SENATE FLOOR VERSION
April 1, 2015

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1890 By: Kirby of the House

and

Newberry of the Senate

An Act relating to professions and occupations; amending Sections 1000.21, as amended by Section 2, Chapter 223, O.S.L. 2014, 1000.23, as amended by 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; establishing certain code appeal boards by rule; setting authority of appeal boards; and providing an 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. 2014, 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), who is 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. 2014, 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 minimum~~ 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. Each appeal board created by any state agency, municipality or other political subdivision shall have no authority to waive the state minimum standards and requirements adopted by the Commission.

~~D.~~ E. 1. 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~~ and private sector inspectors in the Uniform Building ~~Code~~ Codes and Standards. The regional training shall be offered at no cost to ~~the participant~~ qualified industry professionals 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, or other qualified private entity, 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.

2. The Commission shall establish a code academy which may be part of the code inspection certification process. Employees of a state agency or a municipal or county office, or other individuals providing code inspection services through a qualified private entity, may be educated in industry-related services including, but not limited to, the uniform building codes and standards, methodologies and techniques of inspection for residential and commercial construction, and industry best-practices. Upon successful completion of the academy requirements the individual may be eligible to take a certification exam for a state, county, municipal or private sector inspector. 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 to and in compliance with Article I of the Administrative Procedures Act, the~~ 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;

7. Provide continuing education for the residential and commercial construction industry professional. All commission-funded continuing education courses shall be free of charge to qualified industry professionals and 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. All continuing education course credit-hours granted to an industry professional by the Commission for successful completion of a commission-funded course shall 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 license or license renewal; and

8. Adopt rules for the creation and operation of code appeal boards where a state agency, municipality or political subdivision has adopted the Uniform Building Codes and Standards or has adopted building codes of a higher standard. The Commission rules shall authorize each appeal board to hear and decide appeals from an order, decision or determination made by a building official, hear a request for interpretation of codes, and hear appeals or requests for variance if the adopted codes have a higher standard than the state minimum standards adopted by the Commission.

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 November 1, 2015.

COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
April 1, 2015 - DO PASS AS AMENDED