

By: Representative White

To: Energy

HOUSE BILL NO. 851

1 AN ACT TO AMEND SECTION 57-39-21, MISSISSIPPI CODE OF 1972,
2 WHICH REQUIRES CERTAIN STANDARDS THAT PROMOTE EFFICIENT ENERGY USE
3 TO BE IMPLEMENTED DURING THE DESIGN, DIRECTION, CONSTRUCTION AND
4 ALTERATION OF CERTAIN BUILDINGS, BY EXTENDING THE DATE OF THE
5 REPEALER ON THAT STATUTE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 57-39-21, Mississippi Code of 1972, is
8 amended as follows:

9 57-39-21. (1) The board, in consultation with other
10 appropriate professional groups and organizations, and others
11 knowledgeable in the subject, shall review, amend and adopt, in
12 accordance with Standard 90.1-2010 of the American Society of
13 Heating, Refrigeration and Air-Conditioning Engineers, energy code
14 standards for building construction, standards for computer-based
15 energy management systems, standards for systems for cogeneration
16 of heating, cooling and electricity, and standards for design to
17 use passive solar energy concepts, in order to promote the
18 efficient use of energy. For the purposes of this section,
19 "building" shall mean any structure which includes provisions for



a heating or cooling system, or both, or for a hot water system, except exempted buildings. Unless it is an exempted building, each of the following are examples of buildings, within the meaning of this section:

(a) Any building which provides facilities or shelter for public assembly, or which is used for educational, office or institutional purposes;

(b) Any inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant or other commercial establishment which provides service or retail merchandise;

(c) Any portion of an industrial plant building used primarily as office space; and

(d) Any building owned by a state or political subdivision or instrumentality thereof, including libraries, museums, schools, hospitals, auditoriums, sports arenas and university buildings.

(2) Exempt buildings shall include:

(a) Buildings and structures or portions thereof whose peak design rate of energy usage is less than three and four-tenths (3.4) British thermal units per hour per square foot or one (1.0) watt per square foot of floor area for all purposes;

(b) Buildings and structures or portions thereof which are neither heated nor cooled by fuel;

(c) Any mobile home;



45 (d) Any privately owned, noncommercial building or
46 structure whose construction, heating, cooling or lighting
47 arrangement is not in conflict with federal law;

48 (e) Any building owned or leased, in whole or in part,
49 by the United States government.

50 (3) Beginning July 1, 2013, the design, direction,
51 construction and alteration of any building for which the
52 standards promulgated pursuant to subsection (1) of this section
53 applies shall be accomplished so that the building or applicable
54 portions thereof shall meet or conform to the standards. The
55 board shall not have enforcement over this section. Local
56 governing authorities shall adopt rules and regulations for the
57 administration and enforcement of this section, and to adopt such
58 penalties for violation of this section as they deem appropriate,
59 except in regard to buildings owned by the state. In state-owned
60 buildings, the building commission shall provide for the
61 compliance with the standards adopted under this chapter. Local
62 governing authorities are authorized to adopt rules and
63 regulations as developed and promulgated by the commission for the
64 administration and enforcement of these standards and to adopt
65 such penalties for violations of the standards as they deem
66 appropriate. Local governing authorities are authorized to
67 establish an inspection fee for the inspection of thermal and
68 lighting standards in an amount not to exceed One Hundred Fifty
69 Dollars (\$150.00).



70 (4) This section shall stand repealed from and after July
71 1, * * * 2022.

72 **SECTION 2.** This act shall take effect and be in force from
73 and after July 1, 2019.

