

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 2047

By: Nichols of the Senate

3 and

4 Blackwell of the House

5
6
7
8 An Act relating to state government; amending 74 O.S.
2001, Section 324.11, which relates to building
9 permits; * * * providing an effective date; and
10 declaring an emergency.

11
12 AUTHOR: Add the following House Coauthor: Billy

13 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
14 and insert

15 "(state government - amending 74 O.S., Sections
16 324.11 and 8403 - building permits - code -
17 effective date -
18 emergency)

19
20
21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. AMENDATORY 74 O.S. 2001, Section 324.11, is
23 amended to read as follows:
24

1 Section 324.11 A. No person, firm, corporation, partnership,
2 organization, city, town, school district, county or other
3 subdivision of government shall commence the construction or major
4 alteration of any ~~building~~ buildings or ~~structure~~ structures to be
5 used as ~~a school~~ schools, ~~hospital~~ hospitals, ~~church~~ churches,
6 ~~asylum~~ asylums, ~~theater~~ theaters, meeting ~~hall~~ halls, ~~hotel~~ hotels,
7 ~~metel~~ motels, apartment ~~house~~ houses, rooming ~~house~~ houses, rest
8 ~~home~~ homes, nursing ~~home~~ homes, day ~~nursery~~ nurseries, convalescent
9 ~~home~~ homes, ~~orphanage~~ orphanages, ~~auditorium~~ auditoriums, assisted
10 living facilities, dormitories, factories, stadiums, or warehouses,
11 including all defined occupancies within these groups, or install
12 original equipment for the operation or maintenance thereof without
13 obtaining a permit. Said permit, for which a charge may be made in
14 conformity with the local ordinance, except as limited herein as to
15 governmental agencies, shall be obtained from the city, town or
16 county in whose jurisdiction the construction or alteration is
17 planned.

18 B. All such construction or alteration so planned shall conform
19 to the applicable provisions of the BOCA National Building Code, as
20 last revised, the Southern Standard Building Code Congress
21 International (SBCCI), the Uniform Building Code (ICBO), ~~or~~ the
22 International Building Code and the most recent publication of the
23 Americans with Disabilities Act Accessibility Guidelines, except
24 that in the event any city, town or county having jurisdiction to

1 issue such permit has adopted by ordinance one of the other building
2 codes designated in Section 324.8 of this title, then such
3 construction or alteration shall conform to such other code so
4 adopted.

5 C. Application for such building permit shall be made to, and
6 such building permit shall be issued by, any city, town or county in
7 whose jurisdiction the construction or alteration is planned. The
8 city, town or county may require the submission of plans and
9 specifications covering the proposed construction or alteration and
10 may refuse to issue such permit unless the work so planned is in
11 accordance with the applicable provisions of the city, town or
12 county's building code. In all geographical areas wherein no such
13 permit is required by local authorities such permit must be obtained
14 from the State Fire Marshal, who may require the submission of plans
15 and specifications covering the proposed construction or alteration,
16 and shall refuse to issue such permit unless the work so planned is
17 in accordance with the applicable provisions of said BOCA National
18 Building Code, as last revised, the Southern Standard Building Code
19 Congress International (SBCCI), the Uniform Building Code (ICBO), ~~or~~
20 the International Building Code and the most recent publication of
21 the Americans with Disabilities Act Accessibility Guidelines;
22 provided, that the foregoing provisions of this subsection shall not
23 apply to locations in any geographical area that are owned or
24

1 operated by a state beneficiary public trust or have been purchased
2 or leased from a state beneficiary public trust.

3 D. Nothing in this act shall be construed as repealing any
4 ordinance of any city, town or county requiring the submission to
5 the local authorities of plans and specifications and the obtaining
6 of permits, but the power or authority of any such city, town or
7 county to levy or assess any charge for such permit or to make and
8 enforce requirements prerequisite to the issuance of such permit,
9 other than requiring compliance with such building code, shall, as
10 to governmental agencies, be limited as hereinafter set forth.

11 E. No city, town or county requested to issue any such permit
12 to any city, town, school district, county or other subdivision of
13 government shall charge, assess or collect any fee or other charge
14 for such permit except the regular and customary inspection fees
15 fixed by ordinance for inspection of the work to be done under such
16 permit, and no other charge, fee or other conditions of any kind
17 under the authority of this title shall be made a condition of or
18 prerequisite to the obtaining of such permit by any such
19 governmental agency.

20 F. No bids may be let for the construction or major alteration
21 of any correctional facility as defined by Section 317 of this title
22 until plans and specifications for such construction or alteration
23 have been submitted to the State Fire Marshal for approval. The
24 State Fire Marshal shall approve said plans and specifications if

1 the work so planned conforms with the applicable provisions of the
2 BOCA National Building Code, as last revised, the Southern Standard
3 Building Code Congress International (SBCCI), the Uniform Building
4 Code (ICBO), ~~or~~ the International Building Code and the most recent
5 publication of the Americans with Disabilities Act Accessibility
6 Guidelines.

7 G. 1. Notwithstanding anything to the contrary in the
8 International Fire Code, the most recent publication of the
9 Americans with Disabilities Act Accessibility Guidelines, and/or
10 International Building Code, all facilities to be licensed as
11 assisted living facilities, or additions to existing assisted living
12 facilities, constructed after November 1, 2008, shall be constructed
13 with the guidelines of the I-II building code if at any time in
14 their operation they house residents who are not capable of
15 responding to emergency situations without physical assistance from
16 staff of the facility or are not capable of self preservation;

17 2. Assisted living facilities licensed prior to the effective
18 date of this act may house residents who are not capable of
19 responding to emergency situations without physical assistance from
20 the staff or are not capable of self preservation under the
21 following conditions: As part of the annual licensure renewal
22 process, the facility shall disclose if any residents who reside in
23 the facility are not capable of responding to emergency situations
24 without physical assistance from staff or are not capable of self

1 preservation, and the facility shall be required to install fire
2 sprinkler protection and an alarm system within the facility in
3 accordance with the building guidelines set forth in the building
4 code for I-II facilities; and

5 3. For purposes of this subsection:

6 a. the term "assisted living center" shall include an
7 assisted living center licensed as such by the State
8 Department of Health and the assisted living center
9 component of a continuum care facility licensed by the
10 State Department of Health, and

11 b. the terms "International Fire Code" and "International
12 Building Code" shall be deemed to include:

13 (1) any and all appendices, commentary, amendments
14 and supplements to, and replacements or
15 restatements of, said Codes, and

16 (2) any and all other laws, ordinances, regulations,
17 codes or standards pertaining to assisted living
18 center construction, occupancy and maintenance
19 for the protection of lives and property from
20 fire.

21 SECTION 2. AMENDATORY Section 1, Chapter 241, O.S.L.

22 2006 (74 O.S. Supp. 2007, Section 8403), is amended to read as
23 follows:
24

1 Section 8403. A. There is hereby created the African-American
2 Centennial Plaza Design Committee. The purpose of the Committee
3 shall be to recommend the design of the African-American Centennial
4 Plaza and to provide oversight and advice to the Oklahoma Historical
5 Society in the design, construction, and funding sources of the
6 Plaza which shall be located in the median of Lincoln Boulevard
7 between 18th Street and the State Capitol Building; provided,
8 however, such construction shall begin only when the total amount of
9 non-state-appropriated funds necessary to complete the Plaza has
10 been raised or secured. Should the total amount of non-state-
11 appropriated funds not be raised or secured within ~~two (2)~~ five (5)
12 years after the effective date of this act, the site referred to in
13 this section shall no longer be reserved for the Plaza.

14 B. The Committee shall consist of seven (7) members as follows:

15 1. The President Pro Tempore of the Senate, or a designee;

16 2. The Speaker of the House of Representatives, or a
17 designee;

18 3. The Governor, or a designee;

19 4. The Lieutenant Governor, or a designee;

20 5. The Executive Director of the Oklahoma Historical
21 Society, or a designee;

22 6. The Director of the Department of Central Services, or a
23 designee; and
24

1 7. The Executive Director of the Oklahoma Arts Council, or a
2 designee.

3 C. The President Pro Tempore of the Senate and the Speaker of
4 the House of Representatives shall annually appoint a chair and a
5 vice-chair, respectively, from among the membership. The Committee
6 may elect other officers as deemed necessary. Meetings of the
7 Committee shall be subject to the provisions of the Oklahoma Open
8 Meeting Act and the Oklahoma Open Records Act.

9 D. Members of the Committee shall receive no compensation for
10 their service on the Committee, but may receive travel reimbursement
11 as follows:

12 1. Legislative members of the Committee may be reimbursed for
13 necessary travel expenses incurred in the performance of their
14 duties in accordance with the provisions of Section 456 of Title 74
15 of the Oklahoma Statutes;

16 2. Nonlegislative state agency members of the Committee may be
17 reimbursed by their agencies pursuant to the provisions of the State
18 Travel Reimbursement Act; and

19 3. Other members of the Committee may be reimbursed by the
20 Oklahoma Historical Society pursuant to the provisions of the State
21 Travel Reimbursement Act.

22 E. Staffing for the Committee shall be provided by the staffs
23 of the:

24 1. Oklahoma Historical Society;

1 2. Oklahoma State Senate; and

2 3. Oklahoma House of Representatives.

3 F. The duties of the Committee shall be to:

4 1. Develop criteria for and solicit public comment and input on
5 the development and design of the Plaza;

6 2. Develop and implement criteria for a design competition
7 which shall include, but not be limited to, solicitation of designs
8 from appropriate persons or entities, and incorporation of any work
9 that may already have been initiated on the design of the Plaza.

10 The Committee shall select three designs as finalists from among
11 the designs submitted through the competition and shall present the
12 selected designs to the public for comment and input. The
13 Committee shall give due consideration to the comments received
14 from the public in choosing the design that, in the opinion of a
15 majority of the Committee members, is most appropriate to
16 commemorate the unique history and contributions of African
17 Americans in Oklahoma;

18 3. From the three finalists, select the design winner and an
19 alternate whose designs shall be forwarded to the Executive Director
20 of the Oklahoma Historical Society; and

21 4. Provide oversight and advice to the Oklahoma Historical
22 Society during the design and construction of the Plaza.

23 G. The Director of the Department of Central Services shall be
24 responsible for awarding all contracts related to the construction

1 of the Plaza. The Director, in consultation with the Committee,
2 may elect to use the alternate design or recommend the reopening of
3 the award process if the winning design construction exceeds the
4 anticipated budget for the Plaza.

5 H. Upon completion of the Plaza, the Department of Central
6 Services shall be responsible for the maintenance and upkeep of the
7 Plaza.

8 SECTION 3. This act shall become effective July 1, 2008.

9 SECTION 4. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13 Passed the House of Representatives the 24th day of April, 2008.

14

15

16 _____
Presiding Officer of the House of
Representatives

17

18 Passed the Senate the ____ day of _____, 2008.

19

20

21 _____
Presiding Officer of the Senate

22

23

24