

SB 2047

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THE STATE SENATE  
Monday, February 25, 2008

Senate Bill No. 2047  
As Amended

SENATE BILL NO. 2047 - By: NICHOLS of the Senate and BLACKWELL of the House.

An Act relating to state government; amending 74 O.S. 2001, Section 324.11, which relates to building permits; deleting certain types of construction; adding certain structures required to have certain type of building permit; requiring certain type of assisted living facilities to be constructed under certain building code; setting certain conditions for certain facilities to be constructed; adding assisted living center to certain continuum care facilities licensed by the Oklahoma State Health Department; providing additional meanings to certain terms; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

Section 324.11 A. No person, firm, corporation, partnership, organization, city, town, school district, county or other subdivision of government shall commence the construction or major alteration of any ~~building~~ buildings or ~~structure~~ structures to be used as a ~~school~~ schools, ~~hospital~~ hospitals, ~~church~~ churches, ~~asylum~~ asylums, ~~theater~~ theaters, ~~meeting hall~~ halls, ~~hotel~~ hotels, ~~metel~~ motels, apartment ~~house~~ houses, ~~rooming house~~ houses, ~~rest home~~ homes, nursing ~~home~~ homes, ~~day nursery~~ nurseries, ~~convalescent home~~ homes, ~~erphanage~~ orphanages, ~~auditerium~~ auditoriums, assisted

(Bold face denotes Committee Amendments)

1 living facilities, dormitories, factories, stadiums, or warehouses,  
2 including all defined occupancies within these groups, or install  
3 original equipment for the operation or maintenance thereof without  
4 obtaining a permit. Said permit, for which a charge may be made in  
5 conformity with the local ordinance, except as limited herein as to  
6 governmental agencies, shall be obtained from the city, town or  
7 county in whose jurisdiction the construction or alteration is  
8 planned.

9 B. All such construction or alteration so planned shall conform  
10 to the applicable provisions of the BOCA National Building Code, as  
11 last revised, the Southern Standard Building Code Congress  
12 International (SBCCI), the Uniform Building Code (ICBO), or the  
13 International Building Code, except that in the event any city, town  
14 or county having jurisdiction to issue such permit has adopted by  
15 ordinance one of the other building codes designated in Section  
16 324.8 of this title, then such construction or alteration shall  
17 conform to such other code so adopted.

18 C. Application for such building permit shall be made to, and  
19 such building permit shall be issued by, any city, town or county in  
20 whose jurisdiction the construction or alteration is planned. The  
21 city, town or county may require the submission of plans and  
22 specifications covering the proposed construction or alteration and  
23 may refuse to issue such permit unless the work so planned is in

1 accordance with the applicable provisions of the city, town or  
2 county's building code. In all geographical areas wherein no such  
3 permit is required by local authorities such permit must be obtained  
4 from the State Fire Marshal, who may require the submission of plans  
5 and specifications covering the proposed construction or alteration,  
6 and shall refuse to issue such permit unless the work so planned is  
7 in accordance with the applicable provisions of said BOCA National  
8 Building Code, as last revised, the Southern Standard Building Code  
9 Congress International (SBCCI), the Uniform Building Code (ICBO), or  
10 the International Building Code.

11 D. Nothing in this act shall be construed as repealing any  
12 ordinance of any city, town or county requiring the submission to  
13 the local authorities of plans and specifications and the obtaining  
14 of permits, but the power or authority of any such city, town or  
15 county to levy or assess any charge for such permit or to make and  
16 enforce requirements prerequisite to the issuance of such permit,  
17 other than requiring compliance with such building code, shall, as  
18 to governmental agencies, be limited as hereinafter set forth.

19 E. No city, town or county requested to issue any such permit  
20 to any city, town, school district, county or other subdivision of  
21 government shall charge, assess or collect any fee or other charge  
22 for such permit except the regular and customary inspection fees  
23 fixed by ordinance for inspection of the work to be done under such

1 permit, and no other charge, fee or other conditions of any kind  
2 under the authority of this title shall be made a condition of or  
3 prerequisite to the obtaining of such permit by any such  
4 governmental agency.

5 F. No bids may be let for the construction or major alteration  
6 of any correctional facility as defined by Section 317 of this title  
7 until plans and specifications for such construction or alteration  
8 have been submitted to the State Fire Marshal for approval. The  
9 State Fire Marshal shall approve said plans and specifications if  
10 the work so planned conforms with the applicable provisions of the  
11 BOCA National Building Code, as last revised, the Southern Standard  
12 Building Code Congress International (SBCCI), the Uniform Building  
13 Code (ICBO), or the International Building Code.

14 G. 1. Notwithstanding anything to the contrary in the  
15 International Fire Code and/or International Building Code, all  
16 facilities to be licensed as assisted living facilities built after  
17 November 1, 2008, shall be constructed with the guidelines of the I-  
18 II building code if at any time in their operation they house  
19 residents who are not capable of responding to emergency situations  
20 without physical assistance from staff of the facility;

21 2. Assisted living facilities licensed prior to the effective  
22 date of this act may house residents who are not capable of  
23 responding to emergency situations without physical assistance from

1 the staff under the following condition: As part of the annual  
2 licensure renewal process, the facility will disclose if any  
3 residents who are not capable of responding to emergency situations  
4 without physical assistance from staff, reside in the facility.

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  
8 Oklahoma State Department of Health and the assisted  
9 living center component of a continuum care facility  
10 licensed by the Oklahoma State Department of Health,  
11 and

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

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

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

22 SECTION 2. This act shall become effective July 1, 2008.

1           SECTION 3. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURCES, dated  
6 2-21-08 - DO PASS, As Amended and Coauthored.