

By: Representatives Akins, Baker (74th),  
Baker (8th), Gunn, Markham, McBride, Stevens,  
Upshaw

To: Ways and Means

## HOUSE BILL NO. 1405

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 THAT HAS NOT  
7 ADOPTED BEFORE JULY 1, 2006, A MINIMUM STANDARD BUILDING CODE IN  
8 ITS JURISDICTION TO ADOPT AND ENFORCE THE MISSISSIPPI STATE  
9 BUILDING CODE; AND FOR 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, or his designee, and seven (7) members who  
14 shall be appointed by the Governor with the advice and consent of  
15 the Senate. The appointed members shall be as follows: two (2)  
16 members who are representatives from the Mississippi Building  
17 Officials Association; one (1) member who is a representative from  
18 the Mississippi Associated Builders and Contractors; one (1)  
19 member who is a representative from the Mississippi Associated  
20 General Contractors; two (2) members who are representatives from  
21 the Mississippi Home Builders Association; and one (1) member who  
22 is a 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: three (3) 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 shall 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           (5) The Department of Insurance shall provide administrative  
40 support for the board.

41           **SECTION 2.** The board shall have the following powers and  
42 duties:

43           (a) To adopt and maintain a statewide minimum standard  
44 building code from the family of International Codes as published  
45 by the International Code Council (ICC).

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

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

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

61           **SECTION 3.** (1) A county or municipality may adopt local  
62 amendments to the Mississippi State Building Code provided that  
63 the amendments are based on special local conditions and are  
64 approved by the board.

65           (2) Nothing in this act shall be construed to require any  
66 county or municipality which has not adopted before July 1, 2006,  
67 a minimum standard building code in its jurisdiction to adopt and  
68 enforce the Mississippi State Building Code.

69           (3) If a county or municipality adopts a building code after  
70 July, 1, 2006, it shall adopt the minimum standards adopted by the  
71 board.

72           **SECTION 4.** This act shall take effect and be in force from  
73 and after July 1, 2006.