

2025 Regular Session

SENATE BILL NO. 228

BY SENATOR ABRAHAM

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

COMMERCIAL REGULATIONS. Provides relative to the Uniform Commercial Code Council. (8/1/25)

AN ACT

To amend and reenact R.S. 40:1730.22(A) and (D), to enact R.S. 37:2166 and R.S. 40:1730.22 (G) and (H), and to repeal R.S. 36:409(A)(3), relative to the Louisiana State Uniform Construction Code Council; to provide for the transfer of power and duties of the Louisiana State Uniform Construction Code Council; to provide relative to membership of the council; to provide relative to the powers and duties of the council; to provide for powers and duties of the State Licensing Board for Contractors; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2166 is hereby enacted to read as follows:

§2166. Louisiana Construction Code Council; transfer of duties

A. The Louisiana State Uniform Construction Code Council shall be placed within the State Licensing Board for Contractors and shall exercise its duties, functions, and responsibilities under the management of the executive director.

B. The executive director of the board shall serve as executive director of the council and shall not have voting privileges.

1 C. The executive director shall have the authority to designate the
2 board's staff to the Louisiana State Uniform Code Council as needed.

3 Section 2. R.S. 40: 1730.22 (A) and (D) are hereby amended and reenacted and R.S.
4 40:1730.22 (G) and (H) are hereby enacted to read as follows:

5 §1730.22. Louisiana State Uniform Construction Code Council; membership;
6 function of council; meeting requirements; immunity

7 A.~~(1)~~ The Louisiana State Uniform Construction Code Council, hereinafter
8 in this Part referred to as the "council", is hereby created and shall consist of ~~twenty~~
9 seventeen members, ~~one of whom shall be the state health officer or his designee,~~
10 ~~and one of whom shall be the fire marshal or his designee.~~ as follows:

11 (a) The fire marshal or his designee.

12 (b) Two building code enforcement officers registered with the Louisiana
13 State Uniform Construction Code Council.

14 (c) One member who shall have had the greater part of their professional
15 experience as licensed electrician or licensed plumber.

16 (d) One member who shall have had the greater part of his professional
17 experience as a licensed mechanical engineer.

18 (e) Two members who shall have had the greater part of his professional
19 experience as a licensed architect, one of whom shall be a member of the
20 American Institute of Architects of Louisiana.

21 (f) One member who shall have had the greater part of his professional
22 experience as a licensed structural engineer.

23 (g) One member representing the Louisiana Home Builders Association.

24 (h) One member representing the Associated Builders and Contractors.

25 (i) One member who shall have had the greater part of his professional
26 experience as a licensed residential contractor.

27 (j) One member who shall have had the greater part of his professional
28 experience as a licensed commercial contractor and who is a member of the
29 Louisiana Associated General Contractors.

(k) One member who shall have had the greater part of his professional experience in the insurance industry.

(l) One member representing the Building Officials Association of Louisiana.

(m) One member representing the Louisiana Building Code Alliance.

(n) Two members at large.

~~(2) With the exception of the state health officer or his designee and the fire marshal or his designee, who shall serve by virtue of his position, each member of the council shall be appointed by the governor, subject to Senate confirmation, and shall serve at the pleasure of the governor. With the exception of the state health officer or his designee and the fire marshal or his designee, each term for a member of the council shall be four years where a member shall serve no more than two consecutive terms. Each member of the council shall serve without compensation but shall may be reimbursed for actual expenses and mileage incurred while attending council meetings in accordance with state travel regulations promulgated by the division of administration. Reimbursement shall be limited to mileage and expenses for the attendance of twelve meetings per calendar year. The executive director shall have the authority to use the board funds for the operations of the Louisiana State Uniform Construction Code Council.~~

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D. (1) The council shall elect from its members a chairman and vice chairman. ~~The chairman shall serve as chairman for a maximum of four years from the date of his election.~~ The council shall adopt regulations under the Administrative Procedure Act in order to implement the provisions of this Part. A meeting may be called by the chairman on his own initiative and must be called by him at the request of three or more members of the council within fourteen days of such request. Each member ~~must~~ shall be notified by the chairman in writing of the time and place of the meeting at least seven days before the meeting. Each meeting shall be open to the public and any official decision of the council may be made only by a vote of at least

two-thirds of those members in attendance at the meeting provided that a quorum is established prior to a vote. A majority of members of the council shall constitute a quorum.

(2) The domicile of the council shall be East Baton Rouge Parish. The council shall meet bi-monthly in East Baton Rouge Parish, unless directed to meet more often by the chairman.

(3) The governor may remove any member of the council for cause or at the request of the chairman for failure to attend more than half of regularly scheduled meetings within a twelve-month period.

* * *

G. The executive director of the Louisiana State Licensing Board for Contractors shall serve as the executive director of the council and shall not have voting privileges.

H. Notwithstanding any other provisions to the contrary and to the extent deemed necessary or appropriate for the efficient implementation of its responsibilities under this Chapter, the State Licensing Board for Contractors is hereby vested with the authority to delegate its powers and duties to its staff. The executive director shall have the authority to designate the board's staff to the Louisiana State Uniform Construction Code Council as needed.

Section 3. R.S. 36:409(A)(3) is hereby repealed.

Section 4. The provisions of this Act shall supercede and control any conflict with R.S. 40:1730.22(A) as amended by Section 1 of Act 534 of the 2024 Regular Session of the Legislature.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 228 Engrossed

2025 Regular Session

Abraham

Present law places the La. State Uniform Construction Code Council (council) within the Dept. of Public Safety and Corrections (department).

Proposed law transfers the council from the department to the State Licensing Board for Contractors (board) and provides that the executive director of the board shall serve as the executive director of the council. Allows the board to utilize its staff to fulfill its responsibilities and duties with the council.

Present law creates the council, which consist of 20 members, one of whom shall be the state health officer or his designee and one whom shall be the fire marshal or his designee. Provides that with the exception of the state health officer and the fire marshal, each member of the council shall be appointed by the governor.

Proposed law retains present law except changes the number of members from 20 members to 17 members and provides for membership as follows:

- (1) The fire marshal or his designee.
- (2) Two building code enforcement officers registered with the council.
- (3) One member who shall have the greater part of his professional experience as a licensed electrician or licensed plumber.
- (4) One licensed mechanical engineer.
- (5) Two licensed architects, one of whom shall be a member of the La. Associated General Contractors.
- (6) One licensed structural engineer.
- (7) One member representing the Louisiana Home Builders Association.
- (8) One member representing the Associated Builders and Contractors.
- (9) One licensed residential contractor.
- (10) One licensed commercial contractor who is a member of the La. Associated General Contractors.
- (11) One member with professional experience in the insurance industry.
- (12) One member representing the Building Officials Association of Louisiana.
- (13) One member representing the Louisiana Building Code Alliance.
- (14) Two members at large.

Present law requires the council to elect a chairman and vice chairman and provides for the terms each officer shall serve within the council. Requires the council to adopt regulations

under the Administrative Procedure Act, in order to implement provisions under present law.

Proposed law retains present law and adds that the council shall be domiciled in East Baton Rouge Parish and clarifies that the council shall meet bi-monthly, in East Baton Rouge, unless directed to meet more often by the chairman. Eliminates the four year term limit for the chairman of the council.

Present law provides that members of the council shall serve without compensation but requires members to be reimbursed for actual expenses and mileage incurred while attending council meetings.

Proposed law retains present law and removes the requirement for expense and milage reimbursement.

Proposed law allows the governor to remove members of the council for cause or at the request of the chairman for failure to attend more than half of regularly scheduled meeting within a 12-month period.

Effective August 1, 2025.

(Amends R.S. 40:1730.22(A) and (D); adds R.S. 37:2166, R.S. 40:1730.22 (G) and (H); repeals R.S. 36:409(A)(3))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Provide that the executive director of the State Licensing Board for Contractors (board) shall have the authority to designate the board's staff to the council.
2. Change the number of members in the council from 19 to 17.
3. Remove the state health officer or his designee from the council and replaces that membership with two building code enforcement officers registered with the council.
4. Add a requirement that at least one licensed architect on the council be a member of the La. Associated General Contractors.
5. Add a requirement that the licensed commercial contractor on the council be a member of the La. Associated General Contractors.
6. Change the number of members representing the La. Building code Alliance from two to one.
7. Change the at-large members on the council from three to two.
8. Remove the requirement to reimburse council members for expenses and mileage incurred while attending meetings.
9. Eliminate the four year term limit for the chairman of the council.
10. Make technical changes.