ENGROSSED HOUSE
BILL NO. 2758 By: Kirby of the House

and

David of the Senate

[professions and occupations - Oklahoma Uniform Building Code Commission - modifying powers and duties of the Commission - effective date]

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

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 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:

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

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

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

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

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

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

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

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

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

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

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

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

C. Appointed members shall continue in office until a successor is appointed by the Governor, notwithstanding the term limitations. No appointed member shall serve more than two consecutive full four-year terms; provided, ~~such a~~ the member shall be eligible to serve until a successor is appointed, and such member may be reappointed after a two-year absence from the Commission. The Governor shall fill all vacancies and unexpired terms in the same manner as the original appointment of the member whose position is to be filled. No initial appointment to a term of less than four (4) years or any partial-term appointment to fill a vacancy or unexpired term of

another member shall be counted for purposes of determining term limits. An appointed member may be removed by the Governor for cause.

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

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

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

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

C. Municipalities and other political subdivisions shall abide by ~~such~~ the state minimum standards and requirements; provided,

nothing in the Oklahoma Uniform Building Code Commission Act shall prevent or take away from ~~such~~ municipalities and other political subdivisions the authority to enact and enforce requirements containing higher standards and requirements than ~~such~~ the minimum standards and requirements adopted by the Commission.

D. The Oklahoma Uniform Building Code Commission shall have the power and duty to establish a training and certification process for all residential and commercial building code inspectors. The Commission shall establish regional training for the purpose of continuing education training ~~the~~ for state, county and municipal inspectors in the Uniform Building ~~Code~~ Codes and Standards. The regional training shall be offered at no cost to the ~~participant~~ state, county or municipal inspectors and shall be funded from the funds received pursuant to Section 1000.25 of this title. Each inspector operating in this state on behalf of any state agency or ~~any~~ municipal or county office may ~~complete~~ attend regional training and be issued a ~~certification for inspections~~ certificate of completion by the Uniform Building Code Commission ~~on and after January 1, 2015~~ upon completion of the training. The training and certification applications, qualifications and procedures shall be promulgated by rules of the Commission. The Commission may establish forms and procedures to implement and administer the provisions of this section.

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

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

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

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

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

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

2. Adopt and have an official seal;

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

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

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

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

7. Provide regional training through continuing education for the residential and commercial construction industry professional. All Commission-funded continuing education courses shall offer basic and advanced training and competency in relevant industry-related services including, but not limited to, building codes and standards, methodologies, techniques and industry best practices. The Commission may provide continuing education through associations, organizations or groups composed of individuals participating in the design or construction of the built environment which sponsor or cosponsor continuing education courses with the Commission by providing classroom space or facilities, educational materials, course advertising, meals, refreshments or other amenities to course attendees, all at no cost to the Commission. In providing such continuing education, the Commission is authorized to utilize qualified instructors supplied by and secured through nonprofit organizations that either develop comprehensive and coordinated national or international model construction codes and standards, or that provide and advocate scientifically based consensus codes and standards, and that in either event develop model construction codes and standards that have been adopted by the Commission. The Commission is authorized to arrange for or schedule qualified instructors either directly with such nonprofit organizations that develop model construction codes and standards, or through associations, organizations or groups of qualified

industry professionals, by reimbursement of the cost of such qualified instructors paid by such associations, organizations or groups, that make proper application for such reimbursement and provide adequate written proof of such payment in the discretion of the Commission; provided, that such reimbursement shall not exceed the amount charged by the nonprofit organizations that develop such model construction codes and standards for the services of such qualified instructors. All continuing education course credit hours granted by the Commission for successful completion of a Commission-funded course may be accepted and qualify as equivalent continuing education credit hours by every state agency, municipality and political subdivision of this state for purposes of industry-related continuing education requirements for registration, license or license renewal. Continuing education credit hours shall only apply if the course is specific to the course attendee's registration, license or license renewal.

C. ~~After October 1, 2009, the~~ The Commission shall account for all receipts and expenditures of the monies of the Commission, including annually preparing and publishing a statement of receipts and expenditures of the Commission for each fiscal year. The Commission's annual statement of receipts and expenditures shall be audited by the State Auditor and Inspector or an independent accounting firm, and the audit report shall be certified to the

Governor of this state to be true and correct, under oath, by the chair and vice-chair of the Commission.

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

Passed the House of Representatives the 10th day of March, 2016.

_____
Presiding Officer of the House of Representatives

Passed the Senate the ___ day of _____, 2016.

_____
Presiding Officer of the Senate