

By: Senator(s) Robinson

To: Finance

SENATE BILL NO. 2802

1 AN ACT TO AMEND SECTION 83-1-37, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE ANNUAL PAYMENT REQUIRED OF THE DEPARTMENT OF REVENUE
3 TO THE CREDIT OF THE MUNICIPAL FIRE PROTECTION FUND; TO INCREASE
4 THE PERCENTAGE PAYMENT OF THE DEPARTMENT OF REVENUE TO THE CREDIT
5 OF THE MUNICIPAL FIRE PROTECTION FUND; TO AMEND SECTION 83-1-39,
6 MISSISSIPPI CODE OF 1972, TO INCREASE THE ANNUAL PAYMENT REQUIRED
7 OF THE DEPARTMENT OF REVENUE TO THE CREDIT OF THE COUNTY VOLUNTEER
8 FIRE DEPARTMENT FUND; TO INCREASE THE PERCENTAGE PAYMENT OF THE
9 DEPARTMENT OF REVENUE TO THE CREDIT OF THE COUNTY VOLUNTEER FIRE
10 DEPARTMENT FUND; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 83-1-37, Mississippi Code of 1972, is
13 amended as follows:

14 83-1-37. (1) The Department of Revenue shall pay for credit
15 to a fund known as the "Municipal Fire Protection Fund," the sum
16 of * * * Seven Million Five Hundred Thousand Dollars
17 (\$7,500,000.00) annually out of the insurance premium tax
18 collected annually from the taxes levied on the gross premiums on
19 fire insurance policies written on properties in this state, under
20 Sections 27-15-103 through 27-15-127. The State Treasurer shall
21 credit this amount to the Municipal Fire Protection Fund. This



fund shall be set aside and earmarked for payment to municipalities in this state, as hereinafter provided.

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

(3) The fund hereby created and denominated "Municipal Fire Protection Fund" shall be apportioned and paid over by the Department of Insurance to the incorporated municipalities certified as eligible to participate in the fund by the Commissioner of Insurance, and shall be distributed in the 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 2. Section 83-1-39, Mississippi Code of 1972, is amended 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 * * * Seven Million
Five Hundred Thousand Dollars (\$7,500,000.00) 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.

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

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



97 (a) For training expenses, including emergency medical
98 services training;

99 (b) Purchase of equipment, purchase of fire trucks,
100 repair and refurbishing of fire trucks and firefighting equipment,
101 for emergency medical services equipment, and capital construction
102 anywhere in the county or pledging as security for a period of not
103 more than ten (10) years for such purchases;

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

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

110 (e) Appropriations to legal fire protection districts
111 located in counties subject to all restrictions applicable to the
112 use of insurance rebate monies;

113 (f) Training of any county personnel as needed for the
114 adoption of and compliance with the codes established and
115 promulgated by the Mississippi Building Codes Council or for
116 windstorm mitigation programs as approved by the Commissioner of
117 Insurance;

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



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

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

127 (4) Insurance rebate monies not expended in a given fiscal
128 year for fire protection purposes shall be placed in a special
129 fund with a written plan approved by the Commissioner of Insurance
130 for disposition and expenditure of such monies. After the
131 contracts for fire protection services have been approved and
132 accepted by the board of supervisors, the monies shall be released
133 to be expended in such manner as provided by this section.

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

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

142 (b) Designates one (1) member of the sheriff's
143 department to be the county fire investigator and, from and after
144 July 1, 2008, requires the designated member of the sheriff's
145 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 their own fire services shall be exempted from this levy. This levy shall be used for fire protection purposes which include, but are not limited to, contracting with any provider of fire protection services.

(6) (a) No funds shall be paid by the county to any provider of fire protection services except in accordance with a written contract entered into in accordance with guidelines established by the Commissioner of Insurance and properly approved by the board of supervisors and Commissioner of Insurance. No county shall distribute funds to any fire service provider which has not met the reporting requirements required by the Commissioner of Insurance. At such time that a fire protection



171 services provider, particularly a county volunteer fire
172 department, a municipality or a fire protection district, has
173 fulfilled the obligations of the written contract and has met the
174 reporting requirements provided for in this subsection and the
175 board of supervisors has received the insurance rebate monies, the
176 board of supervisors shall disburse the appropriate amount to the
177 fire protection services provider within a reasonable time, not to
178 exceed six (6) weeks, from the time such requirements are met.
179 Insurance rebate monies used for the purposes of contracting shall
180 be expended by the fire service provider for capital construction,
181 training expenses, purchase of firefighting equipment, including
182 payments on any loans made for the purpose of purchasing
183 firefighting equipment, purchase of insurance for any fire
184 equipment owned or operated by the provider, and for training and
185 equipment of emergency medical services as provided by fire
186 protection services.

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

192 (7) The board of supervisors of any county may contribute
193 funds directly to any provider of fire protection services serving
194 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 of supervisors under the authority of this subsection shall be spread upon the minutes of the board of supervisors when the work is authorized.

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

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



220 **SECTION 3.** This act shall take effect and be in force from
221 and after July 1, 2025.

