

By: Representative Roberson

To: Energy

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 264

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, TO EXTEND THE DATE OF THE
5 REPEALER ON THAT STATUTE AND TO UPDATE AGENCY NOMENCLATURE; AND
6 FOR RELATED PURPOSES.

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

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

10 57-39-21. (1) The * * * Mississippi Development Authority,
11 in consultation with other appropriate professional groups and
12 organizations, and others knowledgeable in the subject, shall
13 review, amend and adopt, in accordance with Standard 90.1- * * *
14 2016 of the American Society of Heating, Refrigeration and
15 Air-Conditioning Engineers, energy code standards for building
16 construction, standards for computer-based energy management
17 systems, standards for systems for cogeneration of heating,
18 cooling and electricity, and standards for design to use passive
19 solar energy concepts, in order to promote the efficient use of
20 energy. For the purposes of this section, "building" shall mean



21 any structure which includes provisions for a heating or cooling
22 system, or both, or for a hot water system, except exempted
23 buildings. Unless it is an exempted building, each of the
24 following are examples of buildings, within the meaning of this
25 section:

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

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

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

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

39 (2) Exempt buildings shall include:

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

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



46 (c) Any mobile home;
47 (d) Any privately owned, noncommercial building or
48 structure whose construction, heating, cooling or lighting
49 arrangement is not in conflict with federal law;
50 (e) Any building owned or leased, in whole or in part,
51 by the United States government.

52 (3) Beginning July 1, 2013, the design, direction,
53 construction and alteration of any building for which the
54 standards promulgated pursuant to subsection (1) of this section
55 applies shall be accomplished so that the building or applicable
56 portions thereof shall meet or conform to the standards.

57 The * * * Mississippi Development Authority shall not have
58 enforcement over this section. Local governing authorities shall
59 adopt rules and regulations for the administration and enforcement
60 of this section * * * and * * * such penalties for violations of
61 this section as they deem appropriate, except in regard to
62 buildings owned by the state. In state-owned buildings, the * * *
63 Department of Finance and Administration, Bureau of Building,
64 Grounds and Real Property Management, shall provide for the
65 compliance with the standards adopted under this chapter. Local
66 governing authorities are authorized to adopt rules and
67 regulations as developed and promulgated by the * * * department
68 for the administration and enforcement of these standards and to
69 adopt such penalties for violations of the standards as they deem
70 appropriate. Local governing authorities are authorized to



71 establish an inspection fee for the inspection of thermal and
72 lighting standards in an amount not to exceed One Hundred Fifty
73 Dollars (\$150.00).

74 (4) This section shall stand repealed from and after July
75 1, * * * 2026.

76 **SECTION 2.** This act shall take effect and be in force from
77 and after July 1, 2023.

