

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2758 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Dan Kirby _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2758

By: Kirby

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8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to professions and occupations;
10 amending 59 O.S. 2011, Sections 1000.21, as amended
11 by Section 2, Chapter 223, O.S.L. 2014, 1000.23, as
12 amended by Section 3, Chapter 223, O.S.L. 2014 and
13 1000.24 (59 O.S. Supp. 2015, Sections 1000.21 and
14 1000.23), which relate to the Oklahoma Uniform
15 Building Code Commission; modifying Commission
16 membership; clarifying language; prohibiting waiver
of certain standards; 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.

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

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

23 Section 1000.21 A. 1. There is hereby created the Oklahoma
24 Uniform Building Code Commission within the Construction Industries

1 Board which shall consist of eleven (11) members, ~~nine~~ ten of whom
2 shall be appointed by the Governor with the advice and consent of
3 the Senate as follows:

4 a. one member who is a general contractor from a
5 statewide organization that represents residential
6 construction,

7 b. one member who is a general contractor from a
8 statewide organization that represents commercial
9 construction,

10 c. one member who is a contractor from a statewide
11 organization that represents electrical contractors,

12 d. one member who is a contractor from a statewide
13 organization that represents plumbing contractors,

14 e. one member who is a contractor from a statewide
15 organization that represents heating and cooling
16 contractors,

17 f. one member who is a local-level regulator/inspector
18 who is a member of a statewide organization that is
19 exempt from taxation under federal law and designated
20 pursuant to the provisions of the Internal Revenue
21 Code, 26 U.S.C., Section 170(a), who has represented
22 municipalities and had statutory functions for
23 municipalities for at least fifteen (15) years prior
24 to November 1, 2005,

- 1 g. one member who is a Certified Building Official (CBO)
2 or a Master Code Professional (MCP) employed by a
3 political subdivision,
- 4 h. one member who is a licensed architect from a
5 statewide organization that represents architects, ~~and~~
- 6 i. one member who is from the insurance industry with
7 knowledge of building codes and experience in property
8 loss mitigation, and
- 9 j. one member who has experience in commercial building
10 management who is a member of a statewide organization
11 representing commercial building owners and managers.

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

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

20 C. Appointed members shall continue in office until a successor
21 is appointed by the Governor, notwithstanding the term limitations.
22 No appointed member shall serve more than two consecutive full four-
23 year terms; provided, ~~such a~~ the member shall be eligible to serve
24 until a successor is appointed, and such member may be reappointed

1 after a two-year absence from the Commission. The Governor shall
2 fill all vacancies and unexpired terms in the same manner as the
3 original appointment of the member whose position is to be filled.
4 No initial appointment to a term of less than four (4) years or any
5 partial-term appointment to fill a vacancy or unexpired term of
6 another member shall be counted for purposes of determining term
7 limits. An appointed member may be removed by the Governor for
8 cause.

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

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

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

22 B. All public projects shall abide by ~~such~~ the state minimum
23 standards and requirements; provided, nothing in the Oklahoma
24 Uniform Building Code Commission Act shall prevent or take away from

1 state agencies the authority to enact and enforce requirements
2 containing higher standards and requirements than ~~such~~ the minimum
3 standards and requirements adopted by the Commission.

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

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

1 Code Commission ~~on and after January 1, 2015~~ upon completion of the
2 training. The training and certification applications,
3 qualifications and procedures shall be promulgated by rules of the
4 Commission. The Commission may establish forms and procedures to
5 implement and 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 and~~
9 ~~in compliance with Article I of the Administrative Procedures Act,~~
10 ~~the~~ The Oklahoma Uniform Building Code Commission shall have the
11 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-funded continuing education courses shall be free of
7 charge to qualified industry professionals and shall offer basic and
8 advanced training and competency in relevant industry-related
9 services including, but not limited to, building codes and
10 standards, methodologies, techniques and industry best practices.

11 The Commission may provide continuing education to qualified
12 industry professionals through associations, organizations or groups
13 composed of qualified industry professionals, in conjunction or
14 association with such associations, organizations or groups, which
15 sponsor or cosponsor continuing education courses with the
16 Commission by providing classroom space or facilities, educational
17 materials, course advertising, meals, refreshments or other
18 amenities to course attendees, all at no cost to the Commission. In
19 providing such continuing education, the Commission is authorized to
20 utilize qualified instructors supplied by and secured through
21 nonprofit organizations that either develop comprehensive and
22 coordinated national or international model construction codes and
23 standards, or that provide and advocate scientifically based
24 consensus codes and standards, and that in either event develop

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

23 C. ~~After October 1, 2009, the~~ The Commission shall account for
24 all receipts and expenditures of the monies of the Commission,

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

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

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