

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1556

By: Newberry

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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 requiring acceptance of continuing education credit
19 hours by certain entities; and providing an effective
20 date.

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

22 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1000.21, as
23 amended by Section 2, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2015,
24 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
shall be appointed by the Governor with the advice and consent of
the Senate as follows:

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

- 1 h. one member who is a licensed architect from a
2 statewide organization that represents architects, ~~and~~
3 i. one member who is from the insurance industry with
4 knowledge of building codes and experience in property
5 loss mitigation, and
6 j. one member who has experience in commercial building
7 management who is a member of a statewide organization
8 representing commercial building owners and managers.

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

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

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

1 No initial appointment to a term of less than four (4) years or any
2 partial-term appointment to fill a vacancy or unexpired term of
3 another member shall be counted for purposes of determining term
4 limits. An appointed member may be removed by the Governor for
5 cause.

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

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

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

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

24

1 the state minimum standards and requirements adopted by the
2 Commission.

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

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

1 applications, qualifications and procedures shall be promulgated by
2 rules of the Commission. The Commission may establish forms and
3 procedures to implement and administer the provisions of this
4 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~~
8 ~~and in compliance with Article I of the Administrative Procedures~~
9 ~~Act, the~~ The Oklahoma Uniform Building Code Commission shall have
10 the 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 offered continuing education courses shall offer basic and advanced
6 training and competency in relevant industry-related services
7 including, but not limited to, building codes and standards,
8 methodologies, techniques and industry best-practices. All
9 continuing education course credit-hours granted to a qualified
10 industry professional by the Commission for successful completion of
11 a commission-funded course may be accepted and qualify as equivalent
12 continuing education credit-hours by every state agency,
13 municipality and political subdivision of this state for purposes of
14 industry-related continuing education requirements for registration,
15 license or license renewal. Continuing education credit hours shall
16 only apply if the course is specific to the qualified industry
17 professional's registration, license or license renewal.

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

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 November 1, 2016.
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