

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2758

By: Kirby of the House

and

David of the Senate

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

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12 AMENDMENT NO. 1. Page 1, strike the enacting clause

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Passed the Senate the 19th day of April, 2016.

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Presiding Officer of the Senate

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Passed the House of Representatives the ____ day of _____,

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2016.

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Presiding Officer of the House
of Representatives

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9 duties of the Commission - effective date]
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

22 a. one member who is a general contractor from a
23 statewide organization that represents residential
24 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~~
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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

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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 Passed the House of Representatives the 10th day of March, 2016.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2016.

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Presiding Officer of the Senate

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