

1 ENGROSSED HOUSE
2 BILL NO. 1818

By: Dempsey and McBride of the
House

3 and

4 Montgomery of the Senate

5
6
7 [professions and occupations - Construction

8 Industries Board Act - authorizing Board to

9 administer the Oklahoma Uniform Building Code

10 Commission Act - Oklahoma Uniform Building Code

11 Commission Act - authorizing Construction

12 Industries Board to administer the Oklahoma Uniform

13 Building Code Commission Act - effective date]

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

17 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1000.2, as
18 last amended by Section 5, Chapter 116, O.S.L. 2020 (59 O.S. Supp.
19 2020, Section 1000.2), is amended to read as follows:

20 Section 1000.2 A. The Construction Industries Board is hereby
21 re-created to continue until July 1, 2023, in accordance with the
22 provisions of the Oklahoma Sunset Law. The Board shall regulate the
23 plumbing, electrical and mechanical trades, the building and
24 construction inspectors, home inspectors, and the roofing

1 contractors and implement and administer the Oklahoma Uniform
2 Building Code Commission Act through the powers and duties set forth
3 in the Construction Industries Board Act and in the respective
4 ~~licensing or registration~~ acts for such trades, or as otherwise
5 provided by law.

6 B. 1. Beginning July 1, 2013, the Board shall be composed of
7 seven (7) members appointed by the Governor with the advice and
8 consent of the Senate, as follows:

9 a. two members shall have at least ten (10) years'
10 experience in the plumbing trade, of which one shall
11 be a plumbing contractor and one shall be a journeyman
12 plumber,

13 b. two members shall have at least ten (10) years'
14 experience in the electrical trade, of which one shall
15 be an electrical contractor and one shall be a
16 journeyman electrician,

17 c. two members shall have at least ten (10) years'
18 experience in the mechanical trade, of which one shall
19 be a mechanical contractor and one shall be a
20 mechanical journeyman, and

21 d. one member shall have at least ten (10) years'
22 experience as a building and construction inspector.

23 2. Members shall be appointed for staggered terms of four (4)
24 years, as designated by the Governor. Members shall continue in

1 office until a successor is appointed by the Governor. The Governor
2 shall fill all vacancies and unexpired terms in the same manner as
3 the original appointment of the member whose position is to be
4 filled. A member may be removed by the Governor at any time.

5 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1000.3, as
6 amended by Section 3, Chapter 332, O.S.L. 2013 (59 O.S. Supp. 2020,
7 Section 1000.3), is amended to read as follows:

8 Section 1000.3 A. 1. The Construction Industries Board shall
9 organize ~~on~~ by September 1 each year, by electing from among its
10 members a chair and a vice-chair. The Board shall hold regularly
11 scheduled meetings at least once each quarter at a time and place
12 determined by the Board and may hold special meetings, emergency
13 meetings, or continued or reconvened meetings as found by the Board
14 to be necessary. A majority of the members of the Board shall
15 constitute a quorum for the transaction of business.

16 2. The chair shall preside at meetings of the Board, set the
17 agenda, sign orders and other required documents, coordinate Board
18 activities, and perform such other duties as may be prescribed by
19 the Board or authorized by law.

20 3. The vice-chair shall perform the duties of the chair during
21 the absence or disability of the chair and shall perform such other
22 duties as may be prescribed by the Board or authorized by law.

23 4. The Construction Industries Board Administrator, at the
24 discretion of the Board, shall:

- a. keep a record of all proceedings of the Board and certify to actions of the Board,
- b. oversee the receipt and deposit of all monies received by the Board in the appropriate revolving funds,
- c. submit, at the first regular meeting of the Board after the end of each fiscal year, a full itemized report of the receipts and disbursements for the prior fiscal year, showing the amount of funds on hand, and
- d. perform such other duties as are prescribed in the Construction Industries Board Act or as may be prescribed by the Board or required by law.

B. The Board shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the Administrative Procedures Act.

C. All members of the Board and such employees as determined by the Board shall be bonded as required by Sections ~~85.26~~ 85.58Q through ~~85.31~~ 85.58V of Title 74 of the Oklahoma Statutes.

D. The liability of any member or employee of the Board acting within the scope of Board duties or employment shall be governed by The Governmental Tort Claims Act.

E. Members of the Board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

1 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1000.4, as
2 last amended by Section 4, Chapter 332, O.S.L. 2013 (59 O.S. Supp.
3 2020, Section 1000.4), is amended to read as follows:

4 Section 1000.4 A. 1. Pursuant to and in compliance with
5 Article I of the Administrative Procedures Act, the Construction
6 Industries Board shall have the power to adopt, amend, repeal, and
7 promulgate rules as may be necessary to regulate the plumbing,
8 electrical, ~~and mechanical~~ and roofing trades, building and
9 construction inspectors ~~and~~, home inspectors, and implement and
10 administer the Oklahoma Uniform Building Code Commission Act. All
11 rules promulgated by the Board shall be reviewed and approved as
12 provided in ~~subsection F of Section 308 of Title 75 of the Oklahoma~~
13 ~~Statutes~~ Article I of the Administrative Procedures Act and the
14 Construction Industries Board Act.

15 2. The Board shall have the power to enforce the provisions of
16 the Construction Industries Board Act, The Plumbing License Law of
17 1955, the Oklahoma Inspectors Act, the Electrical License Act, the
18 Mechanical Licensing Act, the Home Inspection Licensing Act, the
19 Oklahoma Uniform Building Code Commission Act and the Roofing
20 Contractor Registration Act, as provided in the respective acts.

21 B. The Board shall have the following powers:

22 1. Exercise all incidental powers and duties which are
23 necessary to effectuate the provisions of The Plumbing License Law
24 of 1955, the Oklahoma Inspectors Act, the Electrical License Act,

1 the Mechanical Licensing Act, ~~and~~ the Oklahoma Uniform Building Code
2 Commission Act, the Home Inspection Licensing Act and the Roofing
3 Contractor Registration Act, including, but not limited to,
4 performing inspections of licenses, registrations, endorsements and
5 construction sites for compliance with statewide adopted building
6 codes applicable to the trades licensed by the Board;

7 2. Serve as a code variance and appeals board for the trades
8 and industries it regulates which do not have statutory code
9 variance and appeals boards;

10 3. Order or subpoena the attendance of witnesses, the
11 inspection of records and premises, and the production of relevant
12 books and papers for the investigation of matters that may come
13 before the Board;

14 4. Initiate disciplinary proceedings, request prosecution of
15 and initiate injunctive proceedings against any person who violates
16 any of the provisions of The Plumbing License Law of 1955, the
17 Oklahoma Inspectors Act, the Electrical License Act, the Mechanical
18 Licensing Act, ~~and~~ the Home Inspection Licensing Act and the Roofing
19 Contractor Registration Act;

20 5. Maintain an administrative staff including, but not limited
21 to, a Construction Industries Board Administrator whose appointment
22 shall be made as provided in Section 1000.6 of this title;

23 6. Establish and levy administrative fines for violations of
24 law or rule in the trades and industries the Board licenses or

1 regulates or against any person or entity denying the Board or its
2 representatives access to a job site for purposes of enforcing any
3 of the provisions of The Plumbing License Law of 1955, the Oklahoma
4 Inspectors Act, the Electrical License Act, ~~and~~ the Mechanical
5 Licensing Act, ~~or~~ the Home Inspection Licensing Act and the Roofing
6 Contractor Registration Act; provided, however, the Board is not
7 authorized to inspect or issue administrative violations or fines
8 for public utilities, public service corporations, intrastate gas
9 pipeline companies, gas gathering pipeline companies, gas processing
10 companies, rural electric associations, municipal utilities or their
11 subsidiaries, chemical plants, gas processing plants or petroleum
12 refineries where the entity uses their employees or contractors to
13 work on their own facilities or equipment;

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

19 8. Enforce provisions of the plumbing, electrical and
20 mechanical codes as adopted by the Oklahoma Uniform Building Code
21 Commission pursuant to the Oklahoma Uniform Building Code Commission
22 Act.

23 C. The Board shall account for all receipts and expenditures of
24 the monies of the Board, including annually preparing and publishing

1 a statement of receipts and expenditures of the Board for each
2 fiscal year. The Board's annual statement of receipts and
3 expenditures shall be audited by the State Auditor and Inspector or
4 an independent accounting firm in accordance with the provisions of
5 subsection B of Section 212 of Title 74 of the Oklahoma Statutes,
6 and the audit report shall be certified to the Governor of this
7 state to be true and correct, under oath, by the chair and vice-
8 chair of the Board. A copy of such certified report shall be
9 delivered to the chairs of the respective Senate and House of
10 Representatives Committees having authority over matters relating to
11 business, labor and construction industry licensing or regulation
12 not later than February 1 each year if it is not otherwise available
13 electronically on the website of the State Auditor and Inspector.

14 D. The Board shall account for all fines, penalties and fees
15 assessed and collected pursuant to the Administrative Procedures Act
16 or any rule promulgated for regulation of any industry and trade
17 under the authority of the Construction Industries Board. All
18 fines, penalties and fees assessed for any violation of law or rule
19 shall be automatically reviewed and brought before the entire Board
20 for consideration and vote not later than ~~the last day of the~~
21 ~~monthly quarter in which~~ ninety (90) days from the date it was
22 imposed. The Construction Industries Board Administrator shall
23 present to the Board a written recommendation and summary for each
24 case in which an assessment of a fine, penalty or fee was imposed

1 after administrative proceedings. The Board shall consider the
2 recommendations for each case at the next meeting date and at such
3 meeting shall either vote to affirm the recommendations or vote to
4 deny the recommendations and remand the case for further
5 administrative hearing, with or without instructions. No
6 administrative case shall be delayed or continued by the Board after
7 being placed on an agenda for final Board review, except with the
8 consent of all parties. The licensee or persons affected by the
9 imposition of an administrative fine, penalty or fee on final review
10 by the Board shall have all rights of appeal preserved pursuant to
11 the Administrative Procedures Act until final action by the Board.

12 E. The Construction Industries Board shall hear all appeals
13 timely made from an administrative ruling relating to an industry
14 and trade regulated by the Board; however, this appeal authority
15 shall ~~not~~ be in addition to the appeal process authorized by the
16 Administrative Procedures Act. Any final order ruling by the Board
17 from an administrative hearing may be further appealed as authorized
18 by the Administrative Procedures Act. Any appeal to a district
19 court shall be to the ~~district court~~ District Court of Oklahoma
20 County. The district court, upon conclusion of an appeal from a
21 Board ruling, shall be authorized to award reasonable legal fees to
22 the prevailing party.

23 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1000.6, is
24 amended to read as follows:

1 Section 1000.6 A. No later than January 1, 2002, and
2 thereafter, each time the position becomes vacant, the Construction
3 Industries Board shall hire a Construction Industries Board
4 Administrator. The Construction Industries Board may, upon a
5 majority vote, terminate the employment of the Construction
6 Industries Board Administrator.

7 B. The Construction Industries Board Administrator shall assist
8 the Construction Industries Board in the performance of its duties
9 and shall report directly to the Board.

10 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1000.21, as
11 amended by Section 2, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2020,
12 Section 1000.21), is amended to read as follows:

13 Section 1000.21 A. 1. There is hereby created the Oklahoma
14 Uniform Building Code Commission within the Construction Industries
15 Board ~~which~~. The Construction Industries Board is authorized to
16 administer the Oklahoma Uniform Building Code Commission Act and
17 exercise all incidental powers necessary and proper to implement and
18 enforce the provisions of the Oklahoma Uniform Building Code
19 Commission Act and the rules promulgated thereto. The Oklahoma
20 Uniform Building Code Commission shall consist of eleven (11)
21 members, nine of whom shall be appointed by the Governor with the
22 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 employed by a political subdivision,

- 1 h. one member who is a licensed architect from a
2 statewide organization that represents architects, and
3 i. one member who is from the insurance industry with
4 knowledge of building codes and experience in property
5 loss mitigation.

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

11 B. The remaining two members of the Commission shall be the
12 State Fire Marshal, or a designee, and an appointee of the
13 Construction Industries Board.

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

1 limits. An appointed member may be removed by the Governor for
2 cause.

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

7 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1000.22, is
8 amended to read as follows:

9 Section 1000.22 ~~1- A.~~ A. The Oklahoma Uniform Building Code
10 Commission shall ~~organize immediately after July 1, 2009, and~~
11 ~~annually thereafter, by electing~~ annually elect from among its
12 members a chair and a vice-chair. The Commission shall hold
13 regularly scheduled meetings at least once each quarter ~~at a time~~
14 ~~and place determined by the Commission~~ and may hold such special
15 meetings, emergency meetings or continued or reconvened meetings as
16 found by the Commission to be necessary. A majority of the members
17 of the Commission shall constitute a quorum for the transaction of
18 business.

19 ~~2- B.~~ B. The chair shall preside at meetings of the Commission,
20 set the agenda, sign orders and other required documents, coordinate
21 Commission activities and perform such other duties as may be
22 prescribed by the Oklahoma Uniform Building Code Commission Act.
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1 ~~3.~~ C. The vice-chair shall perform the duties of the chair
2 during the absence or disability of the chair and shall perform such
3 other duties as may be prescribed by the Commission.

4 ~~4. The Oklahoma Uniform Building Code Commission Chief~~
5 ~~Executive Officer, at the discretion of the Commission, shall:~~

- 6 ~~a. keep a record of all proceedings of the Commission and~~
7 ~~certify to actions of the Commission,~~
- 8 ~~b. oversee the receipt and deposit of all monies received~~
9 ~~by the Commission in the appropriate revolving funds,~~
- 10 ~~c. submit, at the first regular meeting of the Commission~~
11 ~~after the end of each fiscal year, a fully itemized~~
12 ~~report of the receipts and disbursements for the prior~~
13 ~~fiscal year, showing the amount of funds on hand, and~~
- 14 ~~d. perform such other duties as are prescribed in this~~
15 ~~act or as may be prescribed by the Commission.~~

16 ~~5. The Commission shall comply with the provisions of the~~
17 ~~Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the~~
18 ~~Administrative Procedures Act.~~

19 ~~6.~~ D. All members of the Commission and such employees as
20 ~~determined by the Commission~~ shall be bonded as required by Sections
21 ~~85.26~~ 85.58Q through ~~85.31~~ 85.58V of Title 74 of the Oklahoma
22 Statutes.

1 ~~7. E.~~ The liability of any member ~~or employee of the Commission~~
2 acting within the scope of Commission duties or employment shall be
3 governed by The Governmental Tort Claims Act.

4 ~~8. F.~~ Members of the Oklahoma Uniform Building Code Commission
5 and members of all technical committees shall serve without
6 compensation, but shall be reimbursed for all actual and necessary
7 expenses incurred in the performance of their duties in accordance
8 with the State Travel Reimbursement Act.

9 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1000.23, as
10 amended by Section 3, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2020,
11 Section 1000.23), is amended to read as follows:

12 Section 1000.23 A. The Oklahoma Uniform Building Code
13 Commission shall have the power and the duty to ~~review and adopt~~
14 prescribe standards and practices pursuant to this act by reviewing
15 and adopting all building codes for residential and commercial
16 construction to be used by all entities within this state. Codes
17 and standards adopted by the Commission shall be the minimum
18 standards for residential and commercial construction in this state.

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

1 C. Municipalities and other political subdivisions shall abide
2 by such minimum standards and requirements; provided, nothing in the
3 Oklahoma Uniform Building Code Commission Act shall prevent or take
4 away from such municipalities and other political subdivisions the
5 authority to enact and enforce requirements containing higher
6 standards and requirements than such minimum standards and
7 requirements.

8 D. ~~The Oklahoma Uniform Building Code~~ Commission shall have the
9 power and duty to establish a training ~~and certification~~ process for
10 all residential and commercial building code inspectors that
11 prescribes standards, practices and procedures for prelicensing
12 inspector training and other inspector training that enhances the
13 education of building and construction inspectors; provided, the
14 training does not infringe upon the education requirements and
15 processes under the Oklahoma Inspectors Act. Prelicensing programs
16 prescribing the standards, practices and procedures for prelicensing
17 building inspectors for use by other state agencies and other
18 education providers, both public and private, may be developed
19 through the use of a technical committee that develops any program
20 or curriculum, and recommends to the Construction Industries Board
21 proposed administrative rules setting forth any standards and
22 procedures to be adopted pursuant to paragraph 1 of subsection A of
23 Section 1000.24 of this title. The Commission shall establish
24 ~~regional~~ prelicensing training on a regional basis for the purpose

1 of training the county and municipal inspectors in the ~~Uniform~~
2 ~~Building Code~~ statewide building codes adopted pursuant to this act.
3 The regional training shall be offered at no cost to the ~~participant~~
4 building and construction inspector trainee and shall be funded from
5 the funds received pursuant to Section 1000.25 of this title. Each
6 inspector operating in this state on behalf of any state agency or
7 any municipal or county office may ~~complete~~ participate in regional
8 training and be issued a ~~certification for inspections by the~~
9 ~~Uniform Building Code Commission on and after January 1, 2015~~
10 certificate of completion for any training program established
11 pursuant to this act; however, any certificate of completion is
12 subject to the continuing education approval process of the
13 licensing entity. The training and ~~certification applications~~
14 standards, qualifications and application procedures for the
15 instructor, provider, if a nonstate governmental entity, and the
16 inspector trainee applications shall be promulgated by
17 administrative rules of the Commission Board. ~~The Commission may~~
18 ~~establish forms~~ Forms and procedures may be established to implement
19 and administer the provisions of this section.

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

22 Section 1000.24 A. 1. ~~Beginning July 1, 2009, pursuant~~
23 Pursuant to and in compliance with Article I of the Administrative
24 Procedures Act, the ~~Oklahoma Uniform Building Code Commission~~

1 Construction Industries Board shall have the power to adopt, amend,
2 repeal and promulgate rules as may be necessary to perform the
3 duties required under the Oklahoma Uniform Building Code Commission
4 Act; provided that all rules pertaining to adoption of statewide
5 building codes proposed after technical review and for the purpose
6 of revising and adopting the statewide building codes pursuant to
7 this act shall not be changed or altered by the Construction
8 Industries Board, so that the Oklahoma Uniform Building Code
9 Commission retains and has the full, unaltered authority to review,
10 revise and adopt the statewide building codes, with any
11 administrative services needed in the administrative rules process
12 to be provided by administrative staff of the Construction
13 Industries Board. ~~Rules authorized under this section shall not~~
14 ~~become effective prior to October 1, 2009.~~

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

18 3. Any codes adopted by state agencies, municipalities or other
19 political subdivisions of the state prior to uniform codes being
20 adopted by the Oklahoma Uniform Building Code Commission, pursuant
21 to the provisions of, or rules promulgated pursuant to, the Oklahoma
22 Uniform Building Code Commission Act, shall be considered valid and
23 in effect until uniform codes are adopted by the Oklahoma Uniform
24 Building Code Commission.

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

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.~~ 2. 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, receive requests for advisory opinions for
19 interpretation of any statewide building code adopted pursuant to
20 this act, evaluate the requests for appropriateness of need for an
21 advisory opinion, assign any requests to the appropriate technical
22 committee requesting participation from entities responsible for the
23 enforcement of any code involved in the request providing deference
24 to an entity's previous interpretation and, upon recommendation of a

1 technical committee, issue advisory opinions interpreting the
2 adopted statewide code; and

3 ~~6.~~ 3. Create a website listing all building codes adopted by
4 the Commission and any advisory opinions issued. The website shall
5 provide a method for listing all codes adopted by a state agency,
6 city or any other political subdivision of the state containing
7 higher standards and requirements than the codes adopted pursuant to
8 the Oklahoma Uniform Building Code Commission Act as required in
9 Section 14-107 of Title 11 of the Oklahoma Statutes.

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

20 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1000.25, as
21 last amended by Section 4, Chapter 223, O.S.L. 2014 (59 O.S. Supp.
22 2020, Section 1000.25), is amended to read as follows:

23 Section 1000.25 A. The Oklahoma Uniform Building Code
24 Commission shall ~~establish~~ recommend to the Construction Industries

1 Board a system of fees to be charged for the issuance and renewal of
2 any construction permits issued by any agency, municipality, or
3 other political subdivision of this state.

4 B. This provision is subject to the following limitations:

5 1. No schedule of fees may be established or amended by the
6 ~~Commission~~ Board except during such times as the Legislature is in
7 session; provided, the ~~Commission~~ Board may establish or amend a
8 schedule of fees at a time when the Legislature is not in session if
9 the fees or schedule of fees has been specifically authorized by the
10 Legislature pursuant to paragraphs 2 and 3 of this subsection. The
11 ~~Commission must~~ Board shall follow the procedures required by
12 Article I of the Administrative Procedures Act for adoption of rules
13 in establishing or amending any such schedule of fees;

14 2. The ~~Commission~~ Board shall charge fees for building permits
15 and renewal of such permits issued by any state agency,
16 municipality, or other political subdivision of this state which
17 authorized work governed by codes within the purview of the
18 ~~Commission~~ Board only within the following ranges:

19 For issuance of permit not to exceed ~~\$5.00~~ \$4.00

20 For renewal of permit not to exceed \$5.00

21 Fees shall be remitted to the Oklahoma Uniform Building Code
22 Commission Revolving Fund created pursuant to Section 1000.28 of
23 this title within thirty (30) days after the end of the preceding
24 calendar month. The Oklahoma Uniform Building Code Commission shall

1 report to the Governor, President Pro Tempore of the Senate and the
2 Speaker of the House semiannually its collections for the six (6)
3 months preceding the report;

4 3. Fees shall be collected by any state agency, municipality or
5 other political subdivision issuing construction permits within this
6 state. The fees shall be deposited in an account created by the
7 collecting entity for that purpose;

8 4. The state agency, municipality or other political
9 subdivision shall remit the monies in the account on a monthly basis
10 directly to the State Treasury for deposit in the Oklahoma Uniform
11 Building Code Commission Revolving Fund created pursuant to Section
12 1000.28 of this title. Along with the deposits required by this
13 paragraph, each state agency, municipality or other political
14 subdivision shall also submit a report stating the total amount of
15 funds collected and the total number of fees imposed during the
16 preceding month. The report shall be made on computerized or manual
17 disposition reports as provided by ~~rule of the Commission~~ rules
18 promulgated pursuant to paragraph 1 of subsection A of Section
19 1000.24 of this title;

20 5. Any state agency, municipality or other political
21 subdivision collecting and remitting fees pursuant to this section
22 may levy a fee up to fifty cents (\$0.50) for every construction
23 permit or renewal permit issued. These monies shall be deposited
24 into an account for the sole use of the state agency, municipality

1 or other political subdivision. The state agency, municipality or
2 other political subdivision shall state the total amount of funds
3 collected and the total number of fees imposed to the State Treasury
4 in the report required by paragraph 4 of this subsection;

5 6. It shall be the responsibility of the state agency,
6 municipality or other political subdivision to account for and
7 ensure the correctness and accuracy of payments made to the State
8 Treasury pursuant to this title;

9 7. Funds collected by a state agency, municipality or other
10 political subdivision and remitted to the State Treasury pursuant to
11 the Oklahoma Uniform Building Code Commission Act shall be deposited
12 in the Oklahoma Uniform Building Code Commission Revolving Fund and
13 shall be used solely for the purposes of the Oklahoma Uniform
14 Building Code Commission Act; provided that of the gross permit fees
15 charged, collected and received, ten percent (10%) shall be paid
16 into the General Revenue Fund of the state; and

17 8. Nothing in this act shall prevent the Oklahoma Uniform
18 Building Code Commission from offering incentives for prompt
19 payment.

20 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1000.28, as
21 amended by Section 273, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
22 2020, Section 1000.28), is amended to read as follows:

23 Section 1000.28 There is hereby created in the State Treasury a
24 revolving fund for the Oklahoma Uniform Building Code Commission to

1 be designated the Oklahoma Uniform Building Code Commission
2 Revolving Fund. The fund shall be a continuous fund, not subject to
3 fiscal year limitations, and shall consist of all fees or payments
4 ~~of any type~~ received by the ~~Commission~~ Construction Industries Board
5 for the purposes outlined in the provisions of the Oklahoma Uniform
6 Building Code Commission Act. All monies accruing to the credit of
7 the fund are hereby appropriated and may be budgeted and expended by
8 the ~~Commission~~ Board for the purpose of implementing and
9 administering the Oklahoma Uniform Building Code Commission Act.
10 Expenditures from the fund shall be made upon warrants issued by the
11 State Treasurer against claims filed as prescribed by law with the
12 Director of the Office of Management and Enterprise Services for
13 approval and payment.

14 SECTION 11. REPEALER 59 O.S. 2011, Sections 1000.26 and
15 1000.27, are hereby repealed.

16 SECTION 12. This act shall become effective November 1, 2021.

17 Passed the House of Representatives the 2nd day of March, 2021.

18
19
20 Presiding Officer of the House
of Representatives

21
22 Passed the Senate the ____ day of _____, 2021.

23
24 Presiding Officer of the Senate