

1 **SENATE FLOOR VERSION**

2 April 1, 2015

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1890

By: Kirby of the House

and

Newberry of the Senate

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7
8
9 An Act relating to professions and occupations;
10 amending Sections 1000.21, as amended by Section 2,
11 Chapter 223, O.S.L. 2014, 1000.23, as amended by
12 Section 3, Chapter 223, O.S.L. 2014 and 1000.24 (59
13 O.S. Supp. 2014, Sections 1000.21 and 1000.23), which
14 relate to the Oklahoma Uniform Building Code
15 Commission; modifying Commission membership;
16 clarifying language; prohibiting waiver of certain
17 standards; requiring Commission to establish code
18 academy; modifying powers and duties of the
19 Commission; providing for training for certain code
20 inspectors; providing for continuing education;
21 making continuing education free to certain
22 professionals; requiring acceptance of continuing
23 education credit hours by certain entities;
24 establishing certain code appeal boards by rule;
setting authority of appeal boards; and providing an
effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1000.21, as
amended by Section 2, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2014,
Section 1000.21), is amended to read as follows:

1 Section 1000.21. A. 1. There is hereby created the Oklahoma
2 Uniform Building Code Commission ~~within the Construction Industries~~
3 ~~Board~~ which shall consist of eleven (11) members, ~~nine~~ ten of whom
4 shall be appointed by the Governor with the advice and consent of
5 the Senate as follows:

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

1 municipalities for at least fifteen (15) years prior
2 to November 1, 2005,

3 g. one member who is a Certified Building Official (CBO)
4 or a Master Code Professional (MCP), who is employed
5 by a political subdivision,

6 h. one member who is a licensed architect from a
7 statewide organization that represents architects, ~~and~~

8 i. one member who is from the insurance industry with
9 knowledge of building codes and experience in property
10 loss mitigation, and

11 j. one member who has experience in commercial building
12 management who is a member of a statewide organization
13 representing commercial building owners and managers.

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

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

22 C. Appointed members shall continue in office until a successor
23 is appointed by the Governor, notwithstanding the term limitations.
24 No appointed member shall serve more than two consecutive full four-

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

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

15 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1000.23, as
16 amended by Section 3, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2014,
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 all
20 building codes for residential and commercial construction to be
21 used by all entities within this state. Codes and standards adopted
22 by the Commission shall be the state minimum standards for
23 residential and commercial construction in this state.

24

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

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

14 D. Each appeal board created by any state agency, municipality
15 or other political subdivision shall have no authority to waive the
16 state minimum standards and requirements adopted by the Commission.

17 ~~D.~~ E. 1. The Oklahoma Uniform Building Code Commission shall
18 have the power and duty to establish a training and certification
19 process for all residential and commercial building code inspectors.
20 The Commission shall establish regional training for the purpose of
21 continuing education training the for state, county and, municipal
22 inspectors and private sector inspectors in the Uniform Building
23 Code Codes and Standards. The regional training shall be offered at
24 no cost to ~~the participant~~ qualified industry professionals and

1 shall be funded from the funds received pursuant to Section 1000.25
2 of this title. Each inspector operating in this state on behalf of
3 any state agency ~~or any~~, municipal or county office, or other
4 qualified private entity, may ~~complete~~ attend regional training and
5 be issued a ~~certification for inspections~~ certificate of completion
6 by the Uniform Building Code Commission ~~on and after January 1, 2015~~
7 upon completion of the training.

8 2. The Commission shall establish a code academy which may be
9 part of the code inspection certification process. Employees of a
10 state agency or a municipal or county office, or other individuals
11 providing code inspection services through a qualified private
12 entity, may be educated in industry-related services including, but
13 not limited to, the uniform building codes and standards,
14 methodologies and techniques of inspection for residential and
15 commercial construction, and industry best-practices. Upon
16 successful completion of the academy requirements the individual may
17 be eligible to take a certification exam for a state, county,
18 municipal or private sector inspector. The training and
19 certification applications, qualifications, and procedures shall be
20 promulgated by rules of the Commission. The Commission may
21 establish forms and procedures to implement and administer the
22 provisions of this section.

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

1 Section 1000.24 A. 1. ~~Beginning July 1, 2009, pursuant to and~~
2 ~~in compliance with Article I of the Administrative Procedures Act,~~
3 ~~the~~ The Oklahoma Uniform Building Code Commission shall have the
4 power to adopt, amend, repeal, and promulgate rules as may be
5 necessary to perform the duties required under the Oklahoma Uniform
6 Building Code Commission Act. ~~Rules authorized under this section~~
7 ~~shall not become effective prior to October 1, 2009.~~

8 2. ~~Beginning October 1, 2009, the~~ The Commission shall have the
9 power to enforce the provisions of the Oklahoma Uniform Building
10 Code Commission Act.

11 3. Any ~~codes~~ code adopted by a state ~~agencies~~ agency,
12 ~~municipalities~~ municipality or other political ~~subdivisions~~
13 subdivision of the state prior to uniform codes being adopted by the
14 Oklahoma Uniform Building Code Commission, pursuant to the
15 provisions of, or rules promulgated pursuant to, the Oklahoma
16 Uniform Building Code Commission Act, shall be considered valid and
17 in effect until uniform codes are adopted by the Oklahoma Uniform
18 Building Code Commission.

19 B. The Oklahoma Uniform Building Code Commission shall have the
20 following powers:

21 1. Exercise all incidental powers and duties which are
22 necessary to effectuate the provisions of the Oklahoma Uniform
23 Building Code Commission Act;

24 2. Adopt and have an official seal;

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

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

9 5. Appoint technical committees to review and recommend for
10 adoption all building codes. The technical committees shall review
11 and recommend building codes with any amendments for adoption by the
12 Commission; ~~and~~

13 6. Create a website listing all building codes adopted by the
14 Commission. The website shall provide a method for listing all
15 codes adopted by a state agency, ~~city~~ municipality or any other
16 political subdivision of the state containing higher standards and
17 requirements than the codes adopted pursuant to the Oklahoma Uniform
18 Building Code Commission Act as required in Section 14-107 of Title
19 11 of the Oklahoma Statutes;

20 7. Provide continuing education for the residential and
21 commercial construction industry professional. All commission-
22 funded continuing education courses shall be free of charge to
23 qualified industry professionals and shall offer basic and advanced
24 training and competency in relevant industry-related services

1 including, but not limited to, building codes and standards,
2 methodologies, techniques, and industry best-practices. All
3 continuing education course credit-hours granted to an industry
4 professional by the Commission for successful completion of a
5 commission-funded course shall be accepted and qualify as equivalent
6 continuing education credit-hours by every state agency,
7 municipality, and political subdivision of this state for purposes
8 of industry-related continuing education requirements for license or
9 license renewal; and

10 8. Adopt rules for the creation and operation of code appeal
11 boards where a state agency, municipality or political subdivision
12 has adopted the Uniform Building Codes and Standards or has adopted
13 building codes of a higher standard. The Commission rules shall
14 authorize each appeal board to hear and decide appeals from an
15 order, decision or determination made by a building official, hear a
16 request for interpretation of codes, and hear appeals or requests
17 for variance if the adopted codes have a higher standard than the
18 state minimum standards adopted by the Commission.

19 C. ~~After October 1, 2009, the~~ The Commission shall account for
20 all receipts and expenditures of the monies of the Commission,
21 including annually preparing and publishing a statement of receipts
22 and expenditures of the Commission for each fiscal year. The
23 Commission's annual statement of receipts and expenditures shall be
24 audited by the State Auditor and Inspector or an independent

1 accounting firm, and the audit report shall be certified to the
2 Governor of this state to be true and correct, under oath, by the
3 chair and vice-chair of the Commission.

4 SECTION 4. This act shall become effective November 1, 2015.

5 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
6 April 1, 2015 - DO PASS AS AMENDED
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