

**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

7  
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  
17 of certain standards; modifying powers and duties of  
18 the Commission; providing for training for certain  
19 code inspectors; providing for continuing education;  
20 requiring acceptance of continuing education credit  
21 hours by certain entities; and providing an effective  
22 date.

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

24 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1000.21, as  
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

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 or private sector inspectors  
19 and shall be funded from the funds received pursuant to Section  
20 1000.25 of this title. Each inspector operating in this state on  
21 behalf of any state agency ~~or any,~~ municipal or county office or  
22 other qualified private entity may ~~complete~~ attend regional training  
23 and be issued a ~~certification for inspections~~ certificate of  
24 completion by the Uniform Building Code Commission ~~on and after~~

1 ~~January 1, 2015~~ upon completion of the training. The training and  
2 certification applications, qualifications and procedures shall be  
3 promulgated by rules of the Commission. The Commission may  
4 establish forms and procedures to implement and administer the  
5 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~~  
9 Pursuant to and in compliance with Article I of the Administrative  
10 Procedures Act, the Oklahoma Uniform Building Code Commission shall  
11 have the power to adopt, amend, repeal and promulgate rules as may  
12 be necessary to perform the duties required under the Oklahoma  
13 Uniform Building Code Commission Act. ~~Rules authorized under this~~  
14 ~~section 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 offer basic  
7 and advanced training and competency in relevant industry-related  
8 services including, but not limited to, building codes and  
9 standards, methodologies, techniques and industry best practices.

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

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

20 C. ~~After October 1, 2009, the~~ The Commission shall account for  
21 all receipts and expenditures of the monies of the Commission,  
22 including annually preparing and publishing a statement of receipts  
23 and expenditures of the Commission for each fiscal year. The  
24 Commission's annual statement of receipts and expenditures shall be

1 audited by the State Auditor and Inspector or an independent  
2 accounting firm, and the audit report shall be certified to the  
3 Governor of this state to be true and correct, under oath, by the  
4 chair and vice-chair of the Commission.

5 SECTION 4. This act shall become effective September 1, 2016.

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7 55-2-9152 LRB 02/18/16

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