

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2758

6 By: Kirby

7 COMMITTEE SUBSTITUTE

8 An Act relating to professions and occupations;
9 amending 59 O.S. 2011, Sections 1000.21, as amended
10 by Section 2, Chapter 223, O.S.L. 2014, 1000.23, as
11 amended by Section 3, Chapter 223, O.S.L. 2014 and
12 1000.24 (59 O.S. Supp. 2015, Sections 1000.21 and
13 1000.23), which relate to the Oklahoma Uniform
14 Building Code Commission; modifying Commission
15 membership; clarifying language; prohibiting waiver
16 of certain standards; modifying powers and duties of
17 the Commission; providing for training for certain
18 code inspectors; providing for continuing education;
19 requiring acceptance of continuing education credit
20 hours by certain entities; and providing an effective
21 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 inspectors in the Uniform Building ~~Code~~ Codes and Standards. The
17 regional training shall be offered at no cost to the ~~participant~~
18 state, county or municipal inspectors and shall be funded from the
19 funds received pursuant to Section 1000.25 of this title. Each
20 inspector operating in this state on behalf of any state agency ~~or~~
21 ~~any~~ or municipal or county office may ~~complete~~ attend regional
22 training and be issued a ~~certification for inspections~~ certificate
23 of completion by the Uniform Building Code Commission ~~on and after~~
24 ~~January 1, 2015~~ upon completion of the training. The training and

1 certification applications, qualifications and procedures shall be
2 promulgated by rules of the Commission. The Commission may
3 establish forms and procedures to implement and administer the
4 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~~
8 Pursuant to and in compliance with Article I of the Administrative
9 Procedures Act, the Oklahoma Uniform Building Code Commission shall
10 have the power to adopt, amend, repeal and promulgate rules as may
11 be necessary to perform the duties required under the Oklahoma
12 Uniform Building Code Commission Act. ~~Rules authorized under this~~
13 ~~section 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 regional training through continuing education for
4 the residential and commercial construction industry professional.

5 All Commission-funded continuing education courses shall offer basic
6 and advanced training and competency in relevant industry-related
7 services including, but not limited to, building codes and
8 standards, methodologies, techniques and industry best practices.

9 The Commission may provide continuing education through
10 associations, organizations or groups composed of individuals
11 participating in the design or construction of the built environment
12 which sponsor or cosponsor continuing education courses with the
13 Commission by providing classroom space or facilities, educational
14 materials, course advertising, meals, refreshments or other
15 amenities to course attendees, all at no cost to the Commission. In
16 providing such continuing education, the Commission is authorized to
17 utilize qualified instructors supplied by and secured through
18 nonprofit organizations that either develop comprehensive and
19 coordinated national or international model construction codes and
20 standards, or that provide and advocate scientifically based
21 consensus codes and standards, and that in either event develop
22 model construction codes and standards that have been adopted by the
23 Commission. The Commission is authorized to arrange for or schedule
24 qualified instructors either directly with such nonprofit

1 organizations that develop model construction codes and standards,
2 or through associations, organizations or groups of qualified
3 industry professionals, by reimbursement of the cost of such
4 qualified instructors paid by such associations, organizations or
5 groups, that make proper application for such reimbursement and
6 provide adequate written proof of such payment in the discretion of
7 the Commission; provided, that such reimbursement shall not exceed
8 the amount charged by the nonprofit organizations that develop such
9 model construction codes and standards for the services of such
10 qualified instructors. All continuing education course credit hours
11 granted by the Commission for successful completion of a Commission-
12 funded course may be accepted and qualify as equivalent continuing
13 education credit hours by every state agency, municipality and
14 political subdivision of this state for purposes of industry-related
15 continuing education requirements for registration, license or
16 license renewal. Continuing education credit hours shall only apply
17 if the course is specific to the course attendee's registration,
18 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 September 1, 2016.

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