
SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Appel to Reengrossed House Bill No. 1048 by Representative Ponti

1 AMENDMENT NO. 1

2 Delete Amendments No. 1 through 21 proposed by the Senate Committee on Commerce,
3 Consumer Protection, and International Affairs and adopted by the Senate on May 8, 2014
4 and Amendments No. 1 through 5 proposed by the Legislative Bureau adopted by the Senate
5 on May 12, 2014.

6 AMENDMENT NO. 2

7 On page 1, delete lines 2 through 9 and insert the following:

8 "To amend and reenact R.S. 40:4(A)(7), 5, 1722(B)(2), 1723(B), 1730.22(A) and
9 (C), 1730.26, 1730.28(A)(introductory paragraph), (1), (3)(a), and (5) and
10 1730.29(A)(introductory paragraph), to enact R.S. 40:4(C), (D) and (E), 1730.23(I),
11 1730.28(D), 1730.28.1, 1730.28.2, 1730.28.3, and 1730.40.1, to repeal R.S.
12 40:1722(D), 1730.28(A)(3)(h), and Part XIV (Plumbing) of Title 51 comprised of
13 LAC 51:XIV.101 through 1813, relative to the regulation of plumbing; to require the
14 Louisiana State Uniform Construction Code Council to adopt certain provisions
15 relative to plumbing; to provide for membership of the Louisiana State Uniform
16 Construction Code Council; to provide relative to the duties of the state health officer
17 and the Department of Health and Hospitals; to provide relative to the authority of
18 local building officials; to provide relative to certain plumbing codes in instances of
19 court orders or consent decrees; to provide certain terms, conditions, procedures,
20 prohibitions, requirements, and effects relative to plumbing; to provide for effective
21 dates; and to provide for related matters."

22 AMENDMENT NO. 3

23 On page 1, delete lines 11 through 21, and on page 2, delete lines 1 through 4, and insert in
24 lieu thereof the following:

25 "Section 1. R.S. 40:1730.22(A) and 1730.26 are hereby amended and
26 reenacted and R.S. 40:1730.28.1, 1730.28.2, 1730.28.3, and 1730.40.1 are hereby
27 enacted to read as follows:

28 "§1730.22. Louisiana State Uniform Construction Code Council; membership;
29 function of council; meeting requirements; immunity

30 A. The Louisiana State Uniform Construction Code Council, hereinafter
31 referred to as the "council" in this Part, is hereby created and shall consist of ~~nineteen~~
32 twenty members, one of which shall be the state health officer, or his designee. Each
33 With the exception of the state health officer, or his designee, who shall serve by
34 virtue of his position, each member of the council shall be appointed by the
35 governor, subject to Senate confirmation, and shall serve at the pleasure of the
36 governor. With the exception of the state health officer, or his designee, each ~~Each~~
37 term for a member of the council shall be four years where a member shall serve no
38 more than two consecutive terms. Each member of the council shall serve without
39 compensation but shall be reimbursed for actual expenses and mileage incurred
40 while attending council meetings in accordance with state travel regulations
41 promulgated by the division of administration. Reimbursement shall be limited to
42 mileage and expenses for the attendance of twelve meetings per calendar year.

43 * * *

44 §1730.26. Adoption and promulgation of certain building codes and standards as
45 state uniform construction code; procedures

46 The council shall review, adopt, modify, and promulgate the building codes
47 referenced in R.S. 40:1730.28 and 1730.28.1 of this Part, provided that:

1 (1) The council shall promulgate rules and regulations to modify portions of
2 the ~~state uniform construction code~~ State Uniform Construction Code referenced in
3 R.S. 40:1730.28 of this Part ~~under~~ pursuant to the provisions of the Administrative
4 Procedure Act, R.S. 49:950 et seq. Such rules and regulations may include, but not
5 be limited to use of certain mapping systems regarding soil testing.

6 (2) (a) The council shall promulgate rules and regulations to adopt portions
7 of the State Uniform Construction Code referenced in R.S. 40:1730.28.1 pursuant
8 to the procedures established by the Administrative Procedure Act, R.S. 49:950 et
9 seq. Notwithstanding the provisions of R.S. 49:968(B)(12), the Senate Committee
10 on Commerce, Consumer Protection, and International Affairs, Senate Committee
11 on Health and Welfare and the House Committee on Commerce, and the House
12 Committee on Health and Welfare, shall have oversight of the initial adoption of the
13 portions of the State Uniform Construction Code referenced in R.S. 48:1730.28.1.

14 (b) ~~The Senate and House committees on commerce~~ Senate Committee on
15 Commerce, Consumer Protection, and International Affairs and the House
16 Committee on Commerce shall receive notice of intent to modify portions of the
17 ~~state uniform construction code~~ State Uniform Construction Code and shall have
18 oversight of any such modifications ~~under~~ pursuant to the provisions of the
19 Administrative Procedure Act.

20 (2) (3) The council shall review, evaluate, and update the ~~state uniform~~
21 ~~construction code~~ State Uniform Construction Code no later than five years from the
22 date of publication of the appropriate code as provided for in R.S. 40:1730.28. The
23 council shall submit the updated ~~state uniform construction code~~ State Uniform
24 Construction Code to the House Committee on Commerce and the Senate Committee
25 on Commerce, Consumer Protection, and International Affairs for oversight and
26 approval. Additionally, the council shall provide the members of each house of the
27 legislature a summary of the major proposed changes to the International Residential
28 Code at the time of submission to the oversight committees.

29 (4) The council shall, pursuant to the Administrative Procedure Act, adopt
30 and modify, or both, provisions of the State Uniform Construction Code to satisfy
31 the requirements of any consent decree or order relative to maintaining or building
32 a public sewage system which is entered in a federal court of competent jurisdiction.
33 Such provisions shall specify in which municipalities or parishes the rules and
34 regulations adopted pursuant to this Paragraph shall apply.

35 * * *

36 §1730.28.1. Mandatory adoption of plumbing provisions of certain nationally
37 recognized codes and standards as part of the State Uniform Construction
38 Code; effective date

39 A. Notwithstanding R.S. 40:1730.28, the council shall evaluate, adopt, and
40 amend the latest editions of the following as part of the State Uniform Construction
41 Code:

- 42 (1) The International Building Code, Chapter 29-Plumbing Systems.
- 43 (2) The International Residential Code, Part VII-Plumbing.
- 44 (3) The International Plumbing Code.

45 B. The codes listed in Subsection A of this Section as adopted by the council
46 shall become effective October 1, 2015.

47 C. The state health officer may provide the council with recommended
48 amendments to the plumbing provisions adopted pursuant to this Section. All
49 recommended amendments provided to the council by the state health officer shall
50 be presented to the council for review. The council shall review recommended
51 amendments and vote on whether or not to adopt such amendments at the next
52 regularly scheduled meeting of the council, but no sooner than thirty days after
53 receipt.

54 D. Nothing in this Section nor any provisions adopted pursuant to this
55 Section shall lessen the licensing qualifications and requirements provided in R.S.
56 37:1361, et seq.

57 §1730.28.2. State Uniform Construction Code; requirements and prohibitions

58 A. The State Uniform Construction Code shall:

- 59 (1) Require methods of back flow prevention to prevent contaminated water
60 from flowing back into the public water system.
- 61 (2) Prohibit plumbing vent systems using air admittance valves.

1 AMENDMENT NO. 7

2 On page 2, between lines 28 and 29, insert the following:

3 "E. The Louisiana State Plumbing Code [Part XIV (Plumbing) of the State
4 Sanitary Code] as amended by the state health officer acting through the office of
5 public health of the Department of Health and Hospitals shall be null, void, and
6 unenforceable on and after October 1, 2015."

7 AMENDMENT NO. 8

8 On page 5, line 9, after "enforce" delete "and interpret"

9 AMENDMENT NO. 9

10 On page 5, line 13, after "enforce" delete "and interpret"

11 AMENDMENT NO. 10

12 On page 6, line 26, after "enforce" delete "and interpret"

13 AMENDMENT NO. 11

14 On page 7, line 6, following "including" change "Part" to "Parts I-Administrative" and on
15 line 7, delete "I-Administration"

16 AMENDMENT NO. 12

17 On page 8, line 6, after "adoption." delete the remainder of the line and lines 7 through 12
18 in their entirety and in lieu thereof insert the following:

19 "* * *
20 D.(1) The state health officer may provide the council with recommended
21 amendments to the plumbing provisions adopted pursuant to this Section. All
22 recommended amendments provided to the council by the state health officer shall
23 be presented to the council for review. The council shall review recommended
24 amendments and vote on whether or not to adopt such amendments at the next
25 regularly scheduled meeting of the council, but no sooner than thirty days after
26 receipt.
27 (2) Nothing in this Section nor any provisions adopted pursuant to this
28 Section shall lessen the licensing qualifications and requirements provided in R.S.
29 37:1361, et seq."

30 AMENDMENT NO. 13

31 On page 8, delete lines 21 through 29, and on page 9, delete lines 1 through 14, and in lieu
32 thereof insert the following:

33 "Section 3. R.S. 40:1722(D) and 1730.28(A)(3)(h) are hereby repealed in their
34 entirety.
35 Section 4. Part XIV (Plumbing) of Title 51 comprised of LAC 51:XIV.101 through
36 1813, as amended by the state health officer acting through the office of public health of the
37 Department of Health and Hospitals, is hereby repealed in its entirety. A copy of this Act
38 shall be transmitted to the Office of the State Register, the secretary of the Department of
39 Health and Hospitals, the state health officer, and the administrator of the Louisiana Uniform
40 Construction Code Council. The Office of the State Register is directed to have the repeal
41 of this Part printed and incorporated into the Louisiana Administrative Code following the
42 effective date of the repeal.
43 Section 5. Sections 2, 3, and 4 of this Act shall become effective on October 1, 2015.
44 Section 6. This Section and Sections 1 and 5 of this Act shall become effective upon
45 signature by the governor or, if not signed by the governor, upon expiration of the time for

1 bills to become law without signature by the governor, as provided by Article III, Section
2 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
3 by the legislature, this Act shall become effective on the day following such approval."