

## REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 753: Building codes; prescribe requirements for exempting hunting and fishing camps from regulation.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

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

26           **SECTION 1.** Section 17-2-3, Mississippi Code of 1972, is  
27 amended as follows:

28           17-2-3. (1) There is hereby created the Mississippi  
29 Building Codes Council. Each member of the council shall be  
30 appointed by the executive director of his respective professional  
31 association unless otherwise stated herein. Each member shall  
32 serve for a term of three (3) years and until a successor is  
33 appointed and qualifies. No person who has previously been  
34 convicted of a felony in this state or any other state may be  
35 appointed to the council. From and after July 1, 2009, all  
36 members of the council shall be residents of the State of  
37 Mississippi. The council shall consist of twenty-six (26) members  
38 composed of:

39           (a) One (1) representative of the American Institute of  
40 Architects of Mississippi;

41           (b) Three (3) representatives of the Home Builders  
42 Association of Mississippi;

43           (c) One (1) representative of the Associated General  
44 Contractors of Mississippi;

45           (d) One (1) representative of the Associated Builders  
46 and Contractors of Mississippi;

47                   (e) One (1) representative of the American Council of  
48 Engineering Companies of Mississippi;

49                   (f) Two (2) representatives of the Building Officials  
50 Association of Mississippi;

51                   (g) One (1) disabled person to be appointed by the  
52 Governor;

53                   (h) One (1) representative of the property/casualty  
54 insurance industry to be appointed by the Governor;

55                   (i) One (1) representative of the Mississippi Municipal  
56 League;

57                   (j) One (1) representative of the Mississippi  
58 Manufactured Housing Association;

59                   (k) One (1) representative of the electrical industry  
60 who is a master electrician to be appointed by the American  
61 Subcontractors Association;

62                   (l) One (1) representative of the mechanical or gas  
63 industry who is a master mechanic to be appointed by the American  
64 Subcontractors Association;

65                   (m) One (1) representative of the plumbing industry who  
66 is a master plumber to be appointed by the American Subcontractors  
67 Association;

68                   (n) One (1) representative of the Mississippi Fire  
69 Chiefs Association;

70                   (o) One (1) representative of the Mississippi  
71 Association of Supervisors;

72                   (p) One (1) representative of the Mississippi Minority  
73 Contractors Association to be appointed by the Governor;

74                   (q) One (1) representative of the Energy Division,  
75 Mississippi Development Authority, to serve ex officio, nonvoting;

76                   (r) One (1) person representing the consumer who shall  
77 have no interest in the construction industry to be appointed by  
78 the Governor;

79 (s) The Mississippi State Fire Marshal, or his  
80 designee, to serve ex officio, nonvoting;

81 (t) The Executive Director of the State Board of  
82 Professional Geologists, or his designee, to serve ex officio,  
83 nonvoting; and

84 (u) Three (3) representatives selected by the  
85 Mississippi Gulf Coast Building and Construction Trade Council.

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

88 (3) Any member with unexcused absences for more than three  
89 (3) consecutive meetings shall be replaced by his sponsoring  
90 organization.

91 (4) The State Fire Marshal shall convene the first meeting  
92 of the council within ninety (90) days of the effective date of  
93 this chapter and shall act as temporary chairman until the council  
94 elects from its members a chairman and vice chairman. The council  
95 shall adopt regulations consistent with this act. A meeting may  
96 be called by the chairman on his own initiative and must be called  
97 by him at the request of three (3) or more members of the council.  
98 Each member must be notified by the chairman in writing of the  
99 time and place of the meeting at least seven (7) days before the  
100 meeting. Fourteen (14) members constitute a quorum. Each meeting  
101 is open to the public. An official decision of the council may be  
102 made only by a vote of at least two-thirds (2/3) of those members  
103 in attendance at the meeting.

104 (5) The council shall adopt by reference and amend only one  
105 (1) of the last two (2) editions of the following as discretionary  
106 statewide minimum codes:

107 (a) International Building Code and the standards  
108 referenced in that code for regulation of construction within this  
109 state. The appendices of that code may be adopted as needed, but

110 the specific appendix or appendices must be referenced by name or  
111 letter designation at the time of adoption.

112 (b) International Residential Code (IRC) and the  
113 standards referenced in that code are included for regulation of  
114 construction within this state. The appendices of that code may  
115 be adopted as needed, but the specific appendix or appendices must  
116 be referenced by name or letter designation at the time of  
117 adoption, with the exception of Appendix J, Existing Buildings and  
118 Structures, which is hereby adopted by this reference.

119 (c) Other codes addressing matters such as electrical,  
120 plumbing, mechanical, fire and fuel gas.

121 (6) The initial code or codes adopted by this council under  
122 the provisions of this section shall be completed no later than  
123 July 1, 2007.

124 **SECTION 2.** Section 17-2-5, Mississippi Code of 1972, is  
125 amended as follows:

126 17-2-5. (1) Any county board of supervisors or municipal  
127 governing authority that adopts building codes or amends its  
128 existing building codes on or after the effective date of House  
129 Bill No. 753, 2007 Regular Session, may adopt as minimum codes  
130 any \* \* \* codes established and promulgated by the Mississippi  
131 Building Codes Council. Any codes adopted by a board of  
132 supervisors or municipal governing authority under this section  
133 shall be enforced by the board of supervisors or municipal  
134 governing authority, as the case may be.

135 (2) Municipalities and counties may establish agreements  
136 with other governmental entities of the state or certified  
137 third-party providers to issue permits and enforce state building  
138 codes in order to provide the services required by this act. The  
139 council may assist in arranging for municipalities, counties or  
140 third-party providers the provision of services required by this

141 act if a written request from the governing authority of the  
142 county or municipality is submitted to the council.

143 **SECTION 3.** Section 17-2-9, Mississippi Code of 1972, is  
144 amended as follows:

145 17-2-9. (1) The governing authority of any county or  
146 municipality shall not enforce any portion of any building codes  
147 established and/or imposed under Sections 17-2-1 through 17-2-5  
148 that regulates the construction or improvement of industrial  
149 facilities that are engaged in activities designated as  
150 manufacturing (sectors 31-33), utilities (sector 22),  
151 telecommunications (sector 517), bulk stations and materials  
152 (sector 422710), crude oil pipelines (sector 486110), refined  
153 petroleum products pipelines (sector 486910), natural gas  
154 pipelines (sector 486210), other pipelines (sector 486990) and  
155 natural gas processing plants (sector 211112), under the North  
156 American Industry Classification System (NAICS).

157 (2) The governing authority of any county or municipality  
158 shall not enforce any portion of any building codes established  
159 and/or imposed under Sections 17-2-1 through 17-2-5 which  
160 regulates the construction or improvement of buildings located on  
161 nonpublic fairgrounds or the construction or improvement of  
162 buildings located on the Neshoba County Fairgrounds in Neshoba  
163 County, Mississippi.

164 (3) The governing authority of any county or municipality  
165 shall not enforce any portion of any building codes established  
166 and/or imposed under Sections 17-2-1 through 17-2-5 which  
167 regulates the construction or improvement of a private unattached  
168 outdoor recreational structure, such as a hunting or fishing camp.  
169 In order for a structure to qualify as a "hunting camp" or  
170 "fishing camp" under the provisions of this subsection, the owner  
171 must file with the board of supervisors of the county in which the  
172 structure is located his signed affidavit stating under oath that

173 the structure is a hunting camp or fishing camp, as the case may  
174 be, that he is the owner or an owner of the camp and that the camp  
175 is located in an unincorporated area of the county within, near or  
176 in close proximity to land upon which hunting or fishing  
177 activities legally may take place.

178 (4) The governing authority of any county or municipality  
179 shall not enforce any portion of any building codes established  
180 and/or imposed under Sections 17-2-1 through 17-2-5 which  
181 regulates the construction or improvement of manufactured housing  
182 built according to the Federal Manufactured Home Construction and  
183 Safety Standards Act.

184 (5) The governing authority of Pearl River County or any  
185 municipality within such county shall not enforce any portion of  
186 any building codes established and/or imposed under Sections  
187 17-2-1 through 17-2-5 which prohibits the use of or requires  
188 building permit approval for the use of salvage lumber or green  
189 cut timber in building construction provided such timber is for  
190 personal use and is not for sale.

191 **SECTION 4.** (1) There is established within the Department  
192 of Insurance a Comprehensive Hurricane Damage Mitigation Program.  
193 This section does not create an entitlement for property owners or  
194 obligate the state in any way to fund the inspection or  
195 retrofitting of residential property or commercial property in  
196 this state. Implementation of this program is subject to the  
197 availability of funds that may be appropriated by the Legislature  
198 for this purpose. The program shall develop and implement a  
199 comprehensive and coordinated approach for hurricane damage  
200 mitigation that shall include the following:

201 (a) **Cost-benefit study on wind hazard mitigation**  
202 **construction measures.** The performance of a cost-benefit study to  
203 establish the most appropriate wind hazard mitigation construction  
204 measures for both new construction and the retrofitting of

205 existing construction for both residential and commercial  
206 facilities within the wind-borne debris regions of Mississippi as  
207 defined by the International Building Code. The recommended wind  
208 construction techniques shall be based on both the newly adopted  
209 Mississippi building code sections for wind load design and the  
210 wind-borne debris region. The list of construction measures to be  
211 considered for evaluation in the cost-benefit study shall be based  
212 on scientifically established and sound, but common, construction  
213 techniques that go above and beyond the basic recommendations in  
214 the adopted building codes. This allows residents to utilize  
215 multiple options that will further reduce risk and loss and still  
216 be awarded for their endeavors with appropriate wind insurance  
217 discounts. It is recommended that existing accepted scientific  
218 studies that validate the wind hazard construction techniques  
219 benefits and effects be taken into consideration when establishing  
220 the list of construction techniques that homeowners and business  
221 owners can employ. This will ensure that only established  
222 construction measures that have been studied and modeled as  
223 successful mitigation measures will be considered to reduce the  
224 chance of including risky or unsound data that will cost both the  
225 property owner and state unnecessary losses. The cost-benefit  
226 study shall be based on actual construction cost data collected  
227 for both several types of residential construction and commercial  
228 construction materials, building techniques and designs that are  
229 common to the region. The study shall provide as much information  
230 as possible that will enhance the data and options provided to the  
231 public, so that homeowners and business owners can make informed  
232 and educated decisions as to their level of involvement. Based on  
233 the construction data, modeling shall be performed on a variety of  
234 residential and commercial designs, so that a broad enough  
235 representative spectrum of data can be obtained. The data from  
236 the study will be utilized in a report to establish tables

237 reflecting actuarially appropriate levels of wind insurance  
238 discounts (in percentages) for each mitigation construction  
239 technique/combination of techniques. This report will be utilized  
240 as a guide for the Department of Insurance and the insurance  
241 industry for developing actuarially appropriate discounts, credits  
242 or other rate differentials, or appropriate reductions in  
243 deductibles, for properties on which fixtures or construction  
244 techniques demonstrated to reduce the amount of loss in a  
245 windstorm have been installed or implemented. Additional data  
246 that will enhance the program, such as studies to reflect property  
247 value increases for retrofitting or building to the established  
248 wind hazard mitigation construction techniques and cost comparison  
249 data collected to establish the value of this program against the  
250 investment required to include the mitigation measures, also shall  
251 be provided.

252 (b) **Wind certification and hurricane mitigation**  
253 **inspections.**

254 (i) Home-retrofit inspections of site-built,  
255 residential property, including single-family, two-family,  
256 three-family or four-family residential units, and a set of  
257 representative commercial facilities shall be offered to determine  
258 what mitigation measures are needed and what improvements to  
259 existing residential properties are needed to reduce the  
260 property's vulnerability to hurricane damage. A state program  
261 will be established within the Department of Insurance to provide  
262 homeowners and business owners wind certification and hurricane  
263 mitigation inspections. The inspections provided to homeowners  
264 and business owners, at a minimum, must include:

- 265 1. A home inspection and report that  
266 summarizes the results and identifies corrective actions a  
267 homeowner may take to mitigate hurricane damage.



268                   2. A range of cost estimates regarding the  
269 mitigation features.

270                   3. Insurer-specific information regarding  
271 premium discounts correlated to recommended mitigation features  
272 identified by the inspection.

273                   4. A hurricane resistance rating scale  
274 specifying the home's current as well as projected wind resistance  
275 capabilities.

276           This data shall be provided by trained and certified  
277 inspectors in standardized reporting formats and forms regardless  
278 of the insurer involved with the property owner to ensure all data  
279 collected during inspections is equivalent in style and content  
280 that allows construction data, estimates and discount information  
281 to be easily assimilated into a database. It also ensures  
282 consistency of the program information for the consumers when  
283 dealing with more than one (1) insurance company for the  
284 comparison of services or when changing policies. Data pertaining  
285 to the number of inspections, inspection reports and consumers  
286 participating in the program shall be stored in a state database  
287 for evaluation of the program's success and review of state goals  
288 in reducing wind hazard loss in the state.

289                   (ii) To qualify for selection by the department as  
290 a provider of wind certification and hurricane mitigation  
291 inspections services, the entity shall, at a minimum:

292                   1. Use wind certification and hurricane  
293 mitigation inspectors who:

294                   a. Have prior experience in residential  
295 and/or commercial construction or inspection and have received  
296 specialized training in hurricane mitigation procedures through  
297 the state certified program. In order to qualify for training in  
298 the inspection process, the individual should be either a licensed

299 building code official, a licensed contractor or inspector in the  
300 State of Mississippi, or a civil engineer.

301                   b. Have undergone drug testing and  
302 background checks.

303                   c. Have been certified through a state  
304 mandated training program, in a manner satisfactory to the  
305 department, to conduct the inspections.

306                   2. Provide a quality assurance program  
307 including a reinspection component.

308                   3. Have data collection equipment and  
309 computer systems, so that data can be submitted electronically to  
310 the state's database of inspection reports, insurance  
311 certificates, and other industry information related to this  
312 program. It is mandatory that all inspectors provide original  
313 copies to the property owner of any inspection reports, estimates,  
314 etc., pertaining to the inspection and keep a copy of all  
315 inspection materials on hand for state audits.

316                   (c) **Financial grants to retrofit properties.** Financial  
317 grants may be used to encourage single-family, site-built,  
318 owner-occupied, residential property owners or commercial property  
319 owners to retrofit their properties to make them less vulnerable  
320 to hurricane damage.

321                   (d) **Education and consumer awareness.** Multimedia  
322 public education, awareness and advertising efforts designed to  
323 specifically address mitigation techniques shall be employed, as  
324 well as a component to support ongoing consumer resources and  
325 referral services. In addition, all insurance companies shall  
326 provide notification to their clients regarding the availability  
327 of this program, participation details, and directions to the  
328 state Web site promoting the program, along with appropriate  
329 contact phone numbers to the state agency administering the  
330 program. The notification to the clients must be sent by the

331 insurance company within thirty (30) days after filing their  
332 insurance discount schedules with the Department of Insurance.

333 (e) **Advisory council.** There is created an advisory  
334 council to provide advice and assistance to the program  
335 administrator with regard to his or her administration of the  
336 program. The advisory council shall consist of:

337 (i) A representative of lending institutions,  
338 selected by the Department of Insurance from a list of at least  
339 three (3) persons recommended by the Mississippi Bankers  
340 Association.

341 (ii) An agent, selected by the Independent  
342 Insurance Agents of Mississippi.

343 (iii) Two (2) representatives of residential  
344 property insurers, selected by the Department of Insurance.

345 (iv) A representative of homebuilders, selected by  
346 the Department of Insurance from a list of at least three (3)  
347 persons recommended by the Home Builders Association of  
348 Mississippi.

349 (v) One (1) faculty member of a state university,  
350 selected by the Department of Insurance, who is an expert in  
351 hurricane-resistant construction methodologies and materials.

352 (vi) Two (2) members of the House of  
353 Representatives, selected by the Speaker of the House of  
354 Representatives.

355 (vii) Two (2) members of the Senate, selected by  
356 the Lieutenant Governor.

357 (viii) The Executive Director of the Mississippi  
358 Windstorm Underwriting Association.

359 (ix) The Director of the Mississippi Emergency  
360 Management Agency.

361 Members appointed under subparagraphs (i) through (v) shall  
362 serve at the pleasure of the Department of Insurance. Members

363 appointed under subparagraphs (vi) and (vii) shall serve at the  
364 pleasure of the appointing officers. All other members shall  
365 serve as voting ex officio members. Members of the advisory  
366 council who are not legislators, state officials or state  
367 employees shall be compensated at the per diem rate authorized by  
368 Section 25-3-69, and shall be reimbursed in accordance with  
369 Section 25-3-41, for mileage and actual expenses incurred in the  
370 performance of their duties. Legislative members of the advisory  
371 council shall be paid from the contingent expense funds of their  
372 respective houses in the same manner as provided for committee  
373 meetings when the Legislature is not in session; however, no per  
374 diem or expense for attending meetings of the advisory council may  
375 be paid while the Legislature is in session. No advisory council  
376 member may incur per diem, travel or other expenses unless  
377 previously authorized by vote, at a meeting of the council, which  
378 action shall be recorded in the official minutes of the meeting.  
379 Nonlegislative members shall be paid from any funds made available  
380 to the advisory council for that purpose.

381 (f) **Rules and regulations.** The Department of Insurance  
382 shall adopt rules and regulations governing the Comprehensive  
383 Hurricane Damage Mitigation Program. The department also shall  
384 adopt rules and regulations establishing priorities for grants  
385 provided under this section based on objective criteria that gives  
386 priority to reducing the state's probable maximum loss from  
387 hurricanes. However, pursuant to this overall goal, the  
388 department may further establish priorities based on the insured  
389 value of the dwelling, whether or not the dwelling is insured by  
390 Mississippi Windstorm Underwriting Association and whether or not  
391 the area under consideration has sufficient resources and the  
392 ability to perform the retrofitting required.

393 (2) This section shall stand repealed from and after July 1,  
394 2009.

395           **SECTION 5.** This act shall take effect and be in force from  
396 and after its passage.

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

1           AN ACT TO AMEND SECTION 17-2-3, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE ALL MEMBERS OF THE BUILDING CODES COUNCIL TO BE RESIDENTS  
3 OF THE STATE OF MISSISSIPPI, AND TO PROVIDE THAT ANY COUNCIL  
4 MEMBER WITH UNEXCUSED ABSENCES FOR MORE THAN THREE CONSECUTIVE  
5 MEETINGS SHALL BE REPLACED; TO AMEND SECTION 17-2-5, MISSISSIPPI  
6 CODE OF 1972, TO AUTHORIZE COUNTIES AND MUNICIPALITIES THAT ADOPT  
7 OR AMEND THEIR EXISTING BUILDING CODES TO ADOPT THE CODES  
8 PROMULGATED BY THE MISSISSIPPI BUILDING CODES COUNCIL; TO PROVIDE  
9 FOR AGREEMENTS BETWEEN MUNICIPALITIES AND COUNTIES FOR ENFORCEMENT  
10 OF BUILDING CODES; TO AMEND SECTION 17-2-9, MISSISSIPPI CODE OF  
11 1972, TO PRESCRIBE CERTAIN REQUIREMENTS THAT THE OWNER OF A  
12 HUNTING CAMP OR FISHING CAMP MUST MEET IN ORDER TO EXEMPT SUCH  
13 STRUCTURES FROM THE STATE BUILDING CODE; TO PROHIBIT THE GOVERNING  
14 AUTHORITY OF PEARL RIVER COUNTY, OR ANY MUNICIPALITY WITHIN SUCH  
15 COUNTY, FROM ENFORCING ANY PORTION OF THE STATE BUILDING CODES  
16 WHICH PROHIBITS THE USE OF OR REQUIRES BUILDING PERMIT APPROVAL  
17 FOR THE USE OF SALVAGE LUMBER OR GREEN CUT TIMBER IN BUILDING  
18 CONSTRUCTION; TO ESTABLISH WITHIN THE DEPARTMENT OF INSURANCE A  
19 COMPREHENSIVE HURRICANE DAMAGE MITIGATION PROGRAM, WHICH SHALL  
20 CONSIST OF A COST-BENEFIT STUDY ON WIND HAZARD MITIGATION  
21 CONSTRUCTION MEASURES, WIND CERTIFICATION AND HURRICANE MITIGATION  
22 INSPECTIONS, FINANCIAL GRANTS TO RETROFIT PROPERTIES, EDUCATION  
23 AND CONSUMER AWARENESS EFFORTS, AND AN ADVISORY COUNCIL; AND FOR  
24 RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)  
Cummings

X (SIGNED)  
Frierson

X (SIGNED)  
Robinson (63rd)

CONFEREES FOR THE SENATE

X (SIGNED)  
Kirby

X (SIGNED)  
Chaney

X (SIGNED)  
Hewes