

1 ENGROSSED SENATE
2 BILL NO. 1556

By: Newberry of the Senate

and

Kirby of the House

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5
6 An Act relating to professions and occupations;
7 amending 59 O.S. 2011, Sections 1000.21, as amended
8 by Section 2, Chapter 223, O.S.L. 2014, 1000.23, as
9 amended by Section 3, Chapter 223, O.S.L. 2014 and
10 1000.24 (59 O.S. Supp. 2015, Sections 1000.21 and
11 1000.23), which relate to the Oklahoma Uniform
12 Building Code Commission; modifying Commission
13 membership; clarifying language; prohibiting waiver
14 of certain standards; modifying powers and duties of
15 the Commission; providing for training for certain
16 code inspectors; providing for continuing education;
17 authorizing use of certain organization, association
18 and groups; providing for certain instructors and
19 reimbursement; requiring acceptance of continuing
20 education credit hours by certain entities; and
21 providing an effective 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
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~~ the state, county and municipal
18 inspectors, private sector inspectors and qualified industry
19 professionals and shall be funded from the funds received pursuant
20 to Section 1000.25 of this title. Each inspector operating in this
21 state on behalf of any state agency ~~or any,~~ municipal or county
22 office or other qualified private entity may ~~complete~~ attend
23 regional training and be issued a ~~certification for inspections~~
24 certificate of completion by the ~~Uniform Building Code~~ Commission ~~on~~

1 ~~and after January 1, 2015~~ upon completion of the training. The
2 training and certification applications, qualifications and
3 procedures shall be promulgated by rules of the Commission. The
4 Commission may establish forms and procedures to implement and
5 administer the provisions of this section.

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

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

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

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

3 B. The Oklahoma Uniform Building Code Commission shall have the
4 following powers:

5 1. Exercise all incidental powers and duties which are
6 necessary to effectuate the provisions of the Oklahoma Uniform
7 Building Code Commission Act;

8 2. Adopt and have an official seal;

9 3. Maintain an administrative staff, including, but not limited
10 to, an Oklahoma Uniform Building Code Commission Chief Executive
11 Officer;

12 4. Direct ~~such other~~ expenditures as may be necessary in the
13 performance of its duties, including, but not limited to,
14 expenditures for office space, equipment, furnishings and contracts
15 for services. All expenditures shall be made pursuant to the
16 Oklahoma Central Purchasing Act;

17 5. Appoint technical committees to review and recommend for
18 adoption all building codes. The technical committees shall review
19 and recommend building codes with any amendments for adoption by the
20 Commission; ~~and~~

21 6. Create a website listing all building codes adopted by the
22 Commission. The website shall provide a method for listing all
23 codes adopted by a state agency, ~~city~~ municipality or any other
24 political subdivision of the state containing higher standards and

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

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

10 C. 1. The Commission may provide continuing education to
11 qualified industry professionals through associations, organizations
12 or groups composed of qualified industry professionals. The
13 Commission may provide continuing education in conjunction or
14 association with associations, organizations or groups which sponsor
15 or co-sponsor continuing education courses with the Commission by
16 providing classroom space or facilities, educational materials,
17 course advertising, meals, refreshments or other amenities to course
18 attendees at no cost to the Commission.

19 2. In providing continuing education, the Commission is
20 authorized to utilize the services of qualified instructors supplied
21 by and secured through nonprofit organizations that either develop
22 comprehensive and coordinated national or international model
23 construction codes and standards or that provide and advocate
24 scientifically-based consensus codes and standards, and in either

1 event develop model construction codes and standards that have been
2 adopted by the Commission. The Commission is authorized to arrange
3 for or schedule qualified instructors either directly with such
4 nonprofit organizations or through associations, organizations or
5 groups of qualified industry professionals by reimbursement of the
6 cost of the qualified instructors paid by the association,
7 organization or group. The association, organization or group shall
8 make proper application for reimbursement and provide adequate proof
9 of charges and payment for the qualified instructor's services as
10 required in the discretion of the Commission; provided, however, no
11 reimbursement shall exceed the actual amount charged and paid by the
12 association, organization or group for the services of such
13 qualified instructors.

14 3. All continuing education course credit hours granted to a
15 qualified industry professional by the Commission for successful
16 completion of a commission-funded course may be accepted and qualify
17 as equivalent continuing education credit hours by every state
18 agency, municipality and political subdivision of this state for
19 purposes of industry-related continuing education requirements for
20 registration, license or license renewal. Continuing education
21 credit hours shall only apply if the course is specific to the
22 qualified industry professional's registration, license or license
23 renewal.

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1 C. ~~After October 1, 2009, the~~ D. The Commission shall account
2 for all receipts and expenditures of the monies of the Commission,
3 including annually preparing and publishing a statement of receipts
4 and expenditures of the Commission for each fiscal year. The
5 Commission's annual statement of receipts and expenditures shall be
6 audited by the State Auditor and Inspector or an independent
7 accounting firm, and the audit report shall be certified to the
8 Governor of this state to be true and correct, under oath, by the
9 chair and vice-chair of the Commission.

10 SECTION 4. This act shall become effective November 1, 2016.

11 Passed the Senate the 9th day of March, 2016.
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14 Presiding Officer of the Senate

15 Passed the House of Representatives the ____ day of _____,
16 2016.
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19 Presiding Officer of the House
20 of Representatives
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