

STATE OF MISSISSIPPI STATE OF MISSISSIPPI  
STATE OF MISSISSIPPI

DEPARTMENT OF INSURANCE  
NOTICE OF RULE ADOPTION—FINAL RULE



MISSISSIPPI  
SECRETARY OF STATE

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

**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:** April 3, 2007

**Reference to Rules repealed, amended or suspended by the Temporary Rule:**  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

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing 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. This agency is filing to make Regulation 2006-4 permanent. Furthermore, pursuant to Miss. Code Ann. § 25-43-3.113(2)(b)(iv), the effective date of this rule shall be a subsequent date earlier than the thirty (30) days allowed by law; the effective date shall be May 25, 2007.

**The Agency Rule Making Record for this 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:

Date: May 2, 2007  
Time: 9:30 a.m.  
Place: Woolfolk State Office Building, Suite 1001, South Conference Room, 501 N. West Street, Jackson, MS

An oral proceeding was not held on this rule.

**The Agency has considered the written comments and the presentations made in any oral proceedings, and**

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

This rule as adopted differs from the proposed 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 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.

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

**Effective Date of Rule:** May 25, 2007

\_\_\_\_\_  
Lee Harrell  
Deputy Commissioner of Insurance