

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

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

By: Kirby of the House

and

Newberry of the Senate

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10 CONFERENCE COMMITTEE SUBSTITUTE

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

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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. 1. The Oklahoma Uniform Building Code Commission shall have
15 the power and duty to establish a training and certification process
16 for all residential and commercial building code inspectors. The
17 Commission shall establish regional training for the purpose of
18 continuing education training ~~the~~ for state, county ~~and,~~ municipal
19 ~~inspectors~~ and private sector inspectors in the Uniform Building
20 ~~Code~~ Codes and Standards. The regional training shall be offered at
21 no cost to ~~the participant~~ qualified industry professionals and
22 shall be funded from the funds received pursuant to Section 1000.25
23 of this title. Each inspector operating in this state on behalf of
24 any state agency ~~or any,~~ municipal or county office or other

1 qualified private entity may ~~complete~~ attend regional training and
2 be issued a ~~certification for inspections~~ certificate of completion
3 by the Uniform Building Code Commission ~~on and after January 1, 2015~~
4 upon completion of the training.

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

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

22 Section 1000.24 A. 1. ~~Beginning July 1, 2009, pursuant to and~~
23 ~~in compliance with Article I of the Administrative Procedures Act,~~
24 ~~the~~ The Oklahoma Uniform Building Code Commission shall have the

1 power to adopt, amend, repeal and promulgate rules as may be
2 necessary to perform the duties required under the Oklahoma Uniform
3 Building Code Commission Act. ~~Rules authorized under this section~~
4 ~~shall not become effective prior to October 1, 2009.~~

5 2. ~~Beginning October 1, 2009, the~~ The Commission shall have the
6 power to enforce the provisions of the Oklahoma Uniform Building
7 Code Commission Act.

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

16 B. The Oklahoma Uniform Building Code Commission shall have the
17 following powers:

18 1. Exercise all incidental powers and duties which are
19 necessary to effectuate the provisions of the Oklahoma Uniform
20 Building Code Commission Act;

21 2. Adopt and have an official seal;

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

1 4. 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 services. All expenditures shall be made pursuant to the
5 Oklahoma Central Purchasing Act;

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

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

17 7. Provide continuing education for the residential and
18 commercial construction industry professional. All commission-
19 funded continuing education courses shall be free of charge to
20 qualified industry professionals and shall offer basic and advanced
21 training and competency in relevant industry-related services
22 including, but not limited to, building codes and standards,
23 methodologies, techniques and industry best-practices. All
24 continuing education course credit-hours granted to a qualified

1 industry professional by the Commission for successful completion of
2 a commission-funded course may be accepted and qualify as equivalent
3 continuing education credit-hours by every state agency,
4 municipality and political subdivision of this state for purposes of
5 industry-related continuing education requirements for registration,
6 license or license renewal. Continuing education credit hours shall
7 only apply if the course is specific to the qualified industry
8 professional's registration, license or license renewal.

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

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

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