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1st Session of the 58th Legislature (2021)

HOUSE BILL 1818

By: **Dempsey** and McBride of the  
House

and

**Montgomery** of the Senate

and

**Montgomery** of the Senate

Montgomery of the Senate

## AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 2011, 1000.2, as last amended by Section 5, Chapter 116, O.S.L. 2020, 1000.3, as amended by Section 3, Chapter 332, O.S.L. 2013, 1000.4, as last amended by Section 4, Chapter 332, O.S.L. 2013 and 1000.6 (59 O.S. Supp. 2020, Sections 1000.2, 1000.3 and 1000.4), which relate to the Construction Industries Board Act; authorizing Board to administer the Oklahoma Uniform Building Code Commission Act; modifying powers and duties of the Board; clarifying language; amending 59 O.S. 2011, Sections 1000.21, as amended by Section 2, Chapter 223, O.S.L. 2014, 1000.22, 1000.23, as amended by Section 3, Chapter 223, O.S.L. 2014, 1000.24, 1000.25, as last amended by Section 4, Chapter 223, O.S.L. 2014 and 1000.28, as amended by Section 273, Chapter 304, O.S.L. 2012 (59 O.S. Supp. 2020, Sections 1000.21, 1000.23, 1000.25 and 1000.28), which relate to the Oklahoma Uniform Building Code Commission Act; authorizing Construction Industries Board to administer the Oklahoma Uniform Building Code Commission Act; modifying powers and duties of the Oklahoma Uniform Building Code Commission; providing for administrative services; authorizing Commission to recommend system of fees; providing for payment of certain fees collected; repealing 59 O.S. 2011, Sections 1000.26 and 1000.27, which relate to the Chief Executive Officer and legal advisor to the

Oklahoma Uniform Building Code Commission; and  
providing an effective date.

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

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

Section 1000.2 A. The Construction Industries Board is hereby  
re-created to continue until July 1, 2023, in accordance with the  
provisions of the Oklahoma Sunset Law. The Board shall regulate the  
plumbing, electrical and mechanical trades, the building and  
construction inspectors, home inspectors, and the roofing  
contractors and implement and administer the Oklahoma Uniform  
Building Code Commission Act through the powers and duties set forth  
in the Construction Industries Board Act and in the respective  
~~licensing or registration~~ acts for such trades, or as otherwise  
provided by law.

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

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

- b. two members shall have at least ten (10) years' experience in the electrical trade, of which one shall be an electrical contractor and one shall be a journeyman electrician,
- c. two members shall have at least ten (10) years' experience in the mechanical trade, of which one shall be a mechanical contractor and one shall be a mechanical journeyman, and
- d. one member shall have at least ten (10) years' experience as a building and construction inspector.

2. Members shall be appointed for staggered terms of four (4) years, as designated by the Governor. Members shall continue in office until a successor is appointed by the Governor. 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. A member may be removed by the Governor at any time.

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

Section 1000.3 A. 1. The Construction Industries Board shall organize ~~on~~ by September 1 each year, by electing from among its members a chair and a vice-chair. The Board shall hold regularly scheduled meetings at least once each quarter at a time and place determined by the Board and may hold special meetings, emergency

1 meetings, or continued or reconvened meetings as found by the Board  
2 to be necessary. A majority of the members of the Board shall  
3 constitute a quorum for the transaction of business.

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

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

11 4. The Construction Industries Board Administrator, at the  
12 discretion of the Board, shall:

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

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

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

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

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

14 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1000.4, as  
15 last amended by Section 4, Chapter 332, O.S.L. 2013 (59 O.S. Supp.  
16 2020, Section 1000.4), is amended to read as follows:

17 Section 1000.4 A. 1. Pursuant to and in compliance with  
18 Article I of the Administrative Procedures Act, the Construction  
19 Industries Board shall have the power to adopt, amend, repeal, and  
20 promulgate rules as may be necessary to regulate the plumbing,  
21 electrical, ~~and~~ mechanical and roofing trades, building and  
22 construction inspectors, ~~and~~ home inspectors, and implement and  
23 administer the Oklahoma Uniform Building Code Commission Act. All  
24 rules promulgated by the Board shall be reviewed and approved as

1 provided in ~~subsection F of Section 308 of Title 75 of the Oklahoma~~  
2 ~~Statutes~~ Article I of the Administrative Procedures Act and the  
3 Construction Industries Board Act.

4 2. The Board shall have the power to enforce the provisions of  
5 the Construction Industries Board Act, The Plumbing License Law of  
6 1955, the Oklahoma Inspectors Act, the Electrical License Act, the  
7 Mechanical Licensing Act, the Home Inspection Licensing Act, the  
8 Oklahoma Uniform Building Code Commission Act and the Roofing  
9 Contractor Registration Act, as provided in the respective acts.

10 B. The Board shall have the following powers:

11 1. Exercise all incidental powers and duties which are  
12 necessary to effectuate the provisions of The Plumbing License Law  
13 of 1955, the Oklahoma Inspectors Act, the Electrical License Act,  
14 the Mechanical Licensing Act, ~~and~~ the Oklahoma Uniform Building Code  
15 Commission Act, the Home Inspection Licensing Act and the Roofing  
16 Contractor Registration Act, including, but not limited to,  
17 performing inspections of licenses, registrations, endorsements and  
18 construction sites for compliance with statewide adopted building  
19 codes applicable to the trades licensed by the Board;

20 2. Serve as a code variance and appeals board for the trades  
21 and industries it regulates which do not have statutory code  
22 variance and appeals boards;

23 3. Order or subpoena the attendance of witnesses, the  
24 inspection of records and premises, and the production of relevant

1 books and papers for the investigation of matters that may come  
2 before the Board;

3 4. Initiate disciplinary proceedings, request prosecution of  
4 and initiate injunctive proceedings against any person who violates  
5 any of the provisions of The Plumbing License Law of 1955, the  
6 Oklahoma Inspectors Act, the Electrical License Act, the Mechanical  
7 Licensing Act, ~~and~~ the Home Inspection Licensing Act and the Roofing  
8 Contractor Registration Act;

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

12 6. Establish and levy administrative fines for violations of  
13 law or rule in the trades and industries the Board licenses or  
14 regulates or against any person or entity denying the Board or its  
15 representatives access to a job site for purposes of enforcing any  
16 of the provisions of The Plumbing License Law of 1955, the Oklahoma  
17 Inspectors Act, the Electrical License Act, ~~and~~ the Mechanical  
18 Licensing Act, ~~or~~ the Home Inspection Licensing Act and the Roofing  
19 Contractor Registration Act; provided, however, the Board is not  
20 authorized to inspect or issue administrative violations or fines  
21 for public utilities, public service corporations, intrastate gas  
22 pipeline companies, gas gathering pipeline companies, gas processing  
23 companies, rural electric associations, municipal utilities or their  
24 subsidiaries, chemical plants, gas processing plants or petroleum

1 refineries where the entity uses their employees or contractors to  
2 work on their own facilities or equipment;

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

8 8. Enforce provisions of the plumbing, electrical and  
9 mechanical codes as adopted by the Oklahoma Uniform Building Code  
10 Commission pursuant to the Oklahoma Uniform Building Code Commission  
11 Act.

12 C. The Board shall account for all receipts and expenditures of  
13 the monies of the Board, including annually preparing and publishing  
14 a statement of receipts and expenditures of the Board for each  
15 fiscal year. The Board's annual statement of receipts and  
16 expenditures shall be audited by the State Auditor and Inspector or  
17 an independent accounting firm in accordance with the provisions of  
18 subsection B of Section 212 of Title 74 of the Oklahoma Statutes,  
19 and the audit report shall be certified to the Governor of this  
20 state to be true and correct, under oath, by the chair and vice-  
21 chair of the Board. A copy of such certified report shall be  
22 delivered to the chairs of the respective Senate and House of  
23 Representatives Committees having authority over matters relating to  
24 business, labor and construction industry licensing or regulation



1 not later than February 1 each year if it is not otherwise available  
2 electronically on the website of the State Auditor and Inspector.

3 D. The Board shall account for all fines, penalties and fees  
4 assessed and collected pursuant to the Administrative Procedures Act  
5 or any rule promulgated for regulation of any industry and trade  
6 under the authority of the Construction Industries Board. All  
7 fines, penalties and fees assessed for any violation of law or rule  
8 shall be automatically reviewed and brought before the entire Board  
9 for consideration and vote not later than ~~the last day of the~~  
10 ~~monthly quarter in which~~ ninety (90) days from the date it was  
11 imposed. The Construction Industries Board Administrator shall  
12 present to the Board a written recommendation and summary for each  
13 case in which an assessment of a fine, penalty or fee was imposed  
14 after administrative proceedings. The Board shall consider the  
15 recommendations for each case at the next meeting date and at such  
16 meeting shall either vote to affirm the recommendations or vote to  
17 deny the recommendations and remand the case for further  
18 administrative hearing, with or without instructions. No  
19 administrative case shall be delayed or continued by the Board after  
20 being placed on an agenda for final Board review, except with the  
21 consent of all parties. The licensee or persons affected by the  
22 imposition of an administrative fine, penalty or fee on final review  
23 by the Board shall have all rights of appeal preserved pursuant to  
24 the Administrative Procedures Act until final action by the Board.

1 E. The Construction Industries Board shall hear all appeals  
2 timely made from an administrative ruling relating to an industry  
3 and trade regulated by the Board; however, this appeal authority  
4 shall ~~not~~ be in addition to the appeal process authorized by the  
5 Administrative Procedures Act. Any final order ruling by the Board  
6 from an administrative hearing may be further appealed as authorized  
7 by the Administrative Procedures Act. Any appeal to a district  
8 court shall be to the ~~district court~~ District Court of Oklahoma  
9 County. The district court, upon conclusion of an appeal from a  
10 Board ruling, shall be authorized to award reasonable legal fees to  
11 the prevailing party.

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

14 Section 1000.6 A. No later than January 1, 2002, and  
15 thereafter, each time the position becomes vacant, the Construction  
16 Industries Board shall hire a Construction Industries Board  
17 Administrator. The Construction Industries Board may, upon a  
18 majority vote, terminate the employment of the Construction  
19 Industries Board Administrator.

20 B. The Construction Industries Board Administrator shall assist  
21 the Construction Industries Board in the performance of its duties  
22 and shall report directly to the Board.  
23  
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1       SECTION 5.       AMENDATORY       59 O.S. 2011, Section 1000.21, as  
2 amended by Section 2, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2020,  
3 Section 1000.21), is amended to read as follows:

4       Section 1000.21 A. 1. There is hereby created the Oklahoma  
5 Uniform Building Code Commission within the Construction Industries  
6 Board ~~which~~. The Construction Industries Board is authorized to  
7 administer the Oklahoma Uniform Building Code Commission Act and  
8 exercise all incidental powers necessary and proper to implement and  
9 enforce the provisions of the Oklahoma Uniform Building Code  
10 Commission Act and the rules promulgated thereto. The Oklahoma  
11 Uniform Building Code Commission shall consist of eleven (11)  
12 members, nine of whom shall be appointed by the Governor with the  
13 advice and consent of the Senate as follows:

- 14           a. one member who is a general contractor from a  
15               statewide organization that represents residential  
16               construction,
- 17           b. one member who is a general contractor from a  
18               statewide organization that represents commercial  
19               construction,
- 20           c. one member who is a contractor from a statewide  
21               organization that represents electrical contractors,
- 22           d. one member who is a contractor from a statewide  
23               organization that represents plumbing contractors,

- 1 e. one member who is a contractor from a statewide  
2 organization that represents heating and cooling  
3 contractors,
- 4 f. one member who is a local-level regulator/inspector  
5 who is a member of a statewide organization that is  
6 exempt from taxation under federal law and designated  
7 pursuant to the provisions of the Internal Revenue  
8 Code, 26 U.S.C., Section 170(a), who has represented  
9 municipalities and had statutory functions for  
10 municipalities for at least fifteen (15) years prior  
11 to November 1, 2005,
- 12 g. one member who is a Certified Building Official  
13 employed by a political subdivision,
- 14 h. one member who is a licensed architect from a  
15 statewide organization that represents architects, and
- 16 i. one member who is from the insurance industry with  
17 knowledge of building codes and experience in property  
18 loss mitigation.

19 2. The members shall be appointed for staggered terms of four  
20 (4) years, beginning July 1, 2009. A full term of office for  
21 purposes of determining term limits provided in subsection C of this  
22 section shall be the completion of a full four-year term of  
23 appointment.  
24

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

4 C. Appointed members shall continue in office until a successor  
5 is appointed by the Governor, notwithstanding the term limitations.  
6 No appointed member shall serve more than two consecutive full four-  
7 year terms; provided, such a member shall be eligible to serve until  
8 a successor is appointed, and such member may be reappointed after a  
9 two-year absence from the Commission. The Governor shall fill all  
10 vacancies and unexpired terms in the same manner as the original  
11 appointment of the member whose position is to be filled. No  
12 initial appointment to a term of less than four (4) years or any  
13 partial-term appointment to fill a vacancy or unexpired term of  
14 another member shall be counted for purposes of determining term  
15 limits. An appointed member may be removed by the Governor for  
16 cause.

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

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

23 Section 1000.22 ~~1-~~ A. The Oklahoma Uniform Building Code  
24 Commission shall ~~organize immediately after July 1, 2009, and~~

1 ~~annually thereafter, by electing~~ annually elect from among its  
2 members a chair and a vice-chair. The Commission shall hold  
3 regularly scheduled meetings at least once each quarter ~~at a time~~  
4 ~~and place determined by the Commission~~ and may hold such special  
5 meetings, emergency meetings or continued or reconvened meetings as  
6 found by the Commission to be necessary. A majority of the members  
7 of the Commission shall constitute a quorum for the transaction of  
8 business.

9 ~~2.~~ B. The chair shall preside at meetings of the Commission,  
10 set the agenda, sign orders and other required documents, coordinate  
11 Commission activities and perform such other duties as may be  
12 prescribed by the Oklahoma Uniform Building Code Commission Act.

13 ~~3.~~ C. The vice-chair shall perform the duties of the chair  
14 during the absence or disability of the chair and shall perform such  
15 other duties as may be prescribed by the Commission.

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

- 18 a. ~~keep a record of all proceedings of the Commission and~~
- 19 ~~certify to actions of the Commission,~~
- 20 b. ~~oversee the receipt and deposit of all monies received~~
- 21 ~~by the Commission in the appropriate revolving funds,~~
- 22 c. ~~submit, at the first regular meeting of the Commission~~
- 23 ~~after the end of each fiscal year, a fully 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 this  
act or as may be prescribed by the Commission.~~

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

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

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

~~8. F.~~ Members of the Oklahoma Uniform Building Code Commission  
and members of all technical committees 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.

SECTION 7. AMENDATORY 59 O.S. 2011, Section 1000.23, as  
amended by Section 3, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2020,  
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~~

1 prescribe standards and practices pursuant to this act by reviewing  
2 and adopting all building codes for residential and commercial  
3 construction to be used by all entities within this state. Codes  
4 and standards adopted by the Commission shall be the minimum  
5 standards for residential and commercial construction in this state.

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

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

19 D. ~~The Oklahoma Uniform Building Code Commission~~ shall have the  
20 power and duty to establish a training ~~and certification~~ process for  
21 all residential and commercial building code inspectors that  
22 prescribes standards, practices and procedures for prelicensing  
23 inspector training and other inspector training that enhances the  
24 education of building and construction inspectors; provided, the



1 training does not infringe upon the education requirements and  
2 processes under the Oklahoma Inspectors Act. Prelicensing programs  
3 prescribing the standards, practices and procedures for prelicensing  
4 building inspectors for use by other state agencies and other  
5 education providers, both public and private, may be developed  
6 through the use of a technical committee that develops any program  
7 or curriculum, and recommends to the Construction Industries Board  
8 proposed administrative rules setting forth any standards and  
9 procedures to be adopted pursuant to paragraph 1 of subsection A of  
10 Section 1000.24 of this title. The Commission shall establish  
11 ~~regional~~ prelicensing training on a regional basis for the purpose  
12 of training the county and municipal inspectors in the ~~Uniform~~  
13 ~~Building Code~~ statewide building codes adopted pursuant to this act.  
14 The regional training shall be offered at no cost to the ~~participant~~  
15 building and construction inspector trainee and shall be funded from  
16 the funds received pursuant to Section 1000.25 of this title. Each  
17 inspector operating in this state on behalf of any state agency or  
18 any municipal or county office may ~~complete~~ participate in regional  
19 training and be issued a ~~certification for inspections by the~~  
20 ~~Uniform Building Code Commission on and after January 1, 2015~~  
21 certificate of completion for any training program established  
22 pursuant to this act; however, any certificate of completion is  
23 subject to the continuing education approval process of the  
24 licensing entity. The training ~~and certification applications~~

standards, qualifications and application procedures for the instructor, provider, if a nonstate governmental entity, and the inspector trainee applications shall be promulgated by administrative rules of the ~~Commission Board~~. ~~The Commission may establish forms~~ Forms and procedures may be established to implement and administer the provisions of this section.

SECTION 8. 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~~ Construction Industries Board 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; provided that all rules pertaining to adoption of statewide building codes proposed after technical review and for the purpose of revising and adopting the statewide building codes pursuant to this act shall not be changed or altered by the Construction Industries Board, so that the Oklahoma Uniform Building Code Commission retains and has the full, unaltered authority to review, revise and adopt the statewide building codes, with any administrative services needed in the administrative rules process to be provided by administrative staff of the Construction

1 Industries Board. ~~Rules authorized under this section shall not~~  
2 ~~become effective prior to October 1, 2009.~~

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

6 ~~3.~~ Any codes adopted by state agencies, municipalities or other  
7 political subdivisions of the state prior to uniform codes being  
8 adopted by the Oklahoma Uniform Building Code Commission, pursuant  
9 to the provisions of, or rules promulgated pursuant to, the Oklahoma  
10 Uniform Building Code Commission Act, shall be considered valid and  
11 in effect until uniform codes are adopted by the Oklahoma Uniform  
12 Building Code Commission.

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

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

18 ~~2.~~ Adopt and have an official seal;

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

22 ~~4.~~ ~~Direct such other expenditures as may be necessary in the~~  
23 ~~performance of its duties, including, but not limited to,~~  
24 ~~expenditures for office space, equipment, furnishings and contracts~~

1 ~~for services. All expenditures shall be made pursuant to the~~  
2 ~~Oklahoma Central Purchasing Act;~~

3 ~~5.~~ 2. Appoint technical committees to review and recommend for  
4 adoption all building codes. The technical committees shall review  
5 and recommend building codes with any amendments for adoption by the  
6 Commission, receive requests for advisory opinions for  
7 interpretation of any statewide building code adopted pursuant to  
8 this act, evaluate the requests for appropriateness of need for an  
9 advisory opinion, assign any requests to the appropriate technical  
10 committee requesting participation from entities responsible for the  
11 enforcement of any code involved in the request providing deference  
12 to an entity's previous interpretation and, upon recommendation of a  
13 technical committee, issue advisory opinions interpreting the  
14 adopted statewide code; and

15 ~~6.~~ 3. Create a website listing all building codes adopted by  
16 the Commission and any advisory opinions issued. The website shall  
17 provide a method for listing all codes adopted by a state agency,  
18 city or any other political subdivision of the state containing  
19 higher standards and requirements than the codes adopted pursuant to  
20 the Oklahoma Uniform Building Code Commission Act as required in  
21 Section 14-107 of Title 11 of the Oklahoma Statutes.

22 C. ~~After October 1, 2009, the Commission~~ The Construction  
23 Industries Board shall account for all receipts and expenditures of  
24 the monies of the Commission, including annually preparing and

1 publishing a statement of receipts and expenditures of the  
2 Commission for each fiscal year. The Commission's annual statement  
3 of receipts and expenditures shall be audited by the State Auditor  
4 and Inspector or an independent accounting firm, and the audit  
5 report shall be certified to the Governor of this state to be true  
6 and correct, under oath, by the chair and vice-chair of the  
7 ~~Commission~~ Construction Industries Board.

8 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1000.25, as  
9 last amended by Section 4, Chapter 223, O.S.L. 2014 (59 O.S. Supp.  
10 2020, Section 1000.25), is amended to read as follows:

11 Section 1000.25 A. The Oklahoma Uniform Building Code  
12 Commission shall ~~establish~~ recommend to the Construction Industries  
13 Board a system of fees to be charged for the issuance and renewal of  
14 any construction permits issued by any agency, municipality, or  
15 other political subdivision of this state.

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

17 1. No schedule of fees may be established or amended by the  
18 ~~Commission~~ Board except during such times as the Legislature is in  
19 session; provided, the ~~Commission~~ Board may establish or amend a  
20 schedule of fees at a time when the Legislature is not in session if  
21 the fees or schedule of fees has been specifically authorized by the  
22 Legislature pursuant to paragraphs 2 and 3 of this subsection. The  
23 ~~Commission must~~ Board shall follow the procedures required by  
24

1 Article I of the Administrative Procedures Act for adoption of rules  
2 in establishing or amending any such schedule of fees;

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

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

9 For renewal of permit not to exceed \$5.00

10 Fees shall be remitted to the Oklahoma Uniform Building Code  
11 Commission Revolving Fund created pursuant to Section 1000.28 of  
12 this title within thirty (30) days after the end of the preceding  
13 calendar month. The Oklahoma Uniform Building Code Commission shall  
14 report to the Governor, President Pro Tempore of the Senate and the  
15 Speaker of the House semiannually its collections for the six (6)  
16 months preceding the report;

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

21 4. The state agency, municipality or other political  
22 subdivision shall remit the monies in the account on a monthly basis  
23 directly to the State Treasury for deposit in the Oklahoma Uniform  
24 Building Code Commission Revolving Fund created pursuant to Section

1 1000.28 of this title. Along with the deposits required by this  
2 paragraph, each state agency, municipality or other political  
3 subdivision shall also submit a report stating the total amount of  
4 funds collected and the total number of fees imposed during the  
5 preceding month. The report shall be made on computerized or manual  
6 disposition reports as provided by ~~rule of the Commission~~ rules  
7 promulgated pursuant to paragraph 1 of subsection A of Section  
8 1000.24 of this title;

9 5. Any state agency, municipality or other political  
10 subdivision collecting and remitting fees pursuant to this section  
11 may levy a fee up to fifty cents (\$0.50) for every construction  
12 permit or renewal permit issued. These monies shall be deposited  
13 into an account for the sole use of the state agency, municipality  
14 or other political subdivision. The state agency, municipality or  
15 other political subdivision shall state the total amount of funds  
16 collected and the total number of fees imposed to the State Treasury  
17 in the report required by paragraph 4 of this subsection;

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

22 7. Funds collected by a state agency, municipality or other  
23 political subdivision and remitted to the State Treasury pursuant to  
24 the Oklahoma Uniform Building Code Commission Act shall be deposited

1 in the Oklahoma Uniform Building Code Commission Revolving Fund and  
2 shall be used solely for the purposes of the Oklahoma Uniform  
3 Building Code Commission Act; provided that of the gross permit fees  
4 charged, collected and received, ten percent (10%) shall be paid  
5 into the General Revenue Fund of the state; and

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

9 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1000.28, as  
10 amended by Section 273, Chapter 304, O.S.L. 2012 (59 O.S. Supp.  
11 2020, Section 1000.28), is amended to read as follows:

12 Section 1000.28 There is hereby created in the State Treasury a  
13 revolving fund for the Oklahoma Uniform Building Code Commission to  
14 be designated the Oklahoma Uniform Building Code Commission  
15 Revolving Fund. The fund shall be a continuous fund, not subject to  
16 fiscal year limitations, and shall consist of all fees or payments  
17 ~~of any type~~ received by the ~~Commission~~ Construction Industries Board  
18 for the purposes outlined in the provisions of the Oklahoma Uniform  
19 Building Code Commission Act. All monies accruing to the credit of  
20 the fund are hereby appropriated and may be budgeted and expended by  
21 the ~~Commission~~ Board for the purpose of implementing and  
22 administering the Oklahoma Uniform Building Code Commission Act.  
23 Expenditures from the fund shall be made upon warrants issued by the  
24 State Treasurer against claims filed as prescribed by law with the



1 Director of the Office of Management and Enterprise Services for  
2 approval and payment.

3 SECTION 11. REPEALER 59 O.S. 2011, Sections 1000.26 and  
4 1000.27, are hereby repealed.

5 SECTION 12. This act shall become effective November 1, 2021.  
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7 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated  
8 02/24/2021 - DO PASS, As Coauthored.  
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