

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1890

By: Kirby of the House

and

Newberry of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to professions and occupations;
12 amending Sections 1000.23, as amended by Section 3,
13 Chapter 223, O.S.L. 2014 and 1000.24 (59 O.S. Supp.
14 2014, Section 1000.23), which relate to the Oklahoma
15 Uniform Building Code Commission; requiring
16 Commission to establish code academy; modifying
17 powers and duties of the Commission; providing for
18 continuing education; authorizing Commission to serve
19 as code variance appeals board for certain counties
20 and municipalities; and providing an effective date.

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

22 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1000.23, as
23 amended by Section 3, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2014,
24 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

1 used by all entities within this state. Codes and standards adopted
2 by the Commission shall be the minimum standards for residential and
3 commercial construction in this state.

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

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

17 D. The Oklahoma Uniform Building Code Commission shall have the
18 power and duty to establish a training and certification process for
19 all residential and commercial building code inspectors. The
20 Commission shall establish regional training for the purpose of
21 training ~~the~~ state, county and municipal inspectors or other
22 inspectors in the Uniform Building Code. The regional training
23 shall be offered at no cost to the participant and shall be funded
24 from the funds received pursuant to Section 1000.25 of this title.

1 Each inspector operating in this state on behalf of any state agency
2 or any municipal or county office may complete regional training and
3 be issued a certification for inspections by the Uniform Building
4 Code Commission on and after January 1, 2015. The Commission shall
5 establish a code academy as part of a certification process through
6 which employees of the state, counties, municipalities, and other
7 individuals may be educated in the Uniform Building Code and in
8 methodologies and techniques of inspection for residential and
9 commercial construction to become certified as state, county and
10 municipal inspectors, or other inspectors. The training and
11 certification applications, qualifications and procedures shall be
12 promulgated by rules of the Commission. The Commission may
13 establish forms and procedures to implement and administer the
14 provisions of this section.

15 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1000.24, is
16 amended to read as follows:

17 Section 1000.24 A. 1. Beginning July 1, 2009, pursuant to and
18 in compliance with Article I of the Administrative Procedures Act,
19 the Oklahoma Uniform Building Code Commission shall have the power
20 to adopt, amend, repeal and promulgate rules as may be necessary to
21 perform the duties required under the Oklahoma Uniform Building Code
22 Commission Act. Rules authorized under this section shall not
23 become effective prior to October 1, 2009.

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

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

11 B. The Oklahoma Uniform Building Code Commission shall have the
12 following powers:

13 1. Exercise all incidental powers and duties which are
14 necessary to effectuate the provisions of the Oklahoma Uniform
15 Building Code Commission Act;

16 2. Adopt and have an official seal;

17 3. Maintain an administrative staff, including, but not limited
18 to, an Oklahoma Uniform Building Code Commission Chief Executive
19 Officer;

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

1 5. Appoint technical committees to review and recommend for
2 adoption all building codes. The technical committees shall review
3 and recommend building codes with any amendments for adoption by the
4 Commission; and

5 6. Create a website listing all building codes adopted by the
6 Commission. The website shall provide a method for listing all
7 codes adopted by a state agency, city or any other political
8 subdivision of the state containing higher standards and
9 requirements than the codes adopted pursuant to the Oklahoma Uniform
10 Building Code Commission Act as required in Section 14-107 of Title
11 11 of the Oklahoma Statutes;

12 7. Provide continuing education to participants in the
13 construction industry. The continuing education shall be free of
14 charge to the participants. The continuing education provided by
15 the Oklahoma Uniform Building Code Commission shall provide the
16 participants with information relating to building codes,
17 methodologies, techniques and industry best practices. The
18 education hours provided to participants shall be accepted by all
19 state agencies, municipalities or other political subdivisions as
20 qualifying for an equivalent number of hours toward their respective
21 continuing education requirements; and

22 8. Serve as the code variance appeals board for the codes it
23 has adopted for municipalities with a population of less than ten
24 thousand (10,000). Counties enforcing building codes and cites with

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BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 a population greater than ten thousand (10,000) may authorize the
2 Commission to serve as their code variance appeals board. The
3 authorization shall continue until the municipality or county
4 rescinds the authorization by providing at least sixty (60) days
5 notice to the Commission.

6 C. After October 1, 2009, the Commission shall account for all
7 receipts and expenditures of the monies of the Commission, including
8 annually preparing and publishing a statement of receipts and
9 expenditures of the Commission for each fiscal year. The
10 Commission's annual statement of receipts and expenditures shall be
11 audited by the State Auditor and Inspector or an independent
12 accounting firm, and the audit report shall be certified to the
13 Governor of this state to be true and correct, under oath, by the
14 chair and vice-chair of the Commission.

15 SECTION 3. This act shall become effective November 1, 2015.

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17 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT, COMMERCE,
18 AND REAL ESTATE, dated 02/26/2015 - DO PASS, As Amended and
19 Coauthored.
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