

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 SENATE BILL NO. 1556

By: Newberry

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to professions and occupations;  
9 amending 59 O.S. 2011, Sections 1000.21, as amended  
10 by Section 2, Chapter 223, O.S.L. 2014, 1000.23, as  
11 amended by Section 3, Chapter 223, O.S.L. 2014 and  
12 1000.24 (59 O.S. Supp. 2015, Sections 1000.21 and  
13 1000.23), which relate to the Oklahoma Uniform  
14 Building Code Commission; modifying Commission  
15 membership; clarifying language; prohibiting waiver  
16 of certain standards; modifying powers and duties of  
17 the Commission; providing for training for certain  
18 code inspectors; providing for continuing education;  
19 authorizing use of certain organization, association  
20 and groups; providing for certain instructors and  
21 reimbursement; requiring acceptance of continuing  
22 education credit hours by certain entities; and  
23 providing an effective date.

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

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

28 Section 1000.21. A. 1. There is hereby created the Oklahoma  
29 Uniform Building Code Commission within the Construction Industries  
30 Board which shall consist of eleven (11) members, ~~nine~~ ten of whom

1 shall be appointed by the Governor with the advice and consent of  
2 the Senate as follows:

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

- 1           g. one member who is a Certified Building Official (CBO)  
2           or a Master Code Professional (MCP), who is employed  
3           by a 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 minimum~~ the state  
23 minimum standards and requirements; provided, nothing in the  
24 Oklahoma Uniform Building Code Commission Act shall prevent or take

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

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

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

1 regional training and be issued a ~~certification for inspections~~  
2 certificate of completion by the ~~Uniform Building Code Commission on~~  
3 ~~and after January 1, 2015~~ upon completion of the training. The  
4 training and certification applications, qualifications and  
5 procedures shall be promulgated by rules of the Commission. The  
6 Commission may establish forms and procedures to implement and  
7 administer the provisions of this section.

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

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

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

20 3. Any ~~codes~~ code adopted by a state agencies agency,  
21 ~~municipalities~~ municipality or other political ~~subdivisions~~  
22 subdivision of the state prior to uniform codes being adopted by the  
23 Oklahoma Uniform Building Code Commission, pursuant to the  
24 provisions of, or rules promulgated pursuant to, the Oklahoma

1 Uniform Building Code Commission Act, shall be considered valid and  
2 in effect until uniform codes are adopted by the Oklahoma Uniform  
3 Building Code Commission.

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

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

9 2. Adopt and have an official seal;

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

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

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

22 6. Create a website listing all building codes adopted by the  
23 Commission. The website shall provide a method for listing all  
24 codes adopted by a state agency, ~~city~~ municipality or any other

1 political subdivision of the state containing higher standards and  
2 requirements than the codes adopted pursuant to the Oklahoma Uniform  
3 Building Code Commission Act as required in Section 14-107 of Title  
4 11 of the Oklahoma Statutes; and

5 7. Provide regional training through continuing education for  
6 the residential and commercial construction industry professional.

7 All commission-offered continuing education courses shall offer  
8 basic and advanced training and competency in relevant industry-  
9 related services including, but not limited to, building codes and  
10 standards, methodologies, techniques and industry best-practices.

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

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

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

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

1        ~~C. D. After October 1, 2009, the~~ 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.

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