

1 ENGROSSED SENATE AMENDMENTS
TO ENGROSSED HOUSE
2 BILL NO. 1890

By: Kirby of the House

3 and

4 Newberry of the Senate
5

6
7 An Act relating to professions and occupations;
8 amending Sections 1000.23, as amended by Section 3,
9 Chapter 223, O.S.L. 2014 and 1000.24 (59 O.S. Supp.
10 2014, Section 1000.23), which relate to the Oklahoma
11 Uniform Building Code Commission; requiring
12 Commission to establish code academy; modifying
13 powers and duties of the Commission; providing for
14 continuing education; authorizing Commission to serve
15 as code variance appeals board for certain counties
16 and municipalities; and providing an effective date.

17
18 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
19 entire bill and insert

20
21 "An Act relating to professions and occupations;
22 amending Sections 1000.21, as amended by Section 2,
23 Chapter 223, O.S.L. 2014, 1000.23, as amended by
24 Section 3, Chapter 223, O.S.L. 2014 and 1000.24 (59
O.S. Supp. 2014, Sections 1000.21 and 1000.23), which
relate to the Oklahoma Uniform Building Code
Commission; modifying Commission membership;
clarifying language; prohibiting waiver of certain
standards; requiring Commission to establish code
academy; modifying powers and duties of the
Commission; providing for training for certain code
inspectors; providing for continuing education;
making continuing education free to certain
professionals; requiring acceptance of continuing
education credit hours by certain entities; and
providing an effective date.

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

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

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

- 10 a. one member who is a general contractor from a
11 statewide organization that represents residential
12 construction,
- 13 b. one member who is a general contractor from a
14 statewide organization that represents commercial
15 construction,
- 16 c. one member who is a contractor from a statewide
17 organization that represents electrical contractors,
- 18 d. one member who is a contractor from a statewide
19 organization that represents plumbing contractors,
- 20 e. one member who is a contractor from a statewide
21 organization that represents heating and cooling
22 contractors,
- 23 f. one member who is a local-level regulator/inspector
24 who is a member of a statewide organization that is

1 exempt from taxation under federal law and designated
2 pursuant to the provisions of the Internal Revenue
3 Code, 26 U.S.C., Section 170(a), who has represented
4 municipalities and had statutory functions for
5 municipalities for at least fifteen (15) years prior
6 to November 1, 2005,

7 g. one member who is a Certified Building Official (CBO)
8 or a Master Code Professional (MCP), who is employed
9 by a political subdivision,

10 h. one member who is a licensed architect from a
11 statewide organization that represents architects, ~~and~~

12 i. one member who is from the insurance industry with
13 knowledge of building codes and experience in property
14 loss mitigation, and

15 j. one member who has experience in commercial building
16 management who is a member of a statewide organization
17 representing commercial building owners and managers.

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

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

4 C. Appointed members shall continue in office until a successor
5 is appointed by the Governor, notwithstanding the term limitations.
6 No appointed member shall serve more than two consecutive full four-
7 year terms; provided, ~~such a~~ the member shall be eligible to serve
8 until a successor is appointed, and such member may be reappointed
9 after a two-year absence from the Commission. The Governor shall
10 fill all vacancies and unexpired terms in the same manner as the
11 original appointment of the member whose position is to be filled.
12 No initial appointment to a term of less than four (4) years or any
13 partial-term appointment to fill a vacancy or unexpired term of
14 another member shall be counted for purposes of determining term
15 limits. An appointed member may be removed by the Governor for
16 cause.

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

21 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1000.23, as
22 amended by Section 3, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2014,
23 Section 1000.23), is amended to read as follows:
24

1 Section 1000.23 A. The Oklahoma Uniform Building Code
2 Commission shall have the power and the duty to review and adopt all
3 building codes for residential and commercial construction to be
4 used by all entities within this state. Codes and standards adopted
5 by the Commission shall be the state minimum standards for
6 residential and commercial construction in this state.

7 B. All public projects shall abide by ~~such minimum~~ the state
8 minimum standards and requirements; provided, nothing in the
9 Oklahoma Uniform Building Code Commission Act shall prevent or take
10 away from state agencies the authority to enact and enforce
11 requirements containing higher standards and requirements than ~~such~~
12 the minimum standards and requirements adopted by the Commission.

13 C. Municipalities and other political subdivisions shall abide
14 by ~~such~~ the state minimum standards and requirements; provided,
15 nothing in the Oklahoma Uniform Building Code Commission Act shall
16 prevent or take away from ~~such~~ municipalities and other political
17 subdivisions the authority to enact and enforce requirements
18 containing higher standards and requirements than ~~such~~ the minimum
19 standards and requirements adopted by the Commission.

20 D. Each appeal board created by any state agency, municipality
21 or other political subdivision shall have no authority to waive the
22 state minimum standards and requirements adopted by the Commission.

23 ~~D.~~ E. 1. The Oklahoma Uniform Building Code Commission shall
24 have the power and duty to establish a training and certification

1 process for all residential and commercial building code inspectors.
2 The Commission shall establish regional training for the purpose of
3 continuing education training ~~the~~ for state, county ~~and,~~ municipal
4 inspectors and private sector inspectors in the Uniform Building
5 ~~Code~~ Codes and Standards. The regional training shall be offered at
6 no cost to ~~the participant~~ qualified industry professionals and
7 shall be funded from the funds received pursuant to Section 1000.25
8 of this title. Each inspector operating in this state on behalf of
9 any state agency ~~or any,~~ municipal or county office, or other
10 qualified private entity, may ~~complete~~ attend regional training and
11 be issued a ~~certification for inspections~~ certificate of completion
12 by the Uniform Building Code Commission ~~on and after January 1, 2015~~
13 upon completion of the training.

14 2. The Commission shall establish a code academy which may be
15 part of the code inspection certification process. Employees of a
16 state agency or a municipal or county office, or other individuals
17 providing code inspection services through a qualified private
18 entity, may be educated in industry-related services including, but
19 not limited to, the uniform building codes and standards,
20 methodologies and techniques of inspection for residential and
21 commercial construction, and industry best-practices. Upon
22 successful completion of the academy requirements the individual may
23 be eligible to take a certification exam for a state, county,
24 municipal or private sector inspector. The training and

1 certification applications, qualifications, and procedures shall be
2 promulgated by rules of the Commission. The Commission may
3 establish forms and procedures to implement and administer the
4 provisions of this 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 and~~
8 ~~in compliance with Article I of the Administrative Procedures Act,~~
9 ~~the~~ The Oklahoma Uniform Building Code Commission shall have the
10 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 funded continuing education courses shall be free of charge to
6 qualified industry professionals and shall offer basic and advanced
7 training and competency in relevant industry-related services
8 including, but not limited to, building codes and standards,
9 methodologies, techniques, and industry best-practices. All
10 continuing education course credit-hours granted to an industry
11 professional by the Commission for successful completion of a
12 commission-funded course shall be accepted and qualify as equivalent
13 continuing education credit-hours by every state agency,
14 municipality, and political subdivision of this state for purposes
15 of industry-related continuing education requirements for license or
16 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
24

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, 2015."

4 AMENDMENT NO. 2. Add after the word and semicolon
5 "Statutes;", the word "and".

6 Delete all language on page 9, lines 9 through 18, after the
7 word "renewal" and before the word "Commission".

8 AMENDMENT NO. 3. Amend title to conform.

9 Passed the Senate the 20th day of April, 2015.

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Presiding Officer of the Senate

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13 Passed the House of Representatives the ____ day of _____,
14 2015.

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Presiding Officer of the House
of Representatives

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1 ENGROSSED HOUSE
2 BILL NO. 1890

By: Kirby of the House

3 and

4 Newberry of the Senate

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7 An Act relating to professions and occupations;
8 amending Sections 1000.23, as amended by Section 3,
9 Chapter 223, O.S.L. 2014 and 1000.24 (59 O.S. Supp.
10 2014, Section 1000.23), which relate to the Oklahoma
11 Uniform Building Code Commission; requiring
12 Commission to establish code academy; modifying
13 powers and duties of the Commission; providing for
14 continuing education; authorizing Commission to serve
15 as code variance appeals board for certain counties
16 and municipalities; and providing an effective date.

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

18 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1000.23, as
19 amended by Section 3, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2014,
20 Section 1000.23), is amended to read as follows:

21 Section 1000.23 A. The Oklahoma Uniform Building Code
22 Commission shall have the power and the duty to review and adopt all
23 building codes for residential and commercial construction to be
24 used by all entities within this state. Codes and standards adopted
by the Commission shall be the minimum standards for residential and
commercial construction in this state.

1 B. All public projects shall abide by such minimum standards
2 and requirements; provided, nothing in the Oklahoma Uniform Building
3 Code Commission Act shall prevent or take away from state agencies
4 the authority to enact and enforce requirements containing higher
5 standards and requirements than such minimum standards and
6 requirements.

7 C. Municipalities and other political subdivisions shall abide
8 by such minimum standards and requirements; provided, nothing in the
9 Oklahoma Uniform Building Code Commission Act shall prevent or take
10 away from such municipalities and other political subdivisions the
11 authority to enact and enforce requirements containing higher
12 standards and requirements than such minimum standards and
13 requirements.

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 training ~~the~~ state, county and municipal inspectors or other
19 inspectors in the Uniform Building Code. The regional training
20 shall be offered at no cost to the participant and shall be funded
21 from the funds received pursuant to Section 1000.25 of this title.
22 Each inspector operating in this state on behalf of any state agency
23 or any municipal or county office may complete regional training and
24 be issued a certification for inspections by the Uniform Building

1 Code Commission on and after January 1, 2015. The Commission shall
2 establish a code academy as part of a certification process through
3 which employees of the state, counties, municipalities, and other
4 individuals may be educated in the Uniform Building Code and in
5 methodologies and techniques of inspection for residential and
6 commercial construction to become certified as state, county and
7 municipal inspectors, or other inspectors. The training and
8 certification applications, qualifications and procedures shall be
9 promulgated by rules of the Commission. The Commission may
10 establish forms and procedures to implement and administer the
11 provisions of this section.

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

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

21 2. Beginning October 1, 2009, the Commission shall have the
22 power to enforce the provisions of the Oklahoma Uniform Building
23 Code Commission Act.

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1 3. Any codes adopted by state agencies, municipalities or other
2 political subdivisions of the state prior to uniform codes being
3 adopted by the Oklahoma Uniform Building Code Commission, pursuant
4 to the provisions of, or rules promulgated pursuant to, the Oklahoma
5 Uniform Building Code Commission Act, shall be considered valid and
6 in effect until uniform codes are adopted by the Oklahoma Uniform
7 Building Code Commission.

8 B. The Oklahoma Uniform Building Code Commission shall have the
9 following powers:

10 1. Exercise all incidental powers and duties which are
11 necessary to effectuate the provisions of the Oklahoma Uniform
12 Building Code Commission Act;

13 2. Adopt and have an official seal;

14 3. Maintain an administrative staff, including, but not limited
15 to, an Oklahoma Uniform Building Code Commission Chief Executive
16 Officer;

17 4. Direct such other expenditures as may be necessary in the
18 performance of its duties, including, but not limited to,
19 expenditures for office space, equipment, furnishings and contracts
20 for services. All expenditures shall be made pursuant to the
21 Oklahoma Central Purchasing Act;

22 5. Appoint technical committees to review and recommend for
23 adoption all building codes. The technical committees shall review
24

1 and recommend building codes with any amendments for adoption by the
2 Commission; and

3 6. Create a website listing all building codes adopted by the
4 Commission. The website shall provide a method for listing all
5 codes adopted by a state agency, city or any other political
6 subdivision of the state containing higher standards and
7 requirements than the codes adopted pursuant to the Oklahoma Uniform
8 Building Code Commission Act as required in Section 14-107 of Title
9 11 of the Oklahoma Statutes;

10 7. Provide continuing education to participants in the
11 construction industry. The continuing education shall be free of
12 charge to the participants. The continuing education provided by
13 the Oklahoma Uniform Building Code Commission shall provide the
14 participants with information relating to building codes,
15 methodologies, techniques and industry best practices. The
16 education hours provided to participants shall be accepted by all
17 state agencies, municipalities or other political subdivisions as
18 qualifying for an equivalent number of hours toward their respective
19 continuing education requirements; and

20 8. Serve as the code variance appeals board for the codes it
21 has adopted for municipalities with a population of less than ten
22 thousand (10,000). Counties enforcing building codes and cities with
23 a population greater than ten thousand (10,000) may authorize the
24 Commission to serve as their code variance appeals board. The

1 authorization shall continue until the municipality or county
2 rescinds the authorization by providing at least sixty (60) days
3 notice to the Commission.

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

13 SECTION 3. This act shall become effective November 1, 2015.

14 Passed the House of Representatives the 10th day of March, 2015.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2015.

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Presiding Officer of the Senate

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