

1                                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 55th Legislature (2016)

4   COMMITTEE SUBSTITUTE  
5   FOR  
6   HOUSE BILL NO. 2758

                                  By: Kirby of the House

  and

  David of the Senate

8  
9                                   COMMITTEE SUBSTITUTE

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

24   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. 2015,  
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) employed by a  
5 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. 2015,  
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~~ the state minimum  
2 standards and requirements; provided, nothing in the Oklahoma  
3 Uniform Building Code Commission Act shall prevent or take away from  
4 state agencies the authority to enact and enforce requirements  
5 containing higher standards and requirements than ~~such~~ the minimum  
6 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. The Oklahoma Uniform Building Code Commission shall have the  
15 power and duty to establish a training and certification process for  
16 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 in the Uniform Building Code Codes and Standards. The  
20 regional training shall be offered at no cost to the ~~participant~~  
21 state, county or municipal inspectors and shall be funded from the  
22 funds received pursuant to Section 1000.25 of this title. Each  
23 inspector operating in this state on behalf of any state agency ~~or~~  
24 ~~any~~ or municipal or county office may ~~complete~~ attend regional

1 training and be issued a ~~certification for inspections~~ certificate  
2 of completion by the Uniform Building Code Commission ~~on and after~~  
3 ~~January 1, 2015~~ upon completion of the training. The training and  
4 certification applications, qualifications and procedures shall be  
5 promulgated by rules of the Commission. The Commission may  
6 establish forms and procedures to implement and administer the  
7 provisions of this section.

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

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

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

20 3. Any ~~codes~~ code adopted by a state agencies agency,  
21 ~~municipalities~~ municipality or other political ~~subdivisions~~  
22 subdivision of the state prior to uniform codes being adopted by the  
23 Oklahoma Uniform Building Code Commission, pursuant to the  
24 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. 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; ~~and~~

22 6. Create a website listing all building codes adopted by the  
23 Commission. The website shall provide a method for listing all  
24 codes adopted by a state agency, ~~city~~ municipality or any other

1 political subdivision of the state containing higher standards and  
2 requirements than the codes adopted pursuant to the Oklahoma Uniform  
3 Building Code Commission Act as required in Section 14-107 of Title  
4 11 of the Oklahoma Statutes; and

5 7. Provide regional training through continuing education for  
6 the residential and commercial construction industry professional.  
7 All Commission-funded continuing education courses shall offer basic  
8 and advanced training and competency in relevant industry-related  
9 services including, but not limited to, building codes and  
10 standards, methodologies, techniques and industry best practices.

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



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

21 C. ~~After October 1, 2009, the~~ The Commission shall account for  
22 all receipts and expenditures of the monies of the Commission,  
23 including annually preparing and publishing a statement of receipts  
24 and expenditures of the Commission for each fiscal year. The

1 Commission's annual statement of receipts and expenditures shall be  
2 audited by the State Auditor and Inspector or an independent  
3 accounting firm, and the audit report shall be certified to the  
4 Governor of this state to be true and correct, under oath, by the  
5 chair and vice-chair of the Commission.

6 SECTION 4. This act shall become effective September 1, 2016.

7  
8 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, LABOR AND RETIREMENT  
9 LAWS, dated 02/24/2016 - DO PASS, As Amended and Coauthored.  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24