

Senate Amendments to House Bill No. 1406

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

23 SECTION 1. This act shall be known as the "Building a Safer
24 and Stronger Mississippi Act."

25 SECTION 2. (1) The public policy of the State of
26 Mississippi is to maintain minimum standards of construction in
27 buildings and other structures consistent with the public health,
28 safety and welfare, including housing affordability, of its
29 citizens.

30 (2) This act is enacted to adopt a state building code for
31 the State of Mississippi to govern the construction,
32 reconstruction, alteration and repair of buildings and other
33 structures and the installation of mechanical devices and
34 equipment therein. The state building codes shall establish
35 uniform performance standards providing reasonable safeguards for
36 health, safety, welfare, housing affordability, comfort and
37 security of the residents of this state who are occupants and
38 users of buildings, and will provide for the use of modern
39 methods, devices, materials and techniques.

40 (3) To clarify the intent of the Legislature and address
41 questions that might arise or have arisen with respect to
42 provisions of the nationally known codes that have been or are
43 adopted by this act.

44 (4) To further clarify the intent of the Legislature, except
45 as otherwise provided in Section 6 of this act concerning
46 emergency wind and flood mitigation requirements, this act
47 continues to apply to a person who may act under authority of the
48 State Fire Marshal's Office, except that the allocation of

49 inspection duties among local officials is not dictated by this
50 act but remains a matter for the local authority.

51 **SECTION 3.** (1) Except as provided in Section 6 of this act,
52 all municipalities and counties may enforce building, residential,
53 electrical, plumbing, mechanical, fire and fuel gas codes,
54 hereafter referred to as "state building codes" in this act,
55 relating to the construction, livability, sanitation, erection,
56 installation of equipment, alteration, repair, occupancy,
57 classification or removal of structures located within their
58 jurisdictions and promulgate regulations to implement their
59 enforcement. If any municipality or county enforces building
60 codes, then such municipality or county shall enforce only the
61 codes and guidelines provided in this act.

62 (2) To the extent that federal regulations preempt state and
63 local laws, nothing in this act conflicts with the federal
64 Department of Housing and Urban Development regulations regarding
65 manufactured housing construction.

66 (3) In connection with the construction of any building,
67 structure or other improvement to immovable property, neither the
68 performance of any enforcement procedure nor any provision of the
69 state building codes shall constitute or be construed as a
70 warranty or guarantee by a governmental enforcement agency as to
71 durability or fitness, or as a warranty or guarantee by a
72 governmental enforcement official that the building, structure or
73 other improvement to immovable property or any materials,
74 equipment or method or type of construction used therein is or
75 will be free from defects, will perform in a particular manner, is
76 fit for a particular purpose, or will last any amount of time.

77 **SECTION 4.** Municipalities and counties may establish
78 agreements with other governmental entities of the state or
79 certified third-party providers to issue permits and enforce state
80 building codes in order to provide the services required by this
81 act. The council may assist in arranging for municipalities,
82 counties or third-party providers to provide the services required
83 by this act to other municipalities or counties if a written

84 request from the governing body of the municipality is submitted
85 to the council. A third-party provider shall be any individual
86 certified by the International Code Council. During the time
87 period that the provisions of Section 6 of this act are in effect,
88 every certified third-party provider doing business within the
89 state shall notify the State Fire Marshal of their intention to do
90 business within the state, and the State Fire Marshal shall
91 maintain a listing of the name of the provider and the name and
92 location of the person or entity with whom the provider has
93 contracted to provide enforcement services. Once the council
94 meets for the first time, certified third-party providers shall
95 notify the council of their intention to do business within the
96 state and the council shall maintain a listing of all certified
97 third-party providers.

98 **SECTION 5.** Each county may appoint a council certified
99 building official or contract with other political subdivisions or
100 third parties as authorized in Section 4 of this act so that the
101 unincorporated area of the counties is under the jurisdiction of a
102 council certified building official. Each municipality may
103 appoint a council certified building official or contract for a
104 council certified building official within the municipal limits.
105 Based on the needs established by each municipality or county, the
106 council certified building official may appoint and employ other
107 council certified personnel and assistants necessary to perform
108 the required inspections and technical duties.

109 **SECTION 6.** (1) From and after ninety (90) days of the
110 effective date of this act, the counties of Jackson, Harrison,
111 Hancock, George, Stone, Pearl River, Perry and Greene, including
112 all municipalities therein, shall enforce, on an emergency basis,
113 all the wind and flood mitigation requirements prescribed by:

114 (a) The 2003 International Residential Code, as
115 modified in Section 8(1)(b) of this act, and the 2003
116 International Building Code, and as supplemented by,

117 (b) The Federal Emergency Management Agency (FEMA)
118 Coastal Construction Guidelines for Flooding.

119 (2) From and after July 1, 2007, the counties of Forrest and
120 Lamar, including all municipalities therein, shall enforce, on an
121 emergency basis, all the wind and flood mitigation requirements
122 prescribed by:

123 (a) The 2003 International Residential Code, as
124 modified in Section 8(1)(b) of this act, and the 2003
125 International Building Code, and as supplemented by,

126 (b) The Federal Emergency Management Agency (FEMA)
127 Coastal Construction Guidelines for Flooding.

128 (3) Emergency wind and flood building requirements adopted
129 in this section shall remain in force until the state building
130 codes adopted by the council have become effective, at which time
131 the counties listed in subsections (1) and (2) of this section
132 shall enforce the state building codes.

133 (4) If the municipalities and counties listed in subsection
134 (1) are unable to enforce the emergency wind and flood mitigation
135 requirements prescribed in this section within ninety (90) days of
136 the effective date of this act, the Mississippi State Fire
137 Marshal's Office shall enforce them as long as they remain in
138 effect.

139 **SECTION 7.** The council shall adopt, modify and promulgate
140 the state building codes referenced in Section 8 of this act in
141 accordance with the Administrative Procedures Law, Section
142 25-43-1.101 et seq. The state building codes shall be updated
143 every three (3) years.

144 **SECTION 8.** (1) The council shall adopt by reference and
145 amend only the latest editions of the following as the statewide
146 minimum codes:

147 (a) International Building Code and the standards
148 referenced in that code for regulation of construction within this
149 state. The appendices of that code may be adopted as needed, but
150 the specific appendix or appendices must be referenced by name or
151 letter designation at the time of adoption.

152 (b) International Residential Code (IRC) and the
153 standards referenced in that code are included for regulation of

154 construction within this state. The appendices of that code may
155 be adopted as needed, but the specific appendix or appendices must
156 be referenced by name or letter designation at the time of
157 adoption, with the exception of Appendix J, Existing Buildings and
158 Structures, which is hereby adopted by this reference.

159 (c) International Mechanical Code and the standards
160 referenced in that code for regulation of construction within this
161 state. The appendices of that code may be adopted as needed, but
162 the specific appendix or appendices must be referenced by name or
163 letter designation at the time of adoption.

164 (d) International Plumbing Code and the standards
165 referenced in that code for regulation of construction within this
166 state. The appendices of that code may be adopted as needed, but
167 the specific appendix or appendices must be referenced by name or
168 letter designation at the time of adoption.

169 (e) International Fuel Gas Code and the standards
170 referenced in that code for regulation of construction within this
171 state. The appendices of that code may be adopted as needed, but
172 the specific appendix or appendices must be referenced by name or
173 letter designation at the time of adoption.

174 (f) National Electric Code and the standards referenced
175 in that code for regulation of construction within this state.
176 The appendices of that code may be adopted as needed, but the
177 specific appendix or appendices must be referenced by name or
178 letter designation at the time of adoption.

179 (g) International Fire Code and the standards
180 referenced in that code for regulation of construction within this
181 state. The appendices of that code may be adopted as needed, but
182 the specific appendix or appendices must be referenced by name or
183 letter designation at the time of adoption.

184 (h) Appendix B of the Standard Building Code, 1999, for
185 administrative purposes as required by this section.

186 (2) Within six (6) months of the effective date of this act,
187 the council shall adopt the latest versions of the 2003 edition
188 codes referenced in this section.

189 (3) The initial code adopted by this council under the
190 provisions of this act shall become effective from and after July
191 1, 2008.

192 **SECTION 9.** (1) Counties and municipalities may adopt
193 amendments to the administrative provisions of the state building
194 codes not more than once every twelve (12) months. The
195 administrative amendments shall meet the following criteria:

196 (a) Be more stringent than the minimum standard in the
197 code;

198 (b) Transmitted to the council within thirty (30) days;
199 and

200 (c) Be made available to the general public in
201 legislative format, additions to the state building code
202 underlined and omissions from the code stricken through.

203 (2) Counties and municipalities may adopt technical
204 amendments to the provisions of the state building codes not more
205 than once every twelve (12) months. The technical amendments
206 shall meet the following criteria:

207 (a) Be more stringent than the minimum technical
208 requirements in the code, but no more stringent than necessary to
209 address the local need identified;

210 (b) Public hearing advertised in a newspaper of general
211 circulation at least ten (10) days prior to the hearing;

212 (c) Evidence or data supporting the determination of
213 need to strengthen code requirements to address local conditions;

214 (d) May not discriminate against materials, products or
215 construction techniques of demonstrated capabilities;

216 (e) May not introduce a new subject not addressed in
217 the code;

218 (f) Available in legislative usable format, additions
219 to the state building code underlined and omissions from the code
220 stricken through;

221 (g) Transmitted to the council within thirty (30) days;

222 (h) Must have established a countywide compliance
223 review board prior to adoption. The board's determination of

224 compliance may be appealed to the council by either the local
225 government or the substantially affected party;

226 (i) Must include a fiscal impact statement, although
227 the statement may not form the basis for a compliance challenge;
228 and

229 (j) The council may review and make nonbinding
230 recommendations regarding compliance with these requirements.

231 (3) Any amendment to the state building codes adopted by a
232 local government pursuant to this section shall be effective only
233 upon notification to the council. The council shall review such
234 amendment for consistency with the criteria in Section 10 of this
235 act and may consider adopting such amendment as part of the state
236 building codes.

237 **SECTION 10.** The council may approve technical amendments to
238 the state building codes once each year for general applicability
239 upon finding that the amendment is more stringent than the
240 requirements of the minimum state building codes. The amendment
241 shall not diminish the health, welfare and life safety of the
242 general public. The council shall consider the housing
243 affordability of the citizens when making the technical
244 amendments.

245 **SECTION 11.** (1) There is hereby created the Mississippi
246 Building Codes Council. Each member of the council shall be
247 appointed by the executive director of his respective professional
248 association unless otherwise stated herein. Each member shall
249 serve for a term of three (3) years and until a successor is
250 appointed and qualifies. No person who has previously been
251 convicted of a felony in this state or any other state may be
252 appointed to the council. The council shall consist of
253 twenty-three (23) members composed of:

254 (a) One (1) representative of the American Institute of
255 Architects of Mississippi;

256 (b) Three (3) representatives of the Home Builders
257 Association of Mississippi;

- 258 (c) One (1) representative of the Associated General
259 Contractors of Mississippi;
- 260 (d) One (1) representative of the Associated Builders
261 and Contractors of Mississippi;
- 262 (e) One (1) representative of the American Council of
263 Engineering Companies of Mississippi;
- 264 (f) Two (2) representatives of the Building Officials
265 Association of Mississippi;
- 266 (g) One (1) disabled person to be appointed by the
267 Governor;
- 268 (h) One (1) representative of the property/casualty
269 insurance industry to be appointed by the Governor;
- 270 (i) One (1) representative of the Mississippi Municipal
271 League;
- 272 (j) One (1) representative of the Mississippi
273 Manufactured Housing Association;
- 274 (k) One (1) representative of the electrical industry
275 who is a master electrician to be appointed by the American
276 Subcontractors Association;
- 277 (l) One (1) representative of the mechanical or gas
278 industry who is a master mechanic to be appointed by the American
279 Subcontractors Association;
- 280 (m) One (1) representative of the plumbing industry who
281 is a master plumber to be appointed by the American Subcontractors
282 Association;
- 283 (n) One (1) representative of the Mississippi Fire
284 Chiefs Association;
- 285 (o) One (1) representative of the Mississippi
286 Association of Supervisors;
- 287 (p) One (1) representative of the Mississippi Minority
288 Contractors Association to be appointed by the Governor;
- 289 (q) One (1) representative of the Energy Division,
290 Mississippi Development Authority, to serve ex officio, nonvoting;

291 (r) One (1) person representing the consumer who shall
292 have no interest in the construction industry to be appointed by
293 the Governor;

294 (s) The Mississippi State Fire Marshal, or his
295 designee, to serve ex officio, nonvoting; and

296 (t) The Executive Director of the State Board of
297 Professional Geologists, or his designee, to serve ex officio,
298 nonvoting.

299 (2) A vacancy must be filled in the manner of the original
300 appointment for the unexpired portion of the term.

301 (3) The primary function of the council is to review and
302 adopt the state building codes, provide requirements for training,
303 education and certification of code officials and accept all
304 requests for amendments of the code to determine which amendments,
305 if any, are justified by local conditions and can be enacted after
306 a finding on the record that the modification does not minimize
307 public health, safety and welfare. Certification of code
308 officials shall include the International Code Council's
309 certification programs and the appropriate category or level of
310 certification shall be verified by the council.

311 (4) The State Fire Marshal shall convene the first meeting
312 of the council within ninety (90) days of the effective date of
313 this act and shall act as temporary chairman until the council
314 elects from its members a chairman and vice chairman. The council
315 shall adopt regulations consistent with this act. A meeting may
316 be called by the chairman on his own initiative and must be called
317 by him at the request of three (3) or more members of the council.
318 Each member must be notified by the chairman in writing of the
319 time and place of the meeting at least seven (7) days before the
320 meeting. Fourteen (14) members constitute a quorum. Each meeting
321 is open to the public. An official decision of the council may be
322 made only by a vote of at least two-thirds (2/3) of those members
323 in attendance at the meeting.

324 **SECTION 12.** (1) For purposes of this section, "farm
325 structure" means a structure that is constructed on a farm, other

326 than a residence or a structure attached to it, for use on the
327 farm, including, but not limited to, barns, sheds and poultry
328 houses, but not public livestock areas. For purposes of this
329 section, "farm structure" does not include a structure originally
330 qualifying as a "farm structure" but later converted to another
331 use.

332 (2) The governing body of a county or municipality may not
333 enforce that portion of the state building code that regulates the
334 construction or improvement of a farm structure.

335 (3) The provisions of this section do not apply unless,
336 before constructing a farm structure, the person owning the
337 property on which the structure is to be constructed files an
338 affidavit with the county or municipal official responsible for
339 enforcing the building code stating that the structure is being
340 constructed as a farm structure. The affidavit must include a
341 statement of purpose or intended use of the proposed structure or
342 addition.

343 (4) This section does not affect the authority of the
344 governing body of a county or municipality to issue building
345 permits before the construction or improvement of a farm
346 structure.

347 **SECTION 13.** (1) For a violation of the building codes or
348 regulations adopted pursuant to this act, the local building
349 officials, municipal or county attorneys or other appropriate
350 authorities of a political subdivision, in addition to other
351 remedies, may apply for injunctive relief, mandamus or other
352 appropriate proceeding. A court may grant temporary injunctive
353 relief upon receipt of a verified complaint of an imminent danger
354 or emergency situation.

355 (2) The governing authority of any municipality or the board
356 of supervisors of any county, in its discretion, may adopt an
357 ordinance or resolution to establish and impose a civil penalty
358 not to exceed Two Hundred Dollars (\$200.00) upon any person found
359 to be in violation of a building code or regulation adopted
360 pursuant to the provisions of this act.

361 **SECTION 14.** The provisions of this act are cumulative to
362 other local ordinances and do not limit the authority of counties
363 or municipalities as long as they do not diminish the requirements
364 established in this act.

365 **SECTION 15.** Buildings must be inspected in accordance with
366 the codes in effect for the locality on the date of the issuance
367 of the original building permit, except that:

368 (a) If no date of issuance of original building permit
369 can be found, the date of submission of the completed application
370 to the local authority must be used.

371 (b) If no date of application for, or date of issuance
372 of, building permit is available, the director of the applicable
373 county planning and development service (or similar agency) shall
374 determine the nearest possible date by using available documents,
375 such as transfer of property records, mortgage records, tax
376 records or rent records.

377 **SECTION 16.** (1) The governing authority of any county or
378 municipality shall not enforce any portion of the state building
379 code which regulates the construction or improvement of industrial
380 facilities that are engaged in activities designated as
381 manufacturing (sectors 31-33), utilities (sector 22), bulk
382 stations and materials (sector 422710), crude oil pipelines
383 (sector 486110), refined petroleum products pipelines (sector
384 486910), natural gas pipelines (sector 486210), other pipelines
385 (sector 486990) and natural gas processing plants (sector 211112),
386 under the North American Industry Classification System (NAICS).

387 (2) The governing authority of any county or municipality
388 shall not enforce any portion of the state building code which
389 regulates the construction or improvement of buildings located on
390 the Neshoba County Fairgrounds in Neshoba County, Mississippi.

391 (3) The governing authority of any county or municipality
392 shall not enforce any portion of the state building code which
393 regulates the construction or improvement of a private unattached
394 outdoor recreational structure, such as a hunting or fishing camp.

395 **SECTION 17.** Section 19-5-9, Mississippi Code of 1972, is
396 amended as follows:

397 19-5-9. (1) The construction codes published by a
398 nationally recognized code group which sets minimum standards and
399 has the proper provisions to maintain up-to-date amendments are
400 adopted as minimum standard guides for building, plumbing,
401 electrical, gas, sanitary, and other related codes in Mississippi.
402 Any county within the State of Mississippi, in the discretion of
403 the board of supervisors, may adopt building codes, plumbing
404 codes, electrical codes, sanitary codes, or other related codes
405 dealing with general public health, safety or welfare, or a
406 combination of the same, within but not exceeding the provisions
407 of the construction codes published by nationally recognized code
408 groups, by order or resolution in the manner prescribed in this
409 section, but those codes so adopted shall apply only to the
410 unincorporated areas of the county. However, those codes shall
411 not apply to the erection, maintenance, repair or extension of
412 farm buildings or farm structures, except as may be required under
413 the terms of the "Flood Disaster Protection Act of 1973" and shall
414 apply to a master planned community as defined in Section 19-5-10,
415 only to the extent allowed in Section 19-5-10. The provisions of
416 this section shall not be construed to authorize the adoption of
417 any code which applies to the installation, repair or maintenance
418 of electric wires, pipelines, apparatus, equipment or devices by
419 or for a utility rendering public utility services, required by it
420 to be utilized in the rendition of its duly authorized service to
421 the public. Before any such code shall be adopted, it shall be
422 either printed or typewritten and shall be presented in pamphlet
423 form to the board of supervisors at a regular meeting. The order
424 or resolution adopting the code shall not set out the code in
425 full, but shall merely identify the same. The vote or passage of
426 the order or resolution shall be the same as on any other order or
427 resolution. After its adoption, the code or codes shall be
428 certified to by the president and clerk of the board of
429 supervisors and shall be filed as a permanent record in the office

430 of the clerk who shall not be required to transcribe and record
431 the same in the minute book as other orders and resolutions.

432 (2) All provisions of this section shall apply to amendments
433 and revisions of the codes mentioned in this section. The
434 provisions of this section shall be in addition and supplemental
435 to any existing laws authorizing the adoption, amendment or
436 revision of county orders, resolutions or codes.

437 (3) Any code adopted under the provisions of this section
438 shall not be in operation or force until sixty (60) days have
439 elapsed from the adoption of same; however, any code adopted for
440 the immediate preservation of the public health, safety and
441 general welfare may be effective from and after its adoption by a
442 unanimous vote of the members of the board. Within five (5) days
443 after the adoption or passage of an order or resolution adopting
444 that code or codes the clerk of the board of supervisors shall
445 publish in a legal newspaper published in the county the full text
446 of the order or resolution adopting and approving the code, and
447 the publication shall be inserted at least three (3) times, and
448 shall be completed within thirty (30) days after the passage of
449 the order or resolution.

450 (4) Any person or persons objecting to the code or codes may
451 object in writing to the provisions of the code or codes within
452 sixty (60) days after the passage of the order or resolution
453 approving same, and if the board of supervisors adjudicates that
454 ten percent (10%) or more of the qualified electors residing in
455 the affected unincorporated areas of the county have objected in
456 writing to the code or codes, then in such event the code shall be
457 inoperative and not in effect unless adopted for the immediate
458 preservation of the public health, safety and general welfare
459 until approved by a special election called by the board of
460 supervisors as other special elections are called and conducted by
461 the election commissioners of the county as other special
462 elections are conducted, the special election to be participated
463 in by all the qualified electors of the county residing in the
464 unincorporated areas of the county. If the voters approve the

465 code or codes in the special election it shall be in force and in
466 operation thereafter until amended or modified as provided in this
467 section. If the majority of the qualified electors voting in the
468 special election vote against the code or codes, then, in such
469 event, the code or codes shall be void and of no force and effect,
470 and no other code or codes dealing with that subject shall be
471 adopted under the provisions of this section until at least two
472 (2) years thereafter.

473 (5) After any such code shall take effect the board of
474 supervisors is authorized to employ such directors and other
475 personnel as the board, in its discretion, deems necessary and to
476 expend general county funds or any other funds available to the
477 board to fulfill the purposes of this section.

478 (6) For the purpose of promoting health, safety, morals or
479 the general welfare of the community, the governing authority of
480 any municipality, and, with respect to the unincorporated part of
481 any county, the governing authority of any county, in its
482 discretion, are empowered to regulate the height, number of
483 stories and size of building and other structures, the percentage
484 of lot that may be occupied, the size of the yards, courts and
485 other open spaces, the density or population, and the location and
486 use of buildings, structures and land for trade, industry,
487 residence or other purposes, but no permits shall be required
488 except as may be required under the terms of the "Flood Disaster
489 Protection Act of 1973" for the erection, maintenance, repair or
490 extension of farm buildings or farm structures outside the
491 corporate limits of municipalities.

492 (7) The authority granted in this section is cumulative and
493 supplemental to any other authority granted by law.

494 (8) Notwithstanding any provision of this section to the
495 contrary, any code adopted by a county before or after April 12,
496 2001, is subject to the provisions of Section 41-26-14(10).

497 (9) Notwithstanding any provision of this section to the
498 contrary, the Boards of Supervisors of Jackson, Harrison, Hancock,
499 George, Stone, Pearl River, Perry, Greene, Forrest and Lamar

500 Counties shall enforce the requirements as provided in Section 6
501 of House Bill No. 1406, 2006 Regular Session.

502 (10) The provisions of this section shall stand repealed on
503 July 1, 2008.

504 **SECTION 18.** Section 21-19-25, Mississippi Code of 1972, is
505 amended as follows:

506 21-19-25. (1) Any municipality within the State of
507 Mississippi may, in the discretion of its governing authorities,
508 adopt building codes, plumbing codes, electrical codes, gas codes,
509 sanitary codes, or any other codes dealing with general public
510 health, safety or welfare, or a combination of the same, by
511 ordinance, in the manner prescribed in this section. Before any
512 such code shall be adopted, it shall be either printed or
513 typewritten, and it shall be presented in pamphlet form to the
514 governing authorities of the municipality at a regular meeting.
515 The ordinance adopting the code shall not set out the code in
516 full, but shall merely identify the same. The vote on passage of
517 the ordinance shall be the same as on any other ordinances. After
518 its adoption, the code shall be certified to by the mayor and
519 clerk of the municipality, and shall be filed as a permanent
520 record in the office of the clerk, who shall not be required to
521 transcribe and record the same in the ordinance book as other
522 ordinances. It shall not be necessary that the ordinance adopting
523 the code or the code itself be published in full, but notice of
524 the adoption of the code shall be given by publication in some
525 newspaper of the municipality for one (1) time, or if there be no
526 such newspaper, by posting at three (3) or more public places
527 within the corporate limits, a notice in substantially the
528 following form:

529 Notice is given that the city (or town or village)
530 of _____, on the (give date of ordinance adopting
531 code), adopted (state type of code and other information
532 serving to identify the same) code.

533 (2) All the provisions of this section shall apply to
534 amendments and revisions of the code mentioned in this section.

535 Any code adopted in accordance with this section shall not be in
536 force for one (1) month after its passage, unless the municipal
537 authorities in the ordinance authorize to the contrary. The
538 provisions of this section shall be in addition and supplemental
539 to any existing laws authorizing the adoption, amendment or
540 revision of municipal ordinances or codes.

541 (3) Notwithstanding any provision of this section to the
542 contrary, any code adopted by a municipality before or after April
543 12, 2001, is subject to the provisions of Section 41-26-14(10).

544 (4) Notwithstanding any provision of this section to the
545 contrary, the governing authority of each municipality in Jackson,
546 Harrison, Hancock, George, Stone, Pearl River, Perry, Greene,
547 Forrest and Lamar Counties shall enforce the requirements as
548 provided in Section 6 of House Bill No. 1406, 2006 Regular
549 Session.

550 (5) The provisions of this section shall apply to all
551 municipalities of this state, whether operating under the code
552 charter, a special charter, commission form, or other form of
553 government.

554 (6) The provisions of this section shall stand repealed on
555 July 1, 2008.

556 **SECTION 19.** Section 45-11-103, Mississippi Code of 1972, is
557 amended as follows:

558 45-11-103. The standards embodied in said code shall be
559 based upon and shall be not less stringent than the standards
560 established by the International Fire Code as promulgated by the
561 International Code Council (ICC), Inc., and as the same may be
562 revised or amended; however, the State Fire Marshal shall have the
563 authority to deviate from the minimum requirements of such * * *
564 code when the imposition and enforcement of a specific requirement
565 of the * * * code would cause unnecessary hardship or when such
566 deviation would enable builders to take advantage of new methods,
567 materials or equipment which is of recognized adequacy.

568 The Mississippi Fire Prevention Code shall include provisions
569 that every new building over seventy-five (75) feet in height in

570 the state of Mississippi for which a permit is issued after the
571 passage of Sections 45-11-101 through 45-11-111 shall be equipped
572 throughout the building with a totally automatic sprinkler system
573 designed for life safety and fire prevention and protection. This
574 provision shall include every building over seventy-five (75) feet
575 in height constructed after the effective date of Sections
576 45-11-101 through 45-11-111 or to any existing building in which
577 twenty-five percent (25%) or more of the floor space is being
578 reconstructed or added thereto. However, public utility company
579 buildings in which water would cause severe damage to equipment
580 such as telephone equipment, computers or electric services, and
581 silos, grain elevators and other structures utilized solely for
582 the storage of agricultural products are exempt from the automatic
583 sprinkler system provisions of the code.

584 **SECTION 20.** This act shall take effect and be in force from
585 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO ENACT THE "BUILDING A SAFER AND STRONGER
2 MISSISSIPPI ACT"; TO STATE PUBLIC POLICY FOR BUILDING CODES; TO
3 AUTHORIZE MUNICIPALITIES AND COUNTIES TO ENFORCE THE BUILDING
4 CODES PROVIDED IN THIS ACT; TO AUTHORIZE AGREEMENTS WITH OTHER
5 GOVERNMENTAL ENTITIES TO PROVIDE SERVICES REQUIRED BY THIS ACT; TO
6 AUTHORIZE THE APPOINTMENT OF A COUNCIL CERTIFIED BUILDING
7 OFFICIAL; TO REQUIRE CERTAIN COASTAL COUNTIES TO ADOPT AND ENFORCE
8 EMERGENCY WIND AND FLOOD MITIGATION REQUIREMENTS; TO REQUIRE THE
9 MISSISSIPPI BUILDING CODES COUNCIL TO ADOPT CERTAIN NATIONALLY
10 RECOGNIZED CODES AND STANDARDS; TO PROVIDE FOR LOCAL AMENDMENTS TO
11 THE STATE BUILDING CODES; TO CREATE THE MISSISSIPPI BUILDING CODES
12 COUNCIL AND PROVIDE FOR ITS MEMBERSHIP; TO EXEMPT FARM STRUCTURES
13 FROM BUILDING CODE REGULATIONS; TO PROVIDE INJUNCTIVE RELIEF AND
14 AUTHORIZE CIVIL PENALTIES FOR VIOLATION OF BUILDING CODES OR
15 REGULATIONS; TO EXEMPT CERTAIN INDUSTRIAL BUILDINGS FROM THE
16 PROVISIONS OF THIS ACT; TO AMEND SECTIONS 19-5-9 AND 21-19-25,
17 MISSISSIPPI CODE OF 1972, TO ESTABLISH A DATE OF REPEAL ON THE
18 LAWS PROVIDING FOR THE ADOPTION OF BUILDING CODES BY
19 MUNICIPALITIES AND COUNTIES; TO AMEND SECTION 45-11-103,
20 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
21 PURPOSES.

SS26\HB1406A.J

John O. Gilbert
Secretary of the Senate