

By: Senator(s) Carter, Jackson

To: Energy

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2339

1 AN ACT TO AMEND SECTION 57-39-21, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE DATE OF REPEAL ON THE PROVISION OF LAW ESTABLISHING  
3 ENERGY EFFICIENCY STANDARDS FOR BUILDING CONSTRUCTION; AND FOR  
4 RELATED PURPOSES.

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

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

8 57-39-21. (1) The board, in consultation with other  
9 appropriate professional groups and organizations, and others  
10 knowledgeable in the subject, shall review, amend and adopt, in  
11 accordance with Standard 90.1- \* \* \*2016 of the American Society  
12 of Heating, Refrigeration and Air-Conditioning Engineers, energy  
13 code standards for building construction, standards for  
14 computer-based energy management systems, standards for systems  
15 for cogeneration of heating, cooling and electricity, and  
16 standards for design to use passive solar energy concepts, in  
17 order to promote the efficient use of energy. For the purposes of  
18 this section, "building" shall mean any structure which includes  
19 provisions for a heating or cooling system, or both, or for a hot



20 water system, except exempted buildings. Unless it is an exempted  
21 building, each of the following are examples of buildings, within  
22 the meaning of this section:

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

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

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

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

36 (2) Exempt buildings shall include:

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

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

43 (c) Any mobile home;



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

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

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



69 (4) This section shall stand repealed from and after July  
70 1, \* \* \* 2027.

71 **SECTION 2.** This act shall take effect and be in force from  
72 and after June 30, 2023.

