HLS 11RS-780 ORIGINAL

Regular Session, 2011

HOUSE BILL NO. 260

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## BY REPRESENTATIVE MONICA

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

BUILDING CODES: Transfers the La. State Uniform Construction Code Council to the Dept. of Insurance

AN ACT

2	To amend and reenact R.S. 40:1730.21(D), 1730.34(B), and 1730.39(A), to enact R.S.
3	36:686(G), and to repeal R.S. 40:1730.27, relative to the Louisiana State Uniform
4	Construction Code Council; to provide for placement of the Louisiana Uniform
5	Construction Code Council in the Department of Insurance; to provide for the
6	authority of the commissioner of insurance; to repeal provisions relative to
7	emergency wind and flood requirements; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 36:686(G) is hereby enacted to read as follows:
10	§686. Transfer of agencies to the Department of Insurance
11	* * *
12	G. The Louisiana State Uniform Construction Code Council (R.S.
13	40:1730.21 et seq.) is hereby placed within the Department of Insurance and shall
13 14	40:1730.21 et seq.) is hereby placed within the Department of Insurance and shall exercise its powers, duties, functions, and responsibilities in the same manner as
14	exercise its powers, duties, functions, and responsibilities in the same manner as
14 15	exercise its powers, duties, functions, and responsibilities in the same manner as agencies transferred in the manner provided in R.S. 36:802.
14 15 16	exercise its powers, duties, functions, and responsibilities in the same manner as agencies transferred in the manner provided in R.S. 36:802.  Section 2. R.S. 40:1730.21(D), 1730.34(B), and 1730.39(A) are hereby amended and

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1	D. To further clarify the intent of the legislature, this Part continues to apply
2	to a person who may act under authority of the Department of Public Safety and
3	Corrections Insurance and that the allocation of inspection duties among local
4	officials is not dictated by this Part but remains a matter for the local authority.
5	* * *
6	§1730.34. Responsibility of Louisiana State Construction Code Council for
7	registration of building codes enforcement officers; record of hearings and
8	proceedings; register of applications for certificates of registration
9	* * *
10	B. The council or its designated representatives may conduct hearings and
11	proceedings required by law or considered necessary by the council. The council
12	and its members shall be subject to the Open Meetings Law, the Public Records Law,
13	and the Code of Governmental Ethics, provided however, that when any member of
14	the council has a real or perceived conflict of interest upon an issue before the
15	council, he shall recuse himself from participation in that issue by providing a verbal
16	explanation of the real or perceived conflict to the council. The Department of Public
17	Safety and Corrections Insurance shall employ and supervise personnel necessary for
18	the administration of this Part. The council may promulgate regulations under the
19	provisions of the Administrative Procedure Act for the proper enforcement of this
20	Part.
21	* * *
22	§1730.39. Powers of state fire marshal and commissioner of insurance
23	A. The state fire marshal commissioner of insurance may establish contract
24	agreements with municipalities and parishes in order to provide code enforcement
25	on behalf of the municipality or parish as provided in R.S. 40:1730.24 of this Part.
26	* * *
27	Section 3. R.S. 40:1730.27 is hereby repealed in its entirety.

## **DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Monica HB No. 260

**Abstract:** Transfers the La. State Uniform Construction Code Council <u>from</u> the Dept. of Public Safety and Corrections (DPS&C) <u>to</u> the Dept. of Insurance.

Present law establishes the La. State Uniform Construction Code Council (LSUCCC).

<u>Proposed law</u> retains <u>present law</u> but provides that LSUCCC is placed within the Dept. of Insurance and shall exercise its powers, duties, functions, and responsibilities in the same manner as agencies transferred in the manner provided in <u>proposed law</u>.

<u>Present law</u> provides that <u>present law</u> continues to apply to a person who may act under authority of DPS&C and that the allocation of inspection duties among local officials is not dictated by <u>present law</u> but remains a matter for the local authority.

<u>Proposed law</u> retains <u>present law</u> but changes DPS&C to the Dept. of Insurance.

<u>Present law</u> requires DPS&C to employ and supervise personnel necessary for the administration of <u>present law</u>.

<u>Proposed law</u> retains <u>present law</u> but changes DPS&C to the Dept. of Insurance.

<u>Present law</u> authorizes the state fire marshal to establish contract agreements with municipalities and parishes in order to provide code enforcement on behalf of the municipality or parish as provided in <u>present law</u>.

<u>Proposed law</u> retains <u>present law</u> but changes the state fire marshal to the commissioner of insurance.

<u>Present law</u> (R.S. 40:1730.27(A)) provides that the wind and flood mitigation requirements prescribed by the 2003 International Building Code and the 2003 International Residential Code, as modified in <u>present law</u>, shall apply within the parishes of Calcasieu, Cameron, Vermilion, Iberia, St. Tammany, Orleans, Jefferson, St. Bernard, Plaquemines, Terrebonne, and Lafourche.

Proposed law repeals present law.

<u>Present law</u> (R.S. 40:1730.27(B)) provides that the emergency wind and flood building requirements adopted in <u>present law</u> shall remain in force until Jan. 1, 2007.

Proposed law repeals present law.

<u>Present law</u> (R.S. 40:1730.27(C)) provides that, except as otherwise provided in <u>present law</u>, the emergency wind and flood mitigation requirements adopted by <u>present law</u> shall be enforced pursuant to <u>present law</u>. If municipalities and parishes are unable to enforce the emergency wind and flood mitigation requirements prescribed in <u>present law</u> on the effective dates provided for in <u>present law</u>, DPS&C shall enforce them as long as they remain in effect.

Proposed law repeals present law.

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<u>Present law</u> (R.S. 40:1730.27(D)) provides that the provisions of <u>present law</u> shall go into effect 30 days from Nov. 29, 2005, for parishes and municipalities that have code enforcement procedures in place on Nov. 29, 2005. For those parishes and municipalities without code enforcement procedures, the provisions of <u>present law</u> shall be applied no later than 90 days from Nov. 29, 2005.

## Proposed law repeals present law.

<u>Present law</u> (R.S. 40:1730.27(E)) provides that DPS&C, office of state fire marshal, may establish contract agreements with parishes, municipalities, and third-party providers in order to provide enforcement of <u>present law</u>.

## Proposed law repeals present law.

(Amends R.S. 40:1730.21(D), 1730.34(B), and 1730.39(A); Adds R.S. 36:686(G); Repeals R.S. 40:1730.27)