

House Amendments to Senate Bill No. 2802

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

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

24 (2) Using 1990 as a base year, the Department of Revenue
25 shall pay over annually to the State Treasurer, for credit to the
26 "Municipal Fire Protection Fund," an amount representing * * * ten
27 percent (* * *10%) of any growth after 1990 of the insurance
28 premium tax collected annually from the taxes levied on the gross

29 premium on fire insurance policies written on properties in this
30 state, under Sections 27-15-103 through 27-15-127.

31 (3) The fund hereby created and denominated "Municipal Fire
32 Protection Fund" shall be apportioned and paid over by the
33 Department of Insurance to the incorporated municipalities
34 certified as eligible to participate in the fund by the
35 Commissioner of Insurance, and shall be distributed in the
36 following manner annually: each municipality shall be paid Six
37 Thousand Dollars (\$6,000.00), with the remainder of the monies to
38 be paid on a population basis, to be determined by the most recent
39 federal census. Municipalities receiving these funds shall
40 earmark such monies for fire protection services.

41 (4) The amount paid under subsections (1) and (2) of this
42 section to a municipality shall be used and expended in accordance
43 with the guidelines established by the Commissioner of Insurance
44 authorized by Section 45-11-7, for the training of municipal
45 personnel as needed for the adoption of and compliance with the
46 minimum building codes as established and promulgated by the
47 Mississippi Building Codes Council, for windstorm mitigation
48 programs as approved by the Commissioner of Insurance, and for
49 emergency medical service training and equipment as provided by
50 municipal fire protection services. A municipality may provide
51 reasonable remuneration to municipal volunteer firefighters in
52 accordance with the guidelines established by the Commissioner of
53 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

80 Thousand Dollars (\$30,000.00), with the remainder of the monies to
81 be paid on the basis of the population of each county as it
82 compares to the population of participating counties, not counting
83 residents of any municipality. Such insurance rebate monies shall
84 only be distributed to those counties which are in compliance with
85 subsections (5) and (6) of this section.

86 (2) Using 1990 as a base year, the Department of Revenue
87 shall pay to the State Treasurer, to be credited to the "County
88 Volunteer Fire Department Fund," an amount representing * * * ten
89 percent (* * *10%) of any growth after 1990 of the insurance
90 premium tax collected annually from the taxes levied on the gross
91 premium on fire insurance policies written on properties in this
92 state, in addition to the amount collected by it under Section
93 27-15-103 et seq.

94 (3) Insurance rebate monies shall be expended by the board
95 of supervisors for fire protection purposes of each county for the
96 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;

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

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

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

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

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

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

(4) Insurance rebate monies not expended in a given fiscal year for fire protection purposes shall be placed in a special fund with a written plan approved by the Commissioner of Insurance for disposition and expenditure of such monies. After the contracts for fire protection services have been approved and

accepted by the board of supervisors, the monies shall be released 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 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 services provider, particularly a county volunteer fire department, a municipality or a fire protection district, has fulfilled the obligations of the written contract and has met the reporting requirements provided for in this subsection and the board of supervisors has received the insurance rebate monies, the board of supervisors shall disburse the appropriate amount to the fire protection services provider within a reasonable time, not to exceed six (6) weeks, from the time such requirements are met. Insurance rebate monies used for the purposes of contracting shall be expended by the fire service provider for capital construction, training expenses, purchase of firefighting equipment, including payments on any loans made for the purpose of purchasing 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 of supervisors under the authority of this subsection shall be

210 spread upon the minutes of the board of supervisors when the work
211 is authorized.

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

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

220 **SECTION 3.** This act shall take effect and be in force from
221 and after July 1, 2025, and shall stand repealed on June 29, 2025.

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

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.

HR26\SB2802A.J

Andrew Ketchings
Clerk of the House of Representatives