

UNIFORM BUILDING CODE COMMISSION

AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the Uniform Building Code Commission.

Highlighted Provisions:

This bill:

- ▶ changes the membership of the Uniform Building Code Commission.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-56-5, as last amended by Laws of Utah 2002, Chapter 75

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-56-5** is amended to read:

58-56-5. Building Code Commission -- Composition of commission -- Commission duties and responsibilities.

(1) There is established a Uniform Building Code Commission to advise the division with respect to the division's responsibilities in administering the codes under this chapter.



28 (2) The commission shall be appointed by the executive director who shall submit his
29 nominations to the governor for confirmation or rejection. If a nominee is rejected, alternative
30 names shall be submitted until confirmation is received. Following confirmation by the
31 governor, the appointment shall be made.

32 (3) The commission shall consist of eleven members who shall be appointed in
33 accordance with the following:

34 (a) one member shall be from among candidates nominated by the Utah League of
35 Cities and Towns and the Utah Association of Counties;

36 (b) one member shall be a licensed building inspector employed by a political
37 subdivision of the state;

38 (c) one member shall be a licensed professional engineer;

39 (d) one member shall be a licensed architect;

40 ~~[(e) one member shall be a fire official;]~~

41 (e) four members shall be general contractors licensed by the state;

42 (f) ~~[three]~~ two members shall be contractors licensed by the state, of which one shall be
43 ~~[a general contractor, one]~~ an electrical contractor[;] and one a plumbing contractor; and

44 (g) ~~[two members]~~ one member shall be from the general public and have no affiliation
45 with the construction industry or real estate development industry[; ~~and~~].

46 ~~[(h) one member shall be from the Division of Facilities Construction Management,
47 Department of Administrative Services.]~~

48 (4) (a) Except as required by Subsection (4)(b), as terms of current commission
49 members expire, the executive director shall appoint each new member or reappointed member
50 to a four-year term.

51 (b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall,
52 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
53 of commission members are staggered so that approximately half of the commission is
54 appointed every two years.

55 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
56 appointed for the unexpired term.

57 (6) No commission member may serve more than two full terms, and no commission
58 member who ceases to serve may again serve on the commission until after the expiration of

59 two years from the date of cessation of service.

60 (7) A majority of the commission members shall constitute a quorum and may act on
61 behalf of the commission.

62 (8) (a) (i) Members who are not government employees shall receive no compensation
63 or benefits for their services, but may receive per diem and expenses incurred in the
64 performance of the member's official duties at the rates established by the Division of Finance
65 under Sections 63A-3-106 and 63A-3-107.

66 (ii) Members may decline to receive per diem and expenses for their service.

67 (b) (i) State government officer and employee members who do not receive salary, per
68 diem, or expenses from their agency for their service may receive per diem and expenses
69 incurred in the performance of their official duties from the commission at the rates established
70 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

71 (ii) State government officer and employee members may decline to receive per diem
72 and expenses for their service.

73 (c) (i) Local government members who do not receive salary, per diem, or expenses
74 from the entity that they represent for their service may receive per diem and expenses incurred
75 in the performance of their official duties at the rates established by the Division of Finance
76 under Sections 63A-3-106 and 63A-3-107.

77 (ii) Local government members may decline to receive per diem and expenses for their
78 service.

79 (9) The commission shall annually designate one of its members to serve as chair of
80 the commission. The division shall provide a secretary to facilitate the function of the
81 commission and to record its actions and recommendations.

82 (10) The duties and responsibilities of the commission are to:

83 (a) recommend to the director the:

84 (i) adoption by rule of codes and amendments under Subsections 58-56-4(2)(b) and (c);
85 and

86 (ii) approval by rule of the codes referenced in Subsection 58-56-4(4)(a);

87 (b) offer an opinion regarding the interpretation of or the application of any of the
88 codes adopted or approved under Section 58-56-4 upon a formal submission by a party to the
89 matter in question which submission must clearly state the facts in question, the specific code

90 citation involved and the position taken by all parties;

91 (c) act as an appeals board as provided in Subsection 58-56-8(3);

92 (d) establish advisory peer committees on either a standing or ad hoc basis to advise
93 the commission with respect to matters related to the codes described in Section 58-56-4,
94 including a committee to advise the commission regarding health matters related to the
95 plumbing code; and

96 (e) assist the division in overseeing code-related training in accordance with Section
97 58-56-9.

Legislative Review Note

as of **2-12-09 9:10 AM**

Office of Legislative Research and General Counsel

H.B. 394 - Uniform Building Code Commission Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
