

By: Representative Roberson

To: Energy

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 90.1-2010 of  
 14 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.

