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Chapter No. 526
11/HR40/R1426SG
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HOUSE BILL NO. 1385

Originated in House _____ Clerk

HOUSE BILL NO. 1385

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

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

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

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

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

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<u>(b)</u> One (1) representative of the Associated General Contractors of Mississippi;

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

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

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

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

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

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

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

* * *

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

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

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

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

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

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

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

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

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

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

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

installation of fire protection sprinkler systems in any structure.

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

PASSED BY THE HOUSE OF REPRESENTATIVES
March 28, 2011

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 27, 2011

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

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