

2022 Regular Session

HOUSE BILL NO. 803

BY REPRESENTATIVE GADBERRY

BUILDING CODES: Provides relative to the Building Energy Code for State Owned Buildings

1 AN ACT

2 To amend and reenact R.S. 40:1730.28(A)(3)(e) and (f), (7), and (8), 1730.41 through
3 1730.48, 1730.49(D) and (E), relative to building codes; to provide for a short title;
4 to provide for definitions; to provide for energy conservation standards; to provide
5 for applicable alterations and repairs; to provide for training and technical assistance;
6 to create the energy code commission; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. 40:1730.28(A)(3)(e) and (f), (7), and (8), 1730.41 through 1730.48,
9 1730.49(D) and (E) are hereby amended and reenacted to read as follows:

10 §1730.28. Mandatory adoption of certain nationally recognized codes and standards
11 as the state uniform construction code; adoption by reference

12 A. Except as provided in Subsection C of this Section, the council shall
13 evaluate, adopt, and amend only the latest editions of the following as the State
14 Uniform Construction Code:

15 * * *

16 ~~(e) Part IV-Energy Conservation of the 2009 edition of the International~~
17 ~~Residential Code shall be adopted and is amended to require that supply and return~~
18 ~~ducts be insulated to a minimum of R-6.~~

19 (f)(e) The council shall not adopt or enforce any part of the International
20 Residential Code or any other code or regulation that requires a fire protection

1 ~~(5)~~(1) "Historic buildings" means those buildings specifically designated as
2 historically significant by the state historic preservation officer or by official action
3 of a local government.

4 ~~(6)~~(2) "International Energy Conservation Code " means the document
5 developed by the International Code Council, Inc., entitled "International Energy
6 Conservation Code", also referred to as "IECC".

7 ~~(7)~~ "Repair" means alterations or repairs to existing buildings in accordance
8 with R.S. 40:1574(C), (D), (E), (F), and (G).

9 §1730.43. Purpose

10 It is the intent and purpose of this Part to institute minimum energy
11 conservation standards for new construction and all applicable alterations and repairs
12 of ~~commercial~~ state-owned and state-funded buildings within Louisiana.

13 §1730.44. Scope of Commercial Building Energy Conservation Code

14 A. New ~~commercial~~ state buildings constructed in Louisiana must comply
15 with the ~~Commercial Building Energy Conservation Code~~ State Building Energy
16 Conservation Code.

17 ~~B. The provisions of R.S. 40:1574(C), (D), (E), (F), and (G) as to code~~
18 ~~applicability and conformance level for alterations and repairs shall also apply to the~~
19 ~~provisions of this Part.~~

20 ~~C. The following buildings are exempt from the provisions of this Part:~~

21 ~~(1) Buildings of less than one thousand square feet of gross floor area.~~

22 ~~(2) Areas of buildings intended primarily for manufacturing, commercial,~~
23 ~~or industrial processing.~~

24 ~~D.~~B. The ~~state fire marshal or the~~ facility planning and control section of the
25 division of administration may modify the specific requirements of this Part for
26 state-owned historic buildings and ~~require~~ may provide alternate requirements which
27 will result in a reasonable degree of energy efficiency.

28 §1730.45. Adoption of ~~Commercial Building Energy Conservation Code~~
29 Building Energy Code for State-Owned Buildings; enforcement; rules

1 A. ~~ANSI/ASHRAE/IESNA 90.1-2007, or latest edition promulgated by the~~
 2 ~~state fire marshal, with state amendments, is hereby adopted as the Commercial~~
 3 ~~Building Energy Conservation Code for applicable buildings. The International~~
 4 ~~Energy Conservation Code, 2021 edition, or latest edition promulgated by the~~
 5 ~~council, with state amendments, is hereby adopted as the Building Energy Code for~~
 6 ~~State-Owned Buildings.~~

7 ~~B. The International Energy Conservation Code, 2009 edition, or latest~~
 8 ~~edition promulgated by the state fire marshal, with state amendments, is hereby~~
 9 ~~adopted as the Commercial Building Energy Conservation Code for applicable~~
 10 ~~buildings not covered by the preceding part.~~

11 ~~C. With the exception of state-owned facilities, statewide enforcement of the~~
 12 ~~provisions of this Part shall be the responsibility of the office of the state fire~~
 13 ~~marshal, code enforcement and building safety. No commercial building shall be~~
 14 ~~constructed, altered, or repaired in Louisiana until energy code compliance~~
 15 ~~documents have been submitted to and reviewed by the state fire marshal for~~
 16 ~~compliance with the Commercial Building Energy Conservation Code.~~

17 ~~D. (1) B. (1)~~ For state-owned facilities, statewide enforcement of the
 18 provisions of this Part shall be the responsibility of the facility planning and control
 19 section of the division of administration.

20 (2) No construction shall commence on any new state-owned facility unless
 21 the facility planning and control section of the division of administration has
 22 determined that the building plans, specifications, and energy code compliance
 23 documents are in compliance with the ~~Commercial Building Energy Conservation~~
 24 ~~Code~~ State Building Energy Conservation Code.

25 (3) No alterations or repairs to any existing state-owned facility shall
 26 commence unless the facility planning and control section of the division of
 27 administration has determined that the building plans, specifications, and energy
 28 code compliance documents for that portion being altered or repaired are in

1 compliance with the applicable part of the ~~Commercial Building Energy~~
2 ~~Conservation Code~~ State Building Energy Conservation Code.

3 E.C. ~~The state fire marshal and the~~ facility planning and control section of
4 the division of administration shall have the power to promulgate rules and
5 regulations necessary to enforce the provisions of this Part.

6 ~~F. If a commercial building energy code is adopted by any political~~
7 ~~subdivision of this state, it must adopt the Commercial Building Energy~~
8 ~~Conservation Code or a more stringent code.~~

9 §1730.46. ~~Amendments and revisions to the Commercial Building Energy~~
10 ~~Conservation Code~~ Energy code training and technical assistance;
11 responsibility of the Louisiana Department of Natural Resources

12 ~~The office of the state fire marshal, code enforcement and building safety, in~~
13 ~~consultation with the facility planning and control section of the division of~~
14 ~~administration and the technology assessment division of the Department of Natural~~
15 ~~Resources, shall have the authority to promulgate amendments and revisions for the~~
16 ~~Commercial Building Energy Conservation Code, pursuant to the provisions of the~~
17 ~~Administrative Procedure Act.~~

18 A. Training and technical assistance in the implementation of the Louisiana
19 State Uniform Construction Code residential and commercial building energy code
20 provisions shall be the responsibility of the technology assessment division of the
21 Department of Natural Resources in collaboration with the council, as provided for
22 in R.S. 40:1730.22(C).

23 B. The technology assessment division of the Department of Natural
24 Resources shall continue training and technical assistance as funding allows.

25 §1730.47. ~~Fees~~ Energy Code Commission; members; purpose; procedure;
26 termination

27 ~~A. The owner of the project who submits the plans and specifications shall~~
28 ~~pay to the office of the state fire marshal, code enforcement and building safety, an~~
29 ~~energy code plan review fee of twenty dollars. This fee shall cover the costs~~

1 ~~associated with review of the project to determine applicability of the provisions of~~
2 ~~this Part, and if applicable, to determine compliance or noncompliance. This fee~~
3 ~~shall apply to all plans and specifications submitted to the state fire marshal,~~
4 ~~regardless of applicability of the provisions of this Part to the particular project.~~
5 ~~Plans that are resubmitted shall pay an additional ten dollar fee to the state fire~~
6 ~~marshal for reevaluation of the project. The provisions of this Section shall not~~
7 ~~apply to state-owned facilities.~~

8 A.(1) The Energy Code Commission, hereinafter referred to as the
9 "commission", is hereby created and shall be composed of the following voting
10 members:

- 11 (a) A designee of the Louisiana Home Builders Association
12 (b) A designee of the Building Officials Association of Louisiana, Inc.
13 (c) A designee of the AIA Louisiana, the Louisiana Architects Association.
14 (d) A designee of the New Orleans ASHRAE Chapter
15 (e) A designee of the Apartment Association of Louisiana
16 (f) A designee of the Greater NOLA Housing Alliance
17 (g) A designee of the Associated Builders and Contractors
18 (h) A designee of the LiUNA
19 (i) A designee who is a Louisiana registered RESNET Hers rater
20 (j) A designee of the HVACR Association of LA
21 (k) A designee of the Associated General Contractors

22 ~~B. The fees provided in this Section shall be in addition to fees imposed~~
23 ~~under R.S. 40:1574.1.~~

24 B. In addition to the voting members of the commission, the commission
25 shall be composed of the following nonvoting members:

- 26 (a) A designee of the Louisiana Department of Natural Resources.
27 (b) A designee of the Louisiana Division of Administration
28 (c) The Louisiana Department of Public Safety, Louisiana State Uniform
29 Construction Code Council Technical Committee Chairperson.

1 C. Each of the entities named in Subparagraphs A and B of this Section shall
2 submit the name of the entity's designee to the chairmen of the council on or before
3 August 1, 2022.

4 D. The term of each member of the commission shall end upon the adoption
5 of the 2021 International Energy Code as provided by R.S. 40:1730.28(7) pursuant
6 to the council's authority to promulgate rules under the Administrative Procedure
7 Act, R.S. 49:950 et seq.

8 E.(1) The primary function of the commission shall be to provide
9 amendments to the code delineated in R.S. 40:1730.48 in order to address energy
10 efficiency requirements to reduce the long-term energy cost burden for building
11 occupants in this state.

12 (2) A vote on proposed amendments shall only take place when a quorum
13 of the commission members are present. A simple majority of the commission shall
14 constitute a quorum.

15 (3) The commission shall provide amendments to the council that have been
16 approved by a majority vote of the total members of the commission present and
17 voting and those amendments shall be included in the provisions of the code adopted
18 by the council pursuant to R.S. 40:1730.48.

19 ~~§1730.48. Training and technical assistance~~ Mandatory adoption of energy code
20 provisions of certain nationally recognized codes and standards;
21 amendments; effective date

22 ~~A. Training and technical assistance in the implementation of the~~
23 ~~Commercial Building Energy Conservation Code shall be the responsibility of the~~
24 ~~technology assessment division of the Department of Natural Resources.~~
25 Notwithstanding R.S. 40:1730.28, the council shall evaluate, adopt, and amend the
26 latest editions of the following as part of the State Uniform Construction Code:

27 (1) The International Residential Code, Part IV Energy Efficiency

28 (2) The International Residential Code, Part IV Energy Efficiency

1 (ii) ~~From January 1, 2009 through December 31, 2009, the project shall be~~
2 ~~larger than fifteen thousand gross square feet.~~

3 (iii) ~~From January 1, 2010 through December 31, 2010, the project shall be~~
4 ~~larger than ten thousand gross square feet.~~

5 (iv) ~~From January 1, 2011 and thereafter, the project shall be larger than five~~
6 ~~thousand gross square feet.~~

7 (2) A major facility project shall not mean a building, regardless of size,
8 which does not have conditioned space as defined by ~~Standard 90.1 of the American~~
9 ~~Society of Heating, Refrigerating, and Air Conditioning Engineers~~ the International
10 Energy Conservation Code, published by the International Code Council, as adopted
11 by the council pursuant to R.S. 40:1730.28.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 803 Original

2022 Regular Session

Gadberry

Abstract: Provides relative to the Building Energy Code for state owned buildings.

Present law provides a list of the latest editions that the council shall evaluate, adopt, and amend as the State Uniform Construction Code

Present law provides that the following shall be included in that list of editions:

- (1) Part IV-Energy Conservation of the 2009 edition of the International Residential Code shall be adopted and is amended to require that supply and return ducts be insulated to a minimum of R-6.
- (2) The council shall not adopt or enforce any part of the International Residential Code or any other code or regulation that requires a fire protection sprinkler system in one- or two-family dwellings.
- (3) Factory built homes shall be inspected in accordance with the codes in effect for the locality where the home will be ultimately sited, on the date construction begins in the factor.

Proposed law deletes that Part IV-Energy Conservation of the 2009 edition being a required edition. Proposed law otherwise retains present law.

Present law provides that present law shall be known, and may be cited and referred to, as the "Commercial Building Energy Conservation Code" or the "Energy Code".

Proposed law deletes the aforementioned name and instead provides that present law shall be known, and may be cited and referred to, as the "State Building Energy Conservation Code".

Present law defines "alteration", "ANSI-ASHRAE/IESNA 90.1", "commercial buildings", "EPAAct", "historic buildings", "International Energy Conservation Code", and "Repair".

Proposed law deletes the definitions for "alteration", "ANSI-ASHRAE/IESNA 90.1", "commercial buildings", and "EPAAct". Proposed law otherwise retains present law.

Present law provides that new commercial buildings constructed in La. must comply with the Commercial Building Energy Conservation Code.

Proposed law deletes present law instead provides that new state buildings constructed in La. must comply with the State Building Energy Conservation Code.

Present law provides that the office of the state fire marshal, code enforcement and building safety, in consultation with the facility planning and control section of the division of administration and the technology assessment division of the Dept. of Natural Resources, shall have the authority to promulgate amendments and revisions for the Commercial Building Energy Conservation Code, pursuant to present law.

Proposed law repeals present law.

Proposed law provides that training and technical assistance in the implementation of the La. State Uniform Construction Code residential and commercial building energy code provisions shall be the responsibility of the technology assessment division of the Dept. of Natural Resources in collaboration with the council, as provided for in present law.

Proposed law provides that the technology assessment division of the Dept. of Natural Resources shall continue training and technical assistance as funding allows.

Proposed law creates the Energy Code Commission, hereinafter referred to as the "commission".

Proposed law provides that the commission shall be composed of the following voting members.

- (1) A designee of the La. Home Builders Association.
- (2) A designee of the Building Official Association of La., Inc.
- (3) A designee of the AIA La., the La. Architects Association.
- (4) A designee of the New Orleans ASHRAE Chapter.
- (5) A designee of the Apartment Association of La.
- (6) A designee of the Greater NOLA Housing Alliance.
- (7) A designee of the Associated Builders and Contractors.
- (8) A designee of the LiUNA.
- (9) A designee who is a La. registered RESNET Hers rater.
- (10) A designee of the Associated General Contractors.

Proposed law provides that in addition to the voting members of the commission, the commission shall be composed of the following nonvoting members:

- (1) A designee of the La. Dept. of Natural Resources.
- (2) A designee of the La. Dept. of Administration.
- (3) A designee of the La. Dept. of Public Safety, La. State Uniform Construction Code Council Technical Committee Chairperson.

Proposed law provides that the term of each member of the commission shall end upon the adoption of the 2021 International Energy Code as provided in proposed law.

Proposed law provides that the primary function of the commission is to provide amendments to the code delineated present law in order to address energy efficiency requirements to reduce the long-term energy cost burden for building occupants in this state.

Proposed law provides that the commission shall provide amendments to the council that have been approved by a majority vote of the total members of the commission present and voting and those amendments shall be included in the provisions of the code adopted by the council.

(Amends R.S. 40:1730.28(A)(3)(e) and (f), (7), and (8), 1730.41- 1730.48, 1730.49(D) and (E))