

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2758

By: Kirby

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Sections 1000.21, as amended
9 by Section 2, Chapter 223, O.S.L. 2014, 1000.23, as
10 amended by Section 3, Chapter 223, O.S.L. 2014 and
11 1000.24 (59 O.S. Supp. 2015, Sections 1000.21 and
12 1000.23), which relate to the Oklahoma Uniform
13 Building Code Commission; modifying Commission
14 membership; clarifying language; prohibiting waiver
15 of certain standards; modifying powers and duties of
16 the Commission; providing for training for certain
17 code inspectors; providing for continuing education;
18 making continuing education free to certain
19 professionals; requiring acceptance of continuing
20 education credit hours by certain entities; and
21 providing an effective date.

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

23 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1000.21, as
24 amended by Section 2, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2015,
Section 1000.21), is amended to read as follows:

Section 1000.21 A. 1. There is hereby created the Oklahoma
Uniform Building Code Commission within the Construction Industries
Board which shall consist of eleven (11) members, ~~nine~~ ten of whom

1 shall be appointed by the Governor with the advice and consent of
2 the Senate as follows:

- 3 a. one member who is a general contractor from a
4 statewide organization that represents residential
5 construction,
- 6 b. one member who is a general contractor from a
7 statewide organization that represents commercial
8 construction,
- 9 c. one member who is a contractor from a statewide
10 organization that represents electrical contractors,
- 11 d. one member who is a contractor from a statewide
12 organization that represents plumbing contractors,
- 13 e. one member who is a contractor from a statewide
14 organization that represents heating and cooling
15 contractors,
- 16 f. 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,

- 1 g. one member who is a Certified Building Official (CBO)
2 or a Master Code Professional (MCP) employed by a
3 political subdivision,
- 4 h. one member who is a licensed architect from a
5 statewide organization that represents architects, ~~and~~
- 6 i. one member who is from the insurance industry with
7 knowledge of building codes and experience in property
8 loss mitigation, and
- 9 j. one member who has experience in commercial building
10 management who is a member of a statewide organization
11 representing commercial building owners and managers.

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

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

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

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

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

13 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1000.23, as
14 amended by Section 3, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2015,
15 Section 1000.23), is amended to read as follows:

16 Section 1000.23 A. The Oklahoma Uniform Building Code
17 Commission shall have the power and the duty to review and adopt all
18 building codes for residential and commercial construction to be
19 used by all entities within this state. Codes and standards adopted
20 by the Commission shall be the state minimum standards for
21 residential and commercial construction in this state.

22 B. All public projects shall abide by ~~such~~ the state minimum
23 standards and requirements; provided, nothing in the Oklahoma
24 Uniform Building Code Commission Act shall prevent or take away from

1 state agencies the authority to enact and enforce requirements
2 containing higher standards and requirements than ~~such~~ the minimum
3 standards and requirements adopted by the Commission.

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

11 D. The Oklahoma Uniform Building Code Commission shall have the
12 power and duty to establish a training and certification process for
13 all residential and commercial building code inspectors. The
14 Commission shall establish regional training for the purpose of
15 continuing education training ~~the~~ for state, county ~~and,~~ municipal
16 and private sector inspectors in the Uniform Building ~~Code~~ Codes and
17 Standards. The regional training shall be offered at no cost to ~~the~~
18 ~~participant~~ qualified industry professionals and shall be funded
19 from the funds received pursuant to Section 1000.25 of this title.
20 Each inspector operating in this state on behalf of any state agency
21 ~~or any,~~ municipal or county office or other qualified private entity
22 may ~~complete~~ attend regional training and be issued a ~~certification~~
23 ~~for inspections~~ certificate of completion by the Uniform Building
24 Code Commission ~~on and after January 1, 2015~~ upon completion of the

1 training. The training and certification applications,
2 qualifications and procedures shall be promulgated by rules of the
3 Commission. The Commission may establish forms and procedures to
4 implement and administer the provisions of this section.

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

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

14 2. ~~Beginning October 1, 2009, the~~ The Commission shall have the
15 power to enforce the provisions of the Oklahoma Uniform Building
16 Code Commission Act.

17 3. Any ~~codes~~ code adopted by a state ~~agencies~~ agency,
18 ~~municipalities~~ municipality or other political ~~subdivisions~~
19 subdivision of the state prior to uniform codes being adopted by the
20 Oklahoma Uniform Building Code Commission, pursuant to the
21 provisions of, or rules promulgated pursuant to, the Oklahoma
22 Uniform Building Code Commission Act, shall be considered valid and
23 in effect until uniform codes are adopted by the Oklahoma Uniform
24 Building Code Commission.

1 B. The Oklahoma Uniform Building Code Commission shall have the
2 following powers:

3 1. Exercise all incidental powers and duties which are
4 necessary to effectuate the provisions of the Oklahoma Uniform
5 Building Code Commission Act;

6 2. Adopt and have an official seal;

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

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

15 5. Appoint technical committees to review and recommend for
16 adoption all building codes. The technical committees shall review
17 and recommend building codes with any amendments for adoption by the
18 Commission; ~~and~~

19 6. Create a website listing all building codes adopted by the
20 Commission. The website shall provide a method for listing all
21 codes adopted by a state agency, ~~city~~ municipality or any other
22 political subdivision of the state containing higher standards and
23 requirements than the codes adopted pursuant to the Oklahoma Uniform
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1 Building Code Commission Act as required in Section 14-107 of Title
2 11 of the Oklahoma Statutes; and

3 7. Provide continuing education for the residential and
4 commercial construction industry professional. All commission-
5 funded continuing education courses shall be free of charge to
6 qualified industry professionals and shall offer basic and advanced
7 training and competency in relevant industry-related services
8 including, but not limited to, building codes and standards,
9 methodologies, techniques and industry best practices. All
10 continuing education course credit hours granted to a qualified
11 industry professional by the Commission for successful completion of
12 a commission-funded course may be accepted and qualify as equivalent
13 continuing education credit hours by every state agency,
14 municipality and political subdivision of this state for purposes of
15 industry-related continuing education requirements for registration,
16 license or license renewal. Continuing education credit hours shall
17 only apply if the course is specific to the qualified industry
18 professional's registration, license or license renewal.

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, 2016.

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6 55-2-8106 LRB 12/28/15
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