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February 23, 2017

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 283

By: Newberry

[Oklahoma Uniform Building Code Commission - code
submissions - notice - effective date]

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1000.23, as amended by Section 3, Chapter 223, O.S.L. 2014 (59 O.S. Supp. 2016, 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 minimum standards for residential and commercial construction in this state. The building codes and standards adopted by the Commission shall be valid and in effect from the date of adoption for a period of six (6) years or until the Commission adopts additional codes and standards pursuant to the Administrative Procedures Act.

B. All public projects shall abide by such minimum standards and requirements; provided, nothing in the Oklahoma Uniform Building

1 Code Commission Act shall prevent or take away from state agencies
2 the authority to enact and enforce requirements containing higher
3 standards and requirements than such minimum standards and
4 requirements.

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

12 D. The Oklahoma Uniform Building Code Commission shall have the
13 power and duty to establish a training and certification process for
14 all residential and commercial building ~~code inspectors~~ codes. The
15 Commission shall establish regional training for the purpose of
16 ~~training the county and municipal inspectors in~~ the Uniform Building
17 Code. The regional training shall be offered at no cost to the
18 participant and shall be funded from the funds received pursuant to
19 Section 1000.25 of this title. Each inspector operating in this
20 state on behalf of any state agency or any municipal or county
21 office may complete regional training and be issued a certification
22 for inspections by the Uniform Building Code Commission on and after
23 January 1, 2015. The training and certification applications,
24 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 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

1 authorized by Section 14-107 of Title 11 of the Oklahoma Statutes
2 and have been submitted to the Commission.

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

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

8 2. Adopt and have an official seal;

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

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

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

21 6. Create and maintain a website with a detailed listing of all
22 current building codes and standards adopted by the Commission. For
23 purposes of public notification, the uniform building codes and
24 standards adopted by the Commission or submitted to the Commission

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

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

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

1 Section 14-107. A. If a municipal governing body enacts or
2 adopts by reference ordinances which are compilations or codes of
3 law or regulations relating to traffic, building, plumbing,
4 electrical installations, fire prevention, inflammable liquids, milk
5 and milk products, protection of the public health, or any other
6 matters which the municipality has the power to regulate, such
7 ordinances are not required to be published in full. Legal
8 publication of such ordinances may be by publishing the title and a
9 summary of their contents in the manner provided by Section 14-106
10 of this title. At least one copy of such ordinances shall be kept
11 in the office of the municipal clerk for public use, inspection, and
12 examination. The municipal clerk shall keep copies of the
13 ordinances, codes, or compilations for distribution or sale at a
14 reasonable price, except as provided in subsection F of this
15 section.

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

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

1 codes and standards to make changes necessary to accommodate local
2 conditions, except as provided in subsection D of this section.

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

12 E. Ordinances which are passed by the governing body with an
13 emergency clause attached are not required to be published in full,
14 but may be published by title only in the manner provided by Section
15 14-106 of this title.

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

21 SECTION 4. This act shall become effective November 1, 2017.

22 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
23 February 23, 2017 - DO PASS AS AMENDED
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