NOTICE OF PROPOSED RULE - TEMPORARY RULE

STATE OF MISSISSIPPI
DEPARTMENT OF INSURANCE

Mississippi Department of Insurance
c/o Lee Harrell , Deputy Commissioner
501 N. West Street, Suite 1001
P.O. Box 79
Jackson, MS 39205
{601) 359-3569
lee.harrell@mid.state.ms.us

Governor's State of Emergency Proclamation of August 26, 2005;
Governor's State of Emergency Proclamation of September 2, 2005;
State of Mississippi Emergency Operations Plan and
Executive Order No. 653
Senate Bill 2381, 2006 Regular Legislative Session

FILED
OCT 27 2006
MISSISSIPPI
SECRETARY OF STATE

Specific Legal Authority authorizing the promulgation of Rule:
§§ 33-15-11(b)(9); 33-15-11(c)(4); 83-5-1, et seq.
Date Rule Proposed: August 25, 2006

Reference to Rules repealed, amended or suspended by the Temporary Rule:
Regulation 2006-4

Explanation of the Purpose of the Temporary Rule and the reason(s) for the rule:
This agency issued Emergency Regulation 2006-4 to expand the "Special Mediation Program for Personal Lines Residential Insurance Claims Resulting from Hurricane Katrina" as established in Regulation 2005-2, as amended, in order to allow parties in litigation to participate in the Hurricane Katrina mediation program, upon an order by a court of competent jurisdiction and to set the fees to be collected in said mediations. Emergency Regulation 2006-4 is necessary in order to promote and secure the safety and protection of the citizens of the State of Mississippi by alleviating crowded court dockets and meeting the critical need for litigants to have access to an alternative procedure for the effective, fair and timely handling of residential insurance claims. The attached Emergency Regulation 2006-4, as amended, is promulgated to increase the Administrator and Mediator fees for court ordered mediation involving parties to litigation arising from a disputed Hurricane Katrina claim.

This rule is proposed as a ☒ Final Rule, and/or a ☒ Temporary Rule (Check one or both boxers as applicable.)

The Agency finds that an imminent peril to the public health, safety or welfare requires the adoption of a rule upon fewer than twenty-five (25) days notice. The Agency Rule Making Record for this temporary rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☐ An oral proceeding was held on this rule:

X An oral proceeding was not held on this rule.

The Agency has considered any written comments received and the presentations made in any oral proceeding, and

☐ This rule as adopted is without variance from the proposed temporary rule.

☐ This rule as adopted differs from the proposed temporary rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ The rule as adopted differs from the proposed temporary rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

X N/A

The entire text of the Temporary Rule including the text of any rule being amended or changed is attached.

Proposed Date: October 27, 2006

Effective Date of Rule: October 27, 2006

Lee Harrell

Lee Harrell