

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 76
by Representative Pinac

AMENDMENT NO. 1

On page 1, line 2, at the beginning of line 2 delete "To enact" and insert "To amend and reenact R.S. 33:4773(D) and to enact"

AMENDMENT NO. 2

On page 1, line 5, after "codes;" insert "to provide for scope of building codes;"

AMENDMENT NO. 3

On page 1, line 6, after "creation" insert "and authority"

AMENDMENT NO. 4

On page 1, line 8, after "entities" and before the semicolon ";" insert "or certified-third party providers" and on line 8, after "building" delete "official" and insert "officials"

AMENDMENT NO. 5

On page 1, line 11, after "farm" insert "or recreational"

AMENDMENT NO. 6

On page 1, between lines 17 and 18 insert the following:

"Section 1. R.S. 33:4773(D) is hereby amended and reenacted to read as follows:
§4773. Scope of building codes

* * *

D. ~~The performance of any enforcement procedure in connection with any building code shall be deemed to be a discretionary act and shall be subject to the provisions of R.S. 9:2798.1.~~ In connection with the construction of any building, structure, or other improvement to immovable property, neither the performance of any enforcement procedure nor any provision of a building code shall constitute or be construed as a warranty or guarantee by an enforcement agency as to durability or fitness, or as a warranty or guarantee by an enforcement agency that said building, structure, or other improvement to immovable property or any material, equipment, or method or type of construction used therein is or will be free from defects, will perform in a particular manner, is fit for a particular purpose, or will last in any particular way.

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AMENDMENT NO. 7

On page 1, line 18, change "Section 1." to "Section 2."

1 AMENDMENT NO. 8

2 On page 2, line 9, after "therein" delete the comma "," and the remainder of the line and on
3 line 10 delete "buildings"

4 AMENDMENT NO. 9

1 On page 2, line 12, after "security" delete "of" and insert "balanced with affordability for"

2 AMENDMENT NO. 10

3 On page 2, at the end of line 13, insert the following:

4 "The state uniform construction code will encourage the use of construction materials
5 of the greatest durability, lower long-term costs, and provide greater storm resistance."

6 AMENDMENT NO. 11

7 On page 3, at the end of line 2, insert "; immunity"

8 AMENDMENT NO. 12

9 On page 3, line 3, after "Council," change "hereafter" to "hereinafter"

10 AMENDMENT NO. 13

11 On page 3, line 4, after "created" and before the period ":", insert "and shall consist of
12 nineteen members"

13 AMENDMENT NO. 14

14 On page 3, line 5, after "Governor" insert a comma ":", and insert "subject to Senate
15 confirmation,"

16 AMENDMENT NO. 15

17 On page 3, line 6, after "qualifies." delete the remainder of the line and insert the following:

18 "No member of the council shall receive per diem or other compensation for their duties on
19 the commission."

20 AMENDMENT NO. 16

21 On page 3, delete lines 7 through 29 in their entirety

22 AMENDMENT NO. 17

23 On page 4, delete lines 1 through 3 in their entirety

24 AMENDMENT NO. 18

25 On page 4, line 9, after "Code" and before the period ":", insert "[Part XIV (Plumbing) of the
26 State Sanitary Code]"

27 AMENDMENT NO. 19

28 On page 4, line 9, after "Code." delete the remainder of the line, delete lines 10 and 11 in
29 their entirety, and insert the following:

30 "Specifically, the council shall establish the requirements and process for the
31 certification and continuing education of code enforcement officers, code
32 enforcement inspectors, and building officials and determine if any amendments to
33 the state uniform construction code are justified. If the council determines that an
34 amendment is justified, it may enact such an amendment after a finding on the record
35 that the modification provides a reasonable degree of public health, safety, and

1 welfare. The council shall adopt rules in accordance with the Administrative
 2 Procedure Act in order to implement the provisions of this Part."

3 AMENDMENT NO. 20

4 On page 4, line 16, after "council" and before the period "." insert "within fourteen days of
 5 such request"

6 AMENDMENT NO. 21

7 On page 4, at the end of line 17 delete "A", delete lines 18 through 20 in their entirety and
 8 insert the following:

9 "Each meeting shall be open to the public and any official decision of the council
 10 may be made only by a vote of at least two-thirds of those members in attendance at
 11 the meeting provided that a quorum is established prior to a vote. A majority of
 12 members of the council shall constitute a quorum."

13 AMENDMENT NO. 22

14 On page 4, between lines 20 and 21 insert the following:

15 "E. The council and its members shall be immune from personal liability for
 16 actions taken in good faith in the discharge of their responsibilities. The state shall
 17 hold the council and its members harmless from all costs, damages, and attorney fees
 18 arising from claims and suits against them with respect to matters to which such
 19 immunity applies."

20 AMENDMENT NO. 23

21 On page 4, line 22, after "A." delete "All" and insert "Notwithstanding any other law to the
 22 contrary, all"

23 AMENDMENT NO. 24

24 On page 4, line 22, after "enforce" delete "only" and insert "the"

25 AMENDMENT NO. 25

26 On page 4, line 24, after "B." delete the remainder of the line, and at the beginning of line
 27 25, delete "nothing" and insert "Nothing"

28 AMENDMENT NO. 26

29 On page 4, line 26, after "construction" and before the period "." insert "or the provisions of
 30 R.S. 51:912.21 et seq., as it relates to manufactured housing installation"

31 AMENDMENT NO. 27

32 On page 4, between lines 26 and 27 insert the following:

33 "C. The provisions of this Part do not limit the authority of parishes or municipalities
 34 to enact and enforce stricter building codes as long as they do not diminish the requirements
 35 established in this Part.

36 D. In connection with the construction of any building, structure, or other
 37 improvement to immovable property, neither the performance of any enforcement procedure
 38 nor any provision of a building code shall constitute or be construed as a warranty or
 39 guarantee by a governmental enforcement agency as to durability or fitness, or as a warranty
 40 or guarantee by a governmental enforcement official that said building, structure, or other

improvement to immovable property or any materials, equipment, or method or type of construction used therein is or will be free from defects, will perform in a particular manner, is fit for a particular purpose, or will last in any particular way."

AMENDMENT NO. 28

On page 4, at the end of line 27, insert "; private agreements" and at the beginning of line 28 insert "A."

AMENDMENT NO. 29

On page 5, between lines 5 and 6 insert the following:

"B. Commercial and residential contractors may establish agreements with certified third-party providers to conduct plans review and inspections and to enforce the state uniform construction code. A third-party provider shall be certified by the International Code Council for purposes of the emergency provisions of R.S. 40:1730.27. Thereafter, a third-party provider shall meet the requirements imposed by the council for certificates of registration. During the time period that the provisions of R.S. 40:1730.27 of this Part are in effect, every certified third-party provider doing business within the state shall notify the Department of Public Safety and Corrections of their intention to do business within the state and the department shall maintain a listing of the name of the provider and the name and location of the person or entity with whom the provider has contracted to provide enforcement services. Once the council meets for the first time, certified third-party providers shall notify the council of their intention to do business within the state and the council shall maintain a listing of all certified third-party providers."

AMENDMENT NO. 30

On page 5, line 11, after "official." delete the remainder of the line, delete line 12 in its entirety, and on line 13 delete "within the municipal limits." and insert the following:

"A parish or municipality may use a certified building inspector in lieu of a certified building official for a period not to exceed four years from the date the state uniform construction code becomes effective in the parish or municipality."

AMENDMENT NO. 31

On page 5, line 19, after "council" delete "is authorized to" and insert "shall"

AMENDMENT NO. 32

On page 6, delete lines 3 through 10 in their entirety and insert the following:

"A. The wind and flood mitigation requirements prescribed by the 2003 International Building Code and the 2003 International Residential Code, as modified in R.S. 40:1730.28(A)(3), and amending Section 301.2.1.1(2) to replace "Southern Building Code Congress International Standard for Hurricane Resistant Residential Construction (SSTD 10)" with the Guidelines for Hurricane Resistant Construction as published by the Institute for Business and Home Safety, 2005 shall apply to the parishes of Calcasieu, Cameron, Vermilion, Iberia, St. Tammany, Orleans, Jefferson, St. Bernard, Plaquemines, Terrebonne, and Lafourche."

AMENDMENT NO. 33

On page 6, at the beginning of line 17, delete "Section 1730.23" and insert "R.S. 40:1730.23 and 1730.24"

AMENDMENT NO. 34

On page 6, at the end of line 18, delete "within", and on line 19 delete "thirty days of the effective date of this Part," and insert "on the effective dates provided for in Subsection D of this Section,"

AMENDMENT NO. 35

On page 6, between lines 20 and 21 insert the following:

"D. The provisions of this Section shall go into effect thirty days from the effective date of this Part for parishes and municipalities that have code enforcement procedures in place on the effective date of this Part. For those parishes and municipalities without code enforcement procedures, the provisions of this Section shall be applied no later than ninety days from the effective date of this Part."

AMENDMENT NO. 36

On page 6, line 23, after "adopt" delete "by reference"

AMENDMENT NO. 37

On page 6, line 25, after "Code" delete "and the standards referenced in that code" and insert the following:

", not including Chapter 27-Electrical and Chapter 29-Plumbing Systems. The applicable standards referenced in that code are included"

AMENDMENT NO. 38

On page 7, line 5, after "I-Administrative," delete "IV-" and on line 6 delete "Energy Conservation,"

AMENDMENT NO. 39

On page 7, delete lines 14 through 18 in their entirety

AMENDMENT NO. 40

On page 7, line 19 change "(b)" to "(a)"

AMENDMENT NO. 41

On page 7, line 23 change "(c)" to "(b)"

AMENDMENT NO. 42

On page 7, line 24 change "(d)" to "(c)"

AMENDMENT NO. 43

On page 7, line 26 change "(e)" to "(d)"

AMENDMENT NO. 44

On page 7, line 28 change "(f)" to "(e)"

AMENDMENT NO. 45

1 On page 8, delete lines 5 and 6 in their entirety and insert the following:

2 "(5) The Louisiana State Plumbing Code [Part XIV (Plumbing) of the State Sanitary
 3 Code] as amended by the state health officer acting through the office of public
 4 health of the Department of Health and Hospitals. Nothing in this Part shall be
 5 construed so as to prevent the state health officer from enforcing Part XIV
 6 (Plumbing) of the State Sanitary Code, the enforcement of which is his statutory and
 7 regulatory responsibility."

8 AMENDMENT NO. 46

9 On page 8, at the beginning of line 15, delete "The" and insert the following:

10 "Excluding the applicable requirements of the Louisiana State Plumbing Code, the"

11 AMENDMENT NO. 47

12 On page 8, between lines 25 and 26, insert the following:

13 "(8) 562211/562212 hazardous and solid waste landfills.
 14 (9) 422710 bulk stations and terminals.
 15 (10) 486110 crude oil pipelines.
 16 (11) 486910 refined petroleum products pipelines.
 17 (12) 486210 natural gas pipelines.
 18 (13) 486990 other pipelines.
 19 (14) 211112 natural gas processing plants."

20 AMENDMENT NO. 48

21 On page 8, line 26, after "farm" insert "or recreational"

22 AMENDMENT NO. 49

23 On page 9, at the end of line 7 and before the period "." insert "or private outdoor
 24 recreational structure, other than a residence or structure attached to a residence, such as a
 25 hunting or fishing camp"

26 AMENDMENT NO. 50

27 On page 9, delete lines 11 through 16 in their entirety

28 AMENDMENT NO. 51

29 On page 9, line 17, change "E." to "D."

30 AMENDMENT NO. 52

31 On page 9, line 19, after "farm" insert "or private outdoor recreational"

32 AMENDMENT NO. 53

33 On page 10, line 1, after "fees" delete "; Parish and municipal authority", at the beginning
 34 of line 2 delete "A."

35 AMENDMENT NO. 54

36 On page 10 delete lines 5 through 7 in their entirety

37 AMENDMENT NO. 55

1 On page 10, line 28, after "council." insert the following:

2 "The council and its members shall be subject to the open meetings law, the public records
3 law, and the code of governmental ethics, provided however, that when any member of the
4 council has a real or perceived conflict of interest upon an issue before the council, he shall
5 recuse himself from participation in that issue by providing a verbal explanation of the real
6 or perceived conflict to the council."

7 AMENDMENT NO. 56

8 On page 11, line 16, after "testing agency" insert "that is prescribed by the council"

9 AMENDMENT NO. 57

10 On page 11, line 23, after "without" delete "examination" and insert "certification by a
11 recognized code organization or testing agency"

12 AMENDMENT NO. 58

13 On page 11, line 26, after "valid for" change "two" to "three"

14 AMENDMENT NO. 59

15 On page 11, line 26, after "years" delete "and may be renewed" and insert the following:

16 "for building officials and six months for building inspectors and plans reviewers.
17 The certificates of registration provided for in this Subsection may not be renewed except
18 as provided in Subsection B of this Section"

19 AMENDMENT NO. 60

20 On page 11, on line 29, after "without" delete "examination which" and insert "certification
21 by a recognized code organization or testing agency, provided that such individual is under
22 the supervision of a code enforcement officer who is certified by the International Code
23 Council. Such provisional certificate of registration"

24 AMENDMENT NO. 61

25 On page 12, line 2, after "renewed" and before the period "." insert "except as provided in
26 Subsection B of this Section"

27 AMENDMENT NO. 62

28 On page 12, line 25, after "registration" insert "issued under Section 1730.35(B)"

29 AMENDMENT NO. 63

30 On page 12, line 25, after "valid for" change "two years" to "one year"

31 AMENDMENT NO. 64

32 On page 12, line 27, after "participation in" insert "council"

33 AMENDMENT NO. 65

34 On page 13, line 2, after "new registrants" insert "under Section 1730.35(B)"

35 AMENDMENT NO. 66

- 1 On page 13, line 6, after "provide" delete "permitting and"
- 2 AMENDMENT NO. 67
- 3 On page 13, line 15, change "Section 2." to "Section 3."
- 4 AMENDMENT NO. 68
- 5 On page 13, line 17, change "Section 3." to "Section 4."