

By: Senator(s) Kirby

To: Insurance

SENATE BILL NO. 2964

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 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) Prior to 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, they shall adopt the minimum standards adopted by
71 the board.

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