AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

PART IV-C. COMMERCIAL BUILDING ENERGY CONSERVATION CODE

§1730.41. Short title

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

§1730.42. Definitions

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

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

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


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

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

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

§1730.43. Purpose

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

§1730.44. Scope of Commercial Building Energy Conservation Code

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

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

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

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

   (2) Areas of buildings intended primarily for manufacturing, commercial, or industrial processing.
D. The state fire marshal or the facility planning and control section of the division of administration may modify the specific requirements of this Part for historic buildings and require alternate requirements which will result in a reasonable degree of energy efficiency.

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

A. ANSI/ASHRAE/IESNA 90.1-2001, or latest edition promulgated by the state fire marshal, with state amendments, is hereby adopted as the Commercial Building Energy Conservation Code for applicable buildings.

B. The International Energy Conservation Code, 2000 edition, or latest edition promulgated by the state fire marshal, with state amendments, is hereby adopted as the Commercial Building Energy Conservation Code for applicable buildings not covered by the preceding part.

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

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

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

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

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

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

§1730.46. Amendments and revisions to the Commercial Building Energy Conservation Code

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 Department of Natural Resources, shall have the authority to promulgate amendments and revisions for the Commercial Building Energy Conservation Code, pursuant to the provisions of the Administrative Procedure Act.

§1730.47. Fees

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

B. The fees provided in this Section shall be in addition to fees imposed under R.S. 40:1574.1.
§1730.48. Training and technical assistance

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

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