

1 **SENATE FLOOR VERSION**

2 February 20, 2014

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 417

By: Newberry of the Senate

and

McCullough of the House

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9 [Oklahoma Uniform Building Code Commission Act -
10 system of fees - excepting certain terms from term
limits - rules - removing late fees - effective date
-

11 emergency]

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

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

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

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

22 Section 1000.21. A. 1. There is hereby created the Oklahoma
23 Uniform Building Code Commission within the Construction Industries
24 Board which shall consist of eleven (11) members, nine of whom shall

1 be appointed by the Governor with the advice and consent of the
2 Senate as follows:

- 3 a. one member who is a general contractor from a
4 statewide organization that represents residential
5 construction,
- 6 b. one member who is a general contractor from a
7 statewide organization that represents commercial
8 construction,
- 9 c. one member who is a contractor from a statewide
10 organization that represents electrical contractors,
- 11 d. one member who is a contractor from a statewide
12 organization that represents plumbing contractors,
- 13 e. one member who is a contractor from a statewide
14 organization that represents heating and cooling
15 contractors,
- 16 f. one member who is a local-level regulator/inspector
17 who is a member of a statewide organization that is
18 exempt from taxation under federal law and designated
19 pursuant to the provisions of the Internal Revenue
20 Code, 26 U.S.C., Section 170(a), who has represented
21 municipalities and had statutory functions for
22 municipalities for at least fifteen (15) years prior
23 to November 1, 2005,

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- 1 g. one member who is a Certified Building Official
2 employed by a political subdivision,
3 h. one member who is a licensed architect from a
4 statewide organization that represents architects, and
5 i. one member who is from the insurance industry with
6 knowledge of building codes and experience in property
7 loss mitigation.

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

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

21 C. Appointed members shall continue in office until a successor
22 is appointed by the Governor, notwithstanding the term limitations.
23 No appointed member shall serve more than two consecutive full four-
24 year terms; provided, such a member shall be eligible to serve until

1 a successor is appointed, and such member may be reappointed after a
2 two-year absence from the Commission. The Governor shall fill all
3 vacancies and unexpired terms in the same manner as the original
4 appointment of the member whose position is to be filled. ~~Such~~
5 ~~members~~ No initial appointment to a term of less than four (4) years
6 or any partial-term appointment to fill a vacancy or unexpired term
7 of another member shall be counted for purposes of determining term
8 limits. An appointed member may be removed by the Governor for
9 cause.

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

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

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

22 B. All public projects shall abide by such minimum standards
23 and requirements; provided, nothing in ~~this act~~ the Oklahoma Uniform
24 Building Code Commission Act shall prevent or take away from state

1 agencies the authority to enact and enforce requirements containing
2 higher standards and requirements than such minimum standards and
3 requirements.

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

11 D. The Oklahoma Uniform Building Code Commission shall have the
12 power and duty to establish a training and certification process for
13 all residential and commercial building code inspectors. Each
14 inspector operating in this state on behalf of any state agency or
15 any municipal or county office shall be required to complete
16 training and be issued a certification for inspections by the
17 Uniform Building Code Commission on and after January 1, 2015. The
18 training and certification applications, qualifications and
19 procedures shall be promulgated by rules of the Commission. The
20 Commission is authorized to establish by rule any application and
21 certification fees and a schedule of administrative fines for
22 violations of training requirements, failure to be certified, or
23 violation. The Commission may further establish any necessary
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1 rules, forms and procedures to implement, administer and enforce the
2 provisions of this section.

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

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

10 B. This provision is subject to the following limitations:

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

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

1 For issuance of permit not to exceed \$5.00

2 For renewal of permit not to exceed \$5.00

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

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

15 4. The state agency, municipality or other political
16 subdivision shall remit the monies in the account on a monthly basis
17 directly to the State Treasury for deposit in the Oklahoma Uniform
18 Building Code Commission Revolving Fund created pursuant to Section
19 1000.28 of this title. Along with the deposits required by this
20 paragraph, each state agency, municipality or other political
21 subdivision shall also submit a report stating the total amount of
22 funds collected and the total number of fees imposed during the
23 preceding month. The report shall be made on computerized or manual
24 disposition reports as provided by rule of the Commission;

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

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

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

20 8. Nothing in this act shall prevent the Oklahoma Uniform
21 Building Code Commission from offering incentives for prompt
22 Payment.

23 SECTION 5. This act shall become effective July 1, 2014.
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1 SECTION 6. 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 BUSINESS AND COMMERCE
6 February 20, 2014 - DO PASS AS AMENDED
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