

By: Representative Cockerham

To: Energy

HOUSE BILL NO. 1266  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 31-11-35, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE EACH MAJOR FACILITY PROJECT TO BE DESIGNED AND  
3 CONSTRUCTED TO MEET OR EXCEED CERTAIN ENERGY STANDARDS OF THE  
4 AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING  
5 ENGINEERS (ASHRAE) OR ANY MORE STRINGENT CODE ADOPTED BY THE  
6 DEPARTMENT OF FINANCE AND ADMINISTRATION, BUREAU OF BUILDING,  
7 GROUNDS AND REAL PROPERTY MANAGEMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 31-11-35, Mississippi Code of 1972, is  
10 amended as follows:

11 31-11-35. (1) The Department of Finance and Administration  
12 shall adopt rules and regulations which:

13 (a) Optimize the energy performance of state-funded  
14 buildings throughout the state;

15 (b) Increase the demand for building and construction  
16 materials, finishes, furnishings and other products made in or  
17 incorporating materials produced in Mississippi;

18 (c) Improve environmental quality in this state by  
19 decreasing the discharge of pollutants from state-funded  
20 buildings;



21 (d) Conserve energy and utilize local and renewable  
22 energy sources;

23 (e) Protect and restore this state's natural resources  
24 by avoiding development of inappropriate state-funded building  
25 sites;

26 (f) Reduce the burden on public water supply and  
27 treatment by reducing potable water consumption; and

28 (g) Encourage obtaining ENERGY STAR designation from  
29 the United States Environmental Protection Agency to further  
30 demonstrate a building project's energy independence.

31 (2) Each major facility project shall be designed and  
32 constructed to meet or exceed the requirements of \* \* \* ASHRAE  
33 90.1-2010 or any more stringent code adopted by the Bureau of  
34 Building, Grounds and Real Property Management and the Department  
35 of Finance and Administration.

36 (3) In order to achieve sustainable building standards,  
37 construction projects may utilize a nationally recognized high  
38 performance environmental building rating system; provided,  
39 however, that any such rating system that uses a material or  
40 product-based credit system which is disadvantageous to materials  
41 or products manufactured or produced in Mississippi shall not be  
42 utilized. The Department of Finance and Administration shall  
43 designate rating systems which meet these criteria and may  
44 establish its own rating system.



45 (4) A nationally certified commissioning authority  
46 professional shall certify that the major facility project's  
47 systems for heating, ventilation, air conditioning, energy  
48 conservation and water conservation are installed and working  
49 properly to ensure that each major facility project performs  
50 according to the major facility project's overall environmental  
51 design intent and operational objectives.

52 (5) For purposes of this section, a major facility project  
53 shall mean either:

54 (a) A state-funded new construction building project  
55 which is:

56 (i) From July 1 through December 31, 2009, the  
57 project shall be larger than twenty thousand (20,000) gross square  
58 feet;

59 (ii) From January 1, 2010, through December 31,  
60 2010, the project shall be larger than fifteen thousand (15,000)  
61 gross square feet;

62 (iii) From January 1, 2011, through December 31,  
63 2011, the project shall be larger than ten thousand (10,000) gross  
64 square feet; and

65 (iv) From January 1, 2012, and thereafter, the  
66 project shall be larger than five thousand (5,000) gross square  
67 feet \* \* \*.



68                   (b) A state-funded renovation project which involves  
69 more than fifty percent (50%) of the replacement value of the  
70 facility where compliance is cost-effective and practical.

71                   (6) A major facility project shall not mean a building,  
72 regardless of size, which does not have conditioned space as  
73 defined by Standard 90.1 of the American Society of Heating,  
74 Refrigerating, and Air Conditioning Engineers.

75                   (7) For purposes of this section, a "major facility project"  
76 shall include, but not be limited to, the construction or  
77 renovation of buildings that are financed, in whole or in part,  
78 through the use of a community development block grant.

79                   **SECTION 2.** This act shall take effect and be in force from  
80 and after July 1, 2013.

