

THE STATE SENATE

Monday, February 23, 2009

Senate Bill No. 1182  
As Amended

SENATE BILL NO. 1182 - By: Brogdon of the Senate and Jordan of the House.

[ state government - creating the Oklahoma Uniform Building Code Commission -  
codification - effective date ]

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

SECTION 1. AMENDATORY Added by Laws 1965, c. 257, § 8, eff. July 1, 1965. Amended by Laws 1971, c. 236, § 1, emerg. eff. June 12, 1971; Laws 1990, c. 199, § 1, emerg. eff. May 10, 1990; Laws 1991, c. 324, § 3, emerg. eff. June 14, 1991; Laws 2001, c. 136, § 1, eff. Nov. 1, 2001; Laws 2005, c. 119, § 1, eff. July 1, 2005.

§74-324.8. Uniform force and effect - Authority of cities, towns and counties.

The rules promulgated pursuant to Section 324.1 et seq. of this title and the shall have uniform force and effect throughout the state and no municipality or subdivision shall enact or enforce any ordinances, rules for construction of or major alterations to buildings with standards other than the ~~Building Officials and Code Administrators (BOCA) National Building Code, as last adopted by the State Fire Marshal~~ Oklahoma Uniform Building Code Commission, except that a municipality or subdivision which requires permits for construction of or major alterations to buildings may elect to adopt, by ordinance, a renovation code for existing buildings approved by the Office of the State Fire Marshal as an equivalent code to the existing building provisions of the state-adopted building code, ~~or any other~~

~~recognized national building code, in lieu of the Building Officials and Code Administrators (BOCA)~~  
~~National Building Code.~~ Provided, nothing in this act shall prevent or take away from any city, town or county, the authority to enact and enforce rules containing higher standards and requirements than those provided herein nor prevent or take away from any city, town or county the authority to amend such adopted codes to make changes necessary to accommodate local conditions. And provided further, that nothing in this act shall in any way impair the power of any municipality, county or subdivision to regulate the use of land by zoning, building codes or restricted fire district regulations. And provided further, that this act shall not apply to municipalities that have adopted a national building code recognized in Section 14-107 of Title 11 of the Oklahoma Statutes.

SECTION 2. AMENDATORY Added by Laws 1977, c. 256, § 14-107, eff. July 1, 1978.

Amended by Laws 1979, c. 144, § 1, emerg. eff. May 8, 1979; Laws 1984, c. 126, § 29, eff. Nov. 1, 1984; Laws 2002, c. 407, § 1, eff. Nov. 1, 2002 is amended to read as follows:

§11-14-107. Publication of certain codes and ordinances by title and summary of contents.

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

B. A municipality which adopts building standards shall adopt and enforce ~~one of the following~~ codes adopted by the Oklahoma Uniform Building Code Commission.

~~1. The BOCA Basic Building Code of the Building Officials and Code Administrators International, Incorporated; or~~

~~2. The Uniform Building Code of the International Conference of Building Officials; or~~

~~3. The Southern Standard Building Code of the Southern Building Code Congress, International, Incorporated; or~~

~~4. The Code for Energy Conservation in New Building Construction prepared by the National Conference of States on Building Codes and Standards, Inc. (NCSBCS); or~~

~~5. Any other code which the governing body of the municipality deems desirable to promote safety, energy efficiency, health, and welfare within the municipality.~~

~~C. Municipalities may adopt the "New Jersey Smart Code" building standard for purposes of rehabilitation to existing structures that were completed prior to November 1, 1985.~~

C. Provided, nothing in this act shall prevent or take away from any city, town or county, the authority to enact and enforce rules containing higher standards and requirements than those provided herein nor prevent or take away from any city, town or county the authority to amend such adopted codes to make changes necessary to accommodate local conditions.

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

### SECTION 3. AMENDATORY

§74-324.11. Building permits - Conformity to building codes - Authority of cities, towns and counties - Construction or alteration of correctional or assisted living facilities.

A. No person, firm, corporation, partnership, organization, city, town, school district, county or other subdivision of government shall commence the construction or major alteration of any buildings or structures to be used as schools, hospitals, churches, asylums, theaters, meeting halls, hotels, motels, apartment houses, rooming houses, rest homes, nursing homes, day nurseries, convalescent homes, orphanages, auditoriums, assisted living facilities, dormitories, factories, stadiums, or warehouses, including all defined occupancies within these groups, or install original equipment for the operation or maintenance thereof without obtaining a permit. Said permit, for which a charge may be made in conformity with the local ordinance, except as limited herein as to governmental agencies, shall be obtained from the city, town or county in whose jurisdiction the construction or alteration is planned.

B. All such construction or alteration so planned shall conform to the applicable provisions of the ~~BOCA National Building Code, as last revised adopted, by the Southern Standard Building Code Congress International (SBCCI), the Oklahoma Uniform Building Code Commission (ICBO), the International Building Code, except that in the event any city, town or county having jurisdiction to issue such permit has adopted by ordinance one of the other building codes designated in Section 324.8 of this title, then such construction or alteration shall conform to such other code so adopted.~~

C. Application for such building permit shall be made to, and such building permit shall be issued by, any city, town or county in whose jurisdiction the construction or alteration is planned. The city, town or county may require the submission of plans and specifications covering the proposed construction or alteration and may refuse to issue such permit unless the work so planned is in accordance with the applicable provisions of the city, town or county's building code. In all geographical

areas wherein no such permit is required by local authorities such permit must be obtained from the State Fire Marshal, who may require the submission of plans and specifications covering the proposed construction or alteration, and shall refuse to issue such permit unless the work so planned is in accordance with the applicable provisions of ~~the said BOCA National Building Code, as last revised adopted, by the Southern Standard Building Code Congress International (SBCCI), the Oklahoma Uniform Building Code Commission (UCBC), or the International Building Code;~~ provided that the foregoing provisions of this sentence shall not apply to locations in any geographical area that are owned or operated by a state beneficiary public trust or have been purchased or leased from a state beneficiary public trust.

D. Nothing in this act shall be construed as repealing any ordinance of any city, town or county requiring the submission to the local authorities of plans and specifications and the obtaining of permits, but the power or authority of any such city, town or county to levy or assess any charge for such permit or to make and enforce requirements prerequisite to the issuance of such permit, other than requiring compliance with such building code, shall, as to governmental agencies, be limited as hereinafter set forth.

E. No city, town or county requested to issue any such permit to any city, town, school district, county or other subdivision of government shall charge, assess or collect any fee or other charge for such permit except the regular and customary inspection fees fixed by ordinance for inspection of the work to be done under such permit, and no other charge, fee or other conditions of any kind under the authority of this title shall be made a condition of or prerequisite to the obtaining of such permit by any such governmental agency.

F. No bids may be let for the construction or major alteration of any correctional facility as defined by Section 317 of this title until plans and specifications for such construction or alteration have

been submitted to the State Fire Marshal for approval. The State Fire Marshal shall approve said plans and specifications if the work so planned conforms with the applicable provisions of the ~~BOCA National Building Code~~, as last ~~revised~~ adopted, by the ~~Southern Standard Building Code Congress International (SBCCI)~~, the Oklahoma Uniform Building Code Commission (ICBO), or the ~~International Building Code~~.

G. 1. Notwithstanding anything to the contrary in the ~~International Fire Code and/or International Building Code~~, as last adopted, by the Oklahoma Uniform Building Code Commission all facilities to be licensed as assisted living facilities, or additions to existing assisted living facilities, constructed after November 1, 2008, shall be constructed with the guidelines of the I-II building code if at any time in their operation they house residents who are not capable of responding to emergency situations without physical assistance from staff of the facility or are not capable of self preservation.

2. Assisted living facilities licensed prior to the effective date of this act may house residents who are not capable of responding to emergency situations without physical assistance from the staff or are not capable of self preservation under the following conditions: As part of the annual licensure renewal process, the facility shall disclose if any residents who reside in the facility are not capable of responding to emergency situations without physical assistance from staff or are not capable of self preservation, and the facility shall be required to install fire sprinkler protection and an alarm system within the facility in accordance with the building guidelines set forth in the building code for I-II facilities.

3. For purposes of this subsection:

- a. the term "assisted living center" shall include an assisted living center licensed as such by the State Department of Health and the assisted living center component of a continuum care facility licensed by the State Department of Health, and

b. the terms ~~“International Fire Code” and “International Building Code”~~ shall be deemed to include:

- (1) any and all appendices, commentary, amendments and supplements to, and replacements or restatements of the Codes, and
- (2) any and all other laws, ordinances, regulations, codes or standards pertaining to assisted living center construction, occupancy and maintenance for the protection of lives and property from fire.

SECTION 4. AMENDATORY Added by Laws 1955, p. 371, § 20. Amended by Laws 2001, c. 394, § 24, eff. Jan. 1, 2002; Laws 2003, c. 318, § 9, eff. Nov. 1, 2003.

§59-1020. Local regulation by municipalities not prohibited.

Nothing in The Plumbing License Law of 1955 shall prohibit cities and towns from having full authority to provide full supervision and inspection of plumbing by the enactment of codes and rules in such form as they may determine and prescribe; provided, that no such ordinances, bylaw or rule shall be inconsistent with, Oklahoma Uniform Building Code Commission Act, or any rule adopted or prescribed by the Oklahoma Uniform Building Code Commission through authority of The Oklahoma Uniform Building Code Commission Act, The Plumbing License Law of 1955, or any rule adopted or prescribed by the Construction Industries Board through authority of The Plumbing License Law of 1955 and the provisions of the Construction Industries Board Act. Each state-licensed master plumber or plumbing contractor shall be required to register with the plumbing inspector of every city and town in whose jurisdiction the plumber operates, and each such city or town is hereby authorized to register

such master plumber or plumbing contractor to revoke the same, to charge fees for such registration, for permits and for inspections of plumbing and fixtures. Provided, further, that no master plumber or plumbing contractor shall be permitted to do business or work in any city or town wherein the local registration of the plumber has been revoked.

**SECTION 5. AMENDATORY** Added by Laws 1955, p. 366, § 2. Amended by Laws 1989, c. 331, § 1, emerg. eff. May 31, 1989; Laws 1991, c. 106, § 1, eff. Sept. 1, 1991; Laws 1993, c. 236, § 1, eff. Sept. 1, 1993; Laws 2001, c. 394, § 10, eff. Jan. 1, 2002; Laws 2003, c. 318, § 7, eff. Nov. 1, 2003; Laws 2008, c. 4, § 2, eff. Nov. 1, 2008.

§59-1002. Rules - State bond, cash or deposit in lieu of bond.

A. The Construction Industries Board is hereby authorized, empowered, and directed to make, prescribe, enforce, amend, and repeal rules governing the following:

1. The examination and licensing of persons desiring or intending to engage in the business, trade or calling of plumbing contractor or journeyman plumber;
2. The registering of and issuing of certificates to persons desiring or intending to work or act as a plumber's apprentice;
3. The establishment and levying of administrative fines;
4. The initiation of disciplinary proceedings;
5. The requesting of prosecution of and initiation of injunctive proceedings against any person who violates any of the provisions of The Plumbing License Law of 1955 or any rule promulgated pursuant to The Plumbing License Law of 1955;

~~6. The establishment of minimum standards of plumbing installation through the adoption of standards published by a recognized code body; and~~

~~7. 6.~~ The establishment of bonding and insurance requirements for the issuance of a license as a plumbing contractor; provided, such rules shall not be inconsistent with the terms and conditions hereinafter provided.

B. Such bonding requirements shall allow the filing of cash or a certificate of deposit in lieu of a bond. A state bond or cash or certificate of deposit filed in lieu of a bond and which is posted pursuant to the provisions of this section shall be deemed sufficient to meet the requirements of any municipality, provided that a copy of said bond or documentation of cash or certificate of deposit filed in lieu of a bond shall be filed by the contractor prior to the commencement of any plumbing work with any municipality in which the licensee does work if required by local ordinances or rules.

SECTION 6. AMENDATORY      Added by Laws 1965, c. 257, § 9, eff. July 1, 1965. Amended by Laws 1999, c. 143, § 1, eff. July 1, 1999; Laws 2004, c. 432, § 2, eff. July 1, 2004.

§74-324.9. Investigations – Reports – Fees, fines and administrative penalties.

A. The State Fire Marshal or deputies of the State Fire Marshal may make investigations to determine the origin and cause of fires, explosions, or suspected arson, and violations of other related laws and codes. The State Fire Marshal and the agents of the State Fire Marshal shall be peace officers and have and exercise all the powers and authority of other peace officers, with responsibility for the enforcement of statutes relating to the State Fire Marshal. This shall include the authority to enforce, issue citations for violations of state and city-adopted codes, and make arrests for felony offenses relevant to the duties of the State Fire Marshal. All reports and all results of investigations relevant to

the State Fire Marshal statutes shall be available and shall be freely interchanged between the Office of the State Fire Marshal and the Oklahoma State Bureau of Investigation.

B. The State Fire Marshal Commission may establish fees, fines, and administrative penalties for inspections, plan reviews, and permits as provided in the adopted codes of the Commission, as long as the fees, fines, and administrative penalties do not conflict with any applicable state law. All fees, fines, and administrative penalties shall be adopted in accordance with the Administrative Procedures Act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.20 of Title 59, unless there is created a duplication in numbering, reads as follows:

Sections 7 through 19 of this act shall be known and may be cited as the "Oklahoma Uniform Building Code Commission Act".

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.21 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Uniform Building Code Commission, within the Construction Industries Board, which shall consist of eleven (11) members, eight of whom shall be appointed by the Governor with advice and consent of the Senate.

The Governor shall appoint initially two members who shall serve for one (1) year, two members who shall serve for two (2) years, two members who shall serve for three (3) years and two members who shall serve for four (4) years. Such members shall serve until a successor has been appointed. After the initial terms are served, the successors shall serve a term of four (4) years.

The appointed members shall be as follows:

1. One member who is a general contractor from a statewide organization that represents residential construction;
2. One member who is a general contractor from a statewide organization that represents commercial construction;
3. One member who is from an organization that represents electrical contractors;
4. One member who is from an organization that represents plumbing contractors;
5. One member who is from an organization that represents heating and cooling contractors;
6. One member who is a local-level regulator/inspector that is a member of a municipal organization with statewide membership;
7. One member who is a Certified Building Official employed by a political subdivision; and
8. One member who is a licensed architect from an organization that represents architects.

No appointed member shall serve more than two consecutive terms, provided such a member shall be eligible to be reappointed after a two-year absence from the Commission.

B. The remaining three members of the Commission shall be the State Fire Marshall, or a designee, the Commissioner of Labor, or a designee, and an appointee of the Construction Industries Board.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.22 of Title 59, unless there is created a duplication in numbering, reads as follows:

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 and not disapproved by legislative action pursuant to Section 1000.31 of this act shall be the minimum standards for residential and commercial construction in this state.

B. All public projects shall abide by such minimum standards and requirements, provided, nothing in this act shall prevent or take away from state agencies the authority to enact and enforce requirements containing higher standards and requirements than such minimum standards and requirements.

C. Municipalities and other political subdivisions shall abide by such minimum standards and requirements, provided, nothing in this act shall prevent or take away from such municipalities and other political subdivisions the authority to enact and enforce requirements containing higher standards and requirements than such minimum standards and requirements.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.23 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

2. The chair shall preside at meetings of the Commission, set the agenda, sign orders and other required documents, coordinate Commission activities, and perform such other duties as may be prescribed by the Commission.

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

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

- a. keep a record of all proceedings of the Commission and certify to actions of the Commission,
- b. oversee the receipt and deposit of all monies received by the Commission in the appropriate revolving funds,
- c. submit, at the first regular meeting of the Commission 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 this act or as may be prescribed by the Commission.

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

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

7. 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. Members of the Commission 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 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.24 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 1. Beginning July 1, 2009, 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.

2. Beginning July 1, 2009, the Commission shall have the power to enforce the provisions of the Oklahoma Code Commission Act.

3. Any codes adopted by state agencies, municipalities or political subdivisions of the state prior to 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 such codes are adopted by the Oklahoma Uniform Building Code Commission.

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

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

2. Order or subpoena the attendance of witnesses, the inspection of records and premises, and the production of relevant books and papers for the investigation of matters that may come before the Commission;

3. The Commission shall adopt and have an official seal.

4. Maintain an administrative staff including, but not limited to, an Oklahoma Uniform Building Code Commission Chief Executive Officer whose appointment shall be made as provided in Section 1000.26 of this title;

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

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

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.25 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Uniform Building Code Commission shall establish a system of fees to be charged for the issuance and renewal of any construction permits issued by any agency, municipality, or other political subdivision of this state.

B. This provision is subject to the following limitations:

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

2. The Oklahoma Uniform Building Code Commission shall levy upon each building permit or construction permit, issued by any state agency, municipality, or other political subdivision of this state a fee of up to two dollars (\$2.00). This fee shall be collected by the state agency, municipality or other political subdivision and remitted to the State Treasurer before the 10<sup>th</sup> day of the succeeding month in which it was collected.

3. The Commission shall charge fees only within the following ranges, except as may be otherwise specified in this section.

|  |                      |
|--|----------------------|
| For any Building Permit                    | not to exceed \$2.00 |
| For any Electrical permit:                 | not to exceed \$2.00 |
| For any Mechanical permit:                 | not to exceed \$2.00 |
| For any Fire Alarm permit:                 | not to exceed \$2.00 |
| For any Elevator permit:                   | not to exceed \$2.00 |
| For any other construction related permit: | not to exceed \$2.00 |

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.26 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. No later than July 1, 2009, and thereafter, each time the position becomes vacant, the Oklahoma Uniform Building Code Commission shall hire an Oklahoma Uniform Building Code Commission Chief Executive Officer. The Oklahoma Uniform Building Code Commission may, upon a majority vote, terminate the employment of the Oklahoma Uniform Building Code Commission Chief Executive Officer.

B. The Oklahoma Uniform Building Code Commission Chief Executive Officer shall assist the Oklahoma Uniform Building Code Commission in the performance of its duties and shall report directly to the Commission.

C. Oklahoma Uniform Building Code Commission employees shall be appointed by and subject to the supervision and control of the Oklahoma Uniform Building Code Commission Chief Executive Officer or designee. All employees are employees of the State of Oklahoma and shall be in the unclassified service.

D. The Chief Executive Officer is authorized to employ temporary workers or contract labor as may be prudent to properly administer the Oklahoma Uniform Building Code Commission.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.27 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Attorney General shall be the legal advisor for the Oklahoma Uniform Building Code Commission Chief Executive Officer and the Oklahoma Uniform Building Code Commission and shall appear for and represent the Oklahoma Uniform Building Code Commission, Oklahoma Uniform Building Code Commission Chief Executive Officer and any deputies or agents in any and all litigation that may arise in the discharge of their respective duties.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.28 of Title 59, unless there is created a duplication in numbering, reads as follows:

All fees or payments of any type received by the Oklahoma Uniform Building Code Commission under The Oklahoma Uniform Building Code Commission Act shall be deposited in a revolving fund to be designated as the "Oklahoma Uniform Building Code Commission Revolving Fund" and are hereby appropriated and may be expended by the Oklahoma Uniform Building Code Commission for the

purpose of implementing Oklahoma Uniform Building Code Commission Act. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall include but is not limited to, monies received from the sale of surplus property, fees and receipts collected pursuant to the Oklahoma Open Records Act, fines, forfeitures, fees, charges, receipts, donations, gifts, bequests, contributions, devises, interagency reimbursements, federal funds unless otherwise provided by federal law or regulation, or any other source. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.29 of Title 59, unless there is created a duplication in numbering, reads as follows:

Nothing in The Oklahoma Uniform Building Code Commission Act shall prohibit state agencies or political subdivisions of the state from having full authority to provide for the enactment of codes and rules in such form as they may determine and prescribe; provided, that such code, ordinance, bylaw or rule shall contain higher standards and requirements than the codes adopted pursuant to the Oklahoma Uniform Building Code Commission Act, or any rule adopted or prescribed by the Oklahoma Uniform Building Code Commission through authority of Oklahoma Uniform Building Code Commission Act and the provisions of the Oklahoma Uniform Building Code Commission Act.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.30 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Uniform Building Code Commission Act:

1. " Commission" means The Oklahoma Uniform Building Code Commission;

2. " Chief Executive Officer" means the highest-ranking executive officer within an organization, who has responsibility for overall management of its day-to-day affairs under the supervision of a board of directors;

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.31 of Title 59, unless there is created a duplication in numbering, reads as follows:

Except as otherwise provided in §74-308 of the Oklahoma Statutes;

(a) Copies of all rules promulgated pursuant to the Oklahoma Uniform Building Code Commission Act in force and on file with the Secretary of State shall be transmitted by the Secretary of State to the Speaker of the House of Representatives and the President Pro Tempore of the State Senate within one hundred twenty (120) days after approval of this act.

(b) Copies of rules promulgated while the Legislature is in session shall be filed by the Oklahoma Uniform Building Code Commission with the Speaker of the House of Representatives and the President Pro Tempore of the State Senate within ten (10) days after their adoption.

(c) Copies of rules promulgated during the time the Legislature is not in session shall be filed with the Speaker of the House of Representatives and the President Pro Tempore of the State Senate by the Oklahoma Uniform Building Code Commission within ten (10) days after the convening of the next legislative session.

(d) By the adoption of a joint resolution, the Legislature may disapprove any rule which has been transmitted as required by other subsections of this section and the Oklahoma Uniform Building Code Commission shall not have authority to repromulgate such rule, except during the first sixty (60) calendar days of a subsequent legislative session.

(e) Failure of the Legislature to disapprove any rule transmitted under the provisions of other subsections of this section within thirty (30) calendar days after such rule has been transmitted shall result in the approval of such rule by the Legislature. Provided, that in the event the Legislature is not in session at the time of the transmitting of an emergency rule or adjourns before the expiration of said thirty (30) calendar days, then said rule shall be subject to consideration by the next Legislature during the first thirty (30) calendar days of said succeeding session.

(f) Except as otherwise provided in this subsection, Oklahoma Uniform Building Code Commission may adopt, amend or repeal a rule only during such times when the Legislature is in session. The Oklahoma Uniform Building Code Commission may adopt, amend or repeal a rule while the Legislature is not in session only upon a finding that an imminent peril to the public health, safety or welfare requires the promulgation of such rule. The reasons for a finding of an imminent peril to the public health, safety or welfare shall be stated in the rule or regulation, and the sufficiency of such reasons shall be subject to judicial review.

(g) Any rights, privileges, or interests gained by any person by operation of an agency rule prior to its rejection or disapproval by the Legislature, shall not be affected by reason of any subsequent disapproval or rejection by the Legislature.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.32 of Title 59, unless there is created a duplication in numbering, reads as follows:

If any section, subsection, paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the constitutionality or validity of the remaining portion or portions of this act.

SECTION 20. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.