

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 1048 by Representative Ponti

1 AMENDMENT NO. 1

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

3 "To amend and reenact R.S. 40:4(A)(7), 5, 1722(B)(2), 1730.22(A) and (C), 1730.26,
 4 and 1730.28(A)(introductory paragraph), (1), (3)(a), and (5), to enact R.S. 40:4(C)
 5 and (D), 1730.23(I), 1730.26(3) and (4), 1730.28.1, 1730.28.2, 1730.28.3, and
 6 1730.40.1, and to repeal R.S. 40:1722(D) and 1730.28(A)(3)(h), relative to the
 7 regulation of plumbing; to require the Louisiana State Uniform Construction code
 8 Council to adopt certain provisions relative to plumbing; to provide for membership
 9 of the Louisiana State Uniform Construction Code Council; to provide relative to the
 10 duties of the state health office and the Department of Health and Hospitals; to
 11 provide relative to the authority of local building officials; to provide an exception
 12 to certain plumbing codes in instances of court orders or consent decrees; to provide
 13 for effective dates; to provide certain terms, conditions, procedures, requirements,
 14 and effects; and to provide for related matters."

15 AMENDMENT NO. 2

16 On page 1, delete lines 11 through 21 and on page 2, delete lines 1 through 7 and insert:

17 "Section 1. R.S. 40:4(A)(7), 5, 1722(B)(2), 1730.22(A) and (C), 1730.26, and
 18 1730.28(A)(introductory paragraph), (1), (3)(a), and (5) are hereby amended and
 19 reenacted and R.S. 40:4(C) and (D), 1730.23(I), 1730.26(3) and (4), 1730.28.1,
 20 1730.28.2, 1730.28.3, and 1730.40.1 are hereby enacted to read as follows:

21 AMENDMENT NO. 3

22 On page 2, between lines 8 and 9, insert the following:

23 "A. The state health officer acting through the office of public health of the
 24 Department of Health and Hospitals shall prepare, promulgate, and enforce rules and
 25 regulations embodied within the state's Sanitary Code covering all matters within his
 26 jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary
 27 Code shall be accomplished in strict accordance with the provisions of the
 28 Administrative Procedure Act, and further, in conformity with the following
 29 guidelines and directives:

30 * * *

31 (7) In order to protect the public from disease and safety hazards associated
 32 with public and private building plumbing systems, including sewer gas intrusion
 33 into buildings with the potential of asphyxiation, and other health hazards and
 34 contamination of water supplies by sewage, toxic chemicals, or other similar matter,
 35 via "cross connections" and "back siphonage", the state health officer shall ~~prepare~~
 36 ~~and promulgate all rules and regulations necessary~~ be a member of the Louisiana
 37 State Uniform Construction Code Council. The state health officer shall serve on
 38 this body in order to assure safe building plumbing systems. ~~These rules and~~
 39 ~~regulations shall include, but not be limited to, the building water supply piping~~
 40 ~~system, the building drain system, and the building mechanical piping system.~~
 41 ~~Under this authority, a building refers to any structure built, erected, and framed of~~
 42 ~~component structural parts designed for the housing, shelter, enclosure, or support~~
 43 ~~of persons, animals, or property of any kind."~~

1 AMENDMENT NO. 4

2 On page 2, delete lines 11 and 15 and insert:
3 "pursuant to this Section and the International Residential Code, Part VII-Plumbing,
4 the International Residential Code, Part VII-Plumbing shall be used."

5 AMENDMENT NO. 5

6 On page 2, delete lines 20 and 23 and insert:
7 "to supercede or circumvent the International Residential Code, Part VII-Plumbing.
8 The building official for the parish, municipality, or"

9 AMENDMENT NO. 6

10 On page 2, line 26, after "enforce" delete "and interpret"

11 AMENDMENT NO. 7

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

13 AMENDMENT NO. 8

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

15 AMENDMENT NO. 9

16 On page 5, delete lines 21 through 29 and on page 6, delete lines 1 and 2 and insert:
17 "(2)(a) For residential plumbing: The International Residential Code, Part VII-
18 Plumbing.
19 (b) For commercial plumbing: Part XIV (Plumbing) of the State Sanitary Code as
20 promulgated by the secretary of the Department of Health and Hospitals."

21 AMENDMENT NO. 10

22 On page 6, between lines 5 and 6, insert the following:
23 "A. The Louisiana State Uniform Construction Code Council, hereinafter
24 referred to as the "council", is hereby created and shall consist of ~~nineteen~~ twenty
25 members, one of which shall be the state health officer, or his designee. Each ~~With~~
26 the exception of the state health officer, or his designee, who shall serve as virtue of
27 his position, each member of the council shall be appointed by the governor, subject
28 to Senate confirmation, and shall serve at the pleasure of the governor. ~~With the~~
29 exception of the state health officer, or his designee, each ~~Each~~ term for a member
30 of the council shall be four years where a member shall serve no more than two
31 consecutive terms. Each member of the council shall serve without compensation
32 but shall be reimbursed for actual expenses and mileage incurred while attending
33 council meetings in accordance with state travel regulations promulgated by the
34 division of administration. Reimbursement shall be limited to mileage and expenses
35 for the attendance of twelve meetings per calendar year."

36 AMENDMENT NO. 11

37 On page 6, line 9, after "code" insert ", except the Louisiana State Plumbing Code [Part XIV
38 (Plumbing) of the State Sanitary Code]."

39 AMENDMENT NO. 12

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

1 AMENDMENT NO. 13

2 On page 6, after line 28, insert the following:

3 "§1730.26. Adoption and promulgation of certain building codes and standards as
4 state uniform construction code; procedures

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

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

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

18 (b) The Senate Committee on Commerce, Consumer Protection and
19 International Affairs and the House Committee on Commerce and the Senate
20 Committee on Health and Welfare and the House Committee on Health and Welfare
21 shall receive notice of intent to adopt the portions of the State Uniform Construction
22 Code relating to plumbing which are proposed by the council after August 1, 2014,
23 and shall have oversight of the initial adoption pursuant to the provisions of the
24 Administrative Procedure Act.

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

33 (4) The council shall, pursuant to the Administrative Procedure Act,
34 promulgate any and all rules and regulations to satisfy the requirements of any
35 consent decree or order relative to maintaining or building a public sewage system
36 which is entered in a federal court of competent jurisdiction. The council shall
37 indicate in which municipalities or parishes the rules and regulations adopted
38 pursuant to this Paragraph shall apply.

39 * * *

40 AMENDMENT NO. 14

41 On page 7, line 7, after "Electrical" insert "and Chapter 29-Plumbing Systems"

42 AMENDMENT NO. 15

43 On page 7, delete line 14 and insert:

44 "Parts I-~~Administrative~~ Administration, VII-Plumbing, and VIII-Electrical. The
45 applicable standards"

46 AMENDMENT NO. 16

47 On page 7, delete lines 28 and 29 and on page 8 delete lines 1 through 20 and insert:

48 "(5)(a) The Louisiana State Plumbing Code [Part XIV (Plumbing) of the state
49 Sanitary code] as amended by the state health officer acting through the office of
50 public health of the Department of Health and Hospitals. Nothing in this Part shall
51 be construed so as to prevent the state health officer from enforcing Part XIV

(Plumbing) of the state Sanitary Code the enforcement of which is his statutory and regulatory responsibility. The state health officer may provide the council with recommended amendments to the plumbing provisions adopted pursuant to this Section. All recommended amendments provided to the council by the state health officer shall be presented to the council for review. The council shall review recommended amendments and vote on whether or not to adopt such amendments at the next regularly scheduled meeting of the council, but no sooner than thirty days from receipt.

(b) Nothing in this Paragraph nor any rules adopted pursuant thereto shall lessen the licensing qualifications and requirements provided in R.S. 37:1361 et seq.

* * *

§1730.28.1. Back flow prevention; rule adoption

A method of back flow prevention shall be required to prevent water from flowing back into the public water system in all new construction. The Louisiana State Uniform Construction Code Council shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section.

§1730.28.2. Miscellaneous plumbing prohibitions and requirements

A. Plumbing vent systems using air admittance valves shall be prohibited.

B. A trap seal primer valve shall be installed where a trap seal is subject to loss by evaporation.

§1730.28.3. Authority of the Department of Health and Hospitals

A. Nothing in this Chapter or any rule or regulation adopted pursuant to this Chapter shall prohibit the Department of Health and Hospitals from the following:

(1) Regulating stored water temperatures through enforcement of the Sanitary Code.

(2) Regulating medical gas and medical vacuum systems.

* * *

§1730.40.1. Plumbing provisions of or adopted pursuant to this Part; court orders or consent decrees

Any order or consent decree entered in the lawsuit entitled United States, et al. v. Sewage and Water Board of New Orleans, et al., Civil Action No. 2:93-CV-3212-MVL, in the United States District Court for the Eastern District of Louisiana, shall supercede the plumbing provisions of this Part or plumbing provisions adopted pursuant to this Part."

AMENDMENT NO. 17

On page 8, delete lines 21 through 29 in their entirety and insert the following:

"Section 2. R.S. 40:1722(D) and 1730.28(A)(3)(h) are hereby repealed in their entirety."

AMENDMENT NO. 18

On page 9, delete lines 1 through 5 and insert:

"Section 3. Sections 1, except for the provisions of R.S. 40:4(A)(7), 1730.22(A), 1730.26, and 1730.28 as amended by Section 1 of this Act, and 2 of this Act shall be effective sixty days following the promulgation and adoption of the International Residential Code, Part VII-Plumbing."

AMENDMENT NO. 19

On page 9, delete line 6 and insert: Section 4(A). This Section, Sections 3, and the provisions of R.S. 40:4(A)(7), 1730.22(A), 1730.26, and 1730.28(A)"

1 AMENDMENT NO. 20

2 On page 9, line 7, after "by" delete "Section 2" and inset "Section 1"

3 AMENDMENT NO. 21

4 On page 9, line 13, after "until" change "sixty" to "ninety"