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## DIGEST

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### CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 1048 by Representative Ponti

#### **Keyword and oneliner of the instrument as it left the House**

COMMERCE: Requires the Louisiana State Uniform Construction Code Council to adopt certain codes relative to plumbing

#### **Report rejects Senate amendments which would have:**

1. Removed provision of proposed law making habitual performance of work by a journeyman plumber or master plumber which is substantially below the standards promulgated by the La. State Uniform Construction Code Council (LSUCCC) grounds for disciplinary action by the State Plumbing Board.
2. Provided the state health officer shall be a member of the LSUCCC to ensure safe building plumbing and removed the authority of the state health officer to promulgate a plumbing code.
3. Restored provision of law prohibiting the LSUCCC from adopting plumbing provisions of the International Residential Code.
4. Added that the Senate Committee on Commerce, Consumer Protection, and International Affairs, House Committee on Commerce, Senate Committee on Health and Welfare, and House Committee on Health and Welfare shall have oversight of the initial adoption of the portions of the State Uniform Construction Code relative to plumbing which are proposed by the LSUCCC.
5. Provided relative to consent decrees or orders relative to maintaining or building a public sewage system which are entered in federal courts of competent jurisdiction.
6. Provided that certain portions of present and proposed law regarding mandatory adoption of of certain codes and standards as the State Uniform Construction Code would not lessen the licensing qualifications and requirements in R.S. 37:1362, et. seq. (laws providing relative to the La. State Plumbing Board and licensing of plumbers).

6. Provided relative to back flow prevention, plumbing vent systems, the regulation of stored water, and the authority of the Department of Health and Hospitals.
7. Removed authority of local building officials to interpret plumbing provisions adopted by the LSUCCC.
8. Provided for effective dates.

**Report amends the bill to:**

1. Removes provision of proposed law making habitual performance of work by a journeyman plumber or master plumber which is substantially below the standards promulgated by the La. State Uniform Construction Code Council (LSUCCC) grounds for disciplinary action by the State Plumbing Board.
2. Provides the state health officer shall be a member of the LSUCCC, removes the authority of the state health officer to promulgate a plumbing code, and repeals the plumbing code promulgated by the state health officer (repeal effective Jan. 1, 2016).
3. Creates the Plumbing Transition Commission. This commission may provide amendments to the LSUCCC to address issues which the the International Building Code, Chapter 29-Plumbing Systems, and the International Residential Code, Part VII-Plumbing do not cover, but the Louisiana State Plumbing Code does. Provides for membership of the commission, operational procedures of the commission, and that the commission would be dissolved on Jan. 1, 2016.
4. Adds that the Senate Committee on Commerce, Consumer Protection, and International Affairs, House Committee on Commerce, Senate Committee on Health and Welfare, and House Committee on Health and Welfare shall have oversight of the initial adoption of the portions of the State Uniform Construction Code relative to plumbing which are proposed by the LSUCCC.
5. Provides relative to consent decrees or orders relative to maintaining or building a public sewage system which are entered in federal courts of competent jurisdiction.
6. Provides that certain plumbing provisions shall not apply to manufactured homes under certain circumstances.
7. Provides that certain portions of present and proposed law regarding mandatory adoption of of certain codes and standards as the State Uniform Construction Code would not lessen the licensing qualifications and requirements in R.S. 37:1362, et. seq. (laws providing relative to the La. State Plumbing Board and licensing of plumbers).
8. Provides relative to back flow prevention, plumbing vent systems, the regulation of stored water, and the authority of the Department of Health and Hospitals.

9. Removes authority of local building officials to interpret plumbing provisions adopted by the LSUCCC.
10. Provides for effective dates of proposed law , including that the plumbing provisions promulgated by the LSUCCC pursuant to proposed law would be effective Jan. 1, 2016.

### **Digest of the bill as proposed by the Conference Committee**

Present law requires the state health officer through the office of public health (OPH) of the Dept. of Health and Hospitals (DHH) to prepare and promulgate all rules and regulations necessary to assure safe building plumbing systems, including but not limited to the building water supply piping system, the building drain system, and the building mechanical piping system.

Proposed law repeals present law.

Present law requires the state health officer to prepare and promulgate rules and regulations within the state's Sanitary Code covering all matters within his jurisdiction.

Proposed law retains present law and provides that present law shall not permit the state health officer to establish rules, regulations, policies, or interpretations that supercede or circumvent or seek to supercede or circumvent the International Plumbing Code, as adopted and promulgated by the LSUCCC.

Proposed law provides that in all cases of conflict between the rules and regulations promulgated pursuant to the rules and regulations within the state's Sanitary Code as promulgated by the state health officer and the International Plumbing Code, International Building Code, Chapter 29-Plumbing Systems, or the International Residential Code, Part VII-Plumbing, as adopted and promulgated by the LSUCCC, the provisions of the International Plumbing Code, International Building Code, Chapter 29-Plumbing Systems, or the International Residential Code, Part VII-Plumbing, as adopted and promulgated by the LSUCCC shall apply.

Proposed law provides that the building official or his designee shall have the authority to enforce the plumbing provisions of the state uniform construction code.

Present law provides that the state health officer and the OPH of DHH has the exclusive jurisdiction, control, and authority of a number of matters that relate to plumbing.

Proposed law retains present law and provides that nothing in present law shall grant state health officer or the OPH of DHH the authority to supercede the authority of municipalities or parishes to enforce the plumbing provisions of the State Uniform Construction Code.

Proposed law provides that the building official or his designee shall have the authority to enforce the plumbing provisions of the State Uniform Construction Code.

Present law provides that the La. Building Code shall consist of a number of designated and described codes and standards, including Part XIV (Plumbing) of the state Sanitary Code as promulgated by the secretary of DHH.

Proposed law removes the inclusion of Part XIV (Plumbing) of the state Sanitary Code as promulgated by the secretary of DHH and adds the International Plumbing Code, the International Building Code, Chapter 29-Plumbing Systems, and the International Residential Code, Part VII-Plumbing.

Present law provides that the La. Building Code shall be administered by the facilities planning and control department of the Division of Administration and that nothing contained in the La. Building Code shall affect the secretary of DHH in his administration of the provisions of Part XIV(Plumbing) of the state Sanitary Code.

Proposed law retains present law, but deletes that nothing contained in the La. Building Code shall affect the secretary of DHH in his administration of the provisions of Part XIV(Plumbing) of the state Sanitary Code.

Present law provides that the primary function of the LSUCCC is to review and adopt the State Uniform Construction Code, provide for training and education of code officials, and accept all requests for amendments of the code, except the La. State Plumbing Code Part XIV (Plumbing) of the state Sanitary Code.

Proposed law retains present law but removes the exception for the La. State Plumbing Code.

Proposed law provides that the building official or his designee shall have the authority to enforce the plumbing provisions of the State Uniform Construction Code.

Present law provides oversight of the rules and regulations promulgated by the LSUCCC to the House Committee on Commerce and Senate Committee on Commerce.

Proposed law retains present law, but adds that the Senate Committee on Commerce, Consumer Protection, and International Affairs, House Committee on Commerce, Senate Committee on Health and Welfare, and House Committee on Health and Welfare shall have oversight of the initial adoption of the portions of the State Uniform Construction Code relative to plumbing.

Present law requires the LSUCCC to evaluate, adopt, and amend only the latest editions of the state uniform construction code with the exception of the La. State Plumbing Code Part XIV (Plumbing) of the state Sanitary Code which shall be promulgated and amended by the state health officer acting through OPH of DHH.

Proposed law retains present law but removes the exception for the La. State Plumbing Code.

Present law shall not be construed so as to prevent the state health officer from enforcing the La. State Plumbing Code, the enforcement of which is his statutory and regulatory responsibility.

Proposed law removes present law and requires the LSUCCC to evaluate, adopt, and amend the International Plumbing Code, the International Building Code, Chapter 29-Plumbing Systems, and the International Residential Code, Part VII-Plumbing as part of the State Uniform Construction Code and that the building official or his designee shall have the authority to enforce these codes.

Proposed law creates the Plumbing Transition Commission which shall provide amendments to the LSUCCC to address issues which the the International Building Code, Chapter 29-Plumbing Systems, and the International Residential Code, Part VII-Plumbing do not cover, but the Louisiana State Plumbing Code does. Proposed law provides for membership of the commission, operational procedures of the commission, and for the termination of the commission on Jan. 1, 2016.

Present law provides that, excluding the applicable requirements of the La. State Plumbing Code, the State Uniform Construction Code shall not apply to the construction or improvement inside the secured or fenced confines of the following types of industrial facilities that are engaged in activities defined or classified under one or more of a number of subsectors, industry groups, or industries of the 2007 North American Industry Classification System (NAICS).

Proposed law retains present law and changes the La. State Plumbing Code to the International Plumbing Code.

Present law provides that in cases of conflict between the state Sanitary Code and the International Mechanical Code, the state Sanitary Code shall be used. In cases of conflict between the Life Safety Code and either the La. Building Code, the plumbing part of the state Sanitary Code, the International Building Code, the International Mechanical Code and the National Electric Code, the Life Safety Code shall be used.

Proposed law repeals present law.

Proposed law provides relative to consent decrees or orders relative to maintaining or building a public sewage system which are entered in federal courts of competent jurisdiction.

Proposed law provides that certain plumbing provisions shall not apply to manufactured homes under certain circumstances.

Proposed law provides that certain portions of present and proposed law regarding mandatory adoption of of certain codes and standards as the State Uniform Construction Code shall not lessen the licensing qualifications and requirements in R.S. 37:1362, et. seq. (laws providing relative to the La. State Plumbing Board and licensing of plumbers).

Proposed law provides relative to back flow prevention, plumbing vent systems, the regulation of stored water, and the authority of DHH.

Present law provides that all plumbing and sanitary references in Part V-Mechanical in the

International Residential Code shall be replaced with the applicable provisions of the La. State Plumbing Code, Part XIV, Plumbing, of the state Sanitary Code.

Proposed law repeals present law.

Proposed law provides that the International Plumbing Code, International Building Code, Chapter 29-Plumbing Systems, and the International Residential Code, Part VII-Plumbing, with any amendments, as promulgated by the LSUCCC shall be effective Jan. 1, 2016.

Proposed law requires the La. State Plumbing Code Part XIV (Plumbing) of the state Sanitary Code as amended by the state health officer acting through the OPH of DHH shall be repealed as of Jan. 1, 2016.

Proposed law provides the authority of the LSUCCC to promulgate International Plumbing Code, International Building Code, Chapter 29-Plumbing Systems, and the International Residential Code, Part VII-Plumbing shall be effective upon signature of the governor or upon lapse of time for gubernatorial action.

(Amends R.S. 40:5, 1722(B)(2), 1723(B), 1730.22(A) and (C), 1730.26, 1730.28(A)(introductory paragraph)(1), (3)(a), and (5), and 1730.29(A)(introductory paragraph); Adds R.S. 40:4(C), (D) and (E), 1730.21.1, 1730.23(I), 1720.28(D), 1730.28.1, 1730.28.2, 1730.28.3, 1730.40.1, and 1730.40.2; Repeals R.S. 40:4(A)(7), 1722(D), 1730.28(A)(3)(h), and 51:XIV.101-1813)