

By: Senator(s) Kirby

To: Business and Financial
Institutions

SENATE BILL NO. 2336

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
21 Mississippi Home Builders Association; 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, but no
30 more than four (4) times a year. The board shall meet in Jackson,
31 Mississippi, at a location determined 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 **SECTION 2.** The board shall have the following powers and
40 duties:

41 (a) 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: housing code, building
44 code, plumbing code, air conditioning and heating code, electrical
45 code, gas code, fire prevention code, excavation and grading code,
46 swimming pool code, unsafe building abatement code and such other
47 codes as the board may deem advisable to adopt.

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

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

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

63 (e) To store records and documents of the board in the
64 Office of the State Fire Marshal.

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

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

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

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