

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.

