

Senate Amendments to House Bill No. 753

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

38 **SECTION 1.** Section 17-2-3, Mississippi Code of 1972, is
39 amended as follows:

40 17-2-3. (1) There is hereby created the Mississippi
41 Building Codes Council. Each member of the council shall be
42 appointed by the executive director of his respective professional
43 association unless otherwise stated herein. Each member shall
44 serve for a term of three (3) years and until a successor is
45 appointed and qualifies. No person who has previously been
46 convicted of a felony in this state or any other state may be
47 appointed to the council. From and after July 1, 2009, all
48 members of the council shall be residents of the State of
49 Mississippi. The council shall consist of twenty-six (26) members
50 composed of:

51 (a) One (1) representative of the American Institute of
52 Architects of Mississippi;

53 (b) Three (3) representatives of the Home Builders
54 Association of Mississippi;

55 (c) One (1) representative of the Associated General
56 Contractors of Mississippi;

57 (d) One (1) representative of the Associated Builders
58 and Contractors of Mississippi;

59 (e) One (1) representative of the American Council of
60 Engineering Companies of Mississippi;

61 (f) Two (2) representatives of the Building Officials
62 Association of Mississippi;

63 (g) One (1) disabled person to be appointed by the
64 Governor;

65 (h) One (1) representative of the property/casualty
66 insurance industry to be appointed by the Governor;

67 (i) One (1) representative of the Mississippi Municipal
68 League;

69 (j) One (1) representative of the Mississippi
70 Manufactured Housing Association;

71 (k) One (1) representative of the electrical industry
72 who is a master electrician to be appointed by the American
73 Subcontractors Association;

74 (l) One (1) representative of the mechanical or gas
75 industry who is a master mechanic to be appointed by the American
76 Subcontractors Association;

77 (m) One (1) representative of the plumbing industry who
78 is a master plumber to be appointed by the American Subcontractors
79 Association;

80 (n) One (1) representative of the Mississippi Fire
81 Chiefs Association;

82 (o) One (1) representative of the Mississippi
83 Association of Supervisors;

84 (p) One (1) representative of the Mississippi Minority
85 Contractors Association to be appointed by the Governor;

86 (q) One (1) representative of the Energy Division,
87 Mississippi Development Authority, to serve ex officio, nonvoting;

88 (r) One (1) person representing the consumer who shall
89 have no interest in the construction industry to be appointed by
90 the Governor;

91 (s) The Mississippi State Fire Marshal, or his
92 designee, to serve ex officio, nonvoting;

93 (t) The Executive Director of the State Board of
94 Professional Geologists, or his designee, to serve ex officio,
95 nonvoting; and

96 (u) Three (3) representatives selected by the
97 Mississippi Gulf Coast Building and Construction Trade Council.

98 (2) A vacancy must be filled in the manner of the original
99 appointment for the unexpired portion of the term.

100 (3) Any member with unexcused absences for more than three
101 (3) consecutive meetings shall be replaced by his sponsoring
102 organization.

103 (4) The State Fire Marshal shall convene the first meeting
104 of the council within ninety (90) days of the effective date of
105 this chapter and shall act as temporary chairman until the council
106 elects from its members a chairman and vice chairman. The council
107 shall adopt regulations consistent with this act. A meeting may
108 be called by the chairman on his own initiative and must be called
109 by him at the request of three (3) or more members of the council.
110 Each member must be notified by the chairman in writing of the
111 time and place of the meeting at least seven (7) days before the
112 meeting. Fourteen (14) members constitute a quorum. Each meeting
113 is open to the public. An official decision of the council may be
114 made only by a vote of at least two-thirds (2/3) of those members
115 in attendance at the meeting.

116 (5) The council shall adopt by reference and amend only the
117 latest editions of the following as discretionary statewide
118 minimum codes:

119 (a) International Building Code and the standards
120 referenced in that code for regulation of construction within this
121 state. The appendices of that code may be adopted as needed, but
122 the specific appendix or appendices must be referenced by name or
123 letter designation at the time of adoption.

124 (b) International Residential Code (IRC) and the
125 standards referenced in that code are included for regulation of
126 construction within this state. The appendices of that code may
127 be adopted as needed, but the specific appendix or appendices must
128 be referenced by name or letter designation at the time of
129 adoption, with the exception of Appendix J, Existing Buildings and
130 Structures, which is hereby adopted by this reference.

131 (c) Other codes addressing matters such as electrical,
132 plumbing, mechanical, fire and fuel gas.

133 (6) The initial code or codes adopted by this council under
134 the provisions of this section shall be completed no later than
135 July 1, 2007.

136 **SECTION 2.** Section 17-2-5, Mississippi Code of 1972, is
137 amended as follows:

138 17-2-5. (1) Any county board of supervisors or municipal
139 governing authority, as the case may be, that adopts building
140 codes or amends its existing building codes on or after the
141 effective date of House Bill No. 753, 2007 Regular Session, shall
142 adopt as minimum codes any * * * codes established and promulgated
143 by the Mississippi Building Codes Council. Any codes adopted by a
144 board of supervisors or municipal governing authority under this
145 section shall be enforced by the board of supervisors or municipal
146 governing authority, as the case may be.

147 (2) Any structure constructed on or after July 1, 2009,
148 shall comply with and be built according to specifications not
149 less stringent than those adopted by the Mississippi Building Code
150 Council; provided, however, that this requirement shall not apply
151 to one- and two-family dwellings with three (3) stories or less,
152 nor to the structures specified in Sections 17-2-7 and 17-2-9.

153 (3) Municipalities and counties may establish agreements
154 with other governmental entities of the state or certified
155 third-party providers to issue permits and enforce state building
156 codes in order to provide the services required by this act. The
157 council may assist in arranging for municipalities, counties or
158 third-party providers the provision of services required by this
159 act if a written request from the governing authority of the
160 county or municipality is submitted to the council.

161 **SECTION 3.** Section 17-2-9, Mississippi Code of 1972, is
162 amended as follows:

163 17-2-9. (1) The governing authority of any county or
164 municipality shall not enforce any portion of any building codes
165 established and/or imposed under Sections 17-2-1 through 17-2-5
166 that regulates the construction or improvement of industrial
167 facilities that are engaged in activities designated as

168 manufacturing (sectors 31-33), utilities (sector 22),
169 telecommunications (sector 517), bulk stations and materials
170 (sector 422710), crude oil pipelines (sector 486110), refined
171 petroleum products pipelines (sector 486910), natural gas
172 pipelines (sector 486210), other pipelines (sector 486990) and
173 natural gas processing plants (sector 211112), under the North
174 American Industry Classification System (NAICS).

175 (2) The governing authority of any county or municipality
176 shall not enforce any portion of any building codes established
177 and/or imposed under Sections 17-2-1 through 17-2-5 which
178 regulates the construction or improvement of buildings located on
179 nonpublic fairgrounds or the construction or improvement of
180 buildings located on the Neshoba County Fairgrounds in Neshoba
181 County, Mississippi.

182 (3) The governing authority of any county or municipality
183 shall not enforce any portion of any building codes established
184 and/or imposed under Sections 17-2-1 through 17-2-5 which
185 regulates the construction or improvement of a private unattached
186 outdoor recreational structure, such as a hunting or fishing camp.
187 In order for a structure to qualify as a "hunting camp" or
188 "fishing camp" under the provisions of this subsection, the owner
189 must file with the board of supervisors of the county in which the
190 structure is located his signed affidavit stating under oath that
191 the structure is a hunting camp or fishing camp, as the case may
192 be, that he is the owner or an owner of the camp and that the camp
193 is located in an unincorporated area of the county within, near or
194 in close proximity to land upon which hunting or fishing
195 activities legally may take place.

196 (4) The governing authority of any county or municipality
197 shall not enforce any portion of any building codes established
198 and/or imposed under Sections 17-2-1 through 17-2-5 which
199 regulates the construction or improvement of manufactured housing
200 built according to the Federal Manufactured Home Construction and
201 Safety Standards Act.

202 (5) The governing authorities of Pearl River County or any
203 municipality within such county shall not enforce any portion of
204 any building codes established and/or imposed under Sections
205 17-2-1 through 17-2-5 which prohibits the use of or requires
206 building permit approval for the use of salvage lumber or green
207 cut timber in building construction provided such timber is for
208 personal use and is not for sale.

209 **SECTION 4.** Section 17-2-1, Mississippi Code of 1972, is
210 amended as follows:

211 17-2-1. (1) The counties of Jackson, Harrison, Hancock,
212 Stone and Pearl River, including all municipalities therein, shall
213 enforce, on an emergency basis, all the wind and flood mitigation
214 requirements prescribed by the 2003 International Residential Code
215 and the 2003 International Building Code, as supplemented.

216 (2) Except as otherwise provided in subsection (4) of this
217 section, emergency wind and flood building requirements imposed in
218 this section shall remain in force until the county board of
219 supervisors or municipal governing authorities, as the case may
220 be, adopts as minimum mandatory codes the latest editions of the
221 codes described in subsection (3)(a) of this section. Except as
222 otherwise provided in subsection (4) of this section, the wind and
223 flood mitigation requirements imposed by this section shall be
224 enforced by the county board of supervisors or municipal governing
225 authorities, as the case may be.

226 (3) (a) A county board of supervisors or municipal
227 governing authorities, as the case may be, described in subsection
228 (1) of this section shall adopt as minimum codes the latest
229 editions of the following:

230 (i) International Building Code and the standards
231 referenced in that code for regulation of construction within
232 these counties. The appendices of that code may be adopted as
233 needed, but the specific appendix or appendices must be referenced
234 by name or letter designation at the time of adoption.

235 (ii) International Residential Code (IRC) and the
236 standards referenced in that code are included for regulation of

237 construction within these counties. The appendices of that code
238 may be adopted as needed, but the specific appendix or appendices
239 must be referenced by name or letter designation at the time of
240 adoption, with the exception of Appendix J, Existing Buildings and
241 Structures, which is hereby adopted by this reference.

242 (b) In addition to any other codes required under this
243 section, a county board of supervisors or municipal governing
244 authorities, as the case may be, described in subsection (1) of
245 this section may adopt the latest editions of any of the
246 following:

247 (i) Codes established by the Mississippi Building
248 Code Council.

249 (ii) Other nationally recognized codes addressing
250 matters such as electrical, plumbing, mechanical, fire and fuel
251 gas.

252 (4) The provisions of this section shall go into effect
253 thirty (30) days from the effective date of this chapter.
254 However, within sixty (60) days after the provisions of this
255 section go into effect, the board of supervisors of a county
256 and/or the governing authorities of any municipality within a
257 county, upon resolution duly adopted and entered upon its minutes,
258 may choose not to be subject to the code requirements imposed
259 under this section.

260 **SECTION 5.** Section 19-5-9, Mississippi Code of 1972, is
261 amended as follows:

262 19-5-9. The construction codes published by a nationally
263 recognized code group which sets minimum standards and has the
264 proper provisions to maintain up-to-date amendments are adopted as
265 minimum standard guides for building, plumbing, electrical, gas,
266 sanitary, and other related codes in Mississippi. Any county
267 within the State of Mississippi, in the discretion of the board of
268 supervisors, may adopt building codes, plumbing codes, electrical
269 codes, sanitary codes, or other related codes dealing with general
270 public health, safety or welfare, or a combination of the same,
271 within but not less stringent than the provisions of the codes

272 adopted by the Mississippi Building Code Council, by order or
273 resolution in the manner prescribed in this section, but those
274 codes so adopted shall apply only to the unincorporated areas of
275 the county. However, those codes shall not apply to the erection,
276 maintenance, repair or extension of farm buildings or farm
277 structures, except as may be required under the terms of the
278 "Flood Disaster Protection Act of 1973," and shall apply to a
279 master planned community as defined in Section 19-5-10 only to the
280 extent allowed in Section 19-5-10. The provisions of this section
281 shall not be construed to authorize the adoption of any code which
282 applies to the installation, repair or maintenance of electric
283 wires, pipelines, apparatus, equipment or devices by or for a
284 utility rendering public utility services, required by it to be
285 utilized in the rendition of its duly authorized service to the
286 public. Before any such code shall be adopted, it shall be either
287 printed or typewritten and shall be presented in pamphlet form to
288 the board of supervisors at a regular meeting. The order or
289 resolution adopting the code shall not set out the code in full,
290 but shall merely identify the same. The vote or passage of the
291 order or resolution shall be the same as on any other order or
292 resolution. After its adoption, the code or codes shall be
293 certified to by the president and clerk of the board of
294 supervisors and shall be filed as a permanent record in the office
295 of the clerk who shall not be required to transcribe and record
296 the same in the minute book as other orders and resolutions.

297 All provisions of this section shall apply to amendments and
298 revisions of the codes mentioned in this section. The provisions
299 of this section shall be in addition and supplemental to any
300 existing laws authorizing the adoption, amendment or revision of
301 county orders, resolutions or codes.

302 Any code adopted under the provisions of this section shall
303 not be in operation or force until sixty (60) days have elapsed
304 from the adoption of same; however, any code adopted for the
305 immediate preservation of the public health, safety and general
306 welfare may be effective from and after its adoption by a

307 unanimous vote of the members of the board. Within five (5) days
308 after the adoption or passage of an order or resolution adopting
309 that code or codes the clerk of the board of supervisors shall
310 publish in a legal newspaper published in the county the full text
311 of the order or resolution adopting and approving the code, and
312 the publication shall be inserted at least three (3) times, and
313 shall be completed within thirty (30) days after the passage of
314 the order or resolution.

315 Any person or persons objecting to the code or codes may
316 object in writing to the provisions of the code or codes within
317 sixty (60) days after the passage of the order or resolution
318 approving same, and if the board of supervisors adjudicates that
319 ten percent (10%) or more of the qualified electors residing in
320 the affected unincorporated areas of the county have objected in
321 writing to the code or codes, then in such event the code shall be
322 inoperative and not in effect unless adopted for the immediate
323 preservation of the public health, safety and general welfare
324 until approved by a special election called by the board of
325 supervisors as other special elections are called and conducted by
326 the election commissioners of the county as other special
327 elections are conducted, the special election to be participated
328 in by all the qualified electors of the county residing in the
329 unincorporated areas of the county. If the voters approve the
330 code or codes in the special election it shall be in force and in
331 operation thereafter until amended or modified as provided in this
332 section. If the majority of the qualified electors voting in the
333 special election vote against the code or codes, then, in such
334 event, the code or codes shall be void and of no force and effect,
335 and no other code or codes dealing with that subject shall be
336 adopted under the provisions of this section until at least two
337 (2) years thereafter.

338 After any such code shall take effect the board of
339 supervisors is authorized to employ such directors and other
340 personnel as the board, in its discretion, deems necessary and to

341 expend general county funds or any other funds available to the
342 board to fulfill the purposes of this section.

343 For the purpose of promoting health, safety, morals or the
344 general welfare of the community, the governing authority of any
345 municipality, and, with respect to the unincorporated part of any
346 county, the governing authority of any county, in its discretion,
347 are empowered to regulate the height, number of stories and size
348 of building and other structures, the percentage of lot that may
349 be occupied, the size of the yards, courts and other open spaces,
350 the density or population, and the location and use of buildings,
351 structures and land for trade, industry, residence or other
352 purposes, but no permits shall be required except as may be
353 required under the terms of the "Flood Disaster Protection Act of
354 1973" for the erection, maintenance, repair or extension of farm
355 buildings or farm structures outside the corporate limits of
356 municipalities.

357 The authority granted in this section is cumulative and
358 supplemental to any other authority granted by law.

359 Notwithstanding any provision of this section to the
360 contrary, any code adopted by a county before or after April 12,
361 2001, is subject to the provisions of Section 41-26-14(10).

362 Notwithstanding any provision of this section to the
363 contrary, the Boards of Supervisors of Jackson, Harrison, Hancock,
364 Stone and Pearl River Counties shall enforce the requirements
365 imposed under Section 17-2-1 as provided in such section.

366 **SECTION 6.** (1) Effective July 1, 2007, a rate filing for
367 residential property insurance must include actuarially reasonable
368 discounts, credits or other rate differentials, or appropriate
369 reductions in deductibles, for properties on which fixtures or
370 construction techniques demonstrated to reduce the amount of loss
371 in a windstorm have been installed or implemented. The fixtures
372 or construction techniques shall include, but not be limited to,
373 fixtures or construction techniques that enhance roof strength,
374 roof covering performance, roof-to-wall strength,
375 wall-to-floor-to-foundation strength, opening protection, and

376 window, door and skylight strength. Credits, discounts or other
377 rate differentials for fixtures and construction techniques that
378 meet the minimum requirements of the International Residential
379 Code or the International Building Code must be included in the
380 rate filing. All insurance companies must make a rate filing that
381 includes the credits, discounts or other rate differentials by
382 January 1, 2008. By January 1, 2009, the Department of Insurance
383 shall reevaluate the discounts, credits, other rate differentials
384 and appropriate reductions in deductibles for fixtures and
385 construction techniques that meet the minimum requirements of the
386 International Residential Code or the International Building Code,
387 based upon actual experience or any other loss relativity studies
388 available to the department. The department shall determine the
389 discounts, credits, other rate differentials and appropriate
390 reductions in deductibles that reflect the full actuarial value of
391 that revaluation, which may be used by insurers in rate filings.

392 (2) (a) A rate filing for residential property insurance
393 made on or before the implementation of paragraph (b) may include
394 rate factors that reflect the manner in which building code
395 enforcement in a particular jurisdiction addresses the risk of
396 wind damage. However, that rate filing also must provide for
397 variations from those rate factors on an individual basis based on
398 an inspection of a particular structure by a licensed home
399 inspector, which inspection may be at the cost of the insured.

400 (b) A rate filing for residential property insurance
401 made more than one hundred fifty (150) days after approval by the
402 department of a building code rating factor plan submitted by a
403 statewide rating organization shall include positive and negative
404 rate factors that reflect the manner in which building code
405 enforcement in a particular jurisdiction addresses risk of wind
406 damage. The rate filing shall include variations from standard
407 rate factors on an individual basis based on inspection of a
408 particular structure by a licensed home inspector. If an
409 inspection is requested by the insured, the insurer may require
410 the insured to pay the reasonable cost of the inspection. This

411 paragraph applies to structures constructed or renovated after the
412 implementation of this paragraph.

413 (c) The premium notice shall specify the amount by
414 which the rate has been adjusted as a result of this subsection
415 and also shall specify the maximum possible positive and negative
416 adjustments that are approved for use by the insurer under this
417 subsection.

418 (3) An insurer may not write a residential property
419 insurance policy without providing hurricane or windstorm
420 coverage. This subsection does not apply with respect to risks
421 located in the Coast area that are eligible for coverage by the
422 Mississippi Windstorm Underwriting Association established under
423 Section 83-34-1 et seq.

424 (4) (a) It is the intent of the Legislature to provide a
425 program by which homeowners may obtain an evaluation of the wind
426 resistance of their homes with respect to preventing damage from
427 hurricanes, together with a recommendation of reasonable steps
428 that may be taken to upgrade their homes to better withstand
429 hurricane force winds.

430 (b) To the extent that funds are provided for this
431 purpose, the Legislature authorizes the establishment of a program
432 to be administered by the Mississippi Windstorm Underwriting
433 Association for homeowners insured in the Coast area as defined in
434 Section 83-34-1 et seq.

435 (c) The program may provide grants to homeowners, for
436 the purpose of providing homeowner applicants with funds to
437 conduct an evaluation of the integrity of their homes with respect
438 to withstanding hurricane force winds, recommendations to retrofit
439 the homes to better withstand damage from those winds, and the
440 estimated cost to make the recommended retrofits.

441 (d) The department shall establish by rule standards to
442 govern the quality of the evaluation, the quality of the
443 recommendations for retrofitting, the eligibility of the persons
444 conducting the evaluation, and the selection of applicants under
445 the program. In establishing the standards, the department shall

446 consult with the State Department of Audit to minimize the
447 possibility of fraud or abuse in the evaluation and retrofitting
448 process, and to ensure that funds spent by homeowners acting on
449 the recommendations achieve positive results.

450 (e) The Mississippi Windstorm Underwriting Association
451 shall identify areas of this state with the greatest wind risk to
452 residential properties and recommend annually to the department
453 priority target areas for those evaluations and inclusion with the
454 associated residential construction mitigation program.

455 (f) Discounts must be used without any modifications,
456 unless they are supported by detailed alternative studies.

457 **SECTION 7.** There is established within the Department of
458 Insurance a Comprehensive Hurricane Damage Mitigation Program.
459 This section does not create an entitlement for property owners or
460 obligate the state in any way to fund the inspection or
461 retrofitting of residential property or commercial property in
462 this state. Implementation of this program is subject to the
463 availability of funds that may be appropriated by the Legislature
464 for this purpose. The program shall develop and implement a
465 comprehensive and coordinated approach for hurricane damage
466 mitigation that shall include the following:

467 (a) **Cost-benefit study on wind hazard mitigation**
468 **construction measures.** The performance of a cost-benefit study to
469 establish the most appropriate wind hazard mitigation construction
470 measures for both new construction and the retrofitting of
471 existing construction for both residential and commercial
472 facilities within the wind-borne debris regions of Mississippi.
473 The recommended wind construction techniques shall be based on
474 both the newly adopted Mississippi building code sections for wind
475 load design and the wind-borne debris region. The list of
476 construction measures to be considered for evaluation in the
477 cost-benefit study shall be based on scientifically established
478 and sound, but common, construction techniques that go above and
479 beyond the basic recommendations in the adopted building codes.
480 This allows residents to utilize multiple options that will

481 further reduce risk and loss and still be awarded for their
482 endeavors with appropriate wind insurance discounts. It is
483 recommended that existing accepted scientific studies that
484 validate the wind hazard construction techniques benefits and
485 effects be taken into consideration when establishing the list of
486 construction techniques that homeowners and business owners can
487 employ. This will ensure that only established construction
488 measures that have been studied and modeled as successful
489 mitigation measures will be considered to reduce the chance of
490 including risky or unsound data that will cost both the property
491 owner and state unnecessary losses. The cost-benefit study shall
492 be based on actual construction cost data collected for both
493 several types of residential construction and commercial
494 construction materials, building techniques and designs that are
495 common to the region. The study shall provide as much information
496 as possible that will enhance the data and options provided to the
497 public, so that homeowners and business owners can make informed
498 and educated decisions as to their level of involvement. Based on
499 the construction data, modeling shall be performed on a variety of
500 residential and commercial designs, so that a broad enough
501 representative spectrum of data can be obtained. A report shall
502 be provided that will establish tables of data reflecting
503 actuarially reasonable levels of wind insurance discounts (in
504 percentages) for each mitigation construction
505 technique/combination of techniques. Additional data that will
506 enhance the program, such as studies to reflect property value
507 increases for retrofitting or building to the established wind
508 hazard mitigation construction techniques and cost comparison data
509 collected to establish the value of this program against the
510 investment required to include the mitigation measures, also shall
511 be provided.

512 (b) **Wind certification and hurricane mitigation**
513 **inspections.**

514 (i) Home-retrofit inspections of site-built,
515 residential property, including single-family, two-family,

516 three-family or four-family residential units, and for a set of
517 representative commercial facilities shall be offered to determine
518 what mitigation measures are needed and what improvements to
519 existing residential properties are needed to reduce the
520 property's vulnerability to hurricane damage. A state program
521 will be established within the Department of Insurance to provide
522 homeowners and business owners wind certification and hurricane
523 mitigation inspections. The inspections provided to homeowners
524 and business owners, at a minimum, must include:

525 1. A home inspection and report that
526 summarizes the results and identifies corrective actions a
527 homeowner may take to mitigate hurricane damage.

528 2. A range of cost estimates regarding the
529 mitigation features.

530 3. Insurer-specific information regarding
531 premium discounts correlated to recommended mitigation features
532 identified by the inspection.

533 4. A hurricane resistance rating scale
534 specifying the home's current as well as projected wind resistance
535 capabilities.

536 This data shall be provided by trained and certified
537 inspectors in standardized reporting formats and forms regardless
538 of the insurer involved with the property owner to ensure all data
539 collected during inspections is equivalent in style and content
540 that allows construction data, estimates and discount information
541 to be easily assimilated into a database. It also ensures
542 consistency of the program information for the consumers when
543 dealing with more than one (1) insurance company for the
544 comparison of services or when changing policies. Data pertaining
545 to the number of inspections, inspection reports and consumers
546 participating in the program shall be stored in a state database
547 for evaluation of the program's success and review of state goals
548 in reducing wind hazard loss in the state.

549 (ii) To qualify for selection by the department as
550 a provider of wind certification and hurricane mitigation
551 inspections services, the entity shall, at a minimum:

552 1. Use wind certification and hurricane
553 mitigation inspectors who:

554 a. Have prior experience in residential
555 and/or commercial construction or inspection and have received
556 specialized training in hurricane mitigation procedures through
557 the state certified program. In order to qualify for training in
558 the inspection process, the individual should be either a licensed
559 building code official, a licensed contractor in the State of
560 Mississippi, or a civil engineer with a professional engineering
561 license.

562 b. Have undergone drug testing and
563 background checks.

564 c. Have been certified through a state
565 mandated training program, in a manner satisfactory to the
566 department, to conduct the inspections.

567 2. Provide a quality assurance program
568 including a reinspection component.

569 3. Have data collection equipment and
570 computer systems, so that data can be submitted electronically to
571 the state's database of inspection reports, insurance
572 certificates, and other industry information related to this
573 program. It is mandatory that all inspectors provide original
574 copies to the property owner of any inspection reports, estimates,
575 etc., pertaining to the inspection and keep a copy of all
576 inspection materials on hand for state audits.

577 (c) **Financial grants to retrofit properties.** Financial
578 grants may be used to encourage single-family, site-built,
579 owner-occupied, residential property owners or commercial property
580 owners to retrofit their properties to make them less vulnerable
581 to hurricane damage.

582 (d) **Education and consumer awareness.** Multimedia
583 public education, awareness and advertising efforts designed to

584 specifically address mitigation techniques shall be employed, as
585 well as a component to support ongoing consumer resources and
586 referral services. In addition, all insurance companies shall
587 provide notification to their clients regarding the availability
588 of this program, participation details, and directions to the
589 state Web site promoting the program, along with appropriate
590 contact phone numbers to the state agency administrating the
591 program. The notification to the clients must be sent by the
592 insurance company within thirty (30) days of filing their
593 insurance discount schedules with the Department of Insurance.

594 (e) **Advisory council.** There is created an advisory
595 council to provide advice and assistance to the program
596 administrator with regard to his or her administration of the
597 program. The advisory council shall consist of:

598 (i) A representative of lending institutions,
599 selected by the Department of Insurance from a list of at least
600 three (3) persons recommended by the Mississippi Bankers
601 Association.

602 (ii) A representative of residential property
603 insurers, selected by the Commissioner of Insurance.

604 (iii) A representative of home builders, selected
605 by the department from a list of at least three (3) persons
606 recommended by the Mississippi Homebuilders Association.

607 (iv) One (1) faculty member of a state university,
608 selected by the department, who is an expert in
609 hurricane-resistant construction methodologies and materials.

610 (v) Two (2) members of the House of
611 Representatives, selected by the Speaker of the House of
612 Representatives.

613 (vi) Two (2) members of the Senate, selected by
614 the Lieutenant Governor.

615 (vii) The Executive Director of the Mississippi
616 Windstorm Underwriting Association.

617 (viii) The Director of the Mississippi Emergency
618 Management Agency.

619 Members appointed under subparagraphs (i) through (iv) shall
620 serve at the pleasure of the Department of Insurance. Members
621 appointed under subparagraphs (v) and (vi) shall serve at the
622 pleasure of the appointing officers. All other members shall
623 serve as voting ex officio members. Members of the advisory
624 council shall serve without compensation but may receive
625 reimbursement as provided in Section 25-3-41 for per diem and
626 travel expenses incurred in the performance of their official
627 duties.

628 (f) **Rules and regulations.** The Department of Insurance
629 shall adopt rules and regulations governing the Comprehensive
630 Hurricane Damage Mitigation Program. The department also shall
631 adopt rules and regulations establishing priorities for grants
632 provided under this section based on objective criteria that gives
633 priority to reducing the state's probable maximum loss from
634 hurricanes. However, pursuant to this overall goal, the
635 department may further establish priorities based on the insured
636 value of the dwelling, whether or not the dwelling is insured by
637 Mississippi Windstorm Underwriting Association and whether or not
638 the area under consideration has sufficient resources and the
639 ability to perform the retrofitting required.

640 **SECTION 8.** This act shall take effect and be in force from
641 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 17-2-3, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE ALL MEMBERS OF THE BUILDING CODES COUNCIL TO BE RESIDENTS
3 OF THE STATE OF MISSISSIPPI, AND TO PROVIDE THAT ANY COUNCIL
4 MEMBER WITH UNEXCUSED ABSENCES FOR MORE THAN THREE CONSECUTIVE
5 MEETINGS SHALL BE REPLACED; TO AMEND SECTION 17-2-5, MISSISSIPPI
6 CODE OF 1972, TO REQUIRE COUNTIES AND MUNICIPALITIES THAT ADOPT OR
7 AMEND THEIR EXISTING BUILDING CODES TO ADOPT THE CODES PROMULGATED
8 BY THE MISSISSIPPI BUILDING CODES COUNCIL; TO PROVIDE MANDATORY
9 MINIMUM CONSTRUCTION STANDARDS FOR NEW COMMERCIAL FACILITIES; TO
10 PROVIDE FOR AGREEMENTS BETWEEN MUNICIPALITIES AND COUNTIES FOR
11 ENFORCEMENT OF BUILDING CODES; TO AMEND SECTION 17-2-9,
12 MISSISSIPPI CODE OF 1972, TO PRESCRIBE CERTAIN REQUIREMENTS THAT
13 THE OWNER OF A HUNTING CAMP OR FISHING CAMP MUST MEET IN ORDER TO
14 EXEMPT SUCH STRUCTURES FROM THE STATE BUILDING CODE; TO PROHIBIT
15 THE GOVERNING AUTHORITIES OF PEARL RIVER COUNTY, OR ANY
16 MUNICIPALITY WITHIN SUCH COUNTY, FROM ENFORCING ANY PORTION OF THE
17 STATE BUILDING CODES WHICH PROHIBITS THE USE OF OR REQUIRES
18 BUILDING PERMIT APPROVAL FOR THE USE OF SALVAGE LUMBER OR GREEN

19 CUT TIMBER IN BUILDING CONSTRUCTION; TO AMEND SECTIONS 17-2-1 AND
20 19-5-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
21 PROVIDE THAT RATE FILINGS FOR RESIDENTIAL PROPERTY INSURANCE MUST
22 INCLUDE DISCOUNTS, CREDITS OR OTHER RATE DIFFERENTIALS FOR
23 PROPERTIES ON WHICH CONSTRUCTION TECHNIQUES THAT HAVE BEEN
24 DEMONSTRATED TO REDUCE THE AMOUNT OF LOSS IN A WINDSTORM HAVE BEEN
25 INSTALLED OR IMPLEMENTED; TO ESTABLISH A PROGRAM BY WHICH
26 HOMEOWNERS MAY OBTAIN AN EVALUATION OF THE WIND RESISTANCE OF
27 THEIR HOMES WITH RESPECT TO PREVENTING DAMAGE FROM HURRICANES,
28 TOGETHER WITH A RECOMMENDATION OF REASONABLE STEPS THAT MAY BE
29 TAKEN TO UPGRADE THEIR HOMES TO BETTER WITHSTAND HURRICANE FORCE
30 WINDS; TO ESTABLISH WITHIN THE DEPARTMENT OF INSURANCE A
31 COMPREHENSIVE HURRICANE DAMAGE MITIGATION PROGRAM, WHICH SHALL
32 CONSIST OF A COST-BENEFIT STUDY ON WIND HAZARD MITIGATION
33 CONSTRUCTION MEASURES, WIND CERTIFICATION AND HURRICANE MITIGATION
34 INSPECTIONS, FINANCIAL GRANTS TO RETROFIT PROPERTIES, EDUCATION
35 AND CONSUMER AWARENESS EFFORTS, AND AN ADVISORY COUNCIL; AND FOR
36 RELATED PURPOSES.

SS26\HB753A.J

John O. Gilbert
Secretary of the Senate