

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) and (7), 1730.41 through 1730.48,  
3 and 1730.49(D) and (E)(1)(a) and (2) and to enact R.S. 40:1730.28(A)(8), relative  
4 to building codes; to provide for a short title; to provide for definitions; to provide  
5 for energy conservation standards; to provide for applicable alterations and repairs;  
6 to provide for training and technical assistance; to create the energy code  
7 commission; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1730.28(A)(3)(e) and (f) and (7), 1730.41 through 1730.48,  
10 1730.49(D) and (E)(1)(a) and (2) are hereby amended and reenacted and R.S.  
11 40:1730.28(A)(8) is hereby enacted to read as follows:

12 §1730.28. Mandatory adoption of certain nationally recognized codes and standards  
13 as the state uniform construction code; adoption by reference

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

- 17 \* \* \*
- 18 (3)
- 19 \* \* \*

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

4 (f) The council shall not adopt or enforce any part of the International  
5 Residential Code or any other code or regulation that requires a fire protection  
6 sprinkler system in one- or two-family dwellings. Further, no municipality or parish  
7 shall adopt or enforce an ordinance or other regulation requiring a fire protection  
8 sprinkler system in one- or two-family dwellings.

9 (g)(f) Factory built homes shall be inspected in accordance with the codes  
10 in effect for the locality where the home will be ultimately sited, on the date  
11 construction begins in the factory.

12 \* \* \*

13 (7) International Energy Conservation Code and all optional compliance  
14 paths contained therein, and the standards referenced in that code.

15 (8) National Electric Code.

16 \* \* \*

17 §1730.41. Short title

18 This Part shall be known, and may be cited and referred to, as the  
19 ~~"Commercial Building Energy Conservation Code" or the "Energy Code"~~ "State  
20 Building Energy Conservation Code".

21 §1730.42. Definitions

22 (1) ~~"Alteration" means alterations or repairs to existing buildings in~~  
23 ~~accordance with R.S. 40:1574(C), (D), (E), (F), and (G).~~

24 (2) ~~"ANSI/ASHRAE/IESNA 90.1" means the document developed by the~~  
25 ~~American National Standards Institute, American Society of Heating, Refrigerating,~~  
26 ~~and Air Conditioning Engineers, and the Illuminating Engineering Society of North~~  
27 ~~America entitled "Energy Standard for Buildings Except Low-Rise Residential~~  
28 ~~Buildings"~~.

1           ~~(3) "Commercial buildings" means all buildings designed for human~~  
2           ~~occupancy except one- and two-family dwellings.~~

3           ~~(4) "EPAAct" means the Energy Policy Act of 1992 enacted by the Congress~~  
4           ~~of the United States, as amended.~~

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

8           ~~(6)(2) "International Energy Conservation Code "~~ means the document  
9           developed by the International Code Council, Inc., entitled "International Energy  
10           Conservation Code", also referred to as "IECC".

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

13           §1730.43. Purpose

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

17           §1730.44. Scope of Commercial Building Energy Conservation Code

18           A. New ~~commercial~~ state buildings constructed in Louisiana ~~must~~ shall  
19           comply with the ~~Commercial Building Energy Conservation Code~~ State Building  
20           Energy Conservation Code.

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

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

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

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

28           D. ~~The state fire marshal or the~~ facility planning and control section of the  
29           division of administration may modify the specific requirements of this Part for

1 state-owned historic buildings and ~~require~~ may provide alternate requirements which  
2 will result in a reasonable degree of energy efficiency.

3 §1730.45. Adoption of ~~Commercial Building Energy Conservation Code~~ Building  
4 Energy Code for State-Owned Buildings; enforcement; rules

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

11 B.(1) ~~The International Energy Conservation Code, 2009 edition, or latest~~  
12 ~~edition promulgated by the state fire marshal, with state amendments, is hereby~~  
13 ~~adopted as the Commercial Building Energy Conservation Code for applicable~~  
14 ~~buildings not covered by the preceding part.~~

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

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

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

1           (3) No alterations or repairs to any existing state-owned facility shall  
 2 commence unless the facility planning and control section of the division of  
 3 administration has determined that the building plans, specifications, and energy  
 4 code compliance documents for that portion being altered or repaired are in  
 5 compliance with the applicable part of the ~~Commercial Building Energy~~  
 6 ~~Conservation Code~~ State Building Energy Conservation Code.

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

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

13 §1730.46. ~~Amendments and revisions to the Commercial Building Energy~~  
 14 ~~Conservation Code~~ Energy code training and technical assistance;  
 15 responsibility of the Louisiana Department of Natural Resources

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

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

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

1           §1730.47. Fees Energy Code Commission; members; purpose; procedure;  
2                           termination

3           A.(1) ~~The owner of the project who submits the plans and specifications~~  
4           ~~shall pay to the office of the state fire marshal, code enforcement and building safety,~~  
5           ~~an energy code plan review fee of twenty dollars. This fee shall cover the costs~~  
6           ~~associated with review of the project to determine applicability of the provisions of~~  
7           ~~this Part, and if applicable, to determine compliance or noncompliance. This fee~~  
8           ~~shall apply to all plans and specifications submitted to the state fire marshal,~~  
9           ~~regardless of applicability of the provisions of this Part to the particular project.~~  
10          ~~Plans that are resubmitted shall pay an additional ten dollar fee to the state fire~~  
11          ~~marshal for reevaluation of the project. The provisions of this Section shall not~~  
12          ~~apply to state-owned facilities.~~

13                   The Energy Code Commission, hereinafter referred to as the "commission",  
14           is hereby created and shall be composed of the following voting members:

- 15                   (a) A designee of the Louisiana Home Builders Association.
- 16                   (b) A designee of the Building Officials Association of Louisiana, Inc.
- 17                   (c) A designee of the AIA Louisiana, the Louisiana Architects Association.
- 18                   (d) A designee of the New Orleans ASHRAE Chapter.
- 19                   (e) A designee of the Apartment Association of Louisiana.
- 20                   (f) A designee of the Greater New Orleans Housing Alliance.
- 21                   (g) A designee of the Associated Builders and Contractors.
- 22                   (h) A designee of the Laborers' International Union of North America.
- 23                   (i) A designee who is a Louisiana registered RESNET HERS rater.
- 24                   (j) A designee of the HVACR Association of Louisiana.
- 25                   (k) A designee of the Associated General Contractors of Louisiana, Inc.

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

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1           (a) A designee of the Louisiana Department of Natural Resources.

2           (b) A designee of the division of administration.

3           (c) The Louisiana Department of Public Safety, Louisiana State Uniform  
4 Construction Code Council Technical Committee chairperson.

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

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

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

16           (2) A vote on proposed amendments shall only take place when a quorum  
17 of the commission members is present. A simple majority of the commission shall  
18 constitute a quorum.

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

23           ~~§1730.48. Training and technical assistance~~ Mandatory adoption of energy code  
24 provisions of certain nationally recognized codes and standards;  
25 amendments; effective date

26           ~~A. Training and technical assistance in the implementation of the~~  
27 ~~Commercial Building Energy Conservation Code shall be the responsibility of the~~  
28 ~~technology assessment division of the Department of Natural Resources.~~

1 Notwithstanding R.S. 40:1730.28, the council shall evaluate, adopt, and amend the  
2 latest editions of the following as part of the State Uniform Construction Code:

3 (1) The International Energy Conservation Code.

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

5 ~~B. The technology assessment division of the Department of Natural~~  
6 ~~Resources shall continue training and technical assistance as funding allows. The~~  
7 ~~codes listed in Subsection A of this Section as adopted by the council shall become~~  
8 ~~effective July 1, 2023.~~

9 C.(1)(a) The commission shall provide the council with amendments to  
10 include in the energy code provisions adopted pursuant to this Section.

11 (i) The council shall adopt only amendments to the energy code provisions  
12 adopted pursuant to this Section that are provided by the commission pursuant to  
13 R.S. 40:1730.47(E)(3).

14 (ii) The council shall include amendments which are provided pursuant to  
15 Item (2)(a)(i) of this Subsection in the energy efficiency provisions adopted pursuant  
16 to this Section.

17 (2) The council shall be in receipt of all amendments from the commission  
18 to be included in the energy efficiency provisions to be adopted pursuant to this  
19 Section by December 31, 2022, and the commission shall not provide any further  
20 amendments to the council after this date.

21 §1730.49. Louisiana major facility project; energy efficiency and conservation;  
22 requirements

23 \* \* \*

24 D. A ~~professional engineer~~ certified third-party commissioning agent shall  
25 certify that the major facility project's systems for heating, ventilation, air  
26 conditioning, energy conservation and water conservation are installed and working  
27 properly to ensure that each major facility project performs according to the major  
28 facility project's overall environmental design intent and operational objectives.

1 E.(1) For purposes of this Section, a major facility project shall mean either  
2 of the following:

3 (a) ~~A state-funded new construction building project which is:~~ A facility  
4 greater than five thousand gross square feet.

5 ~~(i) From the effective date of this Section through December 31, 2008, the~~  
6 ~~project shall be larger than twenty thousand gross square feet.~~

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

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

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

13 \* \* \*

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

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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)]

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HB 803 Engrossed

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) and (7), 1730.41- 1730.48, 1730.49(D) and (E)(1)(a) and (2) and enacts R.S. 40:1730.28(A)(8))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Require the council to adopt and amend the latest edition of The International Energy Conservation Code as part of the State Uniform Construction Code.
2. Make technical changes.