

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 175, Page 1, In the title, Lines 4 and 5, by
2 deleting the words, "enact in lieu thereof seventeen new sections relating to procedures for the
3 collection of local government funds" and inserting in lieu thereof the words, "political
4 subdivisions"; and
5

6 Further amend said bill, Page 1, Section A, Line 5, by inserting after all of said line the following:

7 "67.280. 1. As used in this section, the following terms mean:

8 (1) "Agricultural building", any structure used solely for agricultural purposes in which the
9 use is exclusively in connection with the production, harvesting, storage, drying, or raising of
10 agricultural commodities, including the raising of livestock;

11 (2) "Code", any published compilation of rules prepared by various technical trade
12 associations, federal agencies, this state or any agency thereof, but shall be limited to: regulations
13 concerning the construction of buildings and continued occupancy thereof; mechanical, plumbing,
14 and electrical construction; and fire prevention;

15 [(2) "Community", any county, fire protection district or municipality;]

16 (3) "County", any county in the state;

17 (4) "Fire protection district", any fire protection district in the state as defined in chapter 321;

18 (5) "Jurisdiction", and county, fire protection district, or municipality;

19 (6) "Municipality", any incorporated city, town or village.

20 2. Beginning January 1, 2014, the following codes listed in this subsection shall be deemed
21 the official state codes:

22 (1) The 2005 version of the NFPA 70 National Electrical Code as published by the National
23 Fire Protection Association and referenced by the state building code shall be the official Missouri
24 electrical code;

25 (2) The following codes as published by the International Code Council and the International
26 Association of Plumbing and Mechanical Officials shall be deemed the official state building,
27 residential, fire, plumbing, mechanical, fuel gas, and property maintenance codes:

28 (a) The 2006 version of the International Building Code;

29 (b) The 2006 version of the International Residential Code;

30 (c) The 2006 version of the International Fire Code;

31 (d) The 2006 version of the International Plumbing Code or the 2006 version of the Uniform
32 Plumbing Code;

33 (e) The 2006 version of the International Mechanical Code or the 2006 version of the
34 Uniform Mechanical Code;

35 (f) The 2006 version of the International Fuel Gas Code;

36 (g) The 2006 version of the International Property Maintenance Code;

37 (3) Subsequent editions of the codes that are adopted by rule by the state code commission.

Action Taken _____ Date _____

1 3. Any [community, if the community otherwise has the power under the law to adopt such
2 an ordinance,] jurisdiction may adopt or repeal an ordinance which incorporates by reference the
3 provisions of any code or portions of any code, or any amendment thereof, properly identified as to
4 date and source, without setting forth the provisions of such code in full. Beginning January 1, 2014,
5 all jurisdictions may adopt and enforce the official state codes listed in this section by reference, and
6 each fire protection district that adopts or enforces a technical code or issues construction permits
7 shall adopt by ordinance the Missouri fire code or any version of the International Fire Code that is
8 no more than one version behind the official state codes, and may adopt other Missouri state codes
9 by ordinance. At least one copy of such code, portion or amendment which is incorporated or
10 adopted by reference[,] shall be filed in the office of the clerk of the [community] jurisdiction and
11 there kept available for public use, inspection, and examination. The filing requirements herein
12 prescribed shall not be deemed to be complied with unless the required copies of such codes, portion,
13 or amendment or public record are filed with the clerk of such [community] jurisdiction for a period
14 of ninety days prior to the adoption of the ordinance which incorporates such code, portion, or
15 amendment by reference.

16 [3.] 4. Any ordinance adopting a code, portion, or amendment by reference shall state the
17 penalty for violating such code, portion, or amendment, or any provisions thereof separately, and no
18 part of any such penalty shall be incorporated by reference.

19 5. Each jurisdiction shall remain no more than one code version behind the official state
20 codes. The provisions of this section or any other section shall not limit the authority of the adopting
21 jurisdiction to adopt a construction code or fire code that is equivalent to or has higher standards than
22 the official state codes or to amend, delete, or make additions to the official state codes in its own
23 jurisdiction.

24 6. (1) There is hereby created within the department of public safety the "State Code
25 Commission". The commission shall consist of nine members appointed by the governor with the
26 advice and consent of the senate, and the state code manager and the state fire marshal shall serve as
27 ex-officio members. The nine members appointed by the governor shall be appointed as follows:

28 (a) One current building official representing a jurisdiction with more than ten thousand
29 inhabitants who has at least five years of experience in the enforcement of a technical building code;

30 (b) One current fire marshal who has at least five years of experience in the enforcement of a
31 technical fire code;

32 (c) One current code official representing a jurisdiction with fewer than ten thousand
33 inhabitants who has at least five years of experience in the enforcement of technical codes;

34 (d) One person representing home builders;

35 (e) One person licensed and practicing in this state as a professional engineer under chapter
36 327 with at least five years of experience in the engineering profession;

37 (f) One person licensed and practicing in this state as an architect under chapter 327 with at
38 least five years of experience in the architect profession;

39 (g) One person representing private inspectors with at least five years of experience in the
40 private inspector profession;

41 (h) One person licensed as and currently active as a journeyman in the person's trade, with at
42 least five years of experience in the trade;

43 (i) One person licensed as and currently active as a master in the person's trade, with at least
44 five years of experience in the trade.

45 (2) Of the initial members appointed, three shall serve a term of one year, three shall serve a
46 term of two years, two shall serve a term of three years, and one shall serve a term of four years.

47 Members appointed after the expiration of the initial terms shall be appointed to a four-year term.

48 Vacancies shall be filled in the same manner in which the member vacating the office was originally

1 appointed. Members shall not receive compensation for their services, but may be reimbursed for
2 their actual and necessary expenses in an amount equal to the per diem of a member of the general
3 assembly. The commission shall elect a chair and other officers necessary for its membership at each
4 first annual meeting, and shall meet at least two times per year within the state.

5 (3) The commission shall have the following powers and duties:

6 (a) To establish minimum requirements for registered inspectors by rule;

7 (b) To maintain records of registered inspectors;

8 (c) To impose fees for the annual registration of inspectors sufficient to cover the cost of
9 administering this section in an amount set by rule, but not to exceed twenty-five dollars;

10 (d) To provide inspector training;

11 (e) To appoint a state code manager, who shall be a person licensed and practicing in this
12 state as an architect or a professional engineer under chapter 327 with at least five years of
13 experience in the person's trade, or a person certified as a building official or master code
14 professional and with at least five years of supervisory experience as a jurisdictional code official;

15 (f) To maintain the official state codes in conjunction with the state fire marshal and the state
16 code manager.

17 7. There is hereby created in the state treasury the "State Code Fund", which shall consist of
18 money collected under this section and shall be administered by the state fire marshal. The state
19 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state
20 treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation,
21 money in the fund shall be used solely for the purposes of this section. Notwithstanding the
22 provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the
23 biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest
24 moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned
25 on such investments shall be credited to the fund.

26 8. Except for the state fire code, the official state codes shall be administered by the state
27 code manager. The state code manager shall review, maintain, and in conjunction with the state code
28 commission, amend the official state codes. The manager shall review the code no less than every
29 three years and within nine months from the date of publication of any subsequent edition of the
30 international codes. The official state fire code shall be reviewed, maintained, and amended by the
31 state fire marshal.

32 9. The state code manager and state fire marshal shall not be responsible for enforcing the

1 state construction codes in the jurisdictions, but each jurisdiction shall provide enforcement in the
2 manner listed in each code, or may provide enforcement in one of the following methods:

3 (1) Inspection services provided by employees of the jurisdiction;

4 (2) Intergovernmental agreements; or

5 (3) Registered third-party inspectors who are approved and registered by the state code
6 commission.

7 10. No agricultural building shall be subject to any official state code adopted under this
8 section.

9 11. Resolution of any conflict resulting from any enforcement action under this section shall
10 be the responsibility of the jurisdiction adopting the official state code.

11 12. Notwithstanding any other provision of law to the contrary, this section shall apply in the
12 case of any conflict between this section and any other provision of state law.

13 13. The state code commission, state code manager, and state fire marshal may promulgate
14 rules to implement the provisions of this section. Any rule or portion of a rule, as that term is
15 defined in section 536.010, that is created under the authority delegated in this section shall become
16 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
17 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers
18 vested with the general assembly under chapter 536 to review, to delay the effective date, or to
19 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
20 authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and
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22 Further amend said bill by amending the title, enacting clause, and intersectional references
23 accordingly.