

Louisiana State Uniform Construction Code Council (LSUCCC)
Special Meeting and Public Hearing for Published Rules
October 26, 2006
10:00am
Office of State Fire Marshal
Baton Rouge, Louisiana 70806

Meeting Minutes

Mr. Noel welcomed all present and **called the meeting to order at 10:05 am.**

The Pledge of Allegiance was recited.

Mr. Noel requested a roll call of the members present which reflected the following:

Members Present: Mr. Lavern Bourgeois; Mr. Chad Deshotel; Mr. Tony Guthans;
Ms. Denise Jobe; Mr. Ray Kothe; Mr. Randy Lucky; Mr.
Michael Landry; Mr. James Mayo; Ms. Karen McKinney; Ms.
Joan Mire; Mr. Randy Noel; Mr. Wayne Touchet; Mr. Todd
Trusclair; Ms. Prisca Weems

Members Absent: Mr. Kevin Derbigny; Mr. Steven Hackworth; Mr. Scott
Murphy; Mr. James Simmons; Mr. Leroy Sullivan

14 Members present and 5 members absent constitute a Quorum.

Mr. Chad Deshotel left the meeting at 12:03 pm and this did not affect the Quorum.

The chair addressed the LSUCCC and the audience relative to procedure and comments from the audience.

The chair talked about the House Commerce Committee status conference held on Oct. 23, 2006 at the State Capital. Major items of discussion were wind speed changes and concerns, conveyance requirements for exempt structures and the residential energy code. The testimony by the chair, legal counsel and administrator took about 2 hours in length, with many questions from the committee members.

The chair opened the floor for discussion of the wind speed requirements from the *International Residential Code* (IRC). A **motion** was made by Ms. Jobe to adopt the 2006 edition of the International Codes, as mandated by the Louisiana State Uniform Construction Code and amend section **R301.2.1.1** of the 2006 IRC to retain the 110 mph wind speed design criteria for a period not to exceed one (1) year effective Jan. 1, 2007, and received a second from Mr. Kothe. Mr. Bourgeois offered a **friendly amendment** to the motion to allow a one (1) year moratorium for parishes that are split by the 110 mph line to exclude the parishes affected by the emergency provisions, and received a second from Mr. Touchet. The chair call for a vote of the members present for the proposed amendment. Which reflected a vote of 2 yes and 12 no and the **amendment failed** due to a lack of a 2/3's affirmative vote. With the no votes coming from Mr. Deshotel, Mr. Guthans, Ms. Jobe, Mr. Kothe, Mr. Landry, Mr. Lucky, Mr. Mayo, Ms. McKinney, M. Mire, Mr. Noel, Mr. Trusclair, Mr. Weems.

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The chair called for a vote from the members on the original motion which reflected a vote of 14 yes and 0 no and the **original motion was adopted.**

The chair opened the floor for discussion on rules requiring conveyance records for exempt structures. A **motion** was made by Mr. Touchet to remove the recording of a conveyance document for farm structures and received a second from Mr. Trusclair. The chair called for a vote of the members present which reflected a vote of 13 yes and 1 no with the no vote being cast by Mr. Bourgeois, and the **motion was adopted.**

The chair opened the floor for comments from the audience and after all comments the counsel will take appropriate action. The chair, after much discussion, clarified to the audience the status of the Administrative Chapter. Ms. Burkett stated the Attorney General's opinion is forthcoming. Mr. Dale Spillman, from the audience, expressed concern with the Residential Plans Examiner requirement to be certified as a Commercial Plans Examiner. Mr. Mark Roberts, from the audience, stated that the International Code Council (ICC) has been requested to develop a Residential Plans Examiner certification exam and this development is scheduled to be completed sometime in the third quarter of 2007. Dean Born, from the audience, expressed concern about his employees' apprehension with the testing process and requested allowing "Grandfathering" of exiting employees. Mr. Delvin Portier, from the audience, expressed concern with requiring Commercial Plans Examiner certification for Residential Plans Examiners.

A **motion** was made by Mr. Kothe to grant new employees a provisional registration with the LSUCCC without certification as a Residential Plans Examiner for one (1) year from the date the ICC announces the availability of the Residential Plans Examiner certification exam. The motion received a second from Mr. Deshotel. The chair opened the floor for further discussion with no further discussion the chair called for a vote of the members present which reflected a vote of 14 yes and 0 no and the **motion was adopted.**

The chair opened the floor for further discussion of the rules.

Mr. Dan Garrett, representing the Louisiana Police Jury Association (LPJA), from the audience, recommended that within the rules in section **703(B)** to change the words "Local Government" to "Public Entity" to more clearly define the intent and application of the rule.

A **motion** was made by Mr. Noel to change the words "Local Government" to "Public Entity" in section **703(B)** of the published rules. The motion received a second from Mr. Touchet. With no further discussion, the chair requested a vote of the members present which reflected a vote of 12 yes and 2 no with the no votes being cast by Mr. Bourgeois and Ms. Jobe, and the **motion was adopted.**

The chair opened the floor for further discussion of the rules.

Mr. John Gallagher representing the Louisiana Municipal Association (LMA), from the audience, expressed concern relative to section **703(B)** for the Third Party Provider (TPP) with respect to the inability of home owner permit applicants to contract with TPP's as allowed for licensed contractors.

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Mr. Chuck Marceaux representing the Louisiana Licensing Board for Contractors indicated that the majority of violations dealing with residential construction are for home owner contractors and recommended retention of the current rule. Mr. Lavern Bourgeois stated he was in agreement with Mr. Marceaux's comments. Mr. Kothe stated he believes that the Authority Having Jurisdiction (AHJ) has had enough time to be prepared to provide the required services for home owner permit applicants. Mr. Mayo requested a re-statement from the LMA representative, Mr. Gallagher. Mr. Gallagher, from the audience, re-stated that the home owner permit applicant did not have the same rights to use a TPP as licensed contractors. **No action taken.**

Mr. Dan Garrett explained to the council about the proposed ordinance designed to provide enforcement by requiring an affidavit from the permit applicant attesting to the enforcement method adopted by ordinance stating the permit applicant will comply with Act 12 and will be subject to criminal penalties in the event that evidence indicates non-compliance.

The chair opened the floor for additional comments from the audience.

A **motion** was made by Mr. Noel to extend the BCEO and TPP registration period to three (3) years and received a second from Mr. Kothe. **No action taken as the motion was recalled.**

Mr. Jake Causey, representing the Department of Health & Hospitals (DHH), from the audience, referenced section **501(A)** relative to the language in Act 12 as it relates to the Louisiana State Plumbing Code (LSPC).

A **motion** was made by Mr. Kothe to add, at the end of the last sentence, to section 501 to read "except as required by Chapter 12 of the Louisiana State Plumbing Code," and received a second from Mr. Lucky. With no further discussion the chair requested a vote of the members present which reflected a vote of 14 yes and 0 no and the **motion was adopted.**

Mr. Causey, from the audience, requested that the Certified Building Official (CBO) be additionally certified in all other crafts. The LSUCCC Administrator clarified that the CBO certification exam included all of the applicable codes within the certification exam, and this clarification was accepted by Mr. Causey.

Mr. Causey expressed concern that the rules as published will not require certification testing for the LSPC.

Mr. Deshotel left the meeting at this time, 12:03 pm.

Mr. Noel requested a comparative analysis from the International Plumbing Code (IPC) with the LSPC, and did not receive a commitment. The LSUCCC Administrator suggested DHH work with Mr. Mark Roberts from ICC to request of ICC to develop a certification exam structured to the LSPC.

Mr. Roberts and Mr. Causey agreed to work toward that effort. **No action required.**

Mr. Causey expressed concern that the term Building Code Enforcement Officer (BCEO) would imply that the BCEO would only enforce the building code and not all the codes. This issue would need to be changed legislatively. **No action taken.**

A **motion** was made by Mr. Noel to amend rule 703(C) (2) (a) (v) to read “to be enforced by the Office of State Fire Marshal and received a second from Ms. McKinney and with no further discussion the chair requested a vote from the members present which reflected a vote of 12 yes and 1 no with the no vote coming from Ms. Jobe and the **motion was adopted.**

A **motion** was made by Ms. McKinney, under Section 901 and 903 to grant TPP a one year provisional registration period and three (3) years provisional registration period if they are registered before July 1, 2006. The motion received a second from Mr. Touchet and with no further discussion the chair requested a vote from the members present which reflected a vote of 11 yes and 2 no with the no votes cast by Mr. Bourgeois and Ms. Jobe and the **motion was adopted.**

Mr. Noel talked about the status of the grant applications. **No action required.**

A **motion** was made by Mr. Trusclair to adjourn and received a second from Mr. Touchet and with no action required the **meeting was adjourned t 12:45 pm.**