

By: Representative Upshaw

To: Judiciary B

HOUSE BILL NO. 1397

1 AN ACT TO CREATE THE MISSISSIPPI BUILDING CODE REVIEW BOARD;
 2 TO PROVIDE FOR ITS MEMBERSHIP AND PRESCRIBE ITS POWERS AND DUTIES;
 3 TO AUTHORIZE THE BOARD TO ADOPT A STATEWIDE MINIMUM STANDARD
 4 BUILDING CODE; TO PROVIDE FOR ADOPTION BY CERTAIN LOCAL
 5 GOVERNMENTS; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE
 6 CONSTRUED TO REQUIRE ANY COUNTY OR MUNICIPALITY WHICH HAS NOT
 7 ADOPTED A MINIMUM STANDARD BUILDING CODE IN ITS JURISDICTION TO
 8 ADOPT AND ENFORCE THE MISSISSIPPI STATE BUILDING CODE; AND FOR
 9 RELATED PURPOSES.

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

11 **SECTION 1.** (1) There is hereby created the Building Code
 12 Review Board of the State of Mississippi, which shall consist of
 13 the State Fire Marshal and six (6) members who shall be appointed
 14 by the Governor with the advice and consent of the Senate. The
 15 appointed members shall be as follows: two (2) members who are
 16 representatives from the Mississippi Building Officials
 17 Association; one (1) member who is a representative from the
 18 Mississippi Associated Builders and Contractors; one (1) member
 19 who is a representative from the Mississippi Associated General
 20 Contractors; one (1) member who is a representative from the Home
 21 Builders Association of Mississippi; and one (1) member who is a
 22 representative from the State Board of Architecture.

23 (2) The initial appointments to the board shall be for
 24 staggered terms, to be designated by the Governor at the time of
 25 appointment as follows: two (2) members to serve for three (3)
 26 years, two (2) members to serve for two (2) years and two (2)
 27 members to serve for one (1) year. Thereafter, each term of the
 28 members shall be for four (4) years.

29 (3) The board shall meet not less than once a year. The
30 board shall meet in Jackson, Mississippi, at a location determined
31 by the board.

32 (4) The board shall organize by selecting from its members a
33 chairman and other officers as it may choose. The board may adopt
34 rules not inconsistent herewith as it deems necessary to discharge
35 its duties. Each member of the board may receive per diem as
36 authorized in Section 25-3-69, and his actual and necessary
37 expenses incurred in the performance of duties pertaining to his
38 office as authorized in Section 25-3-41.

39 **SECTION 2.** The board shall have the following powers and
40 duties:

41 (1) To adopt and maintain a statewide minimum standard
42 building code from the International Code Council (ICC) which
43 shall consist of the following codes: building code, plumbing
44 code, mechanical, fuel, gas code, fire prevention code and such
45 other codes as the board may deem advisable to adopt.

46 (2) To revise and amend the state minimum standard codes
47 either on its own motion or upon recommendation from any citizen,
48 profession, state agency or political subdivision of the state.
49 Upon approval by a majority of the board, each such amendment,
50 modification or new provision shall be held to be in full force
51 and effect as if it were included in the original adopted code.

52 (3) Prior to the adoption of the code or any proposed
53 amendment, modification or new provision, the board shall comply
54 with the Mississippi Administrative Procedures Act. The adoption,
55 revision or amendment of any of the state minimum standard codes
56 shall have reasonable and substantial connection with the public
57 health, safety and general welfare.

58 (4) To collect a reasonable fee for providing copies of any
59 state minimum standard code.

60 (5) To store records and documents of the board in the
61 Office of the State Fire Marshal.

62 **SECTION 3.** (1) Except as provided in subsection (2), the
63 Mississippi State Building Code shall apply throughout the state
64 from the time of its adoption.

65 (2) Any county or municipality which has adopted a minimum
66 standard building code in its jurisdiction on or before July 1,
67 2005, or which adopts a minimum standard building code in its
68 jurisdiction after July 1, 2005, shall adopt and enforce the
69 Mississippi State Building Code within three (3) years after the
70 effective date of this act. A county or municipality may adopt
71 local amendments to the Mississippi State Building Code provided
72 that the amendments are based on special local conditions and are
73 not less stringent than the requirements of the state building
74 code.

75 (3) Nothing in this act shall be construed to require any
76 county or municipality which has not adopted a minimum standard
77 building code in its jurisdiction to adopt and enforce the
78 Mississippi State Building Code.

79 **SECTION 4.** This act shall take effect and be in force from
80 and after July 1, 2005.