

By: Representatives McMillan, Clark,
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To: County Affairs

HOUSE BILL NO. 1611

1 AN ACT TO PROVIDE THAT WHENEVER A STATE OF EMERGENCY IS
2 DECLARED, THE BOARD OF SUPERVISORS OF ANY COUNTY AND THE GOVERNING
3 AUTHORITIES OF ANY MUNICIPALITY, IN THE AFFECTED AREAS OF THE
4 DECLARATION, ARE AUTHORIZED TO ISSUE EMERGENCY LICENSES FOR
5 OUT-OF-STATE CONTRACTORS; TO AMEND SECTIONS 19-5-9, 21-19-25 AND
6 73-59-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
7 SECTION; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** (1) Whenever a state of emergency is declared
10 pursuant to Sections 33-15-1, et seq., by the Governor or a
11 county, the board of supervisors of any county and the governing
12 authorities of any municipality are authorized to issue emergency
13 licenses and registrations for out-of-state builders and specialty
14 contractors whenever such emergency effects the areas of the local
15 governing authorities.

16 (2) To qualify for an emergency license or registration, an
17 individual, at the time of application, must submit a verification
18 letter issued by the individual's home state in which the
19 applicant's principal place of business is located as proof that
20 his or her license is in good standing. The emergency license



21 registration may be issued only to the individual shown on the
22 home-state license. The home-state license must have been issued
23 by examination or is a "grandfathered" in license. No other forms
24 of home-state licensure shall be accepted as proof of licensure
25 under this section.

26 (3) In addition to proof of home state licensure, an
27 applicant must also provide the following:

28 (a) An emergency license application that is provided
29 by the county or municipality;

30 (b) A national criminal background report current
31 within fourteen (14) days of the date of application. A criminal
32 background report showing misdemeanors listed for twenty-four (24)
33 months or felonies listed for fifteen (15) years prior to the
34 application date shall not qualify for licensure;

35 (c) A current bond for home builders of at least
36 Fifteen Thousand Dollars (\$15,000.00) and current bond for
37 specialty contractors of at least Five Thousand Dollars
38 (\$5,000.00); and

39 (d) A fee of One Hundred Dollars (\$100.00) that is paid
40 to a county or municipality, as the case may be.

41 (4) An emergency license or registration that may be issued
42 by a county or municipality shall be:

43 (a) Issued for one (1) specific event;

44 (b) Limited to a total valuation of One Hundred
45 Thousand Dollars (\$100,000.00) for any single project for home



46 builders and a total valuation of Thirty-five Thousand Dollars
47 (\$35,000.00) for any single project for specialty contractors;

48 (c) Valid only for the scope of work permitted by the
49 applicant's home-state license;

50 (d) Valid only within the area of the declared
51 emergency; and

52 (e) Valid only for the duration of the emergency
53 declaration or as extended at the board of supervisors or
54 municipal governing authorities discretion.

55 (5) The powers and authority granted and set forth in this
56 section shall be additional and supplemental to any other powers
57 and authority granted by law concerning contractors obtaining
58 licenses.

59 **SECTION 2.** Section 19-5-9, Mississippi Code of 1972, is
60 amended as follows:

61 19-5-9. (1) The construction codes published by a
62 nationally recognized code group which sets minimum standards and
63 has the proper provisions to maintain up-to-date amendments are
64 adopted as minimum standard guides for building, plumbing,
65 electrical, gas, sanitary, and other related codes in Mississippi.
66 Any county within the State of Mississippi, in the discretion of
67 the board of supervisors, may adopt building codes, plumbing
68 codes, electrical codes, sanitary codes, or other related codes
69 dealing with general public health, safety or welfare, or a
70 combination of the same, within but not exceeding the provisions



71 of the construction codes published by nationally recognized code
72 groups, by order or resolution in the manner prescribed in this
73 section, but those codes so adopted shall apply only to the
74 unincorporated areas of the county. However, those codes shall
75 not apply to the erection, maintenance, repair or extension of
76 farm buildings or farm structures, except as may be required under
77 the terms of the "Flood Disaster Protection Act of 1973," and
78 shall apply to a master planned community as defined in Section
79 19-5-10 only to the extent allowed in Section 19-5-10. The
80 provisions of this section shall not be construed to authorize the
81 adoption of any code which applies to the installation, repair or
82 maintenance of electric wires, pipelines, apparatus, equipment or
83 devices by or for a utility rendering public utility services,
84 required by it to be utilized in the rendition of its duly
85 authorized service to the public. Before any such code shall be
86 adopted, it shall be either printed or typewritten and shall be
87 presented in pamphlet form to the board of supervisors at a
88 regular meeting. The order or resolution adopting the code shall
89 not set out the code in full, but shall merely identify the same.
90 The vote or passage of the order or resolution shall be the same
91 as on any other order or resolution. After its adoption, the code
92 or codes shall be certified to by the president and clerk of the
93 board of supervisors and shall be filed as a permanent record in
94 the office of the clerk who shall not be required to transcribe



95 and record the same in the minute book as other orders and
96 resolutions.

97 (2) If the board of supervisors of any county adopts or has
98 adopted construction codes which do not have proper provisions to
99 maintain up-to-date amendments, specifications in such codes for
100 cements used in portland cement concrete shall be superseded by
101 nationally recognized specifications referenced in any code
102 adopted by the Mississippi Building Code Council.

103 (3) All provisions of this section shall apply to amendments
104 and revisions of the codes mentioned in this section. The
105 provisions of this section shall be in addition and supplemental
106 to any existing laws authorizing the adoption, amendment or
107 revision of county orders, resolutions or codes.

108 (4) Any code adopted under the provisions of this section
109 shall not be in operation or force until sixty (60) days have
110 elapsed from the adoption of same; however, any code adopted for
111 the immediate preservation of the public health, safety and
112 general welfare may be effective from and after its adoption by a
113 unanimous vote of the members of the board. Within five (5) days
114 after the adoption or passage of an order or resolution adopting
115 that code or codes the clerk of the board of supervisors shall
116 publish in a legal newspaper published in the county the full text
117 of the order or resolution adopting and approving the code, and
118 the publication shall be inserted at least three (3) times, and



119 shall be completed within thirty (30) days after the passage of
120 the order or resolution.

121 (5) Any person or persons objecting to the code or codes may
122 object in writing to the provisions of the code or codes within
123 sixty (60) days after the passage of the order or resolution
124 approving same, and if the board of supervisors adjudicates that
125 ten percent (10%) or more of the qualified electors residing in
126 the affected unincorporated areas of the county have objected in
127 writing to the code or codes, then in such event the code shall be
128 inoperative and not in effect unless adopted for the immediate
129 preservation of the public health, safety and general welfare
130 until approved by a special election called by the board of
131 supervisors as other special elections are called and conducted by
132 the election commissioners of the county as other special
133 elections are conducted, the special election to be participated
134 in by all the qualified electors of the county residing in the
135 unincorporated areas of the county. If the voters approve the
136 code or codes in the special election it shall be in force and in
137 operation thereafter until amended or modified as provided in this
138 section. If the majority of the qualified electors voting in the
139 special election vote against the code or codes, then, in such
140 event, the code or codes shall be void and of no force and effect,
141 and no other code or codes dealing with that subject shall be
142 adopted under the provisions of this section until at least two
143 (2) years thereafter.



144 (6) After any such code shall take effect the board of
145 supervisors is authorized to employ such directors and other
146 personnel as the board, in its discretion, deems necessary and to
147 expend general county funds or any other funds available to the
148 board to fulfill the purposes of this section.

149 (7) For the purpose of promoting health, safety, morals or
150 the general welfare of the community, the governing authority of
151 any municipality, and, with respect to the unincorporated part of
152 any county, the governing authority of any county, in its
153 discretion, is empowered to regulate the height, number of stories
154 and size of building and other structures, the percentage of lot
155 that may be occupied, the size of the yards, courts and other open
156 spaces, the density or population, and the location and use of
157 buildings, structures and land for trade, industry, residence or
158 other purposes, but no permits shall be required except as may be
159 required under the terms of the "Flood Disaster Protection Act of
160 1973" for the erection, maintenance, repair or extension of farm
161 buildings or farm structures outside the corporate limits of
162 municipalities.

163 (8) The authority granted in this section is cumulative and
164 supplemental to any other authority granted by law.

165 (9) Notwithstanding any provision of this section to the
166 contrary, any code adopted by a county before or after April 12,
167 2001, is subject to the provisions of Section 41-26-14(10).



168 (10) Notwithstanding any provision of this section to the
169 contrary, the Boards of Supervisors of Jackson, Harrison, Hancock,
170 Stone and Pearl River Counties shall enforce the requirements
171 imposed under Section 17-2-1 as provided in such section.

172 (11) Regardless of whether a county adopts or has adopted
173 codes, as set forth in this section, each and every county in this
174 state shall require permitting as a condition to construction
175 within the unincorporated areas of the county, and such permits
176 shall contain, on their face, in conspicuous print, (a) the
177 contractor's material purchase certificate number to the extent
178 furnished by the Department of Revenue pursuant to Section
179 27-65-21(3) or the contractor's Taxpayer Identification Number as
180 furnished by the Internal Revenue Service, and either a copy of
181 such material purchase certificate furnished by the Department of
182 Revenue pursuant to Section 27-65-21(3), or a copy of the
183 contractor's W-9, as the case may be, shall be required to be
184 provided to the county as part of the prime contractor's
185 application for such permit, prior to the issuance of such permit,
186 and (b) the contractor's license or certificate of responsibility
187 number as required by either Section 31-3-14 et seq., 51-5-1 et
188 seq. or 73-59-1 et seq.

189 In addition to this subsection, when a state of emergency is
190 declared the provisions under Section 1 of this act shall be
191 applicable for out-of-state contractors who perform work in an
192 affected area of a county due to the state of emergency.



193 **SECTION 3.** Section 21-19-25, Mississippi Code of 1972, is
194 amended as follows:

195 21-19-25. (1) Any municipality within the State of
196 Mississippi may, in the discretion of its governing authority,
197 adopt building codes, plumbing codes, electrical codes, gas codes,
198 sanitary codes, or any other codes dealing with general public
199 health, safety or welfare, or a combination of the same, by
200 ordinance, in the manner prescribed in this section. Before any
201 such code shall be adopted, it shall be either printed or
202 typewritten, and it shall be presented in pamphlet form to the
203 governing authority of the municipality at a regular meeting. The
204 ordinance adopting the code shall not set out the code in full,
205 but shall merely identify the same. The vote on passage of the
206 ordinance shall be the same as on any other ordinances. After its
207 adoption, the code shall be certified to by the mayor and clerk of
208 the municipality, and shall be filed as a permanent record in the
209 office of the clerk, who shall not be required to transcribe and
210 record the same in the ordinance book as other ordinances. It
211 shall not be necessary that the ordinance adopting the code or the
212 code itself be published in full, but notice of the adoption of
213 the code shall be given by publication in some newspaper of the
214 municipality for one (1) time, or if there be no such newspaper,
215 by posting at three (3) or more public places within the corporate
216 limits, a notice in substantially the following form:



217 Notice is given that the city (or town or village) of
218 _____, on the (give date of ordinance adopting code), adopted
219 (state type of code and other information serving to identify the
220 same) code.

221 (2) If the governing authority of any municipality adopts or
222 has adopted construction codes which do not have proper provisions
223 to maintain up-to-date amendments, specifications in such codes
224 for cements used in portland cement concrete shall be superseded
225 by nationally recognized specifications referenced in any code
226 adopted by the Mississippi Building Code Council.

227 (3) All the provisions of this section shall apply to
228 amendments and revisions of the code mentioned in this section.
229 Any code adopted in accordance with this section shall not be in
230 force for one (1) month after its passage, unless the municipal
231 authorities in the ordinance authorize to the contrary. The
232 provisions of this section shall be in addition and supplemental
233 to any existing laws authorizing the adoption, amendment or
234 revision of municipal ordinances or codes.

235 (4) Notwithstanding any provision of this section to the
236 contrary, any code adopted by a municipality before or after April
237 12, 2001, is subject to the provisions of Section 41-26-14(10).

238 (5) Notwithstanding any provision of this section to the
239 contrary, the governing authorities of each municipality in
240 Jackson, Harrison, Hancock, Stone and Pearl River Counties shall



241 enforce the requirements imposed under Section 17-2-1 as provided
242 in such section.

243 (6) Regardless of whether the governing authority of any
244 municipality adopts or has adopted construction codes, as set
245 forth in this section, each and every governing authority of any
246 municipality shall require permitting as a condition to
247 construction within the municipality's jurisdiction, and any and
248 all such permits shall contain on their faces, in conspicuous
249 print, (a) the contractor's material purchase certificate number
250 to the extent one is furnished by the Department of Revenue
251 pursuant to Section 27-65-21(3) or the contractor's Taxpayer
252 Identification Number as furnished by the Internal Revenue
253 Service, and either a copy of such material purchase certificate
254 furnished by the Department of Revenue pursuant to Section
255 27-65-21(3), or a copy of the contractor's W-9, as the case may
256 be, shall be required to be provided to the governing authority of
257 such municipality as part of the contractor's application for such
258 permit, prior to the issuance of such permit, and (b) the
259 contractor's license or certificate of responsibility number as
260 required by either Section 31-3-14 et seq., 51-5-1 et seq. or
261 73-59-1 et seq.

262 In addition to this subsection, when a state of emergency is
263 declared the provisions under Section 1 of this act shall be
264 applicable for out-of-state contractors who perform work in an
265 affected area of a municipality due to the state of emergency.



266 (7) The provisions of this section shall apply to all
267 municipalities of this state, whether operating under the code
268 charter, a special charter, commission form, or other form of
269 government.

270 **SECTION 4.** Section 73-59-7, Mississippi Code of 1972, is
271 amended as follows:

272 73-59-7. In addition to the requirements under Section 1 of
273 this act for out-of-state contractors, in the event of a
274 catastrophe or emergency which arises out of a disaster, act of
275 God, riot, civil commotion, conflagration or other similar
276 occurrence, the board, upon application, may issue an emergency
277 license to persons who are residents or nonresidents of this state
278 and who may or may not be otherwise licensed residential builders
279 or remodelers; however, for nonresidents, such persons are also
280 subject to the additional requirements under Section 1 of this
281 act. Such emergency license shall remain in force for a period
282 not to exceed ninety (90) days, unless extended for an additional
283 period of ninety (90) days by the board or until a contract to
284 build or remodel entered into during the period of the emergency
285 license has been completed.

286 Within five (5) days of any applicant beginning work as a
287 residential builder or remodeler under this section, the employer
288 or person contracting with such person shall certify to the board
289 such application without being deemed in violation of this
290 chapter, provided that the board, after notice and hearing, may



291 take disciplinary action or revoke the emergency license upon
292 grounds as otherwise contained in this chapter providing for such
293 disciplinary action or revocation of a residential builder's or
294 remodeler's license.

295 The fee for an emergency license shall be in an amount not to
296 exceed Fifty Dollars (\$50.00) as determined by the board and shall
297 be due and payable at the time of the issuance of such emergency
298 license.

299 **SECTION 5.** This act shall take effect and be in force from
300 and after July 1, 2024.

