

By: Senator(s) Flowers

To: Insurance; Business and
Financial Institutions

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2997

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 seven (7) 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 Mississippi Home
28 Builders Association;



29 (c) One (1) representative of the Associated Builders
30 and Contractors of Mississippi;

31 (d) One (1) representative of the American Council of
32 Engineering Companies of Mississippi;

33 * * *

34 (e) One (1) representative of the Mississippi Municipal
35 League;

36 * * *

37 (f) One (1) representative of the Mississippi
38 Association of Supervisors; and

39 * * *

40 (g) The Mississippi State Fire Marshal, or his
41 designee, to serve ex officio, nonvoting.

42 * * *

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

45 (3) Any member with unexcused absences for more than three
46 (3) consecutive meetings shall be replaced by his sponsoring
47 organization.

48 (4) The State Fire Marshal shall convene the first meeting
49 of the reconstituted council before October 1, 2011, and shall act
50 as temporary chairman until the council elects from its members a
51 chairman and vice chairman. The council shall adopt regulations
52 consistent with this act. A meeting may be called by the chairman
53 on his own initiative and must be called by him at the request of
54 three (3) or more members of the council. Each member must be
55 notified by the chairman in writing of the time and place of the
56 meeting at least seven (7) days before the meeting. Four (4)
57 members constitute a quorum. Each meeting is open to the public.
58 An official decision of the council may be made only by a vote of
59 at least two-thirds (2/3) of those members in attendance at the
60 meeting.



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

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

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

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

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

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

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

