

By: Representatives Read, Boyd (19th)

To: Appropriations A

HOUSE BILL NO. 1705
(As Sent to Governor)

1 AN ACT TO DIRECT THE STATE TREASURER TO TRANSFER CERTAIN
2 AMOUNTS FROM THE CAPITAL EXPENSE FUND TO THE ANIMAL DISEASE
3 RESPONSE FUND, THE OIL AND GAS EMERGENCY PLUGGING FUND, THE
4 DISASTER ASSISTANCE TRUST FUND, THE MISSISSIPPI DAM SAFETY FUND
5 AND THE HISTORIC SITE PRESERVATION FUND; TO CREATE NEW SPECIAL
6 FUNDS IN THE STATE TREASURY TO BE KNOWN AS THE OPIOID SETTLEMENT
7 FUND, THE FOREST IMPROVEMENT REVOLVING FUND, THE VOLUNTEER FIRE
8 DEPARTMENT EQUIPMENT CONVERSION REVOLVING FUND, THE CAMDEN STATE
9 FOREST REVOLVING FUND, THE ARTS COMMISSION CHALLENGE INITIATIVE
10 FUND, AND THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM BUILDING REPAIR
11 AND MAINTENANCE FUND; TO AMEND SECTION 83-1-191, MISSISSIPPI CODE
12 OF 1972, TO PROVIDE THAT GRANTS MADE BY THE DEPARTMENT OF
13 INSURANCE UNDER THE COMPREHENSIVE HURRICANE DAMAGE MITIGATION
14 PROGRAM SHALL NOT EXCEED \$10,000 PER RECIPIENT; TO CREATE A
15 SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE
16 COMPREHENSIVE HURRICANE DAMAGE MITIGATION PROGRAM FUND; TO DIRECT
17 THE DEPARTMENT OF INSURANCE TO ISSUE A REQUEST FOR PROPOSALS TO
18 CONTRACT WITH A THIRD PARTY TO ADMINISTER THE PROGRAM; TO PROVIDE
19 THAT THE CONTRACT SHALL BE FUNDED FROM MONIES IN THE COMPREHENSIVE
20 HURRICANE DAMAGE MITIGATION PROGRAM FUND, AND THAT AMOUNT SHALL
21 NOT EXCEED ONE PERCENT OF THE FUNDS APPROPRIATED TO THE DEPARTMENT
22 FOR THE PROGRAM; TO DIRECT THE MISSISSIPPI SURPLUS LINES
23 ASSOCIATION TO TRANSFER A CERTAIN SUM TO THE STATE TREASURER TO BE
24 DEPOSITED INTO THE COMPREHENSIVE HURRICANE DAMAGE MITIGATION
25 PROGRAM FUND; TO DIRECT THE STATE TREASURER TO TRANSFER A CERTAIN
26 SUM FROM THE REAL ESTATE COMMISSION FUND TO THE HOME INSPECTOR
27 LICENSE FUND; TO AMEND SECTION 1 OF CHAPTER 7, LAWS OF 2023, TO
28 REVISE THE FISCAL YEAR 2024 APPROPRIATION TO THE STATE BOARD OF
29 BARBER EXAMINERS TO APPROPRIATE FUNDS TO A SUCCESSOR BOARD OF THE
30 STATE BOARD OF BARBER EXAMINERS; TO AMEND SECTION 1 OF CHAPTER 8,
31 LAWS OF 2023, TO REVISE THE FISCAL YEAR 2024 APPROPRIATION TO THE
32 STATE BOARD OF COSMETOLOGY TO APPROPRIATE FUNDS TO A SUCCESSOR
33 BOARD OF THE STATE BOARD OF COSMETOLOGY; AND FOR RELATED PURPOSES.



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

35 **SECTION 1.** Upon the effective date of this act, the State
36 Treasurer, in conjunction with the State Fiscal Officer, shall
37 transfer the amounts listed below from the Capital Expense Fund
38 (Fund No. 6499C00000) to each of the following named funds:

39 FUND	FUND NUMBER	AMOUNT
40 Animal Disease Response		
41 Fund created in Section		
42 69-15-21, Mississippi		
43 Code of 1972	3342700000	\$ 92,000.00
44 Oil and Gas Emergency		
45 Plugging Fund created in		
46 Section 53-1-77,		
47 Mississippi Code of 1972	3349300000	\$ 800,000.00
48 Disaster Assistance Trust		
49 Fund created in		
50 Section 33-15-307,		
51 Mississippi Code of 1972	3372500000	\$ 1,575,864.00
52 Mississippi Dam Safety Fund		
53 created in Section 19,		
54 Chapter 492, Laws of		
55 2020	6614700000	\$ 2,000.000.00
56 Historic Site Preservation		
57 Fund created in Section		
58 39-5-22, Mississippi		



59 Code of 1972 3348400000 \$ 500,000.00
60 TOTAL \$ 4,967,864.00

61 **SECTION 2.** (1) There is created in the State Treasury a
62 special fund to be known as the Opioid Settlement Fund. The fund
63 shall consist of monies received by the Attorney General on behalf
64 of the State of Mississippi from settlements of opioid litigation
65 with distributors Cardinal Health, McKesson and AmerisourceBergen,
66 manufacturers Janssen Pharmaceuticals/Johnson & Johnson, Allergan
67 and Teva, and pharmacy chains CVS, Walgreens and Walmart, which
68 are deposited into the fund by the Attorney General.

69 (2) Monies in the fund shall be expended upon appropriation
70 by the Legislature in accordance with the requirements of the
71 opioid litigation settlements described in subsection (1) of this
72 section.

73 (3) Unexpended amounts remaining in the fund at the end of a
74 fiscal year shall not lapse into the State General Fund, and any
75 interest earned or investment earnings on amounts in the fund
76 shall be deposited into such fund.

77 **SECTION 3.** (1) There is created in the State Treasury a
78 special fund to be known as the Forest Improvement Revolving Fund.
79 Money in the revolving fund shall be used by the State Forestry
80 Commission, upon appropriation by the Legislature, to assist in
81 the reforestation and growth improvement of the forests,
82 woodlands, and publicly owned lands of the state, including



83 sixteenth section lands, Camp Shelby, Columbia Training School and
84 colleges and universities.

85 (2) Landowners who contract with the commission for such
86 work shall pay to the commission its actual cost for conducting
87 such work. Money received for this work by the commission shall
88 be paid into the State Treasury for deposit into the revolving
89 fund.

90 (3) Monies remaining in the revolving fund at the end of a
91 fiscal year shall not lapse into the State General Fund, and any
92 interest earned on the revolving fund shall be deposited to the
93 credit of the revolving fund.

94 **SECTION 4.** (1) There is created in the State Treasury a
95 special fund to be known as the Volunteer Fire Department
96 Equipment Conversion Revolving Fund. The revolving fund shall
97 consist of monies received from charges for work and services
98 performed for volunteer fire departments by the commission.

99 (2) Monies in the revolving fund shall be used by the State
100 Forestry Commission, upon appropriation by the Legislature, to
101 assist in the conversion of vehicles acquired by the commission
102 through the Federal Excess Personal Property Program or by
103 volunteer fire departments through other means to adapt them for
104 use in the suppression of wildland fires. This assistance shall
105 be in the form of fabrication of water tanks or other accessories
106 necessary for the operation of fire suppression units,
107 installation of piping and valves, painting or other similar or



108 associated component work necessary to place fire suppression
109 equipment into service; such assistance is not for general vehicle
110 maintenance or repair.

111 (2) The State Treasurer shall make disbursements from the
112 revolving fund for payment of materials, supplies and labor upon
113 requisition of the commission and upon the issuance of warrants
114 therefor by the Department of Finance and Administration.

115 (3) The amount of monies deposited into the revolving fund
116 from such charges shall not exceed Fifty Thousand Dollars
117 (\$50,000.00). Funds in excess of Fifty Thousand Dollars
118 (\$50,000.00) from such charges shall be deposited into the
119 Forestry Commission's regular appropriated special funds.

120 (4) Monies remaining in the revolving fund at the end of a
121 fiscal year shall not lapse into the State General Fund, and any
122 interest earned on the revolving fund shall be deposited to the
123 credit of the revolving fund.

124 **SECTION 5.** (1) There is created in the State Treasury a
125 special fund to be known as the Camden State Forest Revolving
126 Fund. The revolving fund shall be funded by monies received from
127 timber sales, leases, and any other source, and monies collected
128 from these income sources shall be deposited into the revolving
129 fund. Monies in the fund shall be used by the State Forestry
130 Commission, upon appropriation of by the Legislature, to direct
131 forest management activities on the Camden State Forest in Madison
132 County, Mississippi. The forest management activities will



133 include, but not be limited to, maintenance of property, timber
134 sale activities and regeneration work.

135 (2) The State Treasurer shall make disbursements from the
136 revolving fund for payments of materials, supplies and labor upon
137 requisition of the commission and upon the issuance of warrants
138 therefor by the Department of Finance and Administration.

139 (3) Monies remaining in the revolving fund at the end of a
140 fiscal year shall not lapse into the State General Fund, and any
141 interest earned on the revolving fund shall be deposited to the
142 credit of the revolving fund.

143 **SECTION 6.** (1) There is created in the State Treasury a
144 special fund to be known as the Arts Commission Challenge
145 Initiative Fund. The fund shall consist of legislative
146 appropriations, federal funds, contributions, donations, gifts and
147 monies from any other source that are made available for deposit
148 into the fund.

149 (2) Monies in the fund shall be used by the Arts Commission,
150 upon appropriation by the Legislature, to award grants to arts
151 organizations. Recipients of grants from the fund will be
152 required to provide matching funds for the grants in an amount of
153 not less than two (2) times the amount of the grant.

154 (3) Monies remaining in the fund at the end of a fiscal year
155 shall not lapse into the State General Fund, and any interest
156 earned on the fund shall be deposited to the credit of the fund.



157 **SECTION 7.** (1) There is created in the State Treasury a
158 special fund to be known as the Public Employees' Retirement
159 System Building Repair and Maintenance Fund. The fund shall
160 consist of all funds collected as rental income from the building
161 owned by the system located at 301 North President Street,
162 Jackson, Mississippi.

163 (2) Monies in the fund shall be used by the Board of
164 Trustees of the Public Employees' Retirement System, upon
165 appropriation of the Legislature, for the repair and maintenance
166 of the Timothy Alan (Tim) Ford Building. At the end of each
167 fiscal year, monies remaining in the fund shall be transferred to
168 the Administrative Expense Account of the system.

169 **SECTION 8.** Section 83-1-191, Mississippi Code of 1972, is
170 amended as follows:

171 83-1-191. (1) There is established within the Department of
172 Insurance a Comprehensive Hurricane Damage Mitigation Program.
173 This section does not create an entitlement for property owners or
174 obligate the state in any way to fund the inspection or
175 retrofitting of residential property or commercial property in
176 this state. Implementation of this program is subject to the
177 availability of funds that may be appropriated by the Legislature
178 for this purpose. The program may develop and implement a
179 comprehensive and coordinated approach for hurricane damage
180 mitigation that may include the following:



181 (a) **Cost-benefit study on wind hazard mitigation**
182 **construction measures.** The performance of a cost-benefit study to
183 establish the most appropriate wind hazard mitigation construction
184 measures for both new construction and the retrofitting of
185 existing construction for both residential and commercial
186 facilities within the wind-borne debris regions of Mississippi as
187 defined by the International Building Code. The recommended wind
188 construction techniques shall be based on both the newly adopted
189 Mississippi building code sections for wind load design and the
190 wind-borne debris region. The list of construction measures to be
191 considered for evaluation in the cost-benefit study shall be based
192 on scientifically established and sound, but common, construction
193 techniques that go above and beyond the basic recommendations in
194 the adopted building codes. This allows residents to utilize
195 multiple options that will further reduce risk and loss and still
196 be awarded for their endeavors with appropriate wind insurance
197 discounts. It is recommended that existing accepted scientific
198 studies that validate the wind hazard construction techniques
199 benefits and effects be taken into consideration when establishing
200 the list of construction techniques that homeowners and business
201 owners can employ. This will ensure that only established
202 construction measures that have been studied and modeled as
203 successful mitigation measures will be considered to reduce the
204 chance of including risky or unsound data that will cost both the
205 property owner and state unnecessary losses. The cost-benefit



206 study shall be based on actual construction cost data collected
207 for several types of residential construction and commercial
208 construction materials, building techniques and designs that are
209 common to the region. The study shall provide as much information
210 as possible that will enhance the data and options provided to the
211 public, so that homeowners and business owners can make informed
212 and educated decisions as to their level of involvement. Based on
213 the construction data, modeling shall be performed on a variety of
214 residential and commercial designs, so that a broad enough
215 representative spectrum of data can be obtained. The data from
216 the study will be utilized in a report to establish tables
217 reflecting actuarially appropriate levels of wind insurance
218 discounts (in percentages) for each mitigation construction
219 technique/combination of techniques. This report will be utilized
220 as a guide for the Department of Insurance and the insurance
221 industry for developing actuarially appropriate discounts, credits
222 or other rate differentials, or appropriate reductions in
223 deductibles, for properties on which fixtures or construction
224 techniques demonstrated to reduce the amount of loss in a
225 windstorm have been installed or implemented. Additional data
226 that will enhance the program, such as studies to reflect property
227 value increases for retrofitting or building to the established
228 wind hazard mitigation construction techniques and cost comparison
229 data collected to establish the value of this program against the



230 investment required to include the mitigation measures, also may
231 be provided.

232 (b) **Wind certification and hurricane mitigation**
233 **inspections.**

234 (i) Home-retrofit inspections of site-built,
235 residential property, including single-family, two-family,
236 three-family or four-family residential units, and a set of
237 representative commercial facilities may be offered to determine
238 what mitigation measures are needed and what improvements to
239 existing residential properties are needed to reduce the
240 property's vulnerability to hurricane damage. A state program may
241 be established within the Department of Insurance to provide
242 homeowners and business owners wind certification and hurricane
243 mitigation inspections. The inspections provided to homeowners
244 and business owners, at a minimum, must include:

245 1. A home inspection and report that
246 summarizes the results and identifies corrective actions a
247 homeowner may take to mitigate hurricane damage.

248 2. A range of cost estimates regarding the
249 mitigation features.

250 3. Insurer-specific information regarding
251 premium discounts correlated to recommended mitigation features
252 identified by the inspection.



253 4. A hurricane resistance rating scale
254 specifying the home's current as well as projected wind resistance
255 capabilities.

256 This data may be provided by trained and certified inspectors
257 in standardized reporting formats and forms to ensure all data
258 collected during inspections is equivalent in style and content
259 that allows construction data, estimates and discount information
260 to be easily assimilated into a database. Data pertaining to the
261 number of inspections and inspection reports may be stored in a
262 state database for evaluation of the program's success and review
263 of state goals in reducing wind hazard loss in the state.

264 (ii) To qualify for selection by the department as
265 a provider of wind certification and hurricane mitigation
266 inspections services, the entity shall, at a minimum, and on a
267 form and in the manner prescribed by the commissioner:

268 1. Use wind certification and hurricane
269 mitigation inspectors who:

270 a. Have prior experience in residential
271 and/or commercial construction or inspection and have received
272 specialized training in hurricane mitigation procedures through
273 the state certified program. In order to qualify for training in
274 the inspection process, the individual should be either a licensed
275 building code official, a licensed contractor or inspector in the
276 State of Mississippi, or a civil engineer.



277 b. Have undergone drug testing and
278 background checks.

279 c. Have been certified through a state
280 mandated training program, in a manner satisfactory to the
281 department, to conduct the inspections.

282 d. Have not been convicted of a felony
283 crime of violence or of a sexual offense; have not received a
284 first-time offender pardon or nonadjudication order for a felony
285 crime of violence or of a sexual offense; or have not entered a
286 plea of guilty or nolo contendere to a felony charge of violence
287 or of a sexual offense.

288 e. Submit a statement authorizing the
289 Commissioner of Insurance to order fingerprint analysis or any
290 other analysis or documents deemed necessary by the commissioner
291 for the purpose of verifying the criminal history of the
292 individual. The commissioner shall have the authority to conduct
293 criminal history verification on a local, state or national level,
294 and shall have the authority to require the individual to pay for
295 the costs of such criminal history verification.

296 2. Provide a quality assurance program
297 including a reinspection component.

298 3. Have data collection equipment and
299 computer systems, so that data can be submitted electronically to
300 the state's database of inspection reports, insurance
301 certificates, and other industry information related to this



302 program. It is mandatory that all inspectors provide original
303 copies to the property owner of any inspection reports, estimates,
304 etc., pertaining to the inspection and keep a copy of all
305 inspection materials on hand for state audits.

306 (c) **Financial grants to retrofit properties.** Financial
307 grants may be used to encourage single-family, site-built,
308 owner-occupied, residential property owners or commercial property
309 owners to retrofit their properties to make them less vulnerable
310 to hurricane damage. No financial grant made under this section
311 shall exceed Ten Thousand Dollars (\$10,000.00) per recipient.

312 (d) **Education and consumer awareness.** Multimedia
313 public education, awareness and advertising efforts designed to
314 specifically address mitigation techniques may be employed, as
315 well as a component to support ongoing consumer resources and
316 referral services. In addition, all insurance companies shall
317 provide notification to their clients regarding the availability
318 of this program, participation details, and directions to the
319 state website promoting the program, along with appropriate
320 contact phone numbers to the state agency administrating the
321 program. The notification to the clients must be sent by the
322 insurance company within thirty (30) days after filing their
323 insurance discount schedules with the Department of Insurance.

324 (e) **Advisory council.** There is created an advisory
325 council to provide advice and assistance to the program



326 administrator with regard to his or her administration of the
327 program. The advisory council shall consist of:

328 (i) An agent, selected by the Independent
329 Insurance Agents of Mississippi.

330 (ii) Two (2) representatives of residential
331 property insurers, selected by the Department of Insurance.

332 (iii) One (1) representative of homebuilders,
333 selected by the Home Builders Association of Mississippi.

334 (iv) The Chairman of the House Insurance
335 Committee, or his designee.

336 (v) The Chairman of the Senate Insurance
337 Committee, or his designee.

338 (vi) The Executive Director of the Mississippi
339 Windstorm Underwriting Association, or his designee.

340 (vii) The Director of the Mississippi Emergency
341 Management Agency, or his designee.

342 Members appointed under subparagraphs (i) and (ii) shall
343 serve at the pleasure of the Department of Insurance. All other
344 members shall serve as voting ex officio members. Members of the
345 advisory council who are not legislators, state officials or state
346 employees shall be compensated at the per diem rate authorized by
347 Section 25-3-69, and shall be reimbursed in accordance with
348 Section 25-3-41, for mileage and actual expenses incurred in the
349 performance of their duties. Legislative members of the advisory
350 council shall be paid from the contingent expense funds of their



351 respective houses in the same manner as provided for committee
352 meetings when the Legislature is not in session; however, no per
353 diem or expense for attending meetings of the advisory council may
354 be paid while the Legislature is in session. No advisory council
355 member may incur per diem, travel or other expenses unless
356 previously authorized by vote, at a meeting of the council, which
357 action shall be recorded in the official minutes of the meeting.
358 Nonlegislative members shall be paid from any funds made available
359 to the advisory council for that purpose.

360 (f) **Rules and regulations.** The Department of Insurance
361 may adopt rules and regulations governing the Comprehensive
362 Hurricane Damage Mitigation Program. The department also may
363 adopt rules and regulations establishing priorities for grants
364 provided under this section based on objective criteria that gives
365 priority to reducing the state's probable maximum loss from
366 hurricanes. However, pursuant to this overall goal, the
367 department may further establish priorities based on the insured
368 value of the dwelling, whether or not the dwelling is insured by
369 the Mississippi Windstorm Underwriting Association and whether or
370 not the area under consideration has sufficient resources and the
371 ability to perform the retrofitting required.

372 (2) Nothing in this section shall prohibit the Department of
373 Insurance from entering into an agreement with any other
374 appropriate state agency to assist with or perform any of the
375 duties set forth hereunder.



376 (3) The Department of Insurance shall issue a request for
377 proposals to contract with a third party for the administration of
378 the Comprehensive Hurricane Damage Mitigation Program. The
379 contract for the third-party administrator shall be funded from
380 monies in the Comprehensive Hurricane Damage Mitigation Program
381 Fund created in subsection (4) of this section, and that amount
382 shall not exceed one percent (1%) of the funds appropriated to the
383 Department of Insurance for the program. If the third-party
384 administrator selected through the request for proposals is
385 replaced or is otherwise changed, the Department of Insurance
386 shall notify the Chairs of the House and Senate Appropriations and
387 Insurance Committees.

388 (4) There is created a special fund in the State Treasury to
389 be known as the Comprehensive Hurricane Damage Mitigation Program
390 Fund. The fund shall consist of any monies from any source that
391 are designated or made available for deposit into the fund. The
392 Department of Insurance may apply for any federal or private
393 grants to provide additional funds for the special fund. Monies
394 in the fund shall be expended by the Department of Insurance, upon
395 appropriation by the Legislature, for the purposes as provided in
396 this section. Unexpended amounts remaining in the fund at the end
397 of a fiscal year shall not lapse into the State General Fund, and
398 any interest earned or investment earnings on amounts in the fund
399 shall be deposited into such fund.



400 (* * *5) This section shall stand repealed from and after
401 July 1, 2025.

402 **SECTION 9.** Upon the effective date of this act, the
403 Mississippi Surplus Lines Association shall transfer the sum of
404 Five Million Dollars (\$5,000,000.00) to the State Treasurer to be
405 deposited into the Comprehensive Hurricane Damage Mitigation
406 Program Fund created in Section 83-1-191(4), Mississippi Code of
407 1972.

408 **SECTION 10.** Upon the effective date of this act, the State
409 Treasurer, in conjunction with the State Fiscal Officer, shall
410 transfer the sum of Two Hundred Fifty-nine Thousand Dollars
411 (\$259,000.00) from the Real Estate Commission Fund (Fund No.
412 3383200000) to the Home Inspector License Fund created in Section
413 73-60-29, Mississippi Code of 1972.

414 **SECTION 11.** Section 1 of Chapter 7, Laws of 2023,
415 appropriation to the Board of Barber Examiners, is amended as
416 follows:

417 Section 1. The following sum, or so much thereof as may be
418 necessary, is appropriated out of any money in the State Treasury
419 to the credit of the State Board of Barber Examiners or its
420 successor board, for the purpose of defraying the expenses of the
421 board for the fiscal year beginning July 1, 2023, and ending June
422 30, 2024.....\$ 344,410.00.

423 **SECTION 12.** Section 1 of Chapter 8, Laws of 2023,
424 appropriation to the Board of Cosmetology, is amended as follows:



425 Section 1. The following sum, or so much thereof as may be
426 necessary, is appropriated out of any money in the State Treasury
427 to the credit of the State Board of Cosmetology or its successor
428 board, for the purpose of defraying the expenses of the board for
429 the fiscal year beginning July 1, 2023, and ending June 30,
430 2024..... \$ 1,013,260.00.

431 **SECTION 13.** This act shall take effect and be in force from
432 and after its passage.

