STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 417 By: Newberry of the Senate

and

McCullough of the House

COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Uniform Building Code Commission Act; amending 59 O.S. 2011, Sections 1000.20, 1000.21, 1000.23 and 1000.25, as amended by Section 1, Chapter 317, O.S.L. 2012 (59 O.S. Supp. 2013, Section 1000.25), which relate to short title, Commission membership, powers of the Commission and system of fees; modifying references; clarifying language; excepting certain terms from term limits; providing for certain training and certification by certain date; directing the Commission to promulgate certain rules to certain purpose; removing late fees; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1000.20, is amended to read as follows:

Section 1000.20. Sections ~~2~~ 1000.20 through ~~11~~ 1000.29 of this ~~act~~ title shall be known and may be cited as the "Oklahoma Uniform Building Code Commission Act".

SECTION 2. AMENDATORY 59 O.S. 2011, Section 1000.21, is amended to read as follows:

Section 1000.21. A. 1. There is hereby created the Oklahoma Uniform Building Code Commission within the Construction Industries Board which shall consist of eleven (11) members, nine of whom shall be appointed by the Governor with the advice and consent of the Senate as follows:

a. one member who is a general contractor from a statewide organization that represents residential construction,

b. one member who is a general contractor from a statewide organization that represents commercial construction,

c. one member who is a contractor from a statewide organization that represents electrical contractors,

d. one member who is a contractor from a statewide organization that represents plumbing contractors,

e. one member who is a contractor from a statewide organization that represents heating and cooling contractors,

f. one member who is a local-level regulator/inspector who is a member of a statewide organization that is exempt from taxation under federal law and designated pursuant to the provisions of the Internal Revenue

Code, 26 U.S.C., Section 170(a), who has represented municipalities and had statutory functions for municipalities for at least fifteen (15) years prior to November 1, 2005,

g. one member who is a Certified Building Official employed by a political subdivision,

h. one member who is a licensed architect from a statewide organization that represents architects, and

i. one member who is from the insurance industry with knowledge of building codes and experience in property loss mitigation.

2. ~~Such~~ The members shall be appointed for staggered terms of four (4) years~~; provided, of those members initially appointed to the Commission, three members shall be appointed for one (1) year, beginning July 1, 2009, two members shall be appointed for two (2) years, beginning July 1, 2009, two members shall be appointed for three (3) years beginning, July 1, 2009, and two members who shall be appointed for four (4) years~~, beginning July 1, 2009. A full term of office for purposes of determining term limits provided in subsection C of this section shall be the completion of a full four-year term of appointment.

B. The remaining two members of the Commission shall be the State Fire Marshal, or a designee, and an appointee of the Construction Industries Board.

C. Appointed members shall continue in office until a successor is appointed by the Governor, notwithstanding the term limitations. No appointed member shall serve more than two consecutive full four-year terms; provided, such a member shall be eligible to serve until a successor is appointed, and such member may be reappointed after a two-year absence from the Commission. The Governor shall fill all vacancies and unexpired terms in the same manner as the original appointment of the member whose position is to be filled. ~~Such members~~ No initial appointment to a term of less than four (4) years or any partial-term appointment to fill a vacancy or unexpired term of another member shall be counted for purposes of determining term limits. An appointed member may be removed by the Governor for cause.

D. Whenever a member of the Commission is absent from more than one-half of all meetings of the governing body, regular and special, held within any period of twelve (12) consecutive months, the member shall thereupon cease to hold office by operation of law.

SECTION 3. AMENDATORY 59 O.S. 2011, Section 1000.23, is amended to read as follows:

Section 1000.23. A. The Oklahoma Uniform Building Code Commission shall have the power and the duty to review and adopt all building codes for residential and commercial construction to be used by all entities within this state. Codes and standards adopted

by the Commission shall be the minimum standards for residential and commercial construction in this state.

B. All public projects shall abide by such minimum standards and requirements; provided, nothing in ~~this act~~ the Oklahoma Uniform Building Code Commission Act shall prevent or take away from state agencies the authority to enact and enforce requirements containing higher standards and requirements than such minimum standards and requirements.

C. Municipalities and other political subdivisions shall abide by such minimum standards and requirements; provided, nothing in ~~this act~~ the Oklahoma Uniform Building Code Commission Act shall prevent or take away from such municipalities and other political subdivisions the authority to enact and enforce requirements containing higher standards and requirements than such minimum standards and requirements.

D. The Oklahoma Uniform Building Code Commission shall have the power and duty to establish a training and certification process for all residential and commercial building code inspectors. Each inspector operating in this state on behalf of any state agency or any municipal or county office shall be required to complete training and be issued a certification for inspections by the Uniform Building Code Commission on and after January 1, 2015. The training and certification applications, qualifications and procedures shall be promulgated by rules of the Commission. The

Commission is authorized to establish by rule any application and certification fees and a schedule of administrative fines for violations of training requirements, failure to be certified, or violation. The Commission may further establish any necessary rules, forms and procedures to implement, administer and enforce the provisions of this section.

SECTION 4. AMENDATORY 59 O.S. 2011, Section 1000.25, as amended by Section 1, Chapter 317, O.S.L. 2012 (59 O.S. Supp. 2013, Section 1000.25), is amended to read as follows:

Section 1000.25. A. The Oklahoma Uniform Building Code Commission shall establish a system of fees to be charged for the issuance and renewal of any construction permits issued by any agency, municipality, or other political subdivision of this state.

B. This provision is subject to the following limitations:

1. No schedule of fees may be established or amended by the Commission except during such times as the Legislature is in session; provided, the Commission may establish or amend a schedule of fees at a time when the Legislature is not in session if the fees or schedule of fees has been specifically authorized by the Legislature pursuant to paragraphs 2 and 3 of this subsection. The Commission must follow the procedures required by Article I of the Administrative Procedures Act for adoption of rules in establishing or amending any such schedule of fees;

2. The Commission shall charge fees for building permits and renewal of such permits issued by any state agency, municipality, or other political subdivision of this state which authorized work governed by codes within the purview of the Commission only within the following ranges:

For issuance of permit	not to exceed $5.00
For renewal of permit	not to exceed $5.00

Fees shall be remitted to the Oklahoma Uniform Building Code Commission within thirty (30) days after the end of the preceding calendar month. ~~Past-due payments shall be charged a late fee of one percent (1%) per month until paid.~~ The Oklahoma Uniform Building Code Commission shall report to the Governor, President Pro Tempore of the Senate and the Speaker of the House semiannually its collections~~, past-due charges, late-fee assessments and late-fee collections~~ for the six (6) months preceding the report;

3. Fees shall be collected by any state agency, municipality or other political subdivision issuing construction permits within this state. The fees shall be deposited in an account created by the collecting entity for that purpose;

4. The state agency, municipality or other political subdivision shall remit the monies in the account on a monthly basis directly to the State Treasury for deposit in the Oklahoma Uniform Building Code Commission Revolving Fund created pursuant to Section 1000.28 of this title. Along with the deposits required by this

paragraph, each state agency, municipality or other political subdivision shall also submit a report stating the total amount of funds collected and the total number of fees imposed during the preceding month. The report shall be made on computerized or manual disposition reports as provided by rule of the Commission;

5. Any state agency, municipality or other political subdivision collecting and remitting fees pursuant to this section may levy a fee up to fifty cents ($0.50) for every construction permit or renewal permit issued. These monies shall be deposited into an account for the sole use of the state agency, municipality or other political subdivision. The state agency, municipality or other political subdivision shall state the total amount of funds collected and the total number of fees imposed to the State Treasury in the report required by paragraph 4 of this subsection;

6. It shall be the responsibility of the state agency, municipality or other political subdivision to account for and ensure the correctness and accuracy of payments made to the State Treasury pursuant to this title; and

7. Funds collected by a state agency, municipality or other political subdivision and remitted to the State Treasury pursuant to the Oklahoma Uniform Building Code Commission Act shall be deposited in the Oklahoma Uniform Building Code Commission Revolving Fund and shall be used solely for the purposes of the Oklahoma Uniform Building Code Commission Act.

SECTION 5. This act shall become effective July 1, 2014.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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