

2022 Regular Session

HOUSE BILL NO. 803

BY REPRESENTATIVE GADBERRY

BUILDING CODES: Provides relative to the State Building Energy Conservation Code

1 AN ACT

2 To amend and reenact R.S. 40:1730.28(A)(3)(e) and (f) and (7), the heading of Part IV-B
3 of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, 1730.41 through
4 1730.45, and 1730.49(D) and (E)(1)(introductory paragraph), (a), and (2), to enact
5 R.S. 40:1730.22(F), 1730.28(A)(8), 1730.28.4, and 1730.28.5, and to repeal R.S.
6 40:1730.46 through 1730.48, relative to building codes; to provide for a short title; to
7 provide for definitions; to provide for the heading of Part IV-B of Chapter 8, of Title
8 40 of the Louisiana Revised Statutes of 1950; to provide for energy conservation
9 standards; to provide for applicable alterations and repairs; to provide for training
10 and technical assistance; to create the energy code commission; and to provide for
11 related matters.

12 Be it enacted by the Legislature of Louisiana:

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

1 §1730.22. Louisiana State Uniform Construction Code Council; membership;
2 function of council; meeting requirements; immunity

3 * * *

4 F.(1) Training and technical assistance in the implementation of the
5 Louisiana State Uniform Construction Code residential and commercial building
6 energy code provisions shall be the responsibility of the technology assessment
7 division of the Department of Natural Resources in collaboration with the council,
8 as provided for in Subsection C of this Section.

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

11 * * *

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 * * *

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

23 ~~(f)~~ The council shall not adopt or enforce any part of the International
24 Residential Code or any other code or regulation that requires a fire protection
25 sprinkler system in one- or two-family dwellings. Further, no municipality or parish
26 shall adopt or enforce an ordinance or other regulation requiring a fire protection
27 sprinkler system in one- or two-family dwellings.

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

4 * * *

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

7 (8) National Electric Code.

8 * * *

9 §1730.28.4. Energy Code Commission: members; purpose; procedure; termination

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

- 13 (1) A designee of the Louisiana Home Builders Association.
- 14 (2) A designee of the Building Officials Association of Louisiana, Inc.
- 15 (3) A designee of the AIA Louisiana, the Louisiana Architects Association.
- 16 (4) A designee of the New Orleans ASHRAE Chapter.
- 17 (5) A designee of the Apartment Association of Louisiana.
- 18 (6) A designee of the Greater New Orleans Housing Alliance.
- 19 (7) A designee of the Associated Builders and Contractors, Inc., Louisiana
 20 Chapter.
- 21 (8) A designee of the Laborers' International Union of North America.
- 22 (9) A designee who is a Louisiana registered RESNET HERS rater.
- 23 (10) A designee of the HVACR Association of Louisiana.
- 24 (11) A designee of the Louisiana Associated General Contractors, Inc.

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

- 27 (1) A designee of the Louisiana Department of Natural Resources.
- 28 (2) A designee of the division of administration.

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

1 (3) The Department of Public Safety and Corrections, Louisiana State
2 Uniform Construction Code Council Technical Committee chairperson.

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

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

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

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

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

21 §1730.28.5. Mandatory adoption of the energy code provisions of certain nationally
22 recognized codes and standards; amendments; effective date

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

26 (1) The International Energy Conservation Code.

27 (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 include amendments which are provided pursuant to
 9 Paragraph (2) of this Subsection in the energy efficiency provisions adopted pursuant
 10 to this Section.

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

15 * * *

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

17 CODE

18 §1730.41. Short title

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

22 §1730.42. Definitions

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

25 (2) "~~ANSI/ASHRAE/HESNA 90.1~~" means ~~the document developed by the~~
 26 ~~American National Standards Institute, American Society of Heating, Refrigerating,~~
 27 ~~and Air Conditioning Engineers, and the Illuminating Engineering Society of North~~

1 ~~America entitled "Energy Standard for Buildings Except Low-Rise Residential~~
2 ~~Buildings".~~

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

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

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

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

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

15 §1730.43. Purpose

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

19 §1730.44. Scope of Commercial State Building Energy Conservation Code

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

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

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

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

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

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

5 §1730.45. Adoption of ~~Commercial Building Energy Conservation Code~~ State
6 Building Energy Conservation Code; enforcement; rules

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

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

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

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

27 (2) No construction shall commence on any new state-owned facility unless
28 the facility planning and control section of the division of administration has
29 determined that the building plans, specifications, and energy code compliance

1 documents are in compliance with the ~~Commercial Building Energy Conservation~~
2 ~~Code~~ State Building Energy Conservation Code.

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

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

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

15 §1730.49. Louisiana major facility project; energy efficiency and conservation;
16 requirements

17 * * *

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

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

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

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

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 * * *

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

13 Section 2. R.S. 40:1730.46 through 1730.48 are hereby repealed in their entirety.

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 Reengrossed

2022 Regular Session

Gadberry

Abstract: Provides relative to the State Building Energy Conservation Code.

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 La. State Uniform Construction Code 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 Officials 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, Inc., La. Chapter.
- (8) A designee of the LiUNA.
- (9) A designee who is a La. registered RESNET HERS rater.
- (10) A designee of the HVACR Association of La.
- (11) A designee of the Louisiana General Contractors, Inc.

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 division of Administration.
- (3) A designee of the Dept. of Public Safety and Corrections, 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 Conservation Code as provided in proposed law.

Proposed law provides that the primary function of the commission is to provide amendments to the code delineated in 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.

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", "EPAct", "historic buildings", "International Energy Conservation Code", and "repair".

Proposed law deletes the definitions for "alteration", "ANSI-ASHRAE/IESNA 90.1", "commercial buildings", "EPAct", and "repair". 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 and 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.

(Amends R.S. 40:1730.28(A)(3)(e) and (f) and (7), the heading of Part IV-B of Chapter 8 of Title 40 of the La. Revised Statutes of 1950, 1730.41-1730.45, 1730.49(D) and (E)(1)(intro. para.), (a), and (2); Adds R.S. 40:1730.22(F), 1730.28(A)(8), 1730.28.4, and 1730.28.5; Repeals R.S. 40:1730.46-1730.48)

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.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Change references in present law and proposed law to conform with references to the State Building Energy Conservation Code found in proposed law.
3. Clarify that the term "council", as used in proposed law means the Louisiana State Uniform Construction Code Council as defined by present law.
4. Repeal provisions of present law.