

Regular Session, 2006

HOUSE BILL NO. 498

BY REPRESENTATIVE BARROW

BUILDING CODES: Creates Green Buildings standards for certain buildings

1 AN ACT

2 To enact R.S. 40:1724.1, relative to building standards; to provide for energy and
3 environmental design standards for certain buildings; to provide for exceptions; to
4 provide for a green buildings advisory council; to provide for an effective date; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1724.1 is hereby enacted to read as follows:

8 §1724.1. Green building standards

9 A. Findings; purpose; definitions. (1) The legislature finds that:

10 (a) Energy costs for public buildings are skyrocketing and will likely
11 continue to increase.

12 (b) Energy use by public buildings contributes substantially to the problems
13 of pollution and global warming.

14 (c) Public buildings can be built and renovated using high-performance
15 methods that save energy costs, preserve the environment, and make workers and
16 students more productive.

17 (2) The purpose of this Section is to more efficiently spend public funds and
18 protect the health and welfare of residents.

19 (3) As used in this Section, the following terms shall have the meanings
20 ascribed to them in this Paragraph:

1 (a) "Division" means the division of administration.

2 (b) "LEED silver standard" means the United States Green Building Council
3 Leadership in Energy and Environmental Design green building rating standard
4 referred to as the silver standard.

5 (c) "Major facility project" means a building construction project larger than
6 five thousand gross square feet of occupied or conditioned space or a building
7 renovation project when the cost is greater than fifty percent of the assessed value
8 and the project is larger than five thousand gross square fee of occupied or
9 conditioned space.

10 (d) "Public Agency" means everystate office, board, commission, committee,
11 bureau, department or public institution of higher education.

12 B. Green building standards. (1) All major facility projects of public
13 agencies shall be designed, constructed, and certified to at least the LEED silver
14 standard. This provision applies to major facility projects that have not entered the
15 design phase prior to October 1, 2006.

16 (2) All major facility projects of a public school district, where the project
17 receives any funding from the state capital or operating budget, shall be designed,
18 constructed, and certified to at least the LEED silver standard. This provision
19 applies to major facility projects that have not entered the design phase prior to
20 January 1, 2007.

21 (3) All major facility projects by any person, corporation, or entity other than
22 a public agency or public school district, where the project receives any funding from
23 the state capital construction or operating budgets, shall be designated, constructed,
24 and certified to at least the LEED silver standard. This provision applies to major
25 facility projects that have not entered the grant application process prior to January
26 1, 2007.

27 (4) A major facility project does not have to meet the LEED silver standard
28 if:

1 (a) There is no appropriate LEED silver standard for that type of building or
2 renovation project. In such case, the division will set lesser green building standards
3 that are appropriate to the project.

4 (b) There is no practical way to apply the LEED silver standard to a particular
5 building or renovation project. In such case, the division will set lesser green
6 building standards that are appropriate to the project.

7 (c) The building or renovation project is an electricity transmitter building,
8 a water pumping station, or a hospital.

9 C. Administration and reports. (1) The division shall promulgate such
10 regulations, in accordance with the Administrative Procedure Act, as are necessary
11 to enforce this Section. Those regulations shall include how the division will
12 determine whether a project qualifies for an exception from the LEED silver
13 standard, and the lesser green building standards that may be imposed on projects
14 that are granted exceptions.

15 (2) The division shall monitor and document ongoing operating savings that
16 result from major facility projects designed, constructed, and certified as meeting the
17 LEED silver standard and annually publish a public report of findings and
18 recommended changes in policy. The report shall also include a description of
19 projects that were granted exceptions from the LEED silver standard, the reasons for
20 exceptions, and the lesser green building standards imposed.

21 (3) The division shall create a green buildings advisory committee composed
22 of representatives from the design and construction industry involved in public
23 works contracting, personnel from affected public agencies and school boards that
24 oversee public works projects, and others at the division's discretion to provide
25 advice on implementing this Section. The advisory committee shall make
26 recommendations regarding an education and training process and an ongoing
27 evaluation or feedback process to help the division implement this Section.

28 D. Protection from liability. No person, corporation, or entity, shall be held
29 liable for the failure of a major facility project to meet the LEED silver standard or

1 other standard established for the project as long as a good faith attempt was made
2 to achieve the standard set for the project.

3 Section 2. This Act shall become effective on July 1, 2006; if vetoed by the governor
4 and subsequently approved by the legislature, this Act shall become effective on July 1,
5 2006, or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Barrow

HB No. 498

Abstract: Provides for Green Building standards for certain public buildings and other buildings which are fully or partially funded with public funds. Requires the division of administration to administer the standards and to create a green buildings advisory council.

Proposed law requires the following projects to be certified to at least the U.S. Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as the silver standard ("LEED silver standard"):

- (1) All major facility projects of public agencies that have not entered the design phase prior to October 1, 2006.
- (2) All major facility projects of a public school district, where the project receives any funding from the state capital construction or operating budget, that have not entered the design phase prior to Jan. 1, 2007.
- (3) All major facility projects by any person, corporation, or entity other than a public agency or public school district, where the project receives any funding from the state capital construction or operating budgets, and which have not entered into the grant application process before Jan. 1, 2007.

Proposed law provides that a major facility project does not have to meet the LEED silver standard if:

- (a) There is no appropriate LEED silver standard for that type of building or renovation project or there is no practical way to apply the standard. In such case, the division will set lesser green building standards that are appropriate to the project.
- (b) The building or renovation project is an electricity transmitter building, a water pumping station, or a hospital.

Defines the term "major facility project" to mean a building construction project larger than 5,000 gross square feet of occupied or conditioned space or a building renovation project when the cost is greater than 50% of the assessed value and the project is larger than 5,000 gross square feet of occupied or conditioned space.

Proposed law requires the division to monitor and document ongoing operating savings that result from application of the LEED silver standard and annually publish a public report of findings and recommended policy changes.

Proposed law requires the division to create a green buildings advisory committee to provide advice on implementing proposed law and to make recommendations regarding an education and training process and an ongoing evaluation or feedback process.

Proposed law provides that no person shall be held liable for the failure of a major facility project to meet the LEED silver standard or other standard established for the project as long as a good faith attempt was made to achieve the standard.

Effective July 1, 2006.

(Adds R.S. 40:1724.1)