

Regular Session, 2014

HOUSE BILL NO. 1067

BY REPRESENTATIVE LAMBERT

COMMERCIAL REGULATIONS: Provides relative to certain standards and codes relating to sustainable building standards for state buildings and state-funded facility projects

1 AN ACT

2 To amend and reenact R.S. 40:1722(A), 1723(A), and 1730.49(C) and to enact R.S.
3 40:1722(C), relative to sustainable building standards or codes used by the office of
4 facility planning and control; to provide that any rules promulgated by the office of
5 facility planning and control about the Louisiana Building Code for State Owned
6 Buildings recognize certain initiative and certification programs in achieving
7 sustainable building standards; to provide that certain state-funded facility projects
8 recognize certain initiative and certification programs in achieving sustainable
9 building standards; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:1722(A), 1723(A), and 1730.49(C) are hereby amended and
12 reenacted and R.S. 40:1722(C) is hereby enacted to read as follows:

13 §1722. Louisiana Building Code

14 A. The new construction, alteration, addition, or renovation of all state
15 owned buildings for which bids are let after September 12, 1975, ~~must~~ shall comply
16 with the rules and regulations to be promulgated by the ~~Facilities Planning and~~
17 ~~Control Department~~ office of facility planning and control of the ~~Division of~~
18 ~~Administration~~ division of administration in conformity with the Administrative
19 Procedure Act, which rules and regulations shall establish as minimum standards the

1 provisions of the Louisiana Building Code provided in Subsection B ~~hereof of this~~
2 Section.

3 * * *

4 C. Any rules or regulations promulgated by the office of facility planning and
5 control pursuant to this Section that pertain to sustainable building standards of any
6 building rating system or building code shall equally recognize the American Tree
7 Farmer, Sustainable Forest Initiative, and the Forest Stewardship Council
8 certification programs for wood products and shall not:

9 (1) Restrict or discourage the specification or use of materials or products
10 that contribute to energy efficiency or the conservation of water, raw materials, and
11 energy; or structural integrity or building performance, including but not limited to
12 wind, earthquake, weather, or fire resistance.

13 (2) Incorporate criteria from regulatory schemes outside the United States
14 that are inconsistent with United States regulatory requirements, including but not
15 limited to Regulation (EC) No. 1907/2006 of the European Parliament and of the
16 Council of 18 December 2006, regarding the Registration, Evaluation, Authorization
17 and Restriction of Chemicals (REACH).

18 * * *

19 §1723. Administration; exception

20 A. The Louisiana Building Code shall be administered by the ~~facilities~~
21 ~~planning and control department~~ office of facility planning and control of the
22 ~~Division of Administration~~ division of administration.

23 * * *

24 §1730.49. Louisiana major facility project; energy efficiency and conservation;
25 requirements

26 * * *

27 C.(1) In order to achieve sustainable building standards, construction projects
28 may utilize a nationally recognized high performance environmental building rating
29 system or building code, provided, however, that any such rating system that uses a

1 material or product-based credit system which is disadvantageous to materials or
2 products manufactured or produced in Louisiana shall not be utilized. Any system
3 or code utilized shall recognize the American Tree Farmer, Sustainable Forest
4 Initiative, and the Forest Stewardship Council certification programs equally for
5 wood products and shall not:

6 (a) Restrict or discourage the specification or use of materials or products
7 that contribute to energy efficiency or the conservation of water, raw materials, and
8 energy; or structural integrity or building performance, including but not limited to
9 wind, earthquake, weather, or fire resistance.

10 (b) Incorporate criteria from regulatory schemes outside the United States
11 that are inconsistent with United States regulatory requirements, including but not
12 limited to Regulation (EC) No. 1907/2006 of the European Parliament and of the
13 Council of 18 December 2006, regarding the Registration, Evaluation, Authorization
14 and Restriction of Chemicals (REACH).

15 (2) The office of facility planning and control of the division of
16 administration shall designate rating systems or building codes which meet these
17 criteria and may establish its own rating system.

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)]

Lambert

HB No. 1067

Abstract: Requires that any rules promulgated by the office of facility planning and control about the Louisiana Building Code for State Owned Buildings or major facility projects recognize certain initiative and certification programs in achieving sustainable building standards.

Present law provides that the new construction, alteration, addition, or renovation of all state owned buildings for which bids are let after Sept. 12, 1975, must comply with the rules and regulations to be promulgated by the Facilities Planning and Control Department of the Division of Administration in conformity with the Administrative Procedure Act, which rules and regulations shall establish as minimum standards the provisions of the La. Building Code as provided in present law.

Proposed law retains present law, but changes "Facilities Planning and Control Department" to "office of facility planning and control".

Proposed law provides that any rules or regulations promulgated by the office of facility planning and control pursuant to present law that pertain to sustainable building standards of any building rating system or building code shall recognize the American Tree Farmer, Sustainable Forest Initiative and the Forest Stewardship Council certification programs for wood products equally and shall not:

- (1) Restrict or discourage the specification or use of materials or products that contribute to energy efficiency or the conservation of water, raw materials, and energy; or structural integrity or building performance.
- (2) Incorporate criteria from regulatory schemes outside the U.S. that are inconsistent with U.S. regulatory requirements.

Present law requires the office of facility planning and control of the division of administration to adopt rules and regulations, which require certain state-funded "major facility projects" to meet energy efficient requirements. Present law defines a major facility project as either of the following:

- (1) A state-funded new construction building project which exceeds 20,000 gross square feet until Jan. 1, 2009; 15,000 gross square feet until Jan. 1, 2010; 10,000 gross square feet until Jan. 1, 2011; 5,000 gross square feet thereafter.
- (2) A state-funded renovation project which involves more than 50% of the replacement value of the facility or a change in occupancy.

Present law requires that each major facility project must be designed, constructed, and certified to exceed the requirements of the state energy code by at least 30%. Certification must be performed by a professional engineer using IRS/DOE approved software methodology where it is determined by the office of facility planning and control that such 30% efficiency is cost-effective based on a life cycle cost analysis with a payback of no more than 30 years.

Present law provides that, in order to achieve sustainable building standards, construction projects may utilize a nationally recognized high performance environmental building rating system, provided, however, that any such rating system that uses a material or product-based credit system which is disadvantageous to materials or products manufactured or produced in La. may not be utilized. The office of facility planning and control of the division of administration is required to designate rating systems which meet these criteria and may establish its own rating system.

Proposed law requires that any system or code utilized shall recognize the American Tree Farmer, Sustainable Forest Initiative, and the Forest Stewardship Council certification programs for wood products equally and shall not:

- (1) Restrict or discourage the specification or use of materials or products that contribute to energy efficiency or the conservation of water, raw materials, and energy; or structural integrity or building performance, including but not limited to wind, earthquake, weather, or fire resistance.
- (2) Incorporate criteria from regulatory schemes outside the U.S. that are inconsistent with U.S. regulatory requirements, including but not limited to Regulation (EC) No. 1907/2006 of the European Parliament and of the Council of 18 December 2006, regarding the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH).

(Amends R.S. 40:1722(A), 1723(A), and 1730.49(C); Adds R.S. 40:1722(C))