

Regular Session, 2011

HOUSE BILL NO. 260

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

1 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  
14 exercise its powers, duties, functions, and responsibilities in the same manner as  
15 agencies transferred in the manner provided in R.S. 36:802.

16 Section 2. R.S. 40:1730.21(D), 1730.34(B), and 1730.39(A) are hereby amended and  
17 reenacted to read as follows:

18 §1730.21. Public policy for state uniform construction code

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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)]

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Monica

HB No. 260

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

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

Proposed law retains present law 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 proposed law.

Present law provides that present law 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 present law but remains a matter for the local authority.

Proposed law retains present law but changes DPS&C to the Dept. of Insurance.

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

Proposed law retains present law but changes DPS&C to the Dept. of Insurance.

Present law 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 present law.

Proposed law retains present law but changes the state fire marshal to the commissioner of insurance.

Present law (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 present law, 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.

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

Proposed law repeals present law.

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

Proposed law repeals present law.

Present law (R.S. 40:1730.27(D)) provides that the provisions of present law 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 present law shall be applied no later than 90 days from Nov. 29, 2005.

Proposed law repeals present law.

Present law (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 present law.

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)