

By: Representatives Stevens, Akins,
Martinson

To: Judiciary B;
Appropriations

HOUSE BILL NO. 1142

1 AN ACT TO CREATE THE STUDY COMMITTEE ON A STATEWIDE BUILDING
2 CODE; TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE; TO
3 REQUIRE THE STUDY COMMITTEE TO ADDRESS CERTAIN ISSUES AND REPORT
4 THEIR FINDINGS TO THE LEGISLATURE; TO AUTHORIZE THE USE OF STATE
5 AGENCY PERSONNEL AS SUPPORT STAFF; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) There is hereby created the Study Committee
8 on a Statewide Building Code, hereinafter referred to as the
9 "study committee." The purpose of the study committee is:

10 (a) To explore establishing minimum standards for
11 building construction that would help property owners qualify for
12 relief funds from the Federal Emergency Management Agency (FEMA)
13 after a natural disaster such as a tornado, hurricane, fire or
14 earthquake.

15 (b) To address concerns from national insurers who are
16 not renewing property insurance due to a lack of building
17 standards in many areas of Mississippi; and

18 (c) To promote the health, safety and welfare of the
19 public.

20 (2) The Study Committee on a Statewide Building Code shall
21 consist of the following members:

22 (a) The Mississippi Commissioner of Insurance or the
23 Deputy State Fire Marshal as his designee;

24 (b) The Executive Director of the Mississippi Emergency
25 Management Agency or a member of his staff as his designee;

26 (c) The Executive Director of the Association of
27 Building Officials or a representative of the Association as his
28 designee;

29 (d) The Executive Director of the Bureau of Building,
30 Grounds and Real Property Management of the Department of Finance
31 and Administration or a representative of the Bureau of Building,
32 Grounds and Real Property Management as his designee;

33 (e) The Executive Director of the State Board of
34 Registration for Professional Engineers and Land Surveyors or a
35 member of the State Board of Registration for Professional
36 Engineers and Land Surveyors as his designee;

37 (f) The Executive Director of the State Board of Public
38 Contractors or a member of the State Board of Public Contractors
39 as his designee;

40 (g) The Executive Director of the State Board of
41 Architecture or a member of the State Board of Architecture as his
42 designee;

43 (h) One (1) member of the Mississippi House of
44 Representatives appointed by the Speaker of the House of
45 Representatives; and

46 (i) One (1) member of the Mississippi State Senate
47 appointed by the Lieutenant Governor.

48 (3) The Executive Director of the State Board of
49 Architecture shall call for the first meeting at which time the
50 delegates shall appoint a chairman for the study committee. The
51 business of the first meeting shall include the establishment of a
52 meeting schedule that assures successful completion of the study
53 within the stated schedule, and within the allocated budget.

54 (4) Nonlegislative members shall serve without salary or per
55 diem compensation; however, all members shall be entitled to
56 actual travel expenses as provided for in Section 25-3-41.
57 Legislative members shall be entitled to per diem, expense
58 allowance and mileage as authorized for committee meetings when
59 the Legislature is not in session.

60 (5) The study committee shall develop a report to the
61 Legislature and the Governor to be delivered no later than
62 December 1, 2004. This report shall address at a minimum:

63 (a) A survey of other states to determine the types of
64 statewide building codes and enforcement systems which are in
65 place and which are successful;

66 (b) An investigation of existing model codes such as
67 the Standard Building Code, International Building Code, NFPA and
68 Life Safety Code to determine which is appropriate for
69 Mississippi, and what modifications would be necessary;

70 (c) A survey of the laws of other states and
71 jurisdictions, including professional standards of care for
72 architects, engineers, fabricators, contractors and builders,
73 regarding minimal construction standards;

74 (d) A determination of the capacity of existing
75 agencies, including municipal and county building officials, that
76 now handle administrative and enforcement issues, to administer a
77 state wide building code, or the necessity of creating new
78 agencies to administer such a code;

79 (e) A recommendation regarding permit fee structures or
80 other means that would offset costs of implementing the
81 recommendations of the study committee.

82 (f) A recommendation regarding exemptions for
83 jurisdictions wherein an effective code is already enacted and
84 enforced;

85 (g) Recommendations for exempting certain building
86 types that do not affect public welfare and safety (e.g. single
87 and double family residences, farm buildings and nonassembly and
88 institutional buildings less than five thousand (5,000) square
89 feet); and

90 (h) Any recommended legislation to implement the
91 recommendations of the study committee.

92 (6) The chairman shall have the authority to request staff
93 support from any state agency enumerated in this act to assist the
94 task force in caring out its responsibilities.

95 (7) Upon presentation of its final report, the study
96 committee shall be dissolved.

97 **SECTION 2.** This act shall take effect and be in force from
98 and after its passage and shall stand repealed on July 1, 2005.