

By: Representative Jennings

To: Judiciary B

HOUSE BILL NO. 1082

1 AN ACT TO AMEND SECTION 17-1-11, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT IF A LOCAL PLANNING COMMISSION REQUIRES THAT
3 RESIDENTIAL HOUSE FLOOR PLANS BE FILED WITH THE COMMISSION WHEN A
4 HOUSE IS CONSTRUCTED, SUCH RECORDS SHALL BE EXEMPT FROM THE PUBLIC
5 RECORDS ACT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 17-1-11, Mississippi Code of 1972, is
8 amended as follows:

9 17-1-11. (1) (a) The governing authority of each
10 municipality and county may provide for the preparation, adoption,
11 amendment, extension and carrying out of a comprehensive plan for
12 the purpose of bringing about coordinated physical development in
13 accordance with present and future needs and may create,
14 independently or jointly, a local planning commission with
15 authority to prepare and propose (a) a comprehensive plan of
16 physical development of the municipality or county; (b) a proposed
17 zoning ordinance and map; (c) regulations governing subdivisions
18 of land; (d) building or set back lines on streets, roads and
19 highways; and (e) recommendations to the governing authorities of
20 each municipality or county with regard to the enforcement of and
21 amendments to the comprehensive plan, zoning ordinance,
22 subdivision regulations and capital improvements program. The
23 governing authority of each municipality and county may, in its
24 discretion, pay to each member of a planning commission a per diem
25 in an amount as determined by such governing authority for each
26 day, or portion thereof, spent in the performance of his duties;
27 however, no member of a planning commission may be paid more than
28 One Hundred Twenty Dollars (\$120.00) in the aggregate per month.



29 (b) The definition of "comprehensive plan" set forth in
30 paragraph (c) of Section 17-1-1 shall not be construed to affect,
31 or to require the amendment of, any plan adopted by a county or
32 municipality prior to July 1, 1988, which plan does not
33 specifically conform to the minimum elements of a comprehensive
34 plan required in such definition.

35 (2) The governing authority of each municipality and county
36 may adopt, amend and enforce the comprehensive plan, zoning
37 ordinance, subdivision regulations and capital improvements
38 program as recommended by the local planning commission after a
39 public hearing thereon as provided by Section 17-1-15.

40 (3) In the performance of its duties, the local planning
41 commission may cooperate with, contract with, or accept funds from
42 federal, state or local agencies or private individuals or
43 corporations and may expend such funds and carry out such
44 cooperative undertakings and contracts.

45 (4) Any comprehensive plan established under this section
46 shall not contain any provision which conflicts with Article VII
47 of the Chickasaw Trail Economic Development Compact described in
48 Section 57-36-1.

49 (5) If a local planning commission requires that residential
50 house floor plans be filed when houses are constructed, then such
51 plans shall be exempt from the Mississippi Public Records Act of
52 1983.

53 **SECTION 2.** This act shall take effect and be in force from
54 and after July 1, 2003.

