

By: Representative Stevens

To: Insurance

HOUSE BILL NO. 581
(As Passed the House)

1 AN ACT TO AMEND SECTION 45-11-101, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THAT THE PLANS FOR CONSTRUCTION OF PRIVATE CORRECTIONAL
3 FACILITIES THAT HOUSE STATE INMATES AND CERTAIN OTHER CONSTRUCTION
4 SHALL BE SUBMITTED TO THE STATE FIRE MARSHAL'S OFFICE TO ENSURE
5 COMPLIANCE WITH THE MISSISSIPPI FIRE PREVENTION CODE; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 45-11-101, Mississippi Code of 1972, is
9 amended as follows:

10 45-11-101. (1) The State Fire Marshal shall promulgate the
11 Mississippi Fire Prevention Code which shall apply to:

12 (a) All buildings owned by the state or state agencies;

13 (b) All buildings utilized for public assembly, except
14 in any county or municipality which has adopted a fire prevention
15 code with standards not less stringent than the Mississippi Fire
16 Prevention Code; however, the State Fire Marshal or his authorized
17 representative shall perform investigations or inspections of such
18 buildings only when advised by interested persons of a danger or
19 hazardous inflammable condition existing in any building that
20 would tend to impair the safety of persons or property, or when
21 the State Fire Marshal or his authorized representative believes
22 the investigation or inspection is in the interest of public
23 safety. The investigation or inspection shall be made in
24 accordance with Section 45-11-3;

25 (c) All buildings, the permits for the construction of
26 which are issued subsequent to the effective date of Sections
27 45-11-101 through 45-11-111 and which are not less than
28 seventy-five (75) feet in height; provided, however, that in any
29 county or municipality which has adopted a fire prevention code

30 with standards not less stringent than the Mississippi Fire
31 Prevention Code, the provisions and enforcement mechanism thereof
32 shall apply and not the Mississippi Fire Prevention Code.

33 (d) All buildings, the permits for construction of
34 which are issued subsequent to July 1, 2004, constructed as
35 private correctional facilities that house state inmates. Before
36 such construction, construction plans must be submitted for review
37 and approval to the State Fire Marshal's Office to ensure
38 compliance with the Mississippi Fire Prevention Code; however, in
39 any county or municipality that has adopted a fire prevention code
40 with standards not less stringent than the Mississippi Fire
41 Prevention Code, the provisions and enforcement mechanism thereof
42 shall apply instead of the Mississippi Fire Prevention Code. All
43 private correctional facilities may be inspected as required by
44 the State Fire Marshal or his duly authorized representative.
45 Inspection fees and expenses authorized by Section 45-11-105(2)
46 shall be assessed for each inspection conducted by the State Fire
47 Marshal's Office and shall be paid to the State Fire Marshal's
48 Office.

49 (e) Any buildings, the permits for construction of
50 which are issued subsequent to July 1, 2004, upon the request of
51 any interested person. The interested person may submit the
52 construction plans to the State Fire Marshal's Office for review
53 and approval before construction to ensure compliance with the
54 Mississippi Fire Prevention Code; however, in any county or
55 municipality that has adopted a fire prevention code with
56 standards not less stringent than the Mississippi Fire Prevention
57 Code, the provisions and enforcement mechanism thereof shall apply
58 instead of the Mississippi Fire Prevention Code. Inspection fees
59 and expenses authorized by Section 45-11-105(2) shall be assessed
60 for each inspection conducted by the State Fire Marshal's Office
61 and shall be paid to the State Fire Marshal's Office.

62 (2) The State Fire Marshal shall annually examine the fire
63 prevention codes adopted by counties and municipalities within the
64 State of Mississippi and prepare a list thereof specifying which
65 codes have provisions not less stringent than those of the
66 Mississippi Fire Prevention Code.

67 **SECTION 2.** This act shall take effect and be in force from
68 and after July 1, 2004.