

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 417, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Newberry

Newberry-NP-FS-Req#3489
3/4/2014 5:34 PM

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 417

By: Newberry of the Senate

and

McCullough of the House

FLOOR SUBSTITUTE

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

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

1 Board which shall consist of eleven (11) members, nine of whom shall
2 be appointed by the Governor with the advice and consent of the
3 Senate as follows:

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

- 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. The
14 Commission shall establish regional training academies for the
15 purpose of training the county and municipal inspectors in the
16 Uniform Building Code. The regional training shall be offered at no
17 cost to the participant and shall be funded from the funds received
18 pursuant to Section 1000.25 of this title. Each inspector operating
19 in this state on behalf of any state agency or any municipal or
20 county office shall be required to complete a regional training
21 academy and be issued a certification for inspections by the Uniform
22 Building Code Commission on and after January 1, 2015. The training
23 and certification applications, qualifications and procedures shall
24 be promulgated by rules of the Commission. The Commission may

1 establish forms and procedures to implement and administer 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:

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;

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.
24

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.

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