

By: Representative Robinson

To: County Affairs;
Insurance

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1465

1 AN ACT TO AMEND SECTION 17-2-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ANY COUNTY OR MUNICIPALITY THAT ADOPTS BUILDING CODES
3 AFTER JULY 1, 2008, SHALL ADOPT AS MINIMUM CODES ANY CODES
4 ESTABLISHED BY THE MISSISSIPPI BUILDING CODES COUNCIL; TO PROVIDE
5 THAT ANY COUNTY OR MUNICIPALITY THAT HAS ADOPTED CONSTRUCTION
6 CODES PUBLISHED BEFORE JANUARY 1, 2000, SHALL, NO LATER THAN JULY
7 1, 2010, ADOPT AS MINIMUM CODES ANY CODES ESTABLISHED BY THE
8 MISSISSIPPI BUILDING CODES COUNCIL; TO AMEND SECTION 83-1-37,
9 MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNT OF INSURANCE
10 PREMIUM TAX DEPOSITED WITH THE MUNICIPAL FIRE PROTECTION FUND AND
11 TO ALLOW THE FUNDS TO BE USED FOR TRAINING NECESSARY FOR
12 COMPLIANCE WITH CODES ADOPTED BY THE MISSISSIPPI BUILDING CODES
13 COUNCIL; TO AMEND SECTION 83-1-39, MISSISSIPPI CODE OF 1972, TO
14 INCREASE THE AMOUNT OF INSURANCE PREMIUM TAX DEPOSITED WITH THE
15 COUNTY VOLUNTEER FIRE DEPARTMENT FUND AND TO ALLOW THE FUNDS TO BE
16 USED FOR TRAINING NECESSARY FOR COMPLIANCE WITH CODES ADOPTED BY
17 THE MISSISSIPPI BUILDING CODES COUNCIL; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 17-2-5, Mississippi Code of 1972, is
20 amended as follows:

21 17-2-5. (1) Any county board of supervisors or municipal
22 governing authority that adopts building codes after July 1, 2008,
23 shall adopt as minimum codes any codes established and promulgated
24 by the Mississippi Building Codes Council.

25 (2) Any county board of supervisors or municipal governing
26 authority that has adopted construction codes published before
27 January 1, 2000, shall, no later than July 1, 2010, adopt as
28 minimum codes any codes established and promulgated by the
29 Mississippi Building Codes Council.

30 (3) Any codes adopted by a board of supervisors or municipal
31 governing authority under this section shall be enforced by the
32 board of supervisors or municipal governing authority, as the case
33 may be.



34 (4) Municipalities and counties may establish agreements
35 with other governmental entities of the state or certified
36 third-party providers to issue permits and enforce state building
37 codes in order to provide the services required by Chapter 524,
38 Laws of 2007. The council may assist in arranging for
39 municipalities, counties or third-party providers the provision of
40 services required by Chapter 524, Laws of 2007, if a written
41 request from the governing authority of the county or municipality
42 is submitted to the council.

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

45 83-1-37. (1) The State Tax Commission shall pay for credit
46 to a fund known as the "Municipal Fire Protection Fund," the sum
47 of Four Million Eight Hundred Fifty Thousand Dollars
48 (\$4,850,000.00) annually out of the insurance premium tax
49 collected annually from the taxes levied on the gross premiums on
50 fire insurance policies written on properties in this state, under
51 Sections 27-15-103 through 27-15-127. The State Treasurer shall
52 credit this amount to the Municipal Fire Protection Fund. This
53 fund shall be set aside and earmarked for payment to
54 municipalities in this state, as hereinafter provided.

55 (2) Using 1990 as a base year, the State Tax Commission
56 shall pay over annually to the State Treasurer, for credit to the
57 "Municipal Fire Protection Fund," an amount representing one-half
58 of ten percent (1/2 of 10%) of any growth after 1990 of the
59 insurance premium tax collected annually from the taxes levied on
60 the gross premium on fire insurance policies written on properties
61 in this state, under Sections 27-15-103 through 27-15-127.

62 (3) The fund hereby created and denominated "Municipal Fire
63 Protection Fund" shall be apportioned and paid over by the
64 Department of Insurance to the incorporated municipalities
65 certified as eligible to participate in the fund by the
66 Commissioner of Insurance, and shall be distributed once each year



67 on a population basis, to be determined by the most recent federal
68 census. Municipalities receiving these funds shall earmark such
69 monies for fire protection services; except, Two Hundred Fifty
70 Thousand Dollars (\$250,000.00) shall be designated for the
71 training of municipal personnel as needed for the adoption of and
72 compliance with the minimum building codes as established and
73 promulgated by the Mississippi Building Codes Council.

74 (4) The amount paid under subsections (1) and (2) of this
75 section to a municipality shall be used and expended in accordance
76 with the guidelines established by the Commissioner of Insurance
77 authorized by Section 45-11-7, and for the training of municipal
78 personnel as needed for the adoption of and compliance with the
79 minimum building codes as established and promulgated by the
80 Mississippi Building Codes Council.

81 (5) Each municipality shall levy a tax of not less than
82 one-fourth (1/4) mill on all property of the municipality or
83 appropriate the avails of not less than one-fourth (1/4) mill from
84 the municipality's general fund for fire protection purposes.
85 Municipalities may allow such millage to be collected by the
86 county. Each municipality shall annually provide the Commissioner
87 of Insurance and the State Fire Coordinator on a form provided by
88 the State Fire Coordinator a report stating whether the
89 municipality is levied the one-fourth (1/4) mill hereby required
90 or in lieu thereof is allowing such millage to be collected by the
91 county.

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

94 83-1-39. (1) The State Tax Commission shall pay over to the
95 State Treasurer, to be credited to a fund entitled "County
96 Volunteer Fire Department Fund," the sum of Four Million Eight
97 Hundred Fifty Thousand Dollars (\$4,850,000.00) annually out of the
98 insurance premium tax in addition to the amount collected by it
99 under the provisions of Section 27-15-103 et seq. Such funds,



100 hereinafter referred to as insurance rebate monies, are hereby
101 earmarked for payment to the various counties of the state and
102 shall be paid over to the counties by the Department of Insurance
103 on the basis of the population of each county as it compares to
104 the population of participating counties, not counting residents
105 of any municipality. Such insurance rebate monies shall only be
106 distributed to those counties which are in compliance with
107 subsections (5) and (6) of this section. Of these monies, Two
108 Hundred Fifty Thousand Dollars (\$250,000.00) shall be designated
109 for the purposes prescribed in subsection (3) (f) of this section.

110 (2) Using 1990 as a base year, the State Tax Commission
111 shall pay to the State Treasurer, to be credited to the "County
112 Volunteer Fire Department Fund," an amount representing one-half
113 of ten percent (1/2 of 10%) of any growth after 1990 of the
114 insurance premium tax collected annually from the taxes levied on
115 the gross premium on fire insurance policies written on properties
116 in this state, in addition to the amount collected by it under
117 Section 27-15-103 et seq.

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

121 (a) For training expenses;

122 (b) Purchase of equipment, purchase of fire trucks,
123 repair and refurbishing of fire trucks and fire fighting
124 equipment, and capital construction anywhere in the county or
125 pledging as security for a period of not more than ten (10) years
126 for such purchases;

127 (c) Purchase of insurance on county-owned fire fighting
128 equipment;

129 (d) Fire protection service contracts, including, but
130 not limited to, municipalities, legal fire protection districts,
131 and nonprofit corporations providing or coordinating fire service
132 in or out of the county; * * *



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

136 (f) Training of any county personnel as needed for the
137 adoption of and compliance with the codes established and
138 promulgated by the Mississippi Building Codes Council. Any
139 county-owned equipment or other property, at the option of the
140 board of supervisors, may be used by any legally created fire
141 department.

142 (4) Insurance rebate monies not expended in a given fiscal
143 year for fire protection purposes shall be placed in a special
144 fund with a written plan approved by the Commissioner of Insurance
145 for disposition and expenditure of such monies. After the
146 contracts for fire protection services have been approved and
147 accepted by the board of supervisors, the monies shall be released
148 to be expended in such manner as provided by this section.

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

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

157 (b) Designates one (1) member of the sheriff's
158 department to be the county fire investigator and, from and after
159 July 1, 2008, requires the designated member of the sheriff's
160 department to attend the State Fire Academy to be trained in arson
161 investigation; however, in the event of a loss of the county fire
162 investigator due to illness, death, resignation, discharge or
163 other legitimate cause, notice shall be immediately given to the
164 Commissioner of Insurance and the county may continue to receive



165 payments on an interim basis for a period not to exceed one (1)
166 year;

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

169 (d) Counties shall levy a tax of not less than
170 one-fourth (1/4) mill on all property of the county or appropriate
171 avails of not less than one-fourth (1/4) mill from the county's
172 general fund for fire protection purposes. Municipalities making
173 a written declaration to the county that they fund and provide
174 their own fire services shall be exempted from this levy. This
175 levy shall be used for fire protection purposes which include, but
176 are not limited to, contracting with any provider of fire
177 protection services.

178 (6) (a) No funds shall be paid by the county to any
179 provider of fire protection services except in accordance with a
180 written contract entered into in accordance with guidelines
181 established by the Commissioner of Insurance and properly approved
182 by the board of supervisors and Commissioner of Insurance. No
183 county shall distribute funds to any fire service provider which
184 has not met the reporting requirements required by the
185 Commissioner of Insurance. At such time that a fire protection
186 services provider, particularly a county volunteer fire
187 department, a municipality or a fire protection district, has
188 fulfilled the obligations of the written contract and has met the
189 reporting requirements provided for in this subsection and the
190 board of supervisors has received the insurance rebate monies, the
191 board of supervisors shall disburse the appropriate amount to the
192 fire protection services provider within a reasonable time, not to
193 exceed six (6) weeks, from the time such requirements are met.
194 Insurance rebate monies used for the purposes of contracting shall
195 be expended by the fire service provider for capital construction,
196 training expenses, purchase of fire fighting equipment, including
197 payments on any loans made for the purpose of purchasing fire



198 fighting equipment, and purchase of insurance for any fire
199 equipment owned or operated by the provider.

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

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

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

217 (9) The board of supervisors of any county may, in its
218 discretion, grade, gravel, shell and/or maintain real property of
219 a county volunteer fire department, including roads or driveways
220 thereof, as necessary for the effective and safe operation of such
221 county volunteer fire department. Any action taken by the board
222 of supervisors under the authority of this subsection shall be
223 spread upon the minutes of the board of supervisors when the work
224 is authorized.

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



230 **SECTION 4.** This act shall take effect and be in force from
231 and after July 1, 2008.

