 The total contributions collected for the Insurance  
697 Department Fund shall not exceed the sum of Seven Hundred Fifty  
698 Thousand Dollars (\$750,000.00) in each fiscal year.

699 From and after July 1, 2016, the expenses of this agency  
700 shall be defrayed by appropriation from the State General Fund and  
701 all user charges and fees authorized under this section shall be  
702 deposited into the State General Fund as authorized by law.

703 From and after July 1, 2016, no state agency shall charge  
704 another state agency a fee, assessment, rent or other charge for  
705 services or resources received by authority of this section.

706 **SECTION 12.** Section 83-5-73, Mississippi Code of 1972, is  
707 brought forward as follows:



83-5-73. The commissioner shall collect and pay into the special fund in the State Treasury designated as the "Insurance Department Fund" the following fees: for certificate of authority to each general or district agent or manager, Twenty-five Dollars (\$25.00); for filing and processing an agent's certificate of authority, Twenty-five Dollars (\$25.00); for filing and examining statement preliminary to admission, One Thousand Dollars (\$1,000.00); for filing and processing a Form A application, Two Thousand Dollars (\$2,000.00); for filing and auditing annual statement, Five Hundred Dollars (\$500.00); for filing any other paper required by law, Fifty Dollars (\$50.00); for continuing education courses or programs filed by the providers for approval, Fifty Dollars (\$50.00); for each certification company licensed status, Forty Dollars (\$40.00); for each seal when required, Twenty Dollars (\$20.00); for service of process on the commissioner as attorney, Twenty-five Dollars (\$25.00).

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

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

**SECTION 13.** Section 83-34-4, Mississippi Code of 1972, is brought forward as follows:



83-34-4. (1) Nonadmitted insurers shall not be assessable insurers of the association. All surplus lines insurance producers placing insurance through nonadmitted insurers shall collect from the insured and remit to the association a nonadmitted policy fee on all premiums for all insurance written by such surplus lines insurance producer for a policy from a nonadmitted insurer for any and all risks in this state, except that policies or portions thereof that cover residential earthquake risks or residential flood risks that are not written through the National Flood Insurance Program shall be exempt from the nonadmitted policy fee. By procuring or selling insurance on property in this state from a nonadmitted insurer, each surplus lines insurance producer placing insurance through a nonadmitted insurer agrees to be bound by the provisions of this chapter and to collect and remit the nonadmitted policy fee provided for herein.

(2) The nonadmitted policy fee shall be a percentage of the total policy premium but the nonadmitted policy fee shall not be considered premium and is not subject to premium taxes or commissions. However, failure to pay the nonadmitted policy fee shall be treated the same as failure to pay premium. "Total policy premium" includes taxes and commissions.

(3) The nonadmitted policy fee percentage shall be three percent (3%).



757           (4) Within twenty (20) days of the end of the quarter,  
758 surplus lines insurance producers placing insurance through  
759 nonadmitted insurers shall remit directly to the association all  
760 nonadmitted policy fees collected in the preceding quarter. In  
761 addition to the nonadmitted policy fee provided for herein,  
762 surplus lines insurance producers placing insurance through  
763 nonadmitted insurers shall collect and remit excess deficit  
764 surcharges as provided by this chapter. Surplus lines insurance  
765 producers placing insurance through nonadmitted insurers may  
766 designate another surplus lines insurance producer that actually  
767 procured the insurance from the nonadmitted carrier to collect and  
768 remit the nonadmitted policy fees.

769           (5) Each insured in this state who directly procures or  
770 renews insurance with a nonadmitted insurer on properties, risks  
771 or exposures located or to be performed, in whole or in part, in  
772 this state, other than insurance procured through a surplus lines  
773 licensee, shall be subject to the nonadmitted policy fee which  
774 shall be paid by the insured according to the procedures provided  
775 for premium taxes in Section 83-21-17(5).

776           (6) Monies derived from the nonadmitted policy fee collected  
777 under this section shall not be considered public funds and may be  
778 used by the association, in addition to any uses provided for in  
779 Section 83-34-3(4), for education, public outreach, training of  
780 building officials and other programs targeted to reduce the  
781 number of policies within the association; however, beginning on





782 July 1, 2018, and ending on June 30, 2019, before any fees are  
783 remitted to the association, One Million Five Hundred Thousand  
784 Dollars (\$1,500,000.00) shall be diverted and deposited into the  
785 Capital Expense Fund, and Four Million Five Hundred Thousand  
786 Dollars (\$4,500,000.00) shall be diverted and deposited into the  
787 Rural Fire Truck Fund or Supplementary Rural Fire Truck Fund.  
788 Further, beginning July 1, 2019, and ending on June 30, 2020,  
789 before any fees are remitted to the association, Three Million  
790 Five Hundred Thousand Dollars (\$3,500,000.00) shall be diverted  
791 and deposited into the Rural Fire Truck Fund or Supplementary  
792 Rural Fire Truck Fund. Further, beginning July 1, 2022, before  
793 any fees are remitted to the association but only if the  
794 association will receive at least sixty percent (60%) of the fees,  
795 Five Hundred Thousand Dollars (\$500,000.00) shall be diverted and  
796 deposited annually into the Mississippi First Responders Health  
797 and Safety Trust Fund created in Section 25-15-411. Further,  
798 beginning July 1, 2022, but only if the association will receive  
799 at least sixty percent (60%) of the fees and the Mississippi First  
800 Responders Health and Safety Trust Fund has received the diversion  
801 of Five Hundred Thousand Dollars (\$500,000.00), Three Million Five  
802 Hundred Thousand Dollars (\$3,500,000.00) shall be diverted and  
803 deposited annually into the Annual Fire Fund created in Section  
804 17-23-21. Further, beginning July 1, 2022, after the association  
805 has received sixty percent (60%) of the fees and after all other  
806 diversions are made, fifty percent (50%) of any excess amount



807 shall be remitted to the association and fifty percent (50%) of  
808 any excess amount shall be diverted and deposited annually into  
809 the Annual Fire Fund.

810 In the event the value of the association's Total Admitted  
811 Assets, as defined by the audited financial statement, is less  
812 than Two Hundred Fifty Million Dollars (\$250,000,000.00), the  
813 monies diverted and not remitted to the association under this  
814 subsection (6) during that fiscal year and subsequent fiscal years  
815 shall immediately be diverted to the association and shall not be  
816 considered public funds.

817 (7) The association may use excess funds to purchase  
818 reinsurance in an amount that may exceed the total premiums  
819 collected from policyholders.

820 **SECTION 14.** This act shall take effect and be in force from  
821 and after July 1, 2025.

