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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeffery T. Oglesbee.

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## DIGEST

Proposed law provides for the state uniform construction code.

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" (hereinafter referred to as the "council").

Proposed law requires that the council consist of 19 members who shall be appointed by the governor for a term of three years or until a successor is appointed as follows:

- (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.
- (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 to accept requests for amendments to the code, except the Louisiana State Plumbing Code.

Proposed law requires the council to elect 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.

Proposed law requires all municipalities and parishes to enforce the codes provided for in proposed law unless preempted by federal regulations and are not in conflict with the Federal Department of Housing and Urban Development's regulations regarding manufactured housing construction.

Proposed law allows municipalities and parishes to establish agreements with other governmental entities or certified third party providers in order to issue permits and enforce the state uniform construction code as required by proposed law. Further requires each parish or municipality to appoint a certified building official or contract with other governmental entities or certified third party providers.

Proposed law authorizes the council to review, adopt, modify, and promulgate the building codes provided for in proposed law. Further requires the council to promulgate rules and regulations portions of the state uniform construction code pursuant to the provisions of the Administrative Procedure Act and oversight by the House Commerce Committee and the Senate Commerce, Consumer Protection, and International Affairs Committee as provided for by the Administrative Procedure Act.

Proposed law requires that the state uniform construction code must be updated by the council every three years.

Proposed law requires that any parish located within gubernatorially declared emergency area after August 31, 2005 must enforce, on an emergency basis, all the wind and flood mitigation requirements prescribed by the 2003 International Building Code and the 2003 International Residential Code, as modified 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 further requires that the emergency wind and flood mitigation requirements remain in full force and effect until the council adopts the latest editions of both the International Building Code and the International Residential Code, as modified.

Proposed law requires each affected municipality and parish to enforce the emergency wind and flood mitigation requirement in accordance with the provisions of proposed law. In the event a municipality or parish is unable to enforce these provisions within 30 days of enactment of proposed law, the Department of Public Safety and Corrections shall enforce them as long as they remain in effect.

Proposed law requires the council to 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) will be amended as follows and 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*, will be added.
  - (e) Item 7, Institute for Business & Home Safety, *Optional Code-plus Fortified for Safer Living*, will be added.
  - (f) Item 8, Federal Alliance for Same Homes, *Optional Code-plus Blueprint for Safety*, will 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 requires the council to meet and adopt the latest versions of the codes referred to above within six months following enactment of proposed law.

Proposed law does not apply to the construction or improvement of the following types of industrial facilities as defined or classified pursuant to 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 does not apply to a "farm structure" as defined by proposed law, provided that the person owning the property upon which the "farm structure" is to be built files an affidavit with the parish or municipal building official which states that the structure to be constructed is to be a "farm structure" and which states the intended purpose or use of the structure or addition.

Proposed law allows the local building official to enjoin further construction of a project as provided for by local ordinance upon a violation of the building codes or regulations adopted pursuant to the provisions of proposed law. Further provides that the municipal, district, parish attorney or the attorney general may apply for additional injunctive relief in the district court of the parish where the violation occurred.

Proposed law allows the governing authority of a parish or municipality to impose fees necessary to implement and continue the provisions of proposed law and further provides that the provisions of proposed law are cumulative to other local ordinances.

Proposed law requires that building must be inspected in accordance with the codes in effect for the locality on the date of the issuance of the original building permit.

Proposed law requires the Louisiana State Uniform Construction Code Council to:

- (1) Register building code enforcement officers pursuant to the provisions of proposed law.
- (2) Conduct hearings and proceedings as necessary to implement the provisions of proposed law and promulgate regulations pursuant to the provisions of the Administrative Procedure Act for the proper enforcement of proposed law.
- (3) Keep a record of its hearings and proceedings and to keep a register of applications for certificates of registration. The council must publish at least annually the approved applications.

Proposed law allows the council to issue certificates of registration without application to building code enforcement officers employed in code enforcement on the effective date of proposed law. This registration is valid for two years and may be renewed.

Proposed law requires that upon initial employment by a parish, municipality, or other political subdivision an individual must be granted a provisional certificate of registration without examination for a specified time period. A provisional certificate of registration may not be renewed.

Proposed law allows the council to order persons violating the provisions of proposed law to refrain from the conduct and may also apply to the district court of the parish in which the violation occurs for injunctive relief.

Proposed law requires any person practicing as a building code enforcement officer to be registered as provided for by proposed law and must apply upon a form prescribed by the

council.

Proposed law requires applicants to furnish satisfactory proof to the council of a valid certification by a recognized code organization or testing agency in the general or special capacity in which he desires to be registered. The council may suspend or revoke certificates of registration upon any violation of proposed law following notice and a hearing consistent with the provisions of the Administrative Procedure Act.

Proposed law provides that a certificate of registration is valid for two years and expires on July first of every other year unless renewed before that date. Renewal of a certificate of registration must be determined by the council to ensure that the applicant meets the continued education requirements promulgated by the council.

Proposed law allows the state fire marshal to establish contract agreements with municipalities or parishes in order to provide permitting and code enforcement as provided for in proposed law. Further clarifies that the provisions of proposed law do not prevent the state fire marshal from meeting his other statutory and regulatory responsibilities.

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

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