

First Extraordinary Session, 2005

HOUSE BILL NO. 76

BY REPRESENTATIVE PINAC

BUILDING CODES: Provides for changes to the State Uniform Construction Code

1 AN ACT

2 To enact Part IV-B of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 40:1730.21 through 1730.39, and to repeal Part IV-A of Chapter
4 8 of Title 40 of the Louisiana Revised Statues of 1950, comprised of R.S. 40:1725
5 through 1730.1, relative to the state building codes; to provide for public policy; to
6 provide for the creation of the Louisiana State Uniform Construction Code Council;
7 to provide for enforcement; to provide for agreements with other governmental
8 entities; to provide for appointment of building official; to provide for council's code
9 adoption authority; to provide for adoption of emergency wind and flood provisions;
10 to provide for adoption of state uniform construction code; to provide for
11 construction of industrial facilities; to provide for construction of farm structures; to
12 provide for mandamus and injunctive relief; to provide for applicable codes for
13 inspections; to provide for application and issuance of certificates of registration; to
14 provide for revocation authority and injunctive relief; to provide for continuing
15 education; to provide for authority of state fire marshal; to repeal the current state
16 uniform construction code; and to provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. Part IV-B of Chapter 8 of Tile 40 of the Louisiana Revised Statutes of
19 1950, comprised of R.S. 40:1730.21 through 1730.39, is hereby enacted to read as follows:

20

1 PART IV-B. STATE UNIFORM CONSTRUCTION CODE2 §1730.21. Public policy for state uniform construction code

3 A. The public policy of Louisiana is to maintain reasonable standards of
4 construction in buildings and other structures in the state consistent with the public
5 health, safety, and welfare of its citizens.

6 B. This Part is enacted to enable the state of Louisiana to promulgate a state
7 uniform construction code to govern the construction, reconstruction, alteration and
8 repair of buildings and other structures and the installation of mechanical devices
9 and equipment therein, and to require the correction of unsafe conditions in existing
10 buildings. The state uniform construction code shall establish uniform performance
11 standards providing reasonable safeguards for health, safety, welfare, comfort and
12 security of the residents of this state who are occupants and users of buildings, and
13 will provide for the use of modern methods, devices, materials, and techniques.

14 C. To clarify the intent of the Legislature and address questions which might
15 arise or have arisen with respect to provisions of the nationally known codes which
16 have been or are in place, only those portions or provisions of the nationally known
17 building and safety codes which relate to building standards and safety are binding
18 upon a state or local governmental entity or agency which adopts the building and
19 safety codes authorized or required by this Part.

20 D. To further clarify the intent of the Legislature, this Part continues to apply
21 to a person who may act under authority of the Department of Public Safety and that
22 the allocation of inspection duties among local officials is not dictated by this Part
23 but remains a matter for the local authority.

24 E. To secure these purposes, the Louisiana State Uniform Construction Code
25 Council shall certify a person performing building codes enforcement including
26 building officials, plans reviewers and inspectors.

27

1 §1730.22. Louisiana State Uniform Construction Code Council; membership;
2 function of council; meeting requirements

3 A. The Louisiana State Uniform Construction Code Council, hereafter
4 referred to as the council, is hereby created. Each member of the council shall be
5 appointed by the Governor for a term of three years and until a successor is
6 appointed and qualifies. The council shall consist of nineteen members composed of:

7 (1) The chairperson of the House Commerce Committee or designee.

8 (2) The chairperson of the Senate Commerce, Consumer Protection and
9 International Affairs Committee or designee.

10 (3) A representative of the Louisiana Chapter of the American Institute of
11 Architects.

12 (4) A representative of the Louisiana Professional Engineering and
13 Surveying Board.

14 (5) A representative of the Louisiana Home Builders Association.

15 (6) The Director of the Louisiana State Hurricane Center or designee.

16 (7) A representative of the Building Officials Association of Louisiana.

17 (8) A representative of the Louisiana State Fire Marshal.

18 (9) A representative of the Louisiana Municipal Association.

19 (10) A representative of the Police Jury Association of Louisiana.

20 (11) A representative of the Louisiana Department of Facility Planning.

21 (12) A representative of the general public who is not in the practice of home
22 or commercial safety inspection, construction, or building, and who does not have
23 any financial interest in these professions, and who does not have any immediate
24 family member in these professions to serve as an at-large consumer representative.

25 (13) A disabled person.

26 (14) A representative of the property, casualty insurance industry.

27 (15) A representative of the electrical industry who is a master electrician.

28 (16) A representative of the mechanical or gas industry who is a master
29 mechanic.

1 (17) A representative of the plumbing industry who is a master plumber.

2 (18) A representative of the Manufactured Housing Association.

3 (19) A representative of the Louisiana Realtors Association.

4 B. A vacancy must be filled in the manner of the original appointment for
5 the unexpired portion of the term.

6 C. The primary function of the council is to review and adopt the state
7 uniform construction code, provide for training and education of code officials and
8 accept all requests for amendments of the code, except the Louisiana State Plumbing
9 Code. The council shall determine which amendments, if any, are justified by local
10 conditions and can be enacted after a finding on the record that the modification
11 provides a reasonable degree of public health, safety, and welfare.

12 D. The council shall elect from its members a chairman and vice chairman.
13 The council shall adopt regulations under the Administrative Procedure Act in order
14 to implement the provisions of this Part. A meeting may be called by the chairman
15 on his own initiative and must be called by him at the request of three or more
16 members of the council. Each member must be notified by the chairman in writing
17 of the time and place of the meeting at least seven days before the meeting. A
18 majority of members constitute a quorum. Each meeting is open to the public. An
19 official decision of the council may be made only by a vote of at least two-thirds of
20 those members in attendance at the meeting.

21 §1730.23. Enforcement of building codes by municipalities and parishes

22 A. All municipalities and parishes in this state shall enforce only codes
23 provided for in this Part.

24 B. To the extent that federal regulations preempt state and local laws,
25 nothing in this Part shall conflict with the Federal Department of Housing and Urban
26 Development's regulations regarding manufactured housing construction.

27 §1730.24. Agreements with other governmental entities for provision of services

28 Municipalities and parishes may establish agreements with other
29 governmental entities of the state or certified third party providers to issue permits

1 and enforce the state uniform construction code in order to provide the services
2 required by this Part. The council may assist in arranging for municipalities,
3 parishes, or certified third party providers to provide the services required by this
4 Part to other municipalities or parishes if a written request from the governing body
5 of the municipality or parish is submitted to the council.

6 §1730.25. Appointment of building official or contractual arrangement for such
7 services; affidavit for exemption

8 Each parish and municipality shall appoint a council certified building
9 official or contract with other governmental entities or third parties as authorized in
10 Section 1730.24 of this Part so that the unincorporated area of the parish is under the
11 jurisdiction of a council certified building official. Each municipality may appoint
12 a council certified building official or contract for a council certified building official
13 within the municipal limits. Nothing in this Part shall prevent a municipality or
14 parish from appointing and employing other council certified personnel and
15 assistants necessary to perform the required inspections and technical duties and
16 prescribing fees for construction permits and inspections as provided by law.

17 §1730.26. Adoption and promulgation of certain building codes and standards as
18 state uniform construction code; procedures

19 The council is authorized to review, adopt, modify, and promulgate the
20 building codes referenced in Section 1730.28 of this Part, provided that:

21 (1) The council shall promulgate rules and regulations to modify portions of
22 the state uniform construction code referenced in Section 1730.28 of this Part under
23 the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. The House
24 and Senate Committees on Commerce shall receive notice of intent to modify
25 portions of the state uniform construction code and shall have oversight of any such
26 modifications under the provisions of the Administrative Procedure Act.

27 (2) The state uniform construction code shall be updated every three years.

1 §1730.27. Adoption and enforcement of emergency wind and flood mitigation
2 requirements

3 A. All parishes that are within gubernatorially declared emergency areas
4 after August 31, 2005, shall enforce, on an emergency basis, all the wind and flood
5 mitigation requirements prescribed by the 2003 International Building Code and the
6 2003 International Residential Code, as modified in Section 1730.28(A)(3), and
7 amending Section 301.2.1.1(2) to replace "Southern Building Code Congress
8 International Standard for Hurricane Resistant Residential Construction (SSTD 10)"
9 with the Guidelines for Hurricane Resistant Construction as published by the
10 Institute for Business and Home Safety, 2005.

11 B. Emergency wind and flood building requirements adopted in this Section
12 shall remain in force until the council adopts the latest editions of both the
13 International Building Code and the International Residential Code, as modified by
14 this Part, as minimum mandatory statewide codes.

15 C. Except as otherwise provided herein, the emergency wind and flood
16 mitigation requirements adopted by this Section shall be enforced pursuant to
17 Section 1730.23 of this Part. If municipalities and parishes are unable to enforce the
18 emergency wind and flood mitigation requirements prescribed in this Section within
19 thirty days of the effective date of this Part, the Louisiana Department of Public
20 Safety shall enforce them as long as they remain in effect.

21 §1730.28. Mandatory adoption of certain nationally recognized codes and standards
22 as the state uniform construction code; adoption by reference

23 A. The council shall adopt by reference and amend only the latest editions
24 of the following as the state uniform construction code:

25 (1) International Building Code and the standards referenced in that code for
26 regulation of construction within this State. The appendices of that code may be
27 adopted as needed, but the specific appendix or appendices must be referenced by
28 name or letter designation at the time of adoption.

1 (2) International Existing Building Code and the standards referenced in that
2 code for regulation of construction within this state. The appendices of that code
3 may be adopted as needed, but the specific appendix or appendices must be
4 referenced by name or letter designation at the time of adoption

5 (3) International Residential Code, not including parts I-Administrative, IV-
6 Energy Conservation, V-Mechanical, VII-Plumbing and VIII-Electrical. The
7 applicable standards referenced in that code are included for regulation of
8 construction within this State. The appendices of that code may be adopted as
9 needed, but the specific appendix or appendices must be referenced by name or letter
10 designation at the time of adoption, with the exception of Appendix J, Existing
11 Buildings and Structures, which is hereby adopted by this reference. For the
12 purposes of this Part, IRC R301.2.1.1 (Design Criteria) shall be amended as follows
13 and shall only apply to the International Residential Code, 2003 edition:

14 (a) Item 1, the American Forest and Paper Association (AF&PA), *Wood*
15 *Frame Construction Manual for One- and Two-Family Dwellings* (WFCM),
16 shall be replaced by the American Forest and Paper Association (AF&PA),
17 *Wood Frame Construction Manual for One- and Two-Family Dwellings*
18 (WFCM), High Wind Edition.

19 (b) Item 2, the Southern Building Code Congress International, *Standard for*
20 *Hurricane Resistant Residential Construction* (SSTD 10), shall be replaced by the
21 Institute for Business & Home Safety, *Guidelines for Hurricane Resistant*
22 *Construction*, 2005.

23 (c) Amendment of R301.2.1.1 Design Criteria

24 (d) Item 6, the American Concrete Institute, *Guide to Concrete Masonry*
25 *Residential Construction in High Winds Areas*, shall be added.

26 (e) Item 7, Institute for Business & Home Safety, *Optional Code-plus*
27 *Fortified for Safer Living*, shall be added.

28 (f) Item 8, Federal Alliance for Same Homes, *Optional Code-plus Blueprint*
29 *for Safety*, shall be added.

1 (4) International Mechanical Code and the standards referenced in that code
2 for regulation of construction within this State. The appendices of the code provided
3 in this Paragraph may be adopted as needed, but the specific appendix or appendices
4 must be referenced by name or letter designation at the time of adoption.

5 (5) The Louisiana State Plumbing Code as amended by the Louisiana State
6 Plumbing Board.

7 (6) International Fuel Gas Code and the standards referenced in that code for
8 regulation of construction within this State. The appendices of the code provided in
9 this Paragraph may be adopted as needed, but the specific appendix or appendices
10 must be referenced by name or letter designation at the time of adoption.

11 (7) National Electric Code.

12 B. Within six months of the effective date of this Part, the council shall adopt
13 the latest versions of the codes referenced in this Section.

14 §1730.29. Regulation of construction or improvement of industrial facilities

15 The provisions of this Part shall not apply to the construction or improvement
16 of the following types of industrial facilities that are engaged in activities defined or
17 classified under one or more of the following subsectors, industry groups, or
18 industries of the 1997 North American Industry Classification System (NAICS):

19 (1) 22111 electric power generation.

20 (2) 321 wood products manufacturing.

21 (3) 322 paper manufacturing.

22 (4) 324 petroleum and coal products manufacturing.

23 (5) 325 chemical manufacturing.

24 (6) 326 plastics and rubber products manufacturing.

25 (7) 331 primary metals manufacturing.

26 §1730.30. Regulation of construction or improvement of farm structure; authority
27 to issue building permits

28 A. For purposes of this Section, "farm structure" means a structure which is
29 constructed on a farm, other than a residence or a structure attached to it, for use on

1 the farm including, but not limited to, barns, sheds, and poultry houses, but not
2 public livestock areas. For purposes of this Section, "farm structure" does not include
3 a structure originally qualifying as a "farm structure" but later converted to another
4 use.

5 B. The governing authority of a parish or municipality may not enforce that
6 portion of the state uniform construction code which regulates the construction or
7 improvement of a farm structure.

8 C. For residential construction, the standards published by the Federal
9 Emergency Management Agency for the National Flood Insurance Program shall
10 apply.

11 D. The provisions of this Section do not apply unless, before constructing
12 a farm structure, the person owning the property on which the structure is to be
13 constructed files an affidavit with the parish or municipal official responsible for
14 enforcing the building code stating that the structure is being constructed as a farm
15 structure. The affidavit must include a statement of purpose or intended use of the
16 proposed structure or addition.

17 E. The provisions of this Section shall not affect the power of the governing
18 authority of a parish or municipality to issue building permits before the construction
19 or improvement of a farm structure.

20 §1730.31. Mandamus and injunctive relief for violation of code or regulation;
21 penalties

22 For a violation of the building codes or regulations adopted pursuant to this
23 Part, the local building official may enjoin further construction of the project as
24 provided by local ordinance. The municipal, district or parish attorney, attorney
25 general or other appropriate authorities of a political subdivision, in addition to other
26 remedies, may apply for injunctive relief, mandamus, or other appropriate
27 proceeding in the district court of the parish where the violation occurred.

1 §1730.32. Imposition of fees; Parish and municipal authority

2 A. Nothing in this Part shall prohibit the governing authority of a parish or
3 municipality from imposing fees necessary to implement and continue the provisions
4 required by this Part as provided by law.

5 B. The provisions of this Part are cumulative to other local ordinances and
6 do not limit the authority of parishes or municipalities as long as they do not
7 diminish the requirements established in this Part.

8 §1730.33. Codes applicable to building inspections

9 Buildings must be inspected in accordance with the codes in effect for the
10 locality on the date of the issuance of the original building permit, except that:

11 (1) If no date of issuance of original building permit can be found, the date
12 of submission of the completed application to the local authority must be used.

13 (2) If no date of application for, or date of issuance of, a building permit is
14 available, the director of the applicable parish planning and development service or
15 similar agency shall determine the nearest possible date by using available
16 documents, such as transfer of property records, mortgage records, tax records, or
17 rent records.

18 §1730.34. Responsibility of Louisiana State Construction Code Council for
19 registration of building codes enforcement officers; record of hearings and
20 proceedings; register of applications for certificates of registration

21 A. The Louisiana State Uniform Construction Code Council is responsible
22 for the registration of building codes enforcement officers pursuant to this Part.
23 When used in this Part "building codes enforcement officer" means a person
24 employed by a public entity who is primarily responsible for the overall inspection
25 or enforcement of applicable building code requirements within the jurisdiction of
26 the employer.

27 B. The council or its designated representatives may conduct hearings and
28 proceedings required by law or considered necessary by the council. The
29 Department of Public Safety shall employ and supervise personnel necessary for the

1 administration of this Part. The council may promulgate regulations under the
2 provisions of the Administrative Procedure Act for the proper enforcement of this
3 Part.

4 C. The council shall keep a record of its hearings and proceedings and a
5 register of applications for the certificates of registration showing the date of
6 application, name, qualifications, and addresses of the business and residence of the
7 applicant and whether the certificate is approved or denied. The council shall
8 publish at least annually the applications in the register which are approved.
9 Applicants and registrants shall notify the council of changes in required information
10 within ten days of a change.

11 §1730.35. Application and issuance of certificates of registration; provisional
12 certificates of registration; revocation

13 A. A person desiring to be registered as a building code enforcement officer
14 as required by this Part shall apply upon a form prescribed by the council.

15 B. An applicant shall furnish satisfactory proof to the council of valid
16 certification by a recognized code organization or testing agency in the general or
17 special capacity in which he desires to be registered. Special certificates of
18 registration authorize the registrant to practice in the named specialty only. General
19 certificates of registration are not restricted. The council or its designated
20 representatives shall review the guidelines employed by the organization or agency
21 in order to determine their continued compatibility with the requirements considered
22 by the council to be consistent with this Part.

23 C. Certificates of registration may be issued without examination to building
24 code enforcement officers employed in code enforcement on the effective date of this
25 Part only for the position and locality held at the time of registration pursuant to this
26 Section. This registration is valid for two years and may be renewed.

27 D. Upon initial employment by a parish, municipality or other political
28 subdivision, an individual must be granted a provisional certificate of registration
29 without examination which is valid for the time period stipulated by regulation of the

1 council for each registration classification from the date of issuance. The provisional
2 certificate of registration may not be renewed.

3 E. The council shall have the authority to suspend or revoke certificates of
4 registration upon any violation of this Part after notice and a proper hearing. The
5 council shall implement rules for such proceedings under the Administrative
6 Procedure Act.

7 §1730.36. Registration required to practice as code enforcement officer; violations;
8 penalty

9 No person may practice as a code enforcement officer in this state unless
10 registered as provided in this Part. A person violating the provisions of this Part is
11 guilty of a misdemeanor and, upon conviction, must be fined not more than two
12 hundred dollars or imprisoned not more than thirty days. Each day the violation
13 continues is a separate offense.

14 §1730.37. Injunction to restrain person from violating this Part

15 If the council has reason to believe that a person is violating or intends to
16 violate a provision of this Part, in addition to other remedies, it may order the person
17 immediately to refrain from the conduct. The council may apply to the district court
18 of the parish for an injunction restraining the person from the conduct. The court
19 may issue a temporary injunction ex parte not to exceed ten days and upon notice
20 and full hearing may issue other orders in the matter it considers proper. No bond
21 is required of the council by the court as a condition to the issuance of an injunction
22 or other order pursuant to this Part.

23 §1730.38. Duration of certificates; renewal; continuing education requirements;
24 funding

25 A certificate of registration is valid for two years and expires on the last day
26 of the month of issuance. Renewal of all registrations must be based upon a
27 determination by the council of the applicant's participation in approved continuing
28 education programs. The council must promulgate regulations setting forth the
29 continuing education requirements for building code enforcement officers. A person

1 failing to make timely renewal of his certificate is not registered unless qualified in
 2 the manner provided for new registrants and may not practice until registered in
 3 accordance with this Part.

4 §1730.39. Powers of state fire marshal

5 A. The state fire marshal may establish contract agreements with
 6 municipalities and parishes in order to provide permitting and code enforcement on
 7 behalf of the municipality or parish as provided in Section 1730.24 of this Part.

8 B. Nothing in this Part shall be construed so as to prevent the state fire
 9 marshal from enforcing the fire protection, life safety, handicapped accessibility, and
 10 high rise laws of this state, the enforcement of which are his statutory and regulatory
 11 responsibility.

12 C. Nothing in this Part shall be construed so as to prevent the state fire
 13 marshal from enforcing the Commercial Building Energy Conservation Code as
 14 provided in R.S. 40:1730.41 et seq.

15 Section 2. Part IV-A of Chapter 8 of Title 40 of the Louisiana Revised Statutes of
 16 1950, comprised of R.S. 40:1725 through 1730.1, is hereby repealed in its entirety.

17 Section 3. This Act shall become effective upon signature by the governor or, if not
 18 signed by the governor, upon expiration of the time for bills to become law without signature
 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 21 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Pinac

HB No. 76

Abstract: Provides for changes to the state uniform construction code and creates the Louisiana State Uniform Construction Code Council.

Proposed law provides for a public policy and legislative intent regarding the state uniform construction code.

Proposed law creates the Louisiana State Uniform Construction Code Council and provides that each member of the council shall be appointed by the Governor for a term of three years

and until a successor is appointed and qualifies. The council shall consist of nineteen members composed of:

- (1) The chairperson of the House Commerce Committee or designee.
- (2) The chairperson of the Senate Commerce, Consumer Protection and International Affairs Committee or designee.
- (3) A representative of the Louisiana Chapter of the American Institute of Architects.
- (4) A representative of the Louisiana Professional Engineering and Surveying Board.
- (5) A representative of the Louisiana Home Builders Association.
- (6) The Director of the Louisiana State Hurricane Center or designee.
- (7) A representative of the Building Officials Association of Louisiana.
- (8) A representative of the Louisiana State Fire Marshal.
- (9) A representative of the Louisiana Municipal Association.
- (10) A representative of the Police Jury Association of Louisiana.
- (11) A representative of the Louisiana Department of Facility Planning.
- (12) A representative of the general public who is not in the practice of home or commercial safety inspection, construction, or building, and who does not have any financial interest in these professions, and who does not have any immediate family member in these professions to serve as an at-large consumer representative.
- (13) A disabled person.
- (14) A representative of the property, casualty insurance industry.
- (15) A representative of the electrical industry who is a master electrician.
- (16) A representative of the mechanical or gas industry who is a master mechanic.
- (17) A representative of the plumbing industry who is a master plumber.
- (18) A representative of the Manufactured Housing Association.
- (19) A representative of the Louisiana Realtors Association.

Proposed law provides that the primary function of the council 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 Louisiana State Plumbing Code.

Proposed law provides that the council shall elect from its members a chairman and vice chairman from its membership. The chairman may call a meeting and must call a meeting at the request of three or more members of the council. A majority of the members will constitute a quorum and all official decisions must be approved by a two-thirds vote of the members present at the meeting.

Present law provides that if a building code is adopted by any political subdivision of this state, it must adopt the state uniform construction code.

Proposed law changes present law by providing all municipalities and parishes in this state shall enforce the state uniform construction code provided for in proposed law.

Proposed law provides that nothing in proposed law shall conflict with the Federal Department of Housing and Urban Development's regulations regarding manufactured housing construction.

Proposed law provides that municipalities and parishes may establish agreements with other governmental entities of the state or certified third party providers to issue permits and enforce the state uniform construction code in accordance with proposed law.

Proposed law provides that each parish and municipality shall appoint a council certified building official or contract with other governmental entities or third parties in order to be under the jurisdiction of a council certified building official.

Proposed law provides that the council is authorized to review, adopt, modify, and promulgate the state uniform construction code by rules and regulations under the provisions of the Administrative Procedure Act.

Proposed law provides that state uniform construction code shall be updated every 3 years.

Proposed law provides for the adoption and enforcement of emergency wind and flood mitigation requirements in all parishes that are within gubernatorially declared emergency areas after August 31, 2005. The emergency provisions include all the wind and flood mitigation requirements prescribed by the 2003 International Building Code and the 2003 International Residential Code, as modified in Section 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.

Proposed law provides that the emergency wind and flood building requirements adopted shall remain in force until the council adopts the latest editions of both the International Building Code and the International Residential Code, as modified by proposed law, as minimum mandatory statewide codes.

Proposed law provides that if municipalities and parishes are unable to enforce the emergency wind and flood mitigation requirements prescribed in proposed law within 30 days of the effective date of proposed law, the Louisiana Department of Public Safety shall enforce them as long as they remain in effect.

Present law provides that the model codes of the International Building Code, 2000 Edition, published by the International Code Council, the National Electrical Code, published by the National Fire Protection Association, as well as Part XIV (Plumbing) of the State Sanitary Code, are designated as the state uniform construction code.

Proposed law changes present law and provides that the council shall adopt by reference and amend only the latest editions of the following as the state uniform construction code:

- (1) International Building Code and the standards referenced in that code for regulation of construction within this State. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
- (2) International Existing Building Code and the standards referenced in that code for regulation of construction within this State. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
- (3) International Residential Code, not including parts I-Administrative, IV-Energy Conservation, V-Mechanical, VII-Plumbing and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this State. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption, with the exception of Appendix J, Existing Buildings and Structures, which is hereby adopted by this reference. For the purposes of this Part, IRC R301.2.1.1 (Design Criteria) shall be amended as follows and shall only apply to the International Residential Code, 2003 edition:
 - (a) Item 1, the American Forest and Paper Association (AF&PA), Wood Frame Construction Manual for One- and Two-Family Dwellings (WFCM), shall be replaced by the American Forest and Paper Association (AF&PA), Wood Frame Construction Manual for One- and Two-Family Dwellings (WFCM), High Wind Edition.
 - (b) Item 2, the Southern Building Code Congress International, Standard for Hurricane Resistant Residential Construction (SSTD 10), shall be replaced by the Institute for Business & Home Safety, Guidelines for Hurricane Resistant Construction, 2005.

- (c) Amendment of R301.2.1.1 Design Criteria
- (d) Item 6, the American Concrete Institute, Guide to Concrete Masonry Residential Construction in High Winds Areas, shall be added.
- (e) Item 7, Institute for Business & Home Safety, Optional Code-plus Fortified for Safer Living, shall be added.
- (f) Item 8, Federal Alliance for Same Homes, Optional Code-plus Blueprint for Safety, shall be added.
- (4) International Mechanical Code and the standards referenced in that code for regulation of construction within this State. The appendices of the code provided in this Paragraph may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
- (5) The Louisiana State Plumbing Code as amended by the Louisiana State Plumbing Board.
- (6) International Fuel Gas Code and the standards referenced in that code for regulation of construction within this State. The appendices of the code provided in this Paragraph may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption.
- (7) National Electric Code.

Proposed law provides that within six months of the effective date of proposed law, the council shall adopt the latest versions of the codes referenced in proposed law.

Proposed law provides that the provisions of proposed law shall not apply to the construction or improvement of the following types of industrial facilities that are engaged in activities defined or classified under one or more of the following subsectors, industry groups, or industries of the 1997 North American Industry Classification System (NAICS):

- (1) 22111 electric power generation.
- (2) 321 wood products manufacturing.
- (3) 322 paper manufacturing.
- (4) 324 petroleum and coal products manufacturing.
- (5) 325 chemical manufacturing.
- (6) 326 plastics and rubber products manufacturing.
- (7) 331 primary metals manufacturing.

Proposed law provides that the governing authority of a parish or municipality may not enforce that portion of the state uniform construction code which regulates the construction or improvement of a farm structure.

Proposed law defines "farm structure" as a structure which is constructed on a farm, other than a residence or a structure attached to it, for use on the farm including, but not limited to, barns, sheds, and poultry houses, but not public livestock areas. Proposed law provides that a "farm structure" does not include a structure originally qualifying as a "farm structure" but later converted to another use.

Proposed law provides that for residential construction, the standards published by the Federal Emergency Management Agency for the National Flood Insurance Program shall apply.

Proposed law provides that the farm structure provisions in proposed law do not apply unless, before constructing a farm structure, the person owning the property on which the structure is to be constructed files an affidavit with the parish or municipal official responsible for enforcing the building code stating that the structure is being constructed as a farm structure. The affidavit must include a statement of purpose or intended use of the proposed structure or addition.

Proposed law provides that the farm structure provisions in proposed law shall not affect the power of the governing authority of a parish or municipality to issue building permits before the construction or improvement of a farm structure.

Proposed law provides that the local building officials, municipal, district or parish attorney, attorney general, or other appropriate authorities may apply for mandamus and injunctive relief and enjoin further construction on a project based on a violation of proposed law.

Proposed law provides that nothing in proposed law shall prohibit the governing authority of a parish or municipality from imposing fees necessary to implement and continue the provisions of proposed law.

Present law provides that in the event that the governing authority finds that the state uniform construction code does not meet its needs, the local government may provide requirements not less stringent than those specified in the state uniform construction code when such requirements are based on local climatic, geologic, topographic, or public safety factors.

Proposed law provides that provisions of proposed law are cumulative to other local ordinances and do not limit the authority of parishes or municipalities as long as they do not diminish the requirements established in proposed law.

Proposed law provides that buildings must be inspected in accordance with the codes in effect for the locality on the date of the issuance of the original building permit, except that:

- (1) If no date of issuance of original building permit can be found, the date of submission of the completed application to the local authority must be used.
- (2) If no date of application for, or date of issuance of, a building permit is available, the director of the applicable parish planning and development service or similar agency shall determine the nearest possible date by using available documents, such as transfer of property records, mortgage records, tax records, or rent records.

Proposed law provides that the Louisiana State Uniform Construction Code Council is responsible for the registration of building codes enforcement officers. Proposed law defines a "building codes enforcement officer" as a person employed by a public entity who is primarily responsible for the overall inspection or enforcement of applicable building code requirements within the jurisdiction of the employer.

Proposed law provides the council or its designated representatives may conduct hearings and proceedings required by law or considered necessary by the council and provides that the Department of Public Safety shall employ and supervise personnel necessary for administrative duties.

Proposed law provides that the council shall keep a record of proceedings and a register of applications for the certificates of registration showing the date of application, name, qualifications, and addresses of the business and residence of the applicant and whether the certificate is approved or denied. The council shall publish at least annually the applications in the register which are approved.

Proposed law provides that an applicant shall furnish satisfactory proof to the council of valid certification by a recognized code organization or testing agency in the general or special capacity in which he desires to be registered. Special certificates of registration authorize the registrant to practice in the named specialty only. General certificates of registration are not restricted. Proposed law provides that the council shall review the guidelines employed by the certifying organization or agency in order to determine their continued compatibility with the requirements considered by the council to be consistent with this proposed law.

Proposed law provides that certificates of registration may be issued without examination to building code enforcement officers employed in code enforcement on the effective date of proposed law only for the position and locality held at the time of registration. This registration is valid for two years and may be renewed.

Proposed law provides that upon initial employment by a parish, municipality or other political subdivision, an individual must be granted a provisional certificate of registration without examination which is valid for the time period stipulated by regulation of the council for each registration classification. The provisional certificate of registration may not be renewed.

Proposed law provides the council shall have the authority to suspend or revoke certificates of registration upon any violation of proposed law after notice and a proper hearing. The council shall implement rules for such proceedings under the Administrative Procedure Act.

Proposed law provides that no person may practice as a code enforcement officer in this state unless registered as provided in proposed law. A person violating proposed law is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days. Each day the violation continues is a separate offense.

Proposed law provides that the council may apply for an injunction against a person it believes is violating or intends to violate proposed law and no bond is required of the council by the district court as a condition to issuance of an injunction.

Proposed law provides that a certificate of registration is valid for two years and expires on the last day of the month of issuance. Renewal of all registrations is based upon a determination by the council of the applicant's participation in approved continuing education programs. Proposed law provides that a person failing to make timely renewal of his certificate is not registered unless qualified in the manner provided for new registrants and may not practice until registered under proposed law.

Present law provides that if a political subdivision chooses not to enforce a building code on its own upon request of a local jurisdiction, the state fire marshal may enforce at his option the state uniform construction code on it behalf and charge plan reviews fees based on a schedule in present law.

Proposed law changes present law by repealing the fee schedule and by providing that the state fire marshal may establish contract agreements with municipalities and parishes in order to provide permitting and code enforcement on behalf of the municipality or parish as provided in proposed law.

Proposed law provides that nothing in proposed law shall be construed so as to prevent the state fire marshal from enforcing the fire protection, life safety, handicapped accessibility, and high rise laws of this state, or as to prevent the state fire marshal from enforcing the Commercial Building Energy Conservation Code as provided in present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1730.21-1730.39; Repeals R.S. 40:1725-1730.1)