

By: Representatives Warren, Davis

To: Appropriations

## HOUSE BILL NO. 851

1 AN ACT TO AMEND SECTION 17-23-1, MISSISSIPPI CODE OF 1972, TO  
2 ALLOW THE PURCHASE OF USED FIRE TRUCKS FOR COUNTIES AND  
3 MUNICIPALITIES UNDER THE RURAL FIRE TRUCK ACQUISITION ASSISTANCE  
4 PROGRAM; TO AMEND SECTION 17-23-11, MISSISSIPPI CODE OF 1972, TO  
5 ALLOW THE PURCHASE OF USED FIRE TRUCKS FOR COUNTIES AND  
6 MUNICIPALITIES UNDER THE SUPPLEMENTARY RURAL FIRE TRUCK  
7 ACQUISITION ASSISTANCE PROGRAM; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 17-23-1, Mississippi Code of 1972, is  
10 amended as follows:

11 17-23-1. (1) There is established a rural fire truck  
12 acquisition assistance program to be administered by the  
13 Department of Insurance for the purpose of assisting counties and  
14 municipalities in the acquisition of fire trucks.

15 (2) There is created in the State Treasury a special fund to  
16 be designated as the "Rural Fire Truck Fund." The Legislature may  
17 appropriate that amount necessary to fulfill the obligations  
18 created under this section by the Department of Insurance, from  
19 the State General Fund to such special fund, which sum shall be  
20 added to the remainder of the money transferred on July 1, 1995,  
21 and during the 1996 Regular Session to the Rural Fire Truck Fund.  
22 Unexpended amounts remaining in the fund at the end of a fiscal  
23 year shall not lapse into the State General Fund, and any interest  
24 earned on amounts in the fund shall be deposited to the credit of  
25 the fund. Unobligated amounts remaining in the Rural Fire Truck  
26 Fund, Fund No. 3507, or in Fund No. 3508, or in Fund No. 3504, or  
27 in any fund created for funds appropriated or otherwise made  
28 available for this program, may be used as matching funds by any  
29 county with remaining eligibility as provided herein. It is the

30 intent of the Legislature that the Department of Insurance  
31 continue to accept applications from the counties for fire trucks  
32 as provided in subsection (3) of this section.

33 (3) (a) A county that meets the requirements provided  
34 herein may receive an amount not to exceed Four Hundred Forty  
35 Thousand Dollars (\$440,000.00) as provided in subparagraphs (i),  
36 (ii), (iii), (iv), (v), (vi), (vii) and (viii) of this paragraph,  
37 and such amount shall be divided as follows: an amount of not  
38 more than Fifty Thousand Dollars (\$50,000.00) per fire truck for  
39 the first six (6) trucks and not more than Seventy Thousand  
40 Dollars (\$70,000.00) per fire truck for the seventh and eighth  
41 trucks. Monies distributed under this chapter shall be expended  
42 only for the purchase of new or used fire trucks and such trucks  
43 must meet the National Fire Protection Association (NFPA)  
44 standards in the 1900 series.

45 (i) Any county that has not applied for a fire  
46 truck under this section is eligible to submit applications for  
47 eight (8) fire trucks as follows: six (6) fire trucks at not more  
48 than Fifty Thousand Dollars (\$50,000.00) per truck and two (2)  
49 fire trucks at not more than Seventy Thousand Dollars (\$70,000.00)  
50 per truck or a total of Four Hundred Forty Thousand Dollars  
51 (\$440,000.00).

52 (ii) Any county that has received one (1) fire  
53 truck under this section is eligible to submit applications for  
54 seven (7) fire trucks as follows: five (5) fire trucks at not  
55 more than Fifty Thousand Dollars (\$50,000.00) per truck and two  
56 (2) fire trucks at not more than Seventy Thousand Dollars  
57 (\$70,000.00) per truck or a total of Three Hundred Ninety Thousand  
58 Dollars (\$390,000.00).

59 (iii) Any county that has received two (2) fire  
60 trucks under this section is eligible to submit an application for  
61 six (6) fire trucks as follows: four (4) fire trucks at not more  
62 than Fifty Thousand Dollars (\$50,000.00) per truck and two (2)

63 fire trucks at not more than Seventy Thousand Dollars (\$70,000.00)  
64 per truck or a total of not more than Three Hundred Forty Thousand  
65 Dollars (\$340,000.00).

66 (iv) Any county that has received three (3) fire  
67 trucks under this section is eligible to submit an application for  
68 five (5) fire trucks as follows: three (3) fire trucks at not  
69 more than Fifty Thousand Dollars (\$50,000.00) per truck and two  
70 (2) fire trucks at not more than Seventy Thousand Dollars  
71 (\$70,000.00) per truck or a total of not more than Two Hundred  
72 Ninety Thousand Dollars (\$290,000.00).

73 (v) Any county that has received four (4) fire  
74 trucks under this section is eligible to submit an application for  
75 four (4) fire trucks as follows: two (2) fire trucks at not more  
76 than Fifty Thousand Dollars (\$50,000.00) per truck and two (2)  
77 fire trucks at not more than Seventy Thousand Dollars (\$70,000.00)  
78 per truck or a total of not more than Two Hundred Forty Thousand  
79 Dollars (\$240,000.00).

80 (vi) Any county that has received five (5) fire  
81 trucks under this section is eligible to submit an application for  
82 three (3) fire trucks as follows: one (1) fire truck at not more  
83 than Fifty Thousand Dollars (\$50,000.00) per truck and two (2)  
84 fire trucks at not more than Seventy Thousand Dollars (\$70,000.00)  
85 per truck or a total of not more than One Hundred Ninety Thousand  
86 Dollars (\$190,000.00).

87 (vii) Any county that has received six (6) fire  
88 trucks under this section is eligible to submit an application for  
89 two (2) fire trucks at not more than Seventy Thousand Dollars  
90 (\$70,000.00) per truck or a total of not more than One Hundred  
91 Forty Thousand Dollars (\$140,000.00).

92 (viii) Any county that has received seven (7) fire  
93 trucks under this section is eligible to submit an application for  
94 one (1) fire truck at not more than Seventy Thousand Dollars  
95 (\$70,000.00).

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

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

107                 (i) A county or municipality must pledge to set  
108 aside or dedicate each year as matching funds, for a period not to  
109 extend over ten (10) years, local funds in an amount equal to or  
110 not less than one-tenth (1/10) of the amount of monies for which  
111 it is requesting distribution from the Rural Fire Truck Fund,  
112 which pledged monies may be derived from local ad valorem tax  
113 authorized by law or from any other funds available to the county  
114 or municipality, except for those funds received by municipalities  
115 or counties from the Municipal Fire Protection Fund or the County  
116 Volunteer Fire Department Fund, as defined in Sections 83-1-37 and  
117 83-1-39.

118                 (ii) A municipality must provide adequate  
119 documentation of its contract with the county that requires the  
120 municipality to provide fire protection in rural areas. The term  
121 "rural areas" means any area within the county located outside the  
122 boundaries of an incorporated municipality or any incorporated  
123 municipality with a population of two thousand five hundred  
124 (2,500) or less.

125           (d) The Department of Insurance shall maintain an  
126 accurate record of all monies distributed to counties and  
127 municipalities and the number of fire trucks purchased and the  
128 cost for each fire truck, such records to be kept separate from

129 other records of the Department of Insurance; notify counties and  
130 municipalities of the rural fire truck acquisition assistance  
131 program and the requirements for them to become eligible to  
132 participate; adopt and promulgate such rules and regulations as  
133 may be necessary and desirable to implement the provisions of this  
134 chapter; and file with the Legislature a report detailing how  
135 monies made available under this chapter were distributed and  
136 spent during the preceding portion of the fiscal year in each  
137 county and municipality, the number of fire trucks purchased, the  
138 counties and municipalities making such purchases and the cost of  
139 each fire truck purchased.

140       **SECTION 2.** Section 17-23-11, Mississippi Code of 1972, is  
141 amended as follows:

142       17-23-11. (1) There is established a supplementary rural  
143 fire truck acquisition assistance program to be administered by  
144 the Department of Insurance for the purpose of assisting counties  
145 and municipalities in the acquisition of fire trucks. The  
146 supplementary rural fire truck acquisition assistance program is  
147 in addition to the rural fire truck acquisition assistance program  
148 established in Section 17-23-1 or any other program by which  
149 counties and municipalities acquire fire trucks.

150       (2) There is created in the State Treasury a special fund to  
151 be designated as the "Supplementary Rural Fire Truck Fund" which  
152 shall consist of funds appropriated or otherwise made available by  
153 the Legislature in any manner, and funds from any other source  
154 designated for deposit into such fund. Monies in the fund shall  
155 be used for the purpose of assisting counties and municipalities  
156 in the acquisition of fire trucks. Unexpended amounts remaining  
157 in the fund at the end of a fiscal year shall not lapse into the  
158 State General Fund, and any interest earned on amounts in the fund  
159 shall be deposited to the credit of the fund.

160       (3) (a) A county that meets the requirements provided  
161 herein may receive an amount of not more than Fifty Thousand

162 Dollars (\$50,000.00) per fire truck. Monies distributed under  
163 this section shall be expended only for the purchase of new or  
164 used fire trucks and such trucks must meet the National Fire  
165 Protection Association (NFPA) standards in the 1900 series.

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

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

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

188 (ii) A municipality must provide adequate  
189 documentation of its contract with the county that requires the  
190 municipality to provide fire protection in rural areas. The term  
191 "rural areas" means any area within the county located outside the  
192 boundaries of an incorporated municipality or any incorporated  
193 municipality with a population of two thousand five hundred  
194 (2,500) or less.

195           (d) The Department of Insurance shall maintain an  
196 accurate record of all monies distributed to counties and  
197 municipalities and the number of fire trucks purchased and the  
198 cost for each fire truck, such records to be kept separate from  
199 other records of the Department of Insurance; notify counties and  
200 municipalities of the supplementary rural fire truck acquisition  
201 assistance program and the requirements for them to become  
202 eligible to participate; adopt and promulgate such rules and  
203 regulations as may be necessary and desirable to implement the  
204 provisions of this section; and file with the Legislature a report  
205 detailing how monies made available under this chapter were  
206 distributed and spent during the preceding portion of the fiscal  
207 year in each county and municipality, the number of fire trucks  
208 purchased, the counties and municipalities making such purchases  
209 and the cost of each fire truck purchased.

210           **SECTION 3.** This act shall take effect and be in force from  
211 and after its passage.