

By: Representatives DeLano, Monsour,
Patterson

To: Public Property

HOUSE BILL NO. 1385
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 17-2-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE MEMBERSHIP OF THE MISSISSIPPI BUILDING CODES COUNCIL,
3 AND TO PROVIDE THAT THE COUNCIL SHALL NOT ENACT ANY ORDINANCE,
4 BYLAW, ORDER, BUILDING CODE OR RULE REQUIRING THE INSTALLATION OF
5 A MULTIPURPOSE RESIDENTIAL FIRE PROTECTION SPRINKLER SYSTEM IN A
6 NEW OR EXISTING ONE- OR TWO-FAMILY DWELLING; AND FOR RELATED
7 PURPOSES.

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

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

11 17-2-3. (1) There is hereby created the Mississippi
12 Building Codes Council. Each member of the council shall be
13 appointed by the executive director of his respective professional
14 association unless otherwise stated herein. Each member shall
15 serve for a term of three (3) years and until a successor is
16 appointed and qualifies. No person who has previously been
17 convicted of a felony in this state or any other state may be
18 appointed to the council. From and after July 1, 2009, all
19 members of the council shall be residents of the State of
20 Mississippi. The terms of the members serving on the council on
21 the effective date of this act shall expire on July 1, 2011. The
22 council is hereby reconstituted and shall consist of the following
23 eleven (11) members with terms beginning on July 1, 2011:

24 (a) One (1) representative of the American Institute of
25 Architects of Mississippi;

26 * * *

27 (b) One (1) representative of the Associated General
28 Contractors of Mississippi;



29 (c) One (1) representative of the Mississippi
30 Manufactured Housing Association;

31 (d) One (1) representative of the Building Officials
32 Association of Mississippi;

33 (e) Two (2) representatives of the Home Builders
34 Association of Mississippi;

35 (f) One (1) representative of the Associated Builders
36 and Contractors of Mississippi;

37 (g) One (1) representative of the American Council of
38 Engineering Companies of Mississippi;

39 * * *

40 (h) One (1) representative of the Mississippi Municipal
41 League;

42 * * *

43 (i) One (1) representative of the Mississippi
44 Association of Supervisors; and

45 * * *

46 (j) The Mississippi State Fire Marshal, or his
47 designee, to serve ex officio, nonvoting.

48 * * *

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

51 (3) Any member with unexcused absences for more than three
52 (3) consecutive meetings shall be replaced by his sponsoring
53 organization.

54 (4) The State Fire Marshal shall convene the first meeting
55 of the reconstituted council before October 1, 2011, and shall act
56 as temporary chairman until the council elects from its members a
57 chairman and vice chairman. The council shall adopt regulations
58 consistent with this act. A meeting may be called by the chairman
59 on his own initiative and must be called by him at the request of
60 three (3) or more members of the council. Each member must be
61 notified by the chairman in writing of the time and place of the



62 meeting at least seven (7) days before the meeting. Four (4)
63 members constitute a quorum. Each meeting is open to the public.
64 An official decision of the council may be made only by a vote of
65 at least two-thirds (2/3) of those members in attendance at the
66 meeting.

67 (5) The council shall adopt by reference and amend only one
68 (1) of the last three (3) editions of the following as
69 discretionary statewide minimum codes:

70 (a) International Building Code and the standards
71 referenced in that code for regulation of construction within this
72 state. The appendices of that code may be adopted as needed, but
73 the specific appendix or appendices must be referenced by name or
74 letter designation at the time of adoption.

75 (b) International Residential Code (IRC) and the
76 standards referenced in that code are included for regulation of
77 construction within this state. The appendices of that code may
78 be adopted as needed, but the specific appendix or appendices must
79 be referenced by name or letter designation at the time of
80 adoption, with the exception of Appendix J, Existing Buildings and
81 Structures, which is hereby adopted by this reference.

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

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

87 (7) Notwithstanding any other provision of law, the council
88 shall not enact any ordinance, bylaw, order, building code or rule
89 requiring the installation of a multipurpose residential fire
90 protection sprinkler system or any other fire sprinkler protection
91 system in a new or existing one- or two-family dwelling. However,
92 the county boards of supervisors and municipal governing
93 authorities may adopt, modify and enforce codes adopted by the
94 council, including the adoption of codes which require the



95 installation of fire protection sprinkler systems in any
96 structure.

97 **SECTION 2.** This act shall take effect and be in force from
98 and after its passage.

