

1 **SENATE FLOOR VERSION**

2 March 31, 2016

3 **AS AMENDED**

4 ENGROSSED HOUSE  
5 BILL NO. 2758

6 By: Kirby of the House

7 and

8 David of the Senate

9 [ professions and occupations - Oklahoma Uniform  
10 Building Code Commission - modifying powers and  
11 duties of the Commission - effective date ]

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

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

16 Section 1000.21 A. 1. There is hereby created the Oklahoma  
17 Uniform Building Code Commission within the Construction Industries  
18 Board which shall consist of eleven (11) members, ~~nine~~ ten of whom  
19 shall be appointed by the Governor with the advice and consent of  
20 the Senate as follows:

- 21 a. one member who is a general contractor from a  
22 statewide organization that represents residential  
23 construction,

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

1 i. one member who is from the insurance industry with  
2 knowledge of building codes and experience in property  
3 loss mitigation, and

4 j. one member who has experience in commercial building  
5 management who is a member of a statewide organization  
6 representing commercial building owners and managers.

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

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

15 C. Appointed members shall continue in office until a successor  
16 is appointed by the Governor, notwithstanding the term limitations.  
17 No appointed member shall serve more than two consecutive full four-  
18 year terms; provided, ~~such a~~ the member shall be eligible to serve  
19 until a successor is appointed, and such member may be reappointed  
20 after a two-year absence from the Commission. The Governor shall  
21 fill all vacancies and unexpired terms in the same manner as the  
22 original appointment of the member whose position is to be filled.  
23 No initial appointment to a term of less than four (4) years or any  
24 partial-term appointment to fill a vacancy or unexpired term of

1 another member shall be counted for purposes of determining term  
2 limits. An appointed member may be removed by the Governor for  
3 cause.

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

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

11 Section 1000.23 A. The Oklahoma Uniform Building Code  
12 Commission shall have the power and the duty to review and adopt all  
13 building codes for residential and commercial construction to be  
14 used by all entities within this state. Codes and standards adopted  
15 by the Commission shall be the state minimum standards for  
16 residential and commercial construction in this state.

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

23 C. Municipalities and other political subdivisions shall abide  
24 by ~~such~~ the state minimum standards and requirements; provided,

1 nothing in the Oklahoma Uniform Building Code Commission Act shall  
2 prevent or take away from ~~such~~ municipalities and other political  
3 subdivisions the authority to enact and enforce requirements  
4 containing higher standards and requirements than ~~such~~ the minimum  
5 standards and requirements adopted by the Commission.

6 D. The Oklahoma Uniform Building Code Commission shall have the  
7 power and duty to establish a training and certification process for  
8 all residential and commercial building code inspectors. The  
9 Commission shall establish regional training for the purpose of  
10 continuing education training ~~the~~ for state, county and municipal  
11 inspectors in the Uniform Building Code Codes and Standards. The  
12 regional training shall be offered at no cost to the ~~participant~~  
13 state, county or municipal inspectors and shall be funded from the  
14 funds received pursuant to Section 1000.25 of this title. Each  
15 inspector operating in this state on behalf of any state agency or  
16 ~~any~~ municipal or county office may ~~complete~~ attend regional training  
17 and be issued a ~~certification for inspections~~ certificate of  
18 completion by the Uniform Building Code Commission ~~on and after~~  
19 January 1, 2015 upon completion of the training. The training and  
20 certification applications, qualifications and procedures shall be  
21 promulgated by rules of the Commission. The Commission may  
22 establish forms and procedures to implement and administer the  
23 provisions of this section.

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

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

10 2. ~~Beginning October 1, 2009, the~~ The Commission shall have the  
11 power to enforce the provisions of the Oklahoma Uniform Building  
12 Code Commission Act.

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

21 B. The Oklahoma Uniform Building Code Commission shall have the  
22 following powers:

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- 1           1. Exercise all incidental powers and duties which are  
2 necessary to effectuate the provisions of the Oklahoma Uniform  
3 Building Code Commission Act;
- 4           2. Adopt and have an official seal;
- 5           3. Maintain an administrative staff, including, but not limited  
6 to, an Oklahoma Uniform Building Code Commission Chief Executive  
7 Officer;
- 8           4. Direct ~~such other~~ expenditures as may be necessary in the  
9 performance of its duties, including, but not limited to,  
10 expenditures for office space, equipment, furnishings and contracts  
11 for services. All expenditures shall be made pursuant to The  
12 Oklahoma Central Purchasing Act;
- 13           5. Appoint technical committees to review and recommend for  
14 adoption all building codes. The technical committees shall review  
15 and recommend building codes with any amendments for adoption by the  
16 Commission; ~~and~~
- 17           6. Create a website listing all building codes adopted by the  
18 Commission. The website shall provide a method for listing all  
19 codes adopted by a state agency, ~~city~~ municipality or any other  
20 political subdivision of the state containing higher standards and  
21 requirements than the codes adopted pursuant to the Oklahoma Uniform  
22 Building Code Commission Act as required in Section 14-107 of Title  
23 11 of the Oklahoma Statutes; and
- 24

1        7. Provide regional training through continuing education for  
2 the residential and commercial construction industry professional.  
3 All Commission-funded continuing education courses shall offer basic  
4 and advanced training and competency in relevant industry-related  
5 services including, but not limited to, building codes and  
6 standards, methodologies, techniques and industry best practices.  
7 The Commission may provide continuing education through  
8 associations, organizations or groups composed of individuals  
9 participating in the design or construction of the built environment  
10 which sponsor or cosponsor continuing education courses with the  
11 Commission by providing classroom space or facilities, educational  
12 materials, course advertising, meals, refreshments or other  
13 amenities to course attendees, all at no cost to the Commission. In  
14 providing such continuing education, the Commission is authorized to  
15 utilize qualified instructors supplied by and secured through  
16 nonprofit organizations that either develop comprehensive and  
17 coordinated national or international model construction codes and  
18 standards, or that provide and advocate scientifically based  
19 consensus codes and standards, and that in either event develop  
20 model construction codes and standards that have been adopted by the  
21 Commission. The Commission is authorized to arrange for or schedule  
22 qualified instructors either directly with such nonprofit  
23 organizations that develop model construction codes and standards,  
24 or through associations, organizations or groups of qualified



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

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

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

4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE  
5 March 31, 2016 - DO PASS AS AMENDED  
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