

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 283

By: Newberry of the Senate

and

Osburn (Mike) of the House

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to professions and occupations;
11 amending 59 O.S. 2011, Sections 1000.23, as amended
12 by Section 3, Chapter 223, O.S.L. 2014 and 1000.24
13 (59 O.S. Supp. 2016, Section 1000.23), which relate
14 to the Oklahoma Uniform Building Code Commission;
15 modifying powers and duties; clarifying language;
16 authorizing priority for certain inspectors;
17 providing for fees and costs to be determined by
18 Commission; requiring updates to website annually;
19 requiring notice of certain code submissions;
20 authorizing certain posting of certain codes at no
21 cost to Commission; amending 11 O.S. 2011, Section
22 14-107, which relates to publication of certain
23 codes; modifying language; authorizing notice of
24 certain code submission; requiring certain copy of
 codes at no cost to Commission; providing for powers
 of the Construction Industries Board; requiring
 contracts be approved by Board pursuant to the
 Oklahoma Open Meeting Act; providing for use of
 certain funds; creating the Skilled Trade Education
 and Workforce Development Fund; providing for
 transfer of funds; prohibiting transfer of funds for
 certain period of time; providing for expenditures of
 fund; providing for codification; and providing an
 effective date.

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

2 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1000.23, as
3 amended by Section 3, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2016,
4 Section 1000.23), is amended to read as follows:

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

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

17 C. Municipalities and other political subdivisions shall abide
18 by such minimum standards and requirements; provided, nothing in the
19 Oklahoma Uniform Building Code Commission Act shall prevent or take
20 away from such municipalities and other political subdivisions the
21 authority to enact and enforce requirements containing higher
22 standards and requirements than such minimum standards and
23 requirements.

24

1 D. The Oklahoma Uniform Building Code Commission shall have the
2 power and duty to establish a training and certification ~~process~~
3 program for all residential and commercial building ~~code inspectors~~
4 codes. ~~The Commission shall establish regional training for the~~
5 ~~purpose of training the county and municipal inspectors in the~~
6 ~~Uniform Building Code.~~ The ~~regional~~ training and certification
7 program shall be offered at no cost to ~~the participant inspectors~~
8 employed by the state or any political subdivision of the state and
9 shall be funded from the funds received pursuant to Section 1000.25
10 of this title. In conducting training and certification programs,
11 the Commission shall give priority to inspectors employed by the
12 state or any political subdivision of the state and shall require
13 all other participants to pay the pro rata share of the cost of
14 providing the program; provided the pro rata share shall not exceed
15 the costs incurred by the Commission for providing the program.
16 Each inspector operating in this state on behalf of any state agency
17 or any municipal or county office may complete ~~regional~~ training and
18 be issued a ~~certification for inspections~~ certificate of completion
19 by the Uniform Building Code Commission on and after January 1,
20 2015. The training and certification applications, qualifications
21 and procedures shall be promulgated by rules of the Commission. The
22 Commission may establish forms and procedures to implement and
23 administer the provisions of this section.

SECTION 2. 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 building codes and standards adopted by state agencies, municipalities or other political subdivisions 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~~ when such building codes and standards are in compliance with the uniform building codes and standards adopted by the Oklahoma Uniform Building Code Commission or such building codes and standards are authorized by Section 14-107 of Title 11 of the Oklahoma Statutes and have been submitted to the Commission.

1 B. The Oklahoma Uniform Building Code Commission shall have the
2 ~~following powers~~ power to:

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

6 2. Adopt and have an official seal;

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

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

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

19 6. Create and maintain a website with a detailed listing of all
20 current building codes and standards adopted by the Commission. For
21 purposes of public notification, the uniform building codes and
22 standards adopted by the Commission or submitted to the Commission
23 by a state agency, municipality or other political subdivision of
24 this state shall be updated at least annually on the website. The

1 website shall additionally provide ~~a method for listing~~ notice of
2 all codes adopted by a state agency, city or any other political
3 subdivision of ~~the~~ this state ~~containing higher standards and~~
4 ~~requirements than the codes adopted pursuant~~ which have been
5 submitted to the Oklahoma Uniform Building Code Commission ~~Act~~ as
6 required ~~in~~ by Section 14-107 of Title 11 of the Oklahoma Statutes.
7 The Commission may require, obtain and post to its website, at no
8 cost to the Commission, all or part of the detailed building codes
9 and standards adopted by a city, town or county which are different
10 from the uniform building standards and codes adopted by the
11 Commission.

12 C. ~~After October 1, 2009, the~~ The Commission shall account for
13 all receipts and expenditures of the monies of the Commission,
14 including annually preparing and publishing a statement of receipts
15 and expenditures of the Commission for each fiscal year. The
16 Commission's annual statement of receipts and expenditures shall be
17 audited by the State Auditor and Inspector or an independent
18 accounting firm, and the audit report shall be certified to the
19 Governor of this state to be true and correct, under oath, by the
20 chair and vice-chair of the Commission.

21 SECTION 3. AMENDATORY 11 O.S. 2011, Section 14-107, is
22 amended to read as follows:

23 Section 14-107. A. If a municipal governing body enacts or
24 adopts by reference ordinances which are compilations or codes of

1 law or regulations relating to traffic, building, plumbing,
2 electrical installations, fire prevention, inflammable liquids, milk
3 and milk products, protection of the public health, or any other
4 matters which the municipality has the power to regulate, such
5 ordinances are not required to be published in full. Legal
6 publication of such ordinances may be by publishing the title and a
7 summary of their contents in the manner provided by Section 14-106
8 of this title. At least one copy of such ordinances shall be kept
9 in the office of the municipal clerk for public use, inspection, and
10 examination. The municipal clerk shall keep copies of the
11 ordinances, codes, or compilations for distribution or sale at a
12 reasonable price, except as provided in subsection F of this
13 section.

14 B. A municipality which adopts building standards shall adopt
15 and enforce the uniform building codes and standards adopted by the
16 Oklahoma Uniform Building Code Commission.

17 C. Nothing in ~~this act~~ subsection B of this section shall
18 prevent or take away from any city, town or county the authority to
19 enact and enforce rules containing higher standards and requirements
20 than the building codes and standards adopted by the Oklahoma
21 Uniform Building Code Commission nor prevent or take away from any
22 city, town or county the authority to amend such adopted building
23 codes and standards to make changes necessary to accommodate local
24 conditions, except as provided in subsection D of this section.

1 D. A city, town or county may begin enforcing the higher
2 building codes and standards ~~and requirements allowed in~~ and any
3 amendments thereto authorized by subsection C of this section no
4 less than thirty (30) days after submitting the higher building
5 codes and standards ~~and requirements~~ and any amendment thereto to
6 the Oklahoma Uniform Building Code Commission in such form as the
7 Commission may prescribe. Notice or a detailed copy of each new
8 submission shall be made available to the public on the Commission's
9 website in a manner determined by the Commission.

10 E. Ordinances which are passed by the governing body with an
11 emergency clause attached are not required to be published in full,
12 but may be published by title only in the manner provided by Section
13 14-106 of this title.

14 F. Upon request by the Oklahoma Uniform Building Code
15 Commission and at no cost to the Commission, a city, town or county
16 shall provide a detailed copy of all, or part if so requested, of
17 the current building codes and standards adopted by such city, town
18 or county.

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1000.4a of Title 59, unless
21 there is created a duplication in numbering, reads as follows:

22 A. The Construction Industries Board shall have the following
23 powers:
24

1 1. To establish and maintain an Internet website, social media
2 page or other web presence, as necessary for the conveyance of
3 information regarding the Board or any of the trades the Board
4 regulates. Any costs associated with this paragraph shall be paid
5 from the revolving funds administered by the Board; and

6 2. To enter into contracts with the Oklahoma Department of
7 Career and Technology Education for any accredited vocational or
8 technical school or system of education institution in the State of
9 Oklahoma receiving state appropriations and offering programs in
10 secondary and postsecondary instruction that provides electrical,
11 mechanical, plumbing or roofing trade coursework for the purpose of:

12 a. developing and implementing instructional courses on
13 Oklahoma statutes and rules that govern the
14 electrical, mechanical, plumbing and roofing trades,
15 which courses can be in conjunction with instruction
16 in performing trade work or instruction on statewide-
17 adopted trade codes, or both, for the advancement of
18 the electrical, mechanical, plumbing and roofing
19 trades, or

20 b. developing and implementing a workforce development
21 program that will create interest in the pursuit of a
22 skilled trade career. The workforce development
23 program may consist of, but is not limited to, use of
24 the Internet, community and school presentations, and

1 research and instruction on the electrical,
2 mechanical, plumbing and roofing trades.

3 B. All contracts pursuant to this section shall be approved by
4 the Construction Industries Board in accordance with the Oklahoma
5 Open Meeting Act. Costs of the education and workforce development
6 programs shall be paid from the Skilled Trade Education and
7 Workforce Development Fund established herein and funded by
8 administrative fines or penalties as described in this section.

9 C. Fines or penalties collected by the Board and deposited in
10 the Oklahoma Mechanical Licensing Revolving Fund, Electrical
11 Revolving Fund, Plumbing Licensing Revolving Fund or Roofing
12 Contractor Registration Revolving Fund may be transferred to a
13 separate Skilled Trade Education and Workforce Development Fund for
14 the use of the following:

15 1. To develop instructional materials on Oklahoma laws,
16 statutes and rules, as they relate to the plumbing, mechanical,
17 electrical and roofing trades and state licensing standards;

18 2. To cover the cost of equipment, materials, personnel and any
19 other costs of developing and implementing the trade curriculum; and

20 3. To cover the cost of equipment, materials, personnel and any
21 other costs of developing and implementing the workforce development
22 program used to promote the plumbing, mechanical, electrical and
23 roofing trades as a career in Oklahoma.

1 D. The Skilled Trade Education and Workforce Development Fund
2 monies shall be used only for the advancement of trade-related
3 education and workforce development, and only if available based
4 upon statutory limitations.

5 E. There is hereby created in the State Treasury a revolving
6 fund for the Construction Industries Board to be designated the
7 "Skilled Trade Education and Workforce Development Fund". The fund
8 shall be a continuing fund, not subject to fiscal year limitations.
9 The fund shall consist of an annual transfer of fully adjudicated
10 fine revenue received in the Oklahoma Mechanical Licensing Revolving
11 Fund, Electrical Revolving Fund, Plumbing Licensing Revolving Fund
12 or Roofing Contractor Registration Revolving Fund as determined
13 pursuant to this section. Funds will be transferred only from the
14 prior fiscal year. If actual receipts, not including fine receipts,
15 exceed actual expenses and outstanding encumbrances, then one
16 hundred percent (100%) of all fully adjudicated fine revenue
17 received will be transferred from each specific trade revolving
18 fund: the Oklahoma Mechanical Licensing Revolving Fund, Electrical
19 Revolving Fund, Plumbing Licensing Revolving Fund or Roofing
20 Contractor Registration Revolving Fund.

21 F. If at any time the receipts in the Oklahoma Mechanical
22 Licensing Revolving Fund, Electrical Revolving Fund, Plumbing
23 Licensing Revolving Fund or Roofing Contractor Registration
24 Revolving Fund, not including fine receipts, are less than actual

1 expenses and outstanding encumbrances, then the difference of fine
2 receipts over actual expenses and outstanding encumbrances, if any,
3 shall be transferred.

4 G. If at any time the annual receipts in the Oklahoma
5 Mechanical Licensing Revolving Fund, Electrical Revolving Fund,
6 Plumbing Licensing Revolving Fund or Roofing Contractor Registration
7 Revolving Fund, including fine receipts, are less than the actual
8 expenses and outstanding encumbrances, there will be no transfer of
9 funds for that period.

10 H. All monies accruing to the credit of the Skilled Trade
11 Education and Workforce Development Fund may be budgeted and
12 expended by the Construction Industries Board for workforce
13 development as it relates to the skilled trades and to contract for
14 the services identified in Section 1000.4 of Title 59 of the
15 Oklahoma Statutes. Expenditures from the fund shall be made upon
16 warrants issued by the State Treasurer against claims filed as
17 prescribed by law with the Director of the Office of Management and
18 Enterprise Services for approval and payment.

19 SECTION 5. This act shall become effective November 1, 2017.
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21 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM,
22 dated 04/12/2017 - DO PASS, As Amended.
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