

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1168

By: McBride

4
5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Sections 1000.2, as last
9 amended by Section 1, Chapter 157, O.S.L. 2016,
10 1000.3, as amended by Section 3, Chapter 332, O.S.L.
11 2013, 1000.4, as last amended by Section 4, Chapter
12 332, O.S.L. 2013 and 1000.6 (59 O.S. Supp. 2016,
13 Sections 1000.2, 1000.3 and 1000.4), which relate to
14 the Construction Industries Board Act; modifying
15 termination date of the Construction Industries
16 Board; authorizing Board to administer the Oklahoma
17 Uniform Building Code Commission Act; modifying
18 powers and duties of the Board; clarifying language;
19 amending 59 O.S. 2011, Sections 1000.21, as amended
20 by Section 2, Chapter 223, O.S.L. 2014, 1000.22,
21 1000.23, as amended by Section 3, Chapter 223, O.S.L.
22 2014, 1000.24, 1000.25, as last amended by Section 4,
23 Chapter 223, O.S.L. 2014 and 1000.28, as amended by
24 Section 273, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
2016, Sections 1000.21, 1000.23, 1000.25 and
1000.28), which relate to the Oklahoma Uniform
Building Code Commission Act; authorizing
Construction Industries Board to administer the
Oklahoma Uniform Building Code Commission Act;
modifying powers and duties of the Oklahoma Uniform
Building Code Commission; authorizing Board to
recommend system of fees; providing for payment of
certain fees collected; repealing 59 O.S. 2011,
Sections 1000.26 and 1000.27, which relate to the
Chief Executive Officer and legal advisor to the
Oklahoma Uniform Building Code Commission; and
providing an effective date.

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

2 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1000.2, as
3 last amended by Section 1, Chapter 157, O.S.L. 2016 (59 O.S. Supp.
4 2016, Section 1000.2), is amended to read as follows:

5 Section 1000.2 A. The Construction Industries Board is hereby
6 re-created to continue until July 1, ~~2020~~ 2021, in accordance with
7 the provisions of the Oklahoma Sunset Law. The Board shall regulate
8 the plumbing, electrical and mechanical trades, the building and
9 construction inspectors, and the roofing contractors and implement
10 and administer the Oklahoma Uniform Building Code Commission Act
11 through the powers and duties set forth in the Construction
12 Industries Board Act and in the respective ~~licensing or registration~~
13 acts for such trades, or as otherwise provided by law.

14 B. 1. Beginning July 1, 2013, the Board shall be composed of
15 seven (7) members appointed by the Governor with the advice and
16 consent of the Senate, as follows:

17 a. two members shall have at least ten (10) years'
18 experience in the plumbing trade, of which one shall
19 be a plumbing contractor and one shall be a journeyman
20 plumber,

21 b. two members shall have at least ten (10) years'
22 experience in the electrical trade, of which one shall
23 be an electrical contractor and one shall be a
24 journeyman electrician,

1 c. two members shall have at least ten (10) years'
2 experience in the mechanical trade, of which one shall
3 be a mechanical contractor and one shall be a
4 mechanical journeyman, and

5 d. one member shall have at least ten (10) years'
6 experience as a building and construction inspector.

7 2. Members shall be appointed for staggered terms of four (4)
8 years, as designated by the Governor. Members shall continue in
9 office until a successor is appointed by the Governor. The Governor
10 shall fill all vacancies and unexpired terms in the same manner as
11 the original appointment of the member whose position is to be
12 filled. A member may be removed by the Governor at any time.

13 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1000.3, as
14 amended by Section 3, Chapter 332, O.S.L. 2013 (59 O.S. Supp. 2016,
15 Section 1000.3), is amended to read as follows:

16 Section 1000.3 A. 1. The Construction Industries Board shall
17 organize ~~on~~ by September 1 each year, by electing from among its
18 members a chair and a vice-chair. The Board shall hold regularly
19 scheduled meetings at least once each quarter at a time and place
20 determined by the Board and may hold special meetings, emergency
21 meetings, or continued or reconvened meetings as found by the Board
22 to be necessary. A majority of the members of the Board shall
23 constitute a quorum for the transaction of business.

1 2. The chair shall preside at meetings of the Board, set the
2 agenda, sign orders and other required documents, coordinate Board
3 activities, and perform such other duties as may be prescribed by
4 the Board or authorized by law.

5 3. The vice-chair shall perform the duties of the chair during
6 the absence or disability of the chair and shall perform such other
7 duties as may be prescribed by the Board or authorized by law.

8 4. The Construction Industries Board Administrator, at the
9 discretion of the Board shall:

- 10 a. keep a record of all proceedings of the Board and
11 certify to actions of the Board,
- 12 b. oversee the receipt and deposit of all monies received
13 by the Board in the appropriate revolving funds,
- 14 c. submit, at the first regular meeting of the Board
15 after the end of each fiscal year, a full itemized
16 report of the receipts and disbursements for the prior
17 fiscal year, showing the amount of funds on hand, and
- 18 d. perform such other duties as are prescribed in the
19 Construction Industries Board Act or as may be
20 prescribed by the Board or required by law.

21 B. The Board shall act in accordance with the provisions of the
22 Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the
23 Administrative Procedures Act.

1 C. All members of the Board and such employees as determined by
2 the Board shall be bonded as required by Sections 85.26 through
3 85.31 of Title 74 of the Oklahoma Statutes.

4 D. The liability of any member or employee of the Board acting
5 within the scope of Board duties or employment shall be governed by
6 The Governmental Tort Claims Act.

7 E. Members of the Board shall serve without compensation but
8 shall be reimbursed for all actual and necessary expenses incurred
9 in the performance of their duties in accordance with the State
10 Travel Reimbursement Act.

11 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1000.4, as
12 last amended by Section 4, Chapter 332, O.S.L. 2013 (59 O.S. Supp.
13 2016, Section 1000.4), is amended to read as follows:

14 Section 1000.4 A. 1. Pursuant to and in compliance with
15 Article I of the Administrative Procedures Act, the Construction
16 Industries Board shall have the power to adopt, amend, repeal, and
17 promulgate rules as may be necessary to regulate the plumbing,
18 electrical, ~~and~~ mechanical, and roofing trades, building and
19 construction inspectors, ~~and~~ home inspectors, and implement and
20 administer the Oklahoma Uniform Building Code Commission Act. All
21 rules promulgated by the Board shall be reviewed and approved as
22 provided in ~~subsection F of Section 308 of Title 75 of the Oklahoma~~
23 ~~Statutes~~ Article I of the Administrative Procedures Act and the
24 Construction Industries Board Act.

1 2. The Board shall have the power to enforce the provisions of
2 the Construction Industries Board Act, The Plumbing License Law of
3 1955, the Oklahoma Inspectors Act, the Electrical License Act, the
4 Mechanical Licensing Act, the Home Inspection Licensing Act, the
5 Oklahoma Uniform Building Code Commission Act and the Roofing
6 Contractor Registration Act, as provided in the respective acts.

7 B. The Board shall have the following powers:

8 1. Exercise all incidental powers and duties which are
9 necessary to effectuate the provisions of The Plumbing License Law
10 of 1955, the Oklahoma Inspectors Act, the Electrical License Act,
11 the Mechanical Licensing Act, ~~and~~ the Oklahoma Uniform Building Code
12 Commission Act, the Home Inspection Licensing Act and the Roofing
13 Contractor Registration Act, including, but not limited to,
14 performing inspections of licenses, registrations, endorsements and
15 construction sites for compliance with statewide adopted building
16 codes applicable to the trades licensed by the Board;

17 2. Serve as a code variance and appeals board for the trades
18 and industries it regulates which do not have statutory code
19 variance and appeals boards;

20 3. Order or subpoena the attendance of witnesses, the
21 inspection of records and premises, and the production of relevant
22 books and papers for the investigation of matters that may come
23 before the Board;

1 4. Initiate disciplinary proceedings, request prosecution of
2 and initiate injunctive proceedings against any person who violates
3 any of the provisions of the Plumbing License Law of 1955, the
4 Oklahoma Inspectors Act, the Electrical License Act, the Mechanical
5 Licensing Act, ~~and~~ the Home Inspection Licensing Act and the Roofing
6 Contractor Registration Act;

7 5. Maintain an administrative staff including, but not limited
8 to, a Construction Industries Board Administrator whose appointment
9 shall be made as provided in Section 1000.6 of this title;

10 6. Establish and levy administrative fines for violations of
11 law or rule in the trades and industries the Board licenses or
12 regulates or against any person or entity denying the Board or its
13 representatives access to a job site for purposes of enforcing any
14 of the provisions of the Plumbing License Law of 1955, the Oklahoma
15 Inspectors Act, the Electrical License Act, and the Mechanical
16 Licensing Act, or the Roofing Contractor Registration Act; provided,
17 however, the Board is not authorized to inspect or issue
18 administrative violations or fines for public utilities, public
19 service corporations, intrastate gas pipeline companies, gas
20 gathering pipeline companies, gas processing companies, rural
21 electric associations, municipal utilities or their subsidiaries,
22 chemical plants, gas processing plants or petroleum refineries where
23 the entity uses their employees or contractors to work on their own
24 facilities or equipment;

1 7. Direct such other expenditures as may be necessary in the
2 performance of its duties including, but not limited to,
3 expenditures for office space, equipment, furnishings and contracts
4 for legal services. All expenditures shall be made pursuant to the
5 Oklahoma Central Purchasing Act; and

6 8. Enforce provisions of the plumbing, electrical and
7 mechanical codes as adopted by the Oklahoma Uniform Building Code
8 Commission pursuant to the Oklahoma Uniform Building Code Commission
9 Act.

10 C. The Board shall account for all receipts and expenditures of
11 the monies of the Board, including annually preparing and publishing
12 a statement of receipts and expenditures of the Board for each
13 fiscal year. The Board's annual statement of receipts and
14 expenditures shall be audited by the State Auditor and Inspector or
15 an independent accounting firm in accordance with the provisions of
16 subsection B of Section 212 of Title 74 of the Oklahoma Statutes,
17 and the audit report shall be certified to the Governor of this
18 state to be true and correct, under oath, by the chair and vice-
19 chair of the Board. A copy of such certified report shall be
20 delivered to the chairs of the respective Senate and House of
21 Representatives Committees having authority over matters relating to
22 business, labor and construction industry licensing or regulation
23 not later than February 1 each year if it is not otherwise available
24 electronically on the website of the State Auditor and Inspector.

1 D. The Board shall account for all fines, penalties and fees
2 assessed and collected pursuant to the Administrative Procedures Act
3 or any rule promulgated for regulation of any industry and trade
4 under the authority of the Construction Industries Board. All
5 fines, penalties and fees assessed for any violation of law or rule
6 shall be automatically reviewed and brought before the entire Board
7 for consideration and vote not later than ~~the last day of the~~
8 ~~monthly quarter in which~~ ninety (90) days from the date it was
9 imposed. The Construction Industries Board Administrator shall
10 present to the Board a written recommendation and summary for each
11 case in which an assessment of a fine, penalty or fee was imposed
12 after administrative proceedings. The Board shall consider the
13 recommendations for each case at the next meeting date and at such
14 meeting shall either vote to affirm the recommendations or vote to
15 deny the recommendations and remand the case for further
16 administrative hearing, with or without instructions. No
17 administrative case shall be delayed or continued by the Board after
18 being placed on an agenda for final Board review, except with the
19 consent of all parties. The licensee or persons affected by the
20 imposition of an administrative fine, penalty or fee on final review
21 by the Board shall have all rights of appeal preserved pursuant to
22 the Administrative Procedures Act until final action by the Board.

23 E. The Construction Industries Board shall hear all appeals
24 timely made from an administrative ruling relating to an industry

1 and trade regulated by the Board; however, this appeal authority
2 shall ~~not~~ be in addition to the appeal process authorized by the
3 Administrative Procedures Act. Any final order ruling by the Board
4 from an administrative hearing may be further appealed as authorized
5 by the Administrative Procedures Act. Any appeal to district court
6 shall be to the ~~district court~~ District Court of Oklahoma County.
7 The district court, upon conclusion of an appeal from a Board
8 ruling, shall be authorized to award reasonable legal fees to the
9 prevailing party.

10 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1000.6, is
11 amended to read as follows:

12 Section 1000.6 A. No later than January 1, 2002, and
13 thereafter, each time the position becomes vacant, the Construction
14 Industries Board shall hire a Construction Industries Board
15 Administrator. The Construction Industries Board may, upon a
16 majority vote, terminate the employment of the Construction
17 Industries Board Administrator.

18 B. The Construction Industries Board Administrator shall assist
19 the Construction Industries Board in the performance of its duties
20 and shall report directly to the Board.

21 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1000.21, as
22 amended by Section 2, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2016,
23 Section 1000.21), is amended to read as follows:

24

1 Section 1000.21 A. 1. There is hereby created the Oklahoma
2 Uniform Building Code Commission within the Construction Industries
3 Board ~~which~~ . The Construction Industries Board is authorized to
4 administer the Oklahoma Uniform Building Code Commission Act and
5 exercise all incidental powers necessary and proper to implement and
6 enforce the provisions of the Oklahoma Uniform Building Code
7 Commission Act and the rules promulgated thereto. The Oklahoma
8 Uniform Building Code Commission shall consist of eleven (11)
9 members, nine of whom shall be appointed by the Governor with the
10 advice and consent of the Senate as follows:

- 11 a. one member who is a general contractor from a
12 statewide organization that represents residential
13 construction,
- 14 b. one member who is a general contractor from a
15 statewide organization that represents commercial
16 construction,
- 17 c. one member who is a contractor from a statewide
18 organization that represents electrical contractors,
- 19 d. one member who is a contractor from a statewide
20 organization that represents plumbing contractors,
- 21 e. one member who is a contractor from a statewide
22 organization that represents heating and cooling
23 contractors,

24

1 f. one member who is a local-level regulator/inspector
2 who is a member of a statewide organization that is
3 exempt from taxation under federal law and designated
4 pursuant to the provisions of the Internal Revenue
5 Code, 26 U.S.C., Section 170(a), who has represented
6 municipalities and had statutory functions for
7 municipalities for at least fifteen (15) years prior
8 to November 1, 2005,

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

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

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

16 2. The members shall be appointed for staggered terms of four
17 (4) years, beginning July 1, 2009. A full term of office for
18 purposes of determining term limits provided in subsection C of this
19 section shall be the completion of a full four-year term of
20 appointment.

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

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

14 D. Whenever a member of the Commission is absent from more than
15 one-half (1/2) of all meetings of the governing body, regular and
16 special, held within any period of twelve (12) consecutive months,
17 the member shall thereupon cease to hold office by operation of law.

18 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1000.22, is
19 amended to read as follows:

20 Section 1000.22 ~~1. A.~~ A. The Oklahoma Uniform Building Code
21 Commission shall ~~organize immediately after July 1, 2009, and~~
22 ~~annually thereafter, by electing~~ annually elect from among its
23 members a chair and a vice-chair. The Commission shall hold
24 regularly scheduled meetings at least once each quarter ~~at a time~~

1 ~~and place determined by the Commission~~ and may hold such special
2 meetings, emergency meetings or continued or reconvened meetings as
3 found by the Commission to be necessary. A majority of the members
4 of the Commission shall constitute a quorum for the transaction of
5 business.

6 ~~2.~~ B. The chair shall preside at meetings of the Commission,
7 set the agenda, sign orders and other required documents, coordinate
8 Commission activities and perform such other duties as may be
9 prescribed by the Oklahoma Uniform Building Code Commission Act.

10 ~~3.~~ C. The vice-chair shall perform the duties of the chair
11 during the absence or disability of the chair and shall perform such
12 other duties as may be prescribed by the Commission.

13 ~~4. The Oklahoma Uniform Building Code Commission Chief~~
14 ~~Executive Officer, at the discretion of the Commission, shall:~~

- 15 a. ~~keep a record of all proceedings of the Commission and~~
16 ~~certify to actions of the Commission,~~
- 17 b. ~~oversee the receipt and deposit of all monies received~~
18 ~~by the Commission in the appropriate revolving funds,~~
- 19 c. ~~submit, at the first regular meeting of the Commission~~
20 ~~after the end of each fiscal year, a fully itemized~~
21 ~~report of the receipts and disbursements for the prior~~
22 ~~fiscal year, showing the amount of funds on hand, and~~
- 23 d. ~~perform such other duties as are prescribed in this~~
24 ~~act or as may be prescribed by the Commission.~~

1 ~~5. The Commission shall comply with the provisions of the~~
2 ~~Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the~~
3 ~~Administrative Procedures Act.~~

4 ~~6. D.~~ All members of the Commission ~~and such employees as~~
5 ~~determined by the Commission~~ shall be bonded as required by Sections
6 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

7 ~~7. E.~~ The liability of any member ~~or employee of the Commission~~
8 acting within the scope of Commission duties or employment shall be
9 governed by The Governmental Tort Claims Act.

10 ~~8. F.~~ Members of the Oklahoma Uniform Building Code Commission
11 and members of all technical committees shall serve without
12 compensation, but shall be reimbursed for all actual and necessary
13 expenses incurred in the performance of their duties in accordance
14 with the State Travel Reimbursement Act.

15 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1000.23, as
16 amended by Section 3, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2016,
17 Section 1000.23), is amended to read as follows:

18 Section 1000.23 A. The Oklahoma Uniform Building Code
19 Commission shall have the power and the duty to ~~review and adopt~~
20 prescribe standards and practices pursuant to this act by reviewing
21 and adopting all building codes for residential and commercial
22 construction to be used by all entities within this state. Codes
23 and standards adopted by the Commission shall be the minimum
24 standards for residential and commercial construction in this state.

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

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

14 D. ~~The Oklahoma Uniform Building Code Commission~~ shall have the
15 power and duty to establish a training ~~and certification~~ process for
16 all residential and commercial building code inspectors that
17 prescribes standards, practices and procedures for prelicensing
18 inspector training and other inspector training that enhances the
19 education of building and construction inspectors; provided the
20 training does not infringe upon the education requirements and
21 process under the Oklahoma Inspectors Act. Prelicensing programs
22 prescribing the standards, practices and procedures for prelicensing
23 building inspectors for use by other state agencies and other
24 education providers, both public and private, may be developed

1 through the use of a Technical Committee developing any program,
2 curriculum, and recommends to the Board proposed administrative
3 rules setting forth any standards and procedures to be adopted
4 pursuant to paragraph 1 of subsection A of Section 1000.24 of this
5 title. The Commission shall establish ~~regional~~ prelicensing
6 training on a regional basis for the purpose of training the county
7 and municipal inspectors in the ~~Uniform Building Code~~ statewide
8 building codes adopted pursuant to this act. The regional training
9 shall be offered at no cost to the ~~participant~~ building and
10 construction inspector trainee and shall be funded from the funds
11 received pursuant to Section 1000.25 of this title. Each inspector
12 operating in this state on behalf of any state agency or any
13 municipal or county office may ~~complete~~ participate in regional
14 training and be issued a ~~certification for inspections by the~~
15 ~~Uniform Building Code Commission on and after January 1, 2015~~
16 certificate of completion for any training program established
17 pursuant to this act; however, any certificate of completion is
18 subject to the continuing education approval process of the
19 licensing entity. The training and ~~certification applications~~
20 standards and procedures, qualifications and application procedures
21 for the instructor, provider, if a nonstate governmental entity, and
22 the inspector trainee applications shall be promulgated by
23 administrative rules of the ~~Commission~~ Board. ~~The Commission may~~
24

1 ~~establish forms~~ Forms and procedures may be established to implement
2 and administer the provisions of this section.

3 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1000.24, is
4 amended to read as follows:

5 Section 1000.24 A. 1. ~~Beginning July 1, 2009, pursuant~~
6 Pursuant to and in compliance with Article I of the Administrative
7 Procedures Act, the ~~Oklahoma Uniform Building Code Commission~~
8 Construction Industries Board shall have the power to adopt, amend,
9 repeal and promulgate rules as may be necessary to perform the
10 duties required under the Oklahoma Uniform Building Code Commission
11 Act; provided that all rules pertaining to adoption of statewide
12 building codes proposed after technical review and for the purpose
13 of revising and adopting the statewide building codes pursuant to
14 this act shall not be changed or altered by the Construction
15 Industries Board, so that the Commission retains and has the full,
16 unaltered authority to review, revise and adopt the statewide
17 building codes with any administrative services needed in the
18 administrative rules process to be provided by administrative staff
19 of the Construction Industries Board. Rules authorized under this
20 section shall not become effective prior to October 1, 2009.

21 2. ~~Beginning October 1, 2009, the Commission shall have the~~
22 ~~power to enforce the provisions of the Oklahoma Uniform Building~~
23 ~~Code Commission Act.~~

24

1 ~~3.~~ Any codes adopted by state agencies, municipalities or other
2 political subdivisions of the state prior to uniform codes being
3 adopted by the Oklahoma Uniform Building Code Commission, pursuant
4 to the provisions of, or rules promulgated pursuant to, the Oklahoma
5 Uniform Building Code Commission Act, shall be considered valid and
6 in effect until uniform codes are adopted by the Oklahoma Uniform
7 Building Code Commission.

8 B. The Oklahoma Uniform Building Code Commission shall have the
9 following powers:

10 1. ~~Exercise all incidental powers and duties which are~~
11 ~~necessary to effectuate the provisions of the Oklahoma Uniform~~
12 ~~Building Code Commission Act;~~

13 ~~2.~~ Adopt and have an official seal;

14 ~~3.~~ ~~Maintain an administrative staff, including, but not limited~~
15 ~~to, an Oklahoma Uniform Building Code Commission Chief Executive~~
16 ~~Officer;~~

17 ~~4.~~ ~~Direct such other expenditures as may be necessary in the~~
18 ~~performance of its duties, including, but not limited to,~~
19 ~~expenditures for office space, equipment, furnishings and contracts~~
20 ~~for services. All expenditures shall be made pursuant to the~~
21 ~~Oklahoma Central Purchasing Act;~~

22 ~~5.~~ 2. Appoint technical committees to review and recommend for
23 adoption all building codes. The technical committees shall review
24 and recommend building codes with any amendments for adoption by the

1 Commission and receive requests for advisory opinions for
2 interpretation of any statewide building code adopted pursuant to
3 this act, evaluate the requests for appropriateness of need for an
4 advisory opinion, assign any requests to the appropriate technical
5 committee requesting participation from entities responsible for the
6 enforcement of any code involved in the request providing deference
7 to an entity's previous interpretation and, upon recommendation of a
8 technical committee, issue advisory opinions interpreting the
9 adopted statewide code; and

10 ~~6.~~ 3. Create a website listing all building codes adopted by
11 the Commission and any advisory opinions issued. The website shall
12 provide a method for listing all codes adopted by a state agency,
13 city or any other political subdivision of the state containing
14 higher standards and requirements than the codes adopted pursuant to
15 the Oklahoma Uniform Building Code Commission Act as required in
16 Section 14-107 of Title 11 of the Oklahoma Statutes.

17 C. ~~After October 1, 2009, the Commission~~ The Construction
18 Industries Board shall account for all receipts and expenditures of
19 the monies of the Commission, including annually preparing and
20 publishing a statement of receipts and expenditures of the
21 Commission for each fiscal year. The Commission's annual statement
22 of receipts and expenditures shall be audited by the State Auditor
23 and Inspector or an independent accounting firm, and the audit
24 report shall be certified to the Governor of this state to be true

1 and correct, under oath, by the chair and vice-chair of the
2 ~~Commission~~ Construction Industries Board.

3 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1000.25, as
4 last amended by Section 4, Chapter 223, O.S.L. 2014 (59 O.S. Supp.
5 2016, Section 1000.25), is amended to read as follows:

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

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

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

21 2. The ~~Commission~~ Board shall charge fees for building permits
22 and renewal of such permits issued by any state agency,
23 municipality, or other political subdivision of this state which
24

1 authorized work governed by codes within the purview of the
2 ~~Commission~~ Board only within the following ranges:

3 For issuance of permit not to exceed ~~\$5.00~~ \$4.00
4 For renewal of permit not to exceed \$5.00

5 Fees shall be remitted to the Oklahoma Uniform Building Code
6 Commission Revolving Fund created pursuant to Section 1000.28 of
7 this title within thirty (30) days after the end of the preceding
8 calendar month. The Oklahoma Uniform Building Code Commission shall
9 report to the Governor, President Pro Tempore of the Senate and the
10 Speaker of the House semiannually its collections for the six (6)
11 months preceding the report;

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

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

1 disposition reports as provided by ~~rule of the Commission~~ rules
2 promulgated pursuant to paragraph 1 of subsection A of Section
3 1000.24 of this title;

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

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

17 7. Funds collected by a state agency, municipality or other
18 political subdivision and remitted to the State Treasury pursuant to
19 the Oklahoma Uniform Building Code Commission Act shall be deposited
20 in the Oklahoma Uniform Building Code Commission Revolving Fund and
21 shall be used solely for the purposes of the Oklahoma Uniform
22 Building Code Commission Act; provided that of the gross permit fees
23 charged, collected and received, ten percent (10%) shall be paid
24 into the General Revenue Fund of the state; and

1 8. Nothing in this act shall prevent the Oklahoma Uniform
2 Building Code Commission from offering incentives for prompt
3 payment.

4 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1000.28, as
5 amended by Section 273, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
6 2016, Section 1000.28), is amended to read as follows:

7 Section 1000.28 There is hereby created in the State Treasury a
8 revolving fund for the Oklahoma Uniform Building Code Commission to
9 be designated the Oklahoma Uniform Building Code Commission
10 Revolving Fund. The fund shall be a continuous fund, not subject to
11 fiscal year limitations, and shall consist of all fees or payments
12 ~~of any type~~ received by the ~~Commission~~ Construction Industries Board
13 for the purposes outlined in the provisions of the Oklahoma Uniform
14 Building Code Commission Act. All monies accruing to the credit of
15 the fund are hereby appropriated and may be budgeted and expended by
16 the ~~Commission~~ Board for the purpose of implementing and
17 administering the Oklahoma Uniform Building Code Commission Act.
18 Expenditures from the fund shall be made upon warrants issued by the
19 State Treasurer against claims filed as prescribed by law with the
20 Director of the Office of Management and Enterprise Services for
21 approval and payment.

22 SECTION 11. REPEALER 59 O.S. 2011, Sections 1000.26 and
23 1000.27, are hereby repealed.

1 SECTION 12. This act shall become effective November 1, 2017.

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3 56-1-5035 LRB 12/20/16
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