

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 HOUSE BILL 2556

By: McBride

5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2021, Sections 1000.2, 1000.3,
9 1000.6, which relate to the Construction Industries
10 Board Act; authorizing Board to administer the
11 Oklahoma Uniform Building Code Commission Act;
12 modifying powers and duties of the Board; clarifying
13 language; amending 59 O.S. 2021, Sections 1000.21,
14 1000.22, 1000.23, 1000.24, 1000.25 and 1000.28, which
15 relate to the Oklahoma Uniform Building Code
16 Commission Act; authorizing Construction Industries
17 Board to administer the Oklahoma Uniform Building
18 Code Commission Act; modifying powers and duties of
19 the Oklahoma Uniform Building Code Commission;
20 providing for administrative services; authorizing
21 Commission to recommend system of fees; providing for
22 payment of certain fees collected; repealing 59 O.S.
23 2021, Sections 1000.26 and 1000.27, which relate to
24 the Chief Executive Officer and legal advisor to the
 Oklahoma Uniform Building Code Commission; and
 providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 1000.2, is
amended to read as follows:

Section 1000.2 A. The Construction Industries Board is hereby
~~re-created to continue until July 1, 2023, in accordance with the~~
~~provisions of the Oklahoma Sunset Law.~~ The Board shall regulate the

1 plumbing, electrical and mechanical trades, the building and
2 construction inspectors, home inspectors, and the roofing
3 contractors and implement and administer the Oklahoma Uniform
4 Building Code Commission Act through the powers and duties set forth
5 in the Construction Industries Board Act and in the respective
6 ~~licensing or registration acts for such trades~~, or as otherwise
7 provided by law.

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

11 a. two members shall have at least ten (10) years'
12 experience in the plumbing trade, of which one shall
13 be a plumbing contractor and one shall be a journeyman
14 plumber,

15 b. two members shall have at least ten (10) years'
16 experience in the electrical trade, of which one shall
17 be an electrical contractor and one shall be a
18 journeyman electrician,

19 c. two members shall have at least ten (10) years'
20 experience in the mechanical trade, of which one shall
21 be a mechanical contractor and one shall be a
22 mechanical journeyman, and

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

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

7 SECTION 2. AMENDATORY 59 O.S. 2021, Section 1000.3, is
8 amended to read as follows:

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

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

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

24

1 4. The Construction Industries Board Administrator, at the
2 discretion of the Board, shall:

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

14 B. The Board shall act in accordance with the provisions of the
15 Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the
16 Administrative Procedures Act.

17 C. All members of the Board and such employees as determined by
18 the Board shall be bonded as required by Sections ~~85.26~~ 85.58Q
19 through ~~85.31~~ 85.58V of Title 74 of the Oklahoma Statutes.

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

23 E. Members of the Board shall serve without compensation but
24 shall be reimbursed for all actual and necessary expenses incurred

1 in the performance of their duties in accordance with the State
2 Travel Reimbursement Act.

3 SECTION 3. AMENDATORY 59 O.S. 2021, Section 1000.4, is
4 amended to read as follows:

5 Section 1000.4 A. 1. Pursuant to and in compliance with
6 Article I of the Administrative Procedures Act, the Construction
7 Industries Board shall have the power to adopt, amend, repeal, and
8 promulgate rules as may be necessary to regulate the plumbing,
9 electrical ~~and~~, mechanical and roofing trades, building and
10 construction inspectors ~~and~~, home inspectors, and implement and
11 administer the Oklahoma Uniform Building Code Commission Act. All
12 rules promulgated by the Board shall be reviewed and approved as
13 provided in ~~subsection F of Section 308 of Title 75 of the Oklahoma~~
14 ~~Statutes~~ Article I of the Administrative Procedures Act and the
15 Construction Industries Board Act.

16 2. The Board shall have the power to enforce the provisions of
17 the Construction Industries Board Act, The Plumbing License Law of
18 1955, the Oklahoma Inspectors Act, the Electrical License Act, the
19 Mechanical Licensing Act, the Home Inspection Licensing Act, the
20 Oklahoma Uniform Building Code Commission Act and the Roofing
21 Contractor Registration Act, as provided in the respective acts.

22 B. The Board shall have the following powers:

23 1. Exercise all incidental powers and duties which are
24 necessary to effectuate the provisions of The Plumbing License Law

1 of 1955, the Oklahoma Inspectors Act, the Electrical License Act,
2 the Mechanical Licensing Act, ~~and~~ the Oklahoma Uniform Building Code
3 Commission Act, the Home Inspection Licensing Act and the Roofing
4 Contractor Registration Act, including, but not limited to,
5 performing inspections of licenses, registrations, endorsements and
6 construction sites not otherwise subject to code inspection for
7 compliance with statewide adopted building codes applicable to the
8 trades licensed by the Board;

9 2. Serve as a code variance and appeals board for the trades
10 and industries it regulates which do not have statutory code
11 variance and appeals boards;

12 3. Order or subpoena the attendance of witnesses, the
13 inspection of records and premises, and the production of relevant
14 books and papers for the investigation of matters that may come
15 before the Board;

16 4. Initiate disciplinary proceedings, request prosecution of
17 and initiate injunctive proceedings against any person who violates
18 any of the provisions of The Plumbing License Law of 1955, the
19 Oklahoma Inspectors Act, the Electrical License Act, the Mechanical
20 Licensing Act, ~~and~~ the Home Inspection Licensing Act and the Roofing
21 Contractor Registration Act;

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

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

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

21 8. Enforce provisions of the plumbing, electrical and
22 mechanical codes as adopted by the Oklahoma Uniform Building Code
23 Commission pursuant to the Oklahoma Uniform Building Code Commission
24 Act.

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

16 D. The Board shall account for all fines, penalties and fees
17 assessed and collected pursuant to the Administrative Procedures Act
18 or any rule promulgated for regulation of any industry and trade
19 under the authority of the Construction Industries Board. All
20 fines, penalties and fees assessed for any violation of law or rule
21 shall be automatically reviewed and brought before the entire Board
22 for consideration and vote not later than ~~the last day of the~~
23 ~~monthly quarter in which~~ ninety (90) days from the date it was
24 imposed. The Construction Industries Board Administrator shall

1 present to the Board a written recommendation and summary for each
2 case in which an assessment of a fine, penalty or fee was imposed
3 after administrative proceedings. The Board shall consider the
4 recommendations for each case at the next meeting date and at such
5 meeting shall either vote to affirm the recommendations or vote to
6 deny the recommendations and remand the case for further
7 administrative hearing, with or without instructions. No
8 administrative case shall be delayed or continued by the Board after
9 being placed on an agenda for final Board review, except with the
10 consent of all parties. The licensee or persons affected by the
11 imposition of an administrative fine, penalty or fee on final review
12 by the Board shall have all rights of appeal preserved pursuant to
13 the Administrative Procedures Act until final action by the Board.

14 E. The Construction Industries Board shall hear all appeals
15 timely made from an administrative ruling relating to an industry
16 and trade regulated by the Board; however, this appeal authority
17 shall not be in addition to the appeal process authorized by the
18 Administrative Procedures Act. Any final order ruling by the Board
19 from an administrative hearing may be further appealed as authorized
20 by the Administrative Procedures Act. Any appeal to a district
21 court shall be to the ~~district court~~ District Court of Oklahoma
22 County. The district court, upon conclusion of an appeal from a
23 Board ruling, shall be authorized to award reasonable legal fees to
24 the prevailing party.

1 SECTION 4. AMENDATORY 59 O.S. 2021, Section 1000.6, is
2 amended to read as follows:

3 Section 1000.6 A. No later than January 1, 2002, and
4 thereafter, each time the position becomes vacant, the Construction
5 Industries Board shall hire a Construction Industries Board
6 Administrator. The Construction Industries Board may, upon a
7 majority vote, terminate the employment of the Construction
8 Industries Board Administrator.

9 B. The Construction Industries Board Administrator shall assist
10 the Construction Industries Board in the performance of its duties
11 and shall report directly to the Board.

12 SECTION 5. AMENDATORY 59 O.S. 2021, Section 1000.21, is
13 amended to read as follows:

14 Section 1000.21 A. 1. There is hereby created the Oklahoma
15 Uniform Building Code Commission within the Construction Industries
16 Board ~~which~~. The Construction Industries Board is authorized to
17 administer the Oklahoma Uniform Building Code Commission Act and
18 exercise all incidental powers necessary and proper to implement and
19 enforce the provisions of the Oklahoma Uniform Building Code
20 Commission Act and the rules promulgated thereto. The Oklahoma
21 Uniform Building Code Commission shall consist of thirteen (13)
22 members, eleven of whom shall be appointed by the Governor with the
23 advice and consent of the Senate as follows:

24

- 1 a. one member who is a general contractor from a
2 statewide organization that represents residential
3 construction,
4 b. one member who is a general contractor from a
5 statewide organization that represents commercial
6 construction,
7 c. one member who is a contractor from a statewide
8 organization that represents electrical contractors,
9 d. one member who is a contractor from a statewide
10 organization that represents plumbing contractors,
11 e. one member who is a contractor from a statewide
12 organization that represents heating and cooling
13 contractors,
14 f. one member who is a licensed electrical engineer from
15 a state-recognized professional engineering firm,
16 g. one member who is a local-level regulator/inspector
17 who is a member of a statewide organization that is
18 exempt from taxation under federal law and designated
19 pursuant to the provisions of the Internal Revenue
20 Code, 26 U.S.C., Section 170(a), who has represented
21 municipalities and had statutory functions for
22 municipalities for at least fifteen (15) years prior
23 to November 1, 2005,
24

1 h. one member who is a Certified Building Official
2 employed by a political subdivision,

3 i. one member who is a licensed architect from a
4 statewide organization that represents architects,

5 j. one member who is from the insurance industry with
6 knowledge of building codes and experience in property
7 loss mitigation, and

8 k. one member who is a licensed mechanical engineer from
9 a state-recognized professional engineering firm.

10 2. The members shall be appointed for staggered terms of four
11 (4) years. The initial appointment of the members added by this act
12 shall be made within ninety (90) days of the effective date of this
13 act. A full term of office for purposes of determining term limits
14 provided in subsection C of this section shall be the completion of
15 a full four-year term of appointment.

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

19 C. Appointed members shall continue in office until a successor
20 is appointed by the Governor, notwithstanding the term limitations.
21 No appointed member shall serve more than two consecutive full four-
22 year terms; provided, such a member shall be eligible to serve until
23 a successor is appointed, and such member may be reappointed after a
24 two-year absence from the Commission. The Governor shall fill all

1 vacancies and unexpired terms in the same manner as the original
2 appointment of the member whose position is to be filled. No
3 initial appointment to a term of less than four (4) years or any
4 partial-term appointment to fill a vacancy or unexpired term of
5 another member shall be counted for purposes of determining term
6 limits. An appointed member may be removed by the Governor for
7 cause.

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

12 SECTION 6. AMENDATORY 59 O.S. 2021, Section 1000.22, is
13 amended to read as follows:

14 Section 1000.22 ~~1. A.~~ A. The Oklahoma Uniform Building Code
15 Commission shall ~~organize immediately after July 1, 2009, and~~
16 ~~annually thereafter, by electing~~ annually elect from among its
17 members a chair and a vice-chair. The Commission shall hold
18 regularly scheduled meetings at least once each quarter ~~at a time~~
19 ~~and place determined by the Commission~~ and may hold such special
20 meetings, emergency meetings or continued or reconvened meetings as
21 found by the Commission to be necessary. A majority of the members
22 of the Commission shall constitute a quorum for the transaction of
23 business.

24

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

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

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

- 10 ~~a. keep a record of all proceedings of the Commission and
11 certify to actions of the Commission,~~
- 12 ~~b. oversee the receipt and deposit of all monies received
13 by the Commission in the appropriate revolving funds,~~
- 14 ~~c. submit, at the first regular meeting of the Commission
15 after the end of each fiscal year, a fully 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 this
19 act or as may be prescribed by the Commission.~~

20 ~~5. The Commission shall comply with the provisions of the
21 Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the
22 Administrative Procedures Act.~~

23 ~~6.~~ D. All members of the Commission and such employees as
24 determined by the Commission shall be bonded as required by Sections

1 ~~85.26~~ 85.58Q through ~~85.31~~ 85.58V of Title 74 of the Oklahoma
2 Statutes.

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

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

11 SECTION 7. AMENDATORY 59 O.S. 2021, Section 1000.23, is
12 amended to read as follows:

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

20 B. All public projects shall abide by such minimum standards
21 and requirements; provided, nothing in the Oklahoma Uniform Building
22 Code Commission Act shall prevent or take away from state agencies
23 the authority to enact and enforce requirements containing higher
24

1 standards and requirements than such minimum standards and
2 requirements.

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

10 D. ~~The Oklahoma Uniform Building Code Commission~~ shall have the
11 power and duty to establish a training ~~and certification~~ process for
12 all residential and commercial building code inspectors that
13 prescribes standards, practices and procedures for prelicensing
14 inspector training and other inspector training that enhances the
15 education of building and construction inspectors; provided, the
16 training does not infringe upon the education requirements and
17 processes under the Oklahoma Inspectors Act. Prelicensing programs
18 prescribing the standards, practices and procedures for prelicensing
19 building inspectors for use by other state agencies and other
20 education providers, both public and private, may be developed
21 through the use of a technical committee that develops any program
22 or curriculum, and recommends to the Construction Industries Board
23 proposed administrative rules setting forth any standards and
24 procedures to be adopted pursuant to paragraph 1 of subsection A of

1 Section 1000.24 of this title. The Commission shall establish
2 ~~regional prelicensing training on a regional basis~~ for the purpose
3 of training the county and municipal inspectors in the ~~Uniform~~
4 ~~Building Code~~ statewide building codes adopted pursuant to this act.
5 The regional training shall be offered at no cost to the ~~participant~~
6 building and construction inspector trainee along with any books or
7 materials as may be determined necessary by the Board when funds are
8 available and shall be funded from the funds received pursuant to
9 Section 1000.25 of this title. Each inspector operating in this
10 state on behalf of any state agency or any municipal or county
11 office may ~~complete~~ participate in regional training and be issued a
12 ~~certification for inspections by the Uniform Building Code~~
13 ~~Commission on and after January 1, 2015~~ certificate of completion
14 for any training program established pursuant to this act; however,
15 any certificate of completion is subject to the continuing education
16 approval process of the licensing entity. The training ~~and~~
17 ~~certification applications standards,~~ qualifications and application
18 procedures for the instructor, provider, if a nonstate governmental
19 entity, and the inspector trainee applications shall be promulgated
20 by administrative rules of the Commission Board. ~~The Commission may~~
21 ~~establish forms~~ Forms and procedures may be established to implement
22 and administer the provisions of this section.

23 SECTION 8. AMENDATORY 59 O.S. 2021, Section 1000.24, is
24 amended to read as follows:

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

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

21 ~~3.~~ Any codes adopted by state agencies, municipalities or other
22 political subdivisions of the state prior to uniform codes being
23 adopted by the Oklahoma Uniform Building Code Commission, pursuant
24 to the provisions of, or rules promulgated pursuant to, the Oklahoma

1 Uniform Building Code Commission Act, shall be considered valid and
2 in effect until uniform codes are adopted by the Oklahoma Uniform
3 Building Code Commission.

4 B. The Oklahoma Uniform Building Code Commission shall have the
5 following powers:

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

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

10 ~~3. Maintain an administrative staff, including, but not limited~~
11 ~~to, an Oklahoma Uniform Building Code Commission Chief Executive~~
12 ~~Officer;~~

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

18 ~~5.~~ 2. Appoint technical committees to review and recommend for
19 adoption all building codes. The technical committees shall review
20 and recommend building codes with any amendments for adoption by the
21 Commission, receive requests for advisory opinions for
22 interpretation of any statewide building code adopted pursuant to
23 this act, evaluate the requests for appropriateness of need for an
24 advisory opinion, assign any requests to the appropriate technical

1 committee requesting participation from entities responsible for the
2 enforcement of any code involved in the request providing deference
3 to an entity's previous interpretation and, upon recommendation of a
4 technical committee, issue advisory opinions interpreting the
5 adopted statewide code; and

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

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

23 SECTION 9. AMENDATORY 59 O.S. 2021, Section 1000.25, is
24 amended to read as follows:

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

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

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

16 2. The ~~Commission~~ Board shall charge fees for building permits
17 and renewal of such permits issued by any state agency,
18 municipality, or other political subdivision of this state which
19 authorized work governed by codes within the purview of the
20 ~~Commission~~ Board only within the following ranges:

21 For issuance of permit	not to exceed \$5.00 <u>\$4.00</u>
22 For renewal of permit	not to exceed \$5.00

23 Fees shall be remitted to the Oklahoma Uniform Building Code
24 Commission Revolving Fund created pursuant to Section 1000.28 of

1 this title within thirty (30) days after the end of the preceding
2 calendar month. The Oklahoma Uniform Building Code Commission shall
3 report to the Governor, President Pro Tempore of the Senate and the
4 Speaker of the House semiannually its collections for the six (6)
5 months preceding the report;

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

10 4. The state agency, municipality or other political
11 subdivision shall remit the monies in the account on a monthly basis
12 directly to the State Treasury for deposit in the Oklahoma Uniform
13 Building Code Commission Revolving Fund created pursuant to Section
14 1000.28 of this title. Along with the deposits required by this
15 paragraph, each state agency, municipality or other political
16 subdivision shall also submit a report stating the total amount of
17 funds collected and the total number of fees imposed during the
18 preceding month. The report shall be made on computerized or manual
19 disposition reports as provided by ~~rule of the Commission~~ rules
20 promulgated pursuant to paragraph 1 of subsection A of Section
21 1000.24 of this title;

22 5. Any state agency, municipality or other political
23 subdivision collecting and remitting fees pursuant to this section
24 may levy a fee up to fifty cents (\$0.50) for every construction

1 permit or renewal permit issued. These monies shall be deposited
2 into an account for the sole use of the state agency, municipality
3 or other political subdivision. The state agency, municipality or
4 other political subdivision shall state the total amount of funds
5 collected and the total number of fees imposed to the State Treasury
6 in the report required by paragraph 4 of this subsection;

7 6. It shall be the responsibility of the state agency,
8 municipality or other political subdivision to account for and
9 ensure the correctness and accuracy of payments made to the State
10 Treasury pursuant to this title;

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

19 8. Nothing in this act shall prevent the Oklahoma Uniform
20 Building Code Commission from offering incentives for prompt
21 payment.

22 SECTION 10. AMENDATORY 59 O.S. 2021, Section 1000.28, is
23 amended to read as follows:

24

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

16 SECTION 11. REPEALER 59 O.S. 2021, Sections 1000.26 and
17 1000.27, are hereby repealed.

18 SECTION 12. This act shall become effective November 1, 2023.
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20 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
21 02/22/2023 - DO PASS.
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