

ACT No. 635

2022 Regular Session

HOUSE BILL NO. 803

BY REPRESENTATIVE GADBERRY

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AN ACT

To amend and reenact R.S. 40:1730.28(A)(3)(e) and (f) and (7), the heading of Part IV-C of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, 1730.41 through 1730.45, and 1730.49(D) and (E)(1)(introductory paragraph), (a), and (2), to enact R.S. 40:1730.22(F), 1730.28(A)(8), 1730.28.4, and 1730.28.5, and to repeal R.S. 40:1730.28(A)(3)(g) and 1730.46 through 1730.48, relative to building codes; to provide for a short title; to provide for definitions; to provide for the heading of Part IV-C of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950; to provide for energy conservation standards; to provide for applicable alterations and repairs; to provide for training and technical assistance; to create the energy code commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1730.28(A)(3)(e) and (f) and (7), the heading of Part IV-C of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, 1730.41 through 1730.45, and 1730.49(D) and (E)(1)(introductory paragraph), (a), and (2) are hereby amended and reenacted and R.S. 40:1730.22(F), 1730.28(A)(8), 1730.28.4, and 1730.28.5 are hereby enacted to read as follows:

§1730.22. Louisiana State Uniform Construction Code Council; membership; function of council; meeting requirements; immunity

* * *

F.(1) Training and technical assistance in the implementation of the Louisiana State Uniform Construction Code residential and commercial building

1 energy code provisions shall be the responsibility of the technology assessment
2 division of the Department of Natural Resources in collaboration with the council,
3 as provided for in Subsection C of this Section.

4 (2) The technology assessment division of the Department of Natural
5 Resources shall continue training and technical assistance as funding allows.

6 * * *

7 §1730.28. Mandatory adoption of certain nationally recognized codes and standards
8 as the state uniform construction code; adoption by reference

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

12 * * *

13 (3)

14 * * *

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

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

23 ~~(g)~~ (f) Factory-built homes shall be inspected in accordance with the codes
24 in effect for the locality where the home will be ultimately sited, on the date
25 construction begins in the factory.

26 * * *

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

29 (8) National Electric Code.

30 * * *

1 §1730.28.4. Energy Code Commission: members; purpose; procedure; termination

2 A. The Energy Code Commission, hereinafter referred to as the
 3 "commission", is hereby created and shall be composed of the following voting
 4 members:

5 (1) The president of the Louisiana Home Builders Association (LHBA) or
 6 his designee.

7 (2) The president of the Building Officials Association of Louisiana, Inc.,
 8 or his designee.

9 (3) The president of AIA Louisiana or his designee.

10 (4) The president of the New Orleans ASHRAE Chapter or his designee.

11 (5) The president of the Apartment Association of Louisiana, Inc., or his
 12 designee.

13 (6) The president of the Greater New Orleans Housing Alliance or his
 14 designee.

15 (7) The chairman of the Associated Builders and Contractors of Louisiana
 16 or his designee.

17 (8) The general president of the Laborers' International Union of North
 18 America or his designee.

19 (9) The state president of the HVACR Association of Louisiana or his
 20 designee.

21 (10) The president of the Louisiana Associated General Contractors, Inc., or
 22 his designee.

23 (11) The chairman of the Louisiana Chemical Association or his designee.

24 (12) The president of the Louisiana REALTORS or his designee.

25 (13) A designee of the Southeast Louisiana Coalition of the Air Conditioning
 26 Industry who is a RESNET HERS rater designated by the president of the Southeast
 27 Louisiana Coalition of the Air Conditioning Industry.

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

30 (1) The secretary of the Department of Natural Resources or his designee.

1 (2) The director of the facilities planning and control department, division
 2 of administration, or his designee.

3 (3) The chairman of the Technical Committee of the Louisiana State
 4 Uniform Construction Code Council, Department of Public Safety and Corrections,
 5 or his designee.

6 C. The names of the members chosen or designated as provided in
 7 Subsections A and B of this Section shall be submitted to the chairman of the council
 8 on or before August 1, 2022.

9 D. The commission shall cease to exist and have no authority upon the
 10 adoption of the 2021 International Energy Conservation Code as provided by R.S.
 11 40:1730.28(7) pursuant to the council's authority to promulgate rules in accordance
 12 with the Administrative Procedure Act, R.S. 49:950 et seq.

13 E.(1) The primary function of the commission shall be to provide
 14 amendments to the code delineated in R.S. 40:1730.28.5 in order to address energy
 15 efficiency requirements to reduce the long-term energy cost burden for building
 16 occupants in this state.

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

20 (3) The commission shall provide amendments to the council that have been
 21 approved by a majority vote of the total members of the commission present and
 22 voting and those amendments shall be included in the provisions of the code adopted
 23 by the council pursuant to R.S. 40:1730.28.5.

24 §1730.28.5. Mandatory adoption of the energy code provisions of certain nationally
 25 recognized codes and standards; amendments; effective date

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

29 (1) The International Energy Conservation Code.

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

1 B. The codes listed in Subsection A of this Section as adopted by the council
2 shall become effective July 1, 2023.

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

5 (2) The council shall adopt only amendments to the energy code provisions
6 adopted pursuant to this Subsection that are provided by the commission pursuant
7 to R.S. 40:1730.28.4(E)(3).

8 (3) The council shall be in receipt of all amendments from the commission
9 to be included in the energy efficiency provisions to be adopted pursuant to this
10 Section by December 31, 2022, and the commission shall not provide any further
11 amendments to the council after this date.

12 * * *

13 PART IV-C. ~~COMMERCIAL~~ STATE BUILDING ENERGY CONSERVATION

14 CODE

15 §1730.41. Short title

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

19 §1730.42. Definitions

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

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

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

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

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

1 (5) "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~~ State Building Energy Conservation Code

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

1 §1730.45. Adoption of ~~Commercial Building Energy Conservation Code~~ State
 2 Building Energy Conservation Code; enforcement; rules

3 A. ~~ANSI/ASHRAE/IESNA 90.1-2007, or latest edition promulgated by the~~
 4 ~~state fire marshal, with state amendments, is hereby adopted as the Commercial~~
 5 ~~Building Energy Conservation Code for applicable buildings. The International~~
 6 Energy Conservation Code, 2021 edition, or latest edition promulgated by the
 7 Louisiana State Uniform Construction Code Council, as defined by R.S. 1730.28(A),
 8 with state amendments, is hereby adopted as the State Building Energy Conservation
 9 Code.

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

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

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

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

28 (3) No alterations or repairs to any existing state-owned facility shall
 29 commence unless the facility planning and control section of the division of
 30 administration has determined that the building plans, specifications, and energy

1 code compliance documents for that portion being altered or repaired are in
2 compliance with the applicable part of the ~~Commercial Building Energy~~
3 ~~Conservation Code~~ State Building Energy Conservation Code.

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

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

10 §1730.49. Louisiana major facility project; energy efficiency and conservation;
11 requirements

12 * * *

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

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

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

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

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

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

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

30 * * *

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

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

6 Section 2. R.S. 40:1730.28(A)(3)(g) and 1730.46 through 1730.48 are hereby
 7 repealed in their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____