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HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Pinac to Reengrossed Senate Bill No. 44 by Senator Hollis (Duplicate of House Bill No. 76)

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To" insert "amend and reenact R.S. 33:4773(D) and to" and after
3 "enact" delete "R.S. 22:1407(J) and"

4 AMENDMENT NO. 2

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

6 AMENDMENT NO. 3

7 On page 1, line 6, after "policy" delete "of codes" and insert "to provide for the creation and
8 authority of the Louisiana State Uniform Construction Code Council;"

9 AMENDMENT NO. 4

10 On page 1, line 6, after "enforcement;" insert "to provide for agreements with other
11 governmental entities or certified third-party providers;"

12 AMENDMENT NO. 5

13 On page 1, line 7, after "building" change "official;" to "officials;" and delete the remainder
14 of the line and delete lines 8 and 9 in their entirety and on line 10, delete "agreements with
15 other governmental entities;"

16 AMENDMENT NO. 6

17 On page 1, line 11, after "provisions;" insert "to provide for adoption of state uniform
18 construction code;"

19 AMENDMENT NO. 7

20 On page 1, line 12, after "facilities;" insert "to provide for construction of farm or
21 recreational structures; to provide for mandamus and injunctive relief;"

22 AMENDMENT NO. 8

23 On page 1, line 16, after "code;" delete the remainder of the line and delete line 17 in its
24 entirety and insert "and to"

25 AMENDMENT NO. 9

26 On page 2, between lines 2 and 3, insert the following:

27 "Section 1. R.S. 33:4773(D) is hereby amended and reenacted to read as
28 follows:

1 §4773. Scope of building codes

2 * * *

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

15 * * *

16 AMENDMENT NO. 10

17 On page 2, line 3, change "Section 1." to "Section 2." and delete "R.S. 22:1407(J) and"

18 AMENDMENT NO. 11

19 On page 2, line 4, after "1730.39," change "are" to "is"

20 AMENDMENT NO. 12

21 On page 2, delete lines 6 through 12 in their entirety

22 AMENDMENT NO. 13

23 On page 2, line 20, insert a comma "," after "alteration"

24 AMENDMENT NO. 14

25 On page 2, line 23, insert a comma "," after "comfort" and after "security" delete "of" and
26 insert "balanced with affordability for"

27 AMENDMENT NO. 15

28 On page 2, line 24, after "buildings," delete "balanced with affordability,"

29 AMENDMENT NO. 16

30 On page 2, at the end of line 25, insert the following:

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

34 AMENDMENT NO. 17

35 On page 3, line 9, insert a comma "," after "reviewers"

36 AMENDMENT NO. 18

37 On page 3, at the end of line 11, insert a semicolon ";" and "immunity"

1 AMENDMENT NO. 19

2 On page 3, line 13, delete the period "." after "created" and insert "and shall consist of
3 nineteen members."

4 AMENDMENT NO. 20

5 On page 3, line 15, after "qualifies." delete the remainder of the line and delete line 16 in its
6 entirety and insert "No member of the council shall receive per diem or other compensation
7 for their duties on the commission."

8 AMENDMENT NO. 21

9 On page 3, delete lines 17 through 29 in their entirety and on page 4, delete lines 1 through
10 16 in their entirety

11 AMENDMENT NO. 22

12 On page 4, line 17, change "shall" to "must"

13 AMENDMENT NO. 23

14 On page 4, at the end of line 20, insert a comma "," after "officials"

15 AMENDMENT NO. 24

16 On page 4, line 22, delete the period "." after "Code" and delete the remainder of the line and
17 delete lines 23 through 25 in their entirety and insert the following:

18 "[Part XIV (Plumbing) of the State Sanitary Code]. Specifically, the council
19 shall establish the requirements and process for the certification and
20 continuing education of code enforcement officers, code enforcement
21 inspectors, and building officials and determine if any amendments to the
22 state uniform construction code are justified. If the council determines that
23 an amendment is justified, it may enact such an amendment after a finding
24 on the record that the modification provides a reasonable degree of public
25 health, safety, and welfare. The council shall adopt rules in accordance with
26 the Administrative Procedure Act in order to implement the provisions of this
27 Part."

28 AMENDMENT NO. 25

29 On page 4, line 27, delete "consistent with" and insert "under the Administrative Procedure
30 Act in order to implement the provisions of"

31 AMENDMENT NO. 26

32 On page 4, line 29, delete the period "." after "council" and insert "within fourteen days of
33 such request."

34 AMENDMENT NO. 27

35 On page 5, line 2, after "meeting." delete the remainder of the line and on line 3, delete
36 "quorum."

37 AMENDMENT NO. 28

38 On page 5, line 3, after "meeting" change "is" to "shall be" and delete "public. An" and
39 insert "public and any"

1 AMENDMENT NO. 29

2 On page 5, at the end of line 5, delete the period "." after "meeting" and insert "provided that
3 a quorum is established prior to a vote. A majority of members of the council shall
4 constitute a quorum."

5 AMENDMENT NO. 30

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

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

12 AMENDMENT NO. 31

13 On page 5, line 8, change "only" to "the"

14 AMENDMENT NO. 32

15 On page 5, line 11, after "provisions of" delete the remainder of the line and insert "R.S.
16 51:912.21 et seq., as it relates to manufactured housing installation."

17 AMENDMENT NO. 33

18 On page 5, between lines 11 and 12, insert the following:

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

22 AMENDMENT NO. 34

23 On page 5, at the beginning of line 12, change "C." to "D."

24 AMENDMENT NO. 35

25 On page 5, line 15, after "guarantee by" delete "an" and insert "a governmental"

26 AMENDMENT NO. 36

27 On page 5, line 16, after "guarantee by" delete "an" and insert "a governmental"

28 AMENDMENT NO. 37

29 On page 5, line 19, change "matter," to "manner,"

30 AMENDMENT NO. 38

31 On page 5, at the end of line 21, insert a semicolon ";" and "private agreements"

32 AMENDMENT NO. 39

33 On page 5, line 23, change "third party" to "third-party"

1 AMENDMENT NO. 40

2 On page 5, line 26, change "third party" to "third-party"

3 AMENDMENT NO. 41

4 On page 6, line 1, delete "A commercial or residential contractor" and insert "Commercial
5 and residential contractors"

6 AMENDMENT NO. 42

7 On page 6, line 2, change "third party" to "third-party" and after "providers to" delete
8 "inspect and" and insert "conduct plans review and inspections and"

9 AMENDMENT NO. 43

10 On page 6, line 3, change "third party" to "third-party" and change "must" to "shall"

11 AMENDMENT NO. 44

12 On page 6, at the beginning of line 4, after "Council" delete the remainder of the line and
13 insert the following:

14 "for purposes of the emergency provisions of R.S. 40:1730.27. Thereafter,
15 a third-party provider shall meet the requirements imposed by the council for
16 certificates of registration. During the time period that the provisions of
17 R.S. 40:1730.27 of this Part are in effect, every certified third-party provider
18 doing business within the state shall notify the Department of Public Safety
19 and Corrections of their intention to do business within the state and the
20 department shall maintain a listing of the name of the provider and the name
21 and location of the person or entity with whom the provider has contracted
22 to provide enforcement services. Once the council meets for the first time,
23 certified third-party providers shall notify the council of their intention to do
24 business within the state and the council shall maintain a listing of all
25 certified third-party providers."

26 AMENDMENT NO. 45

27 On page 6, at the beginning of line 7, delete "A." and at the end of the line change "council
28 certified" to "council-certified"

29 AMENDMENT NO. 46

30 On page 6, line 9, delete "Section 1730.24" and insert "R.S. 40:1730.24"

31 AMENDMENT NO. 47

32 On page 6, line 10, change "council certified" to "council-certified" and after "official."
33 insert the following:

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

38 AMENDMENT NO. 48

39 On page 6, line 12, change "council certified" to "council-certified"

1 AMENDMENT NO. 49

2 On page 6, delete lines 15 through 19 in their entirety

3 AMENDMENT NO. 50

4 On page 6, line 23, delete "Section 1730.28" and insert "R.S. 40:1730.28"

5 AMENDMENT NO. 51

6 On page 6, line 25, delete "Section 1730.28" and insert "R.S. 40:1730.28"

7 AMENDMENT NO. 52

8 On page 7, line 6, after "A." delete the remainder of the line, delete line 7 in its entirety, and
 9 on line 8, delete "shall enforce, on an emergency basis, all the" and insert "The"

10 AMENDMENT NO. 53

11 On page 7, line 10, after "modified in" delete the remainder of the line and insert the
 12 following:

13 "R.S. 40:1730.28(A)(3), and amending Section 301.2.1.1(2) to replace
 14 "Southern Building Code Congress International Standard for Hurricane
 15 Resistant Residential Construction (SSTD 10)" with the Guidelines for
 16 Hurricane Resistant Construction as published by the Institute for Business
 17 and Home Safety, 2005 shall apply to the parishes of Calcasieu, Cameron,
 18 Vermilion, Iberia, St. Tammany, Orleans, Jefferson, St. Bernard,
 19 Plaquemines, Terrebonne, and Lafourche."

20 AMENDMENT NO. 54

21 On page 7, line 17, delete "Section 1730.23" and insert "R.S. 40:1730.23 and 1730.24"

22 AMENDMENT NO. 55

23 On page 7, line 19, after "Section" delete "within ninety days of enactment of this Act," and
 24 insert "on the effective dates provided for in Subsection D of this Section,"

25 AMENDMENT NO. 56

26 On page 7, between lines 21 and 22, insert the following:

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

33 AMENDMENT NO. 57

34 On page 7, line 25, delete "by reference"

35 AMENDMENT NO. 58

36 On page 7, line 27, delete "and the" and insert a comma "," and "not including Chapter 27-
 37 Electrical and Chapter 29-Plumbing Systems. The applicable"

1 AMENDMENT NO. 59

2 On page 7, at the beginning of line 28, after "code" insert "are included"

3 AMENDMENT NO. 60

4 On page 8, line 6, change "parts" to "Parts"

5 AMENDMENT NO. 61

6 On page 8, line 7, delete "IV-Energy Conservation."

7 AMENDMENT NO. 62

8 On page 8, line 14, after "and" and before "only" insert "shall"

9 AMENDMENT NO. 63

10 On page 8, between lines 15 and 16, insert the following:

11 "(a) Item 2, the Southern Building Code Congress International,
12 Standard for Hurricane Resistant Residential Construction (SSTD 10), shall
13 be replaced by the Institute for Business & Home Safety, Guidelines for
14 Hurricane Resistant Construction, 2005."

15 AMENDMENT NO. 64

16 On page 8, at the beginning of line 16, change "(a)" to "(b)" and delete the parentheses
17 before "Design" and after "Criteria"

18 AMENDMENT NO. 65

19 On page 8, at the beginning of line 17, change "(b)" to "(c)"

20 AMENDMENT NO. 66

21 On page 8, at the beginning of line 21, change "(d)" to "(e)"

22 AMENDMENT NO. 67

23 On page 8, line 28, after "Code" delete the comma "," and delete the remainder of the line
24 and on line 29, delete "Electrical and Chapter 29 - Plumbing Systems." and insert "[Part XIV
25 (Plumbing) of the State Sanitary Code]"

26 AMENDMENT NO. 68

27 On page 9, at the end of line 2, insert the following:

28 "Nothing in this Part shall be construed so as to prevent the state health
29 officer from enforcing Part XIV (Plumbing) of the State Sanitary Code, the
30 enforcement of which is his statutory and regulatory responsibility."

31 AMENDMENT NO. 69

32 On page 9, between lines 24 and 25, insert the following:

33 "(8) 562211/562212 hazardous and solid waste landfills."

1 AMENDMENT NO. 70

2 On page 9, at the beginning of line 25, change "(8)" to "(9)"

3 AMENDMENT NO. 71

4 On page 9, at the beginning of line 26, change "(9)" to "(10)"

5 AMENDMENT NO. 72

6 On page 9, at the beginning of line 27, change "(10)" to "(11)"

7 AMENDMENT NO. 73

8 On page 9, at the beginning of line 28, change "(11)" to "(12)"

9 AMENDMENT NO. 74

10 On page 9, at the beginning of line 29, change "(12)" to "(13)"

11 AMENDMENT NO. 75

12 On page 9, after line 29, insert the following:

13 "(14) 211112 natural gas processing plants."

14 AMENDMENT NO. 76

15 On page 10, line 1, after "farm" insert "or recreational"

16 AMENDMENT NO. 77

17 On page 10, line 5, delete the comma "," after "including" and after "limited to"

18 AMENDMENT NO. 78

19 On page 10, line 11, delete the period "." after "structure" and insert "or private outdoor
20 recreational structure, other than a residence or structure attached to a residence, such as a
21 hunting or fishing camp."

22 AMENDMENT NO. 79

23 On page 10, delete lines 15 through 19 in their entirety

24 AMENDMENT NO. 80

25 On page 10, at the beginning of line 20, change "E." to "D."

26 AMENDMENT NO. 81

27 On page 10, line 22, after "farm" insert "or private outdoor recreational"

28 AMENDMENT NO. 82

29 On page 10, line 27, after "provided" delete "for" and insert a comma "," after "district"

30 AMENDMENT NO. 83

31 On page 10, line 28, insert a comma "," after "general"

1 AMENDMENT NO. 84

2 On page 11, line 3, after "fees" delete the semicolon ";" and delete the remainder of the line

3 AMENDMENT NO. 85

4 On page 11, line 21, change "registrations" to "registration"

5 AMENDMENT NO. 86

6 On page 12, line 2, after "Ethics" change the period "." to a comma "," and insert "provided
 7 however, that when any member of the council has a real or perceived conflict of interest
 8 upon an issue before the council, he shall recuse himself from participation in that issue by
 9 providing a verbal explanation of the real or perceived conflict to the council."

10 AMENDMENT NO. 87

11 On page 12, line 20, after "agency" insert "that is prescribed by the council"

12 AMENDMENT NO. 88

13 On page 12, line 27, delete "examination" and insert "certification by a recognized code
 14 organization or testing agency"

15 AMENDMENT NO. 89

16 On page 13, delete lines 1 through 3 in their entirety and insert the following:

17 "registration pursuant to this Section. This registration is valid for three
 18 years for building officials and six months for building inspectors and plans
 19 reviewers. The certificates of registration provided for in this Subsection
 20 may not be renewed except as provided in Subsection B of this Section."

21 AMENDMENT NO. 90

22 On page 13, line 4, insert a comma "," after "municipality"

23 AMENDMENT NO. 91

24 On page 13, line 6, delete "examination which" and insert "certification by a recognized code
 25 organization or testing agency, provided that such individual is under the supervision of a
 26 code enforcement officer who is certified by the International Code Council. Such
 27 provisional certificate of registration"

28 AMENDMENT NO. 92

29 On page 13, at the end of line 8, delete the period "." and insert "except as provided in
 30 Subsection B of this Section."

31 AMENDMENT NO. 93

32 On page 13, at the end of line 13, insert a semicolon ";" and "violations; penalty"

33 AMENDMENT NO. 94

34 On page 13, line 15, after "person" delete the comma "," and delete the remainder of the line
 35 and delete line 16 in its entirety and on line 17, delete "intentionally violates" and insert
 36 "violating"

1 AMENDMENT NO. 95

2 On page 13, line 17, delete "shall be" and insert "is"

3 AMENDMENT NO. 96

4 On page 13, line 18, change "may" to "must"

5 AMENDMENT NO. 97

6 On page 14, line 3, after "registration" insert "issued under R.S. 40:1730.35(B)" and change
7 "two years" to "one year"

8 AMENDMENT NO. 98

9 On page 14, line 5, after "determination by" insert "the" and at the end of the line delete
10 "approved" and insert "council-approved"

11 AMENDMENT NO. 99

12 On page 14, line 9, after "registrants" insert "under R.S. 40:1730.35(B)"

13 AMENDMENT NO. 100

14 On page 14, line 11, after "marshal" delete the remainder of the line

15 AMENDMENT NO. 101

16 On page 14, line 13, delete "permitting and"

17 AMENDMENT NO. 102

18 On page 14, at the end of line 14, delete "Section" and at the beginning of line 15, delete
19 "1730.24" and insert "R.S. 40:1730.24"

20 AMENDMENT NO. 103

21 On page 14, delete lines 23 through 26 in their entirety

22 AMENDMENT NO. 104

23 On page 14, line 27, change "Section 2." to "Section 3."

24 AMENDMENT NO. 105

25 On page 14, line 29, change "Section 3." to "Section 4."