



JOHN BEL EDWARDS
GOVERNOR

KEVIN W. REEVES, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

July 10, 2018

Speaker of the House
Taylor F. Barras

President of the Senate
John A. Alario, Jr.

House Committee on Commerce
Thomas Carmody, Chairman

Senate Committee on Commerce, Consumer
Protection and International Affairs
Daniel "Danny" Martiny, Chairman

Re: Rules proposed by the Louisiana State Uniform Construction Code Council (LSUCCC)
to provide a more unified process for the registration of code enforcement officers

Dear Gentlemen,

Pursuant to the authority of the Office of the State Fire Marshal, LSUCCC, contained in La. R.S. 40:1730.26 and R.S. 40:1730.28, notice is hereby given that the Office of the State Marshal, LSUCCC intends to adopt a rule implementing a more unified method for the registration of code enforcement officers.

For your review, the following documents are attached:

- (1) The Notice of Intent to be published in the July 2018 *LA Register*
- (2) The Fiscal Impact & Economic Statement
- (3) The Insertion Order submitted to the Office of the State Register granting authority to publish the proposed rules.

Thank you for your attention to this matter.

Sincerely,

MELINDA L. LONG
Attorney for the LSUCCC
(225) 925-6103

Enclosures

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P.O. BOX 66614, BATON ROUGE, LOUISIANA 70896

NOTICE OF INTENT

**Department of Public Safety and Correction
Office of the State Fire Marshal
Uniform Construction Code Council**

Uniform Construction Code (LAC 55:VI.Chapter 7)

In accordance with the provisions of R.S. 40:1730.26 and R.S. 40:1730.28, relative to the authority of the Louisiana State Uniform Construction Code Council (LSUCCC) to promulgate and enforce rules and in accordance with R.S. 49:953(B), the Administrative Procedure Act, the Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) hereby gives notice that it proposes to amend and adopt the following rule. The purpose of amending and adopting the current rule is to have a more unified process for the registration of code enforcement officers. This Rule is hereby adopted on the day of promulgation.

Title 55

**Part VI. Uniform Construction Code Enforcement
Chapter 7. Certificates of Registration**

§701. General

A. On and after January 1, 2007, no person shall practice as a code enforcement officer in this state unless registered with the Louisiana State Uniform Construction Code Council (council). A person desiring to be registered as a parish or municipality building code enforcement officer or a third party provider shall apply to the council for a certificate of registration. The applicant shall apply on the application form prescribed by the council. An applicant shall furnish satisfactory proof to the council of valid certification. A certificate of registration is valid for one year and expires on the last day of the month of issuance. Those possessing Certificates of Registration must renew their certificates in order to remain in good standing with the council. After the initial registration year expires the renewal expiration dates shall be as follows: Building Code Enforcement officers whose last names begin with A through M will expire on December 31 and last names which begin with N through Z will expire on January 31. All Third Party Providers and Wind Mitigation Surveyors shall expire on July 31.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:292 (February 2007), amended LR 35:2819 (December 2009), repromulgated LR 36:327 (February 2010); amended LR .

**FAMILY IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

1. The effect of these rules on the stability of the family.
These rules should not have any effect on the stability of the family.
2. The effect of these rules on the authority and rights of parents regarding the education and supervision of their children. These rules should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect of these rules on the functioning of the family.
These rules should not have any effect on the functioning of the family.
4. The effect of these rules on family earnings and family budget.
These rules should not have any effect on family earnings and family budget.
5. The effect of these rules on the behavior and personal responsibility of children.
These rules should not have any effect on the behavior and personal responsibility of children.
6. The effect of these rules on the ability of the family or local government to perform the function as contained in the proposed rules.

These rules should not have any effect on the ability of the family or local government to perform the function as contained in the proposed rules.

SMALL BUSINESS IMPACT

1. The impact of the proposed rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.

2. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

POVERTY STATEMENT

1. The impact of the proposed rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the LA R.S. 49:973.

2. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

PROVIDER IMPACT STATEMENT

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Interested Person. Interested persons may submit written comments to Melinda L. Long, by mail at Post Office Box 66614, Baton Rouge, Louisiana 70896, by fax at (225) 925-4624, or by e-mail at Melinda.long@la.gov. Written comments will be accepted through the close of business, August 27, 2018.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: Mark Joiner Dept.: Department of Public Safety
Phone: (225) 247-6608 Office: State Fire Marshal/LA State Uniform Construction Code Council
Return Address: 8181 Independence Blvd. Rule Title: Updates to registration renewals
Baton Rouge, LA 70806
Date Rule Takes Effect: Upon promulgation

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not result in any costs or savings to state or local governmental units. The proposed rule change modifies the expiration dates for certificates of registration issued by the Louisiana State Uniform Construction Code Council (LSUCCC).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have no effect on revenue collections of state or local governmental units. There is no fee associated with the LSUCCC registration.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule change will have no effect on costs or economic benefits to directly affected persons or non-governmental units.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The propose rule change will have no effect on competition and employment.



Signature of Agency Head or Designee
LTC Jason Starnes Dep. Superintendent-Chief Admin. Officer

Typed Name & Title of Agency Head or Designee

6/27/18

Date of Signature



Legislative Fiscal Officer or Designee

6/28/18

Date of Signature

RECEIVED

JUN 27 2018

Legislative Fiscal Office

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule change will not result in any costs or savings to state or local government units. The proposed rule change modifies the expiration dates for certificates of registration issued by the Louisiana State Uniform Construction Code Council (LSUCCC)

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Many times the registered inspector forgets his anniversary date and does not renew within the allowed timeframe. This creates a lapse in compliance as required by RS 40:1730.34, RS 40:1730.35, RS 40:1730.36 and RS 40:1730.38. This possible lapse could allow the jurisdiction and inspector to be at risk for litigation if an accident or deficiency occurs to a project which was inspected during this lapse. By adopting a standard annual renewal date all inspectors will reduce the risk of having a lapse in compliance.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

There will be no increase in expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) _____ NO. If no, provide justification as to why this rule change should be published at this time

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 19	FY 20	FY 21
Personal Services	\$0	\$0	\$0
Operating Expenses	\$0	\$0	\$0
Professional Services	\$0	\$0	\$0
Other Charges	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
Major Repairs & Constr.	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

There will be no costs or savings to state agencies as a result of the action proposed.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 19	FY 20	FY 21
State General Fund	\$0	\$0	\$0
Agency Self-Generated	\$0	\$0	\$0
Dedicated	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Other (Specify)	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

There will be no implementation costs as a result of this rule.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There will be no impact on local government by the adoption of this proposed rule.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

There will be no additional cost or savings to the local governmental units as the changes have no costs associated with them.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

<u>REVENUE INCREASE/DECREASE</u>	<u>FY 19</u>	<u>FY 20</u>	<u>FY 21</u>
State General Fund	\$0	\$0	\$0
Agency Self-Generated	\$0	\$0	\$0
Dedicated Funds*	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

There is no increase or decrease in revenues due to there is currently no cost for registration and there will be no costs associated with this change.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule change will have no effect on costs or economic benefits to directly affected persons or non-governmental units.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The proposed rule change will have no impact on receipts and/ or income to these groups.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There is no impact upon competition in the public and private sectors as a result of the proposed rule.

OFFICE OF THE STATE REGISTER INSERTION ORDER (eff.08/02)
Claiborne Building 1201 North Third Street Suite 3-220 Post Office Box 94095
Baton Rouge, LA 70804-9095 (225)342-5015 FAX (225)342-0284

(SUBMIT A SEPARATE INSERTION ORDER PER DOCUMENT)

EMERGENCY RULE NOTICE OF INTENT RULE POTPOURRI

REFER TO INSTRUCTIONS ON REVERSE SIDE

This is your authority to publish in the (month) July, 20 18 Louisiana Register the document indicated above.

LA State Construction Code Council
Office/Board/Commission promulgating this document

Lt. Colonel Jason Starnes Chief Administrative Officer

(name) (title)
Name and title of person whose signature will appear in the publication (at the end of the document)

Dept. of Public Safety/Office of the State Fire Marshal
Department under which office/board/commission is classified

Melinda L. Long 225-925-7606 225-925-4624

(name) (phone) (fax)
Name, phone number, and FAX number of person to contact regarding this document

melinda.long@la.gov

E-mail address of contact person

Construction Code Update

Short descriptive listing for this document to be used in the Louisiana Register's TABLE OF CONTENTS/INDEX

Important: If submitting both an Emergency Rule (ER) and a Notice of Intent (NOI) to be published this month, AND if the rule text in the ER is identical to the rule text in the NOI, check here:

File name



Signature of Agency Head or Designee

Jason Starnes Dep. Superintendent-Chief Admin. Officer
Print Name and Title of Agency Head or Designee

CERTIFICATION OF AVAILABLE FUNDS

DOCUMENT # _____

ISIS AGENCY: I certify the availability of fiscal year 18-19 appropriated funds for the payment of the above referenced publication and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental sheet for additional lines of coding.

422

UCCC

4960

8702

AGENCY

ORGANIZATION #

OBJECT

SUB-OBJECT

REPORTING CATEGORY

NON-ISIS AGENCY: I certify the availability of fiscal year _____ appropriated funds for the payment of the above referenced publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Address for Agencies:



925-6032

Signature of Agency Head or Designee - Phone #

Agency Name

Street Address or Post Office Box

City

State

Zip Code

Lines/Other Charges _____ Typesetting \$ _____ TOTAL \$ _____