

Regular Session, 2005
HOUSE BILL NO. 552

ACT No. 91

BY REPRESENTATIVE ST. GERMAIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To enact Part IV-C of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 40:1730.41 through 1730.48, and to repeal Part IV-B of Chapter
4 8 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
5 40:1730.21 through 1730.32, relative to the state fire marshal; to provide for the
6 Commercial Building Energy Conservation Code; to provide for definitions; to
7 provide for adoption of code; to provide for enforcement and rules; to provide for
8 amendments and revisions to the code; to provide for fees; to provide for training and
9 technical assistance; to repeal existing provisions; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part IV-C of Chapter 8 of Title 40 of the Louisiana Revised Statutes of
12 1950, comprised of R.S. 40:1730.41 through 1730.48, is hereby enacted to read as follows:

13 PART IV-C. COMMERCIAL BUILDING ENERGY CONSERVATION CODE

14 §1730.41. Short title

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

17 §1730.42. Definitions

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

20 (2) "ANSI/ASHRAE/IESNA 90.1-2001", or the latest edition adopted by the
21 state fire marshal, pursuant to the provisions of the Louisiana Administrative
22 Procedure Act, means the document developed by the American National Standards
23 Institute, American Society of Heating, Refrigerating, and Air Conditioning

1 Engineers and the Illuminating Engineering Society of North America entitled
2 "Energy Standard for Buildings Except Low-Rise Residential Buildings".

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

5 (4) "EPAAct" 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) "International Energy Conservation Code, 2000 edition" or the latest
11 edition adopted by the state fire marshal, pursuant to the provisions of the Louisiana
12 Administrative Procedure Act, means the document developed by the International
13 Code Council, Inc., entitled "International Energy Conservation Code", also referred
14 to as "IECC".

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

17 §1730.43. Purpose

18 It is the intent and purpose of this Part to institute minimum energy
19 conservation standards for new construction and all applicable alterations and repairs
20 of commercial buildings within Louisiana.

21 §1730.44. Scope of Commercial Building Energy Conservation Code

22 A. New commercial buildings constructed in Louisiana must comply with
23 the Commercial Building Energy Conservation Code.

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

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

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

29 (2) Areas of buildings intended primarily for manufacturing, commercial,
30 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 historic buildings and require alternate requirements which will result in a reasonable
 4 degree of energy efficiency.

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

7 A. ANSI/ASHRAE/IESNA 90.1-2001, 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.

10 B. The International Energy Conservation Code, 2000 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.

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.

4 E. The state fire marshal and the facility planning and control section of the
5 division of administration shall have the power to promulgate rules and regulations
6 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 §1730.46. Amendments and revisions to the Commercial Building Energy
11 Conservation Code

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 §1730.47. Fees

19 A. The owner of the project who submits the plans and specifications shall
20 pay to the office of the state fire marshal, code enforcement and building safety, an
21 energy code plan review fee of twenty dollars. This fee shall cover the costs
22 associated with review of the project to determine applicability of the provisions of
23 this Part, and if applicable, to determine compliance or noncompliance. This fee
24 shall apply to all plans and specifications submitted to the state fire marshal,
25 regardless of applicability of the provisions of this Part to the particular project.
26 Plans that are resubmitted shall pay an additional ten dollar fee to the state fire
27 marshal for reevaluation of the project. The provisions of this Section shall not
28 apply to state-owned facilities.

29 B. The fees provided in this Section shall be in addition to fees imposed
30 under R.S. 40:1574.1.

1 §1730.48. Training and technical assistance

2 A. Training and technical assistance in the implementation of the
3 Commercial Building Energy Conservation Code shall be the responsibility of the
4 technology assessment division of the Department of Natural Resources.

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

7 Section 2. Part IV-B of Chapter 8 of Title 40 of the Louisiana Revised Statutes of
8 1950, comprised of R.S. 40:1730.21 through 1730.32, is hereby repealed in its entirety.

9 Section 3. This Act shall become effective upon signature by the governor or, if not
10 signed by the governor, upon expiration of the time for bills to become law without signature
11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
13 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____