

By: Representative Roberson

To: Energy

HOUSE BILL NO. 264  
(As Passed the House)

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; TO  
6 CREATE A NEW SECTION TO PROVIDE THAT STATE, COUNTY OR MUNICIPAL  
7 BUILDING CODES MAY NOT PROHIBIT OR LIMIT THE USE OF FEDERALLY  
8 APPROVED SUBSTITUTE REFRIGERANTS; AND FOR RELATED PURPOSES.

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

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

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



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

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

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

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

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

41 (2) Exempt buildings shall include:

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



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

48 (c) Any mobile home;

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

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

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

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



71 adopt such penalties for violations of the standards as they deem  
72 appropriate. Local governing authorities are authorized to  
73 establish an inspection fee for the inspection of thermal and  
74 lighting standards in an amount not to exceed One Hundred Fifty  
75 Dollars (\$150.00).

76 (4) This section shall stand repealed from and after July  
77 1, \* \* \* 2026.

78 **SECTION 2.** (1) The state and any county board of  
79 supervisors or municipal governing authority may not prohibit or  
80 otherwise limit in a building code applicable to commercial or  
81 residential buildings or construction a refrigerant designated as  
82 acceptable for use pursuant to and in accordance with 42 USC  
83 7671k.

84 (2) The prohibition set out under subsection (1) of this  
85 section shall apply only to the use of such refrigerant in  
86 equipment that is listed and installed in accordance with safety  
87 standards and use conditions imposed pursuant to such designation.

88 **SECTION 3.** Section 2 of this act shall be codified in  
89 Chapter 2, Title 17, Mississippi Code of 1972.

90 **SECTION 4.** This act shall take effect and be in force from  
91 and after July 1, 2023.

