

1 **SENATE FLOOR VERSION**

2 April 1, 2024

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 3819

6 By: Sims of the House

7 and

8 Newhouse of the Senate

9 An Act relating to professions and occupations;
10 defining term; amending 59 O.S. 2021, Sections
11 1000.22, 1000.23, and 1000.24, as amended by Section
12 1, Chapter 56, O.S.L. 2023 (59 O.S. Supp. 2023,
13 Section 1000.24), which relate to the Oklahoma
14 Uniform Building Code Commission Act; adding vice-
15 chair duties; modifying Commission powers and duties;
16 clarifying who may attend training provided by the
17 Commission; and creating energy payback requirements;
18 and providing for codification.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1000.20a of Title 59, unless
22 there is created a duplication in numbering, reads as follows:

23 The term "payback period", when used in this act, shall mean the
24 amount of time a system, design, or project takes to generate the
amount of energy used to produce said system, design, or project.

SECTION 2. AMENDATORY 59 O.S. 2021, Section 1000.22, is
amended to read as follows:

1 Section 1000.22 1. The Oklahoma Uniform Building Code
2 Commission shall organize immediately after July 1, 2009, and
3 annually thereafter, by electing from among its members a chair and
4 a vice-chair. The Commission shall hold regularly scheduled
5 meetings at least once each quarter at a time and place determined
6 by the Commission and may hold such special meetings, emergency
7 meetings or continued or reconvened meetings as found by the
8 Commission to be necessary. A majority of the members of the
9 Commission shall constitute a quorum for the transaction of
10 business.

11 2. The chair shall preside at meetings of the Commission, set
12 the agenda, including any agenda items provided by the vice-chair,
13 sign orders and other required documents, coordinate Commission
14 activities and perform such other duties as may be prescribed by the
15 Commission.

16 3. The vice-chair shall perform the duties of the chair during
17 the absence or disability of the chair, may set items on the agenda,
18 and shall perform such other duties as may be prescribed by the
19 Commission.

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

22 a. keep a record of all proceedings of the Commission and
23 certify to actions of the Commission,
24

- 1 b. oversee the receipt and deposit of all monies received
2 by the Commission in the appropriate revolving funds,
3 c. submit, at the first regular meeting of the Commission
4 after the end of each fiscal year, a fully itemized
5 report of the receipts and disbursements for the prior
6 fiscal year, showing the amount of funds on hand, and
7 d. perform such other duties as are prescribed in this
8 act or as may be prescribed by the Commission.

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

12 6. All members of the Commission and such employees as
13 determined by the Commission shall be bonded as required by Sections
14 ~~85.26~~ 85.58Q through ~~85.31~~ 85.58V of Title 74 of the Oklahoma
15 Statutes.

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

19 8. Members of the Oklahoma Uniform Building Code Commission and
20 members of all technical committees shall serve without
21 compensation, but shall be reimbursed for all actual and necessary
22 expenses incurred in the performance of their duties in accordance
23 with the State Travel Reimbursement Act.

1 SECTION 3. AMENDATORY 59 O.S. 2021, Section 1000.23, is
2 amended to read as follows:

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

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

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

22 D. The Oklahoma Uniform Building Code Commission shall have the
23 power and duty to establish a continuing education training and
24 ~~certification~~ process for, but not limited to, all residential and

1 commercial construction industry personnel affected by the codes
2 adopted by the Commission, building code inspectors officials, and
3 design professionals. Building trades professionals may attend
4 training provided by the Oklahoma Uniform Building Code Commission.
5 The Commission shall establish ~~regional training for the purpose of~~
6 ~~training the county and municipal inspectors in the Uniform Building~~
7 ~~Code~~ this training regionally. The regional training shall be
8 offered at no cost to the participant and shall be funded from the
9 funds received pursuant to Section 1000.25 of this title. ~~Each~~
10 ~~inspector operating in this state on behalf of any state agency or~~
11 ~~any municipal or county office may complete regional training and be~~
12 ~~issued a certification for inspections by the Uniform Building Code~~
13 ~~Commission on and after January 1, 2015. The training and~~
14 ~~certification applications, qualifications and procedures shall be~~
15 ~~promulgated by rules of the Commission. The Commission may~~
16 ~~establish forms and procedures to implement and administer the~~
17 ~~provisions of this section.~~

18 SECTION 4. AMENDATORY 59 O.S. 2021, Section 1000.24, as
19 amended by Section 1, Chapter 56, O.S.L. 2023 (59 O.S. Supp. 2023,
20 Section 1000.24), is amended to read as follows:

21 Section 1000.24 A. 1. Beginning July 1, 2009, pursuant to and
22 in compliance with Article I of the Administrative Procedures Act,
23 the Oklahoma Uniform Building Code Commission shall have the power
24 to adopt, amend, repeal and promulgate rules as may be necessary to

1 perform the duties required under the Oklahoma Uniform Building Code
2 Commission Act. Rules authorized under this section shall not
3 become effective prior to October 1, 2009.

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

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

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

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

19 2. Adopt and have an official seal;

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

23 4. Direct such other expenditures as may be necessary in the
24 performance of its duties, including, but not limited to,

1 expenditures for office space, equipment, furnishings and contracts
2 for services. All expenditures shall be made pursuant to the
3 Oklahoma Central Purchasing Act;

4 5. Appoint technical committees to review and recommend for
5 adoption all building codes. The technical committees shall review
6 and recommend building codes with any amendments for adoption by the
7 Commission; and

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

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

24

1 D. Any amendments or modifications to the currently adopted
2 state codes shall be forwarded to the Oklahoma Uniform Building Code
3 Commission for consideration.

4 E. 1. The Commission shall promulgate rules **for residential**
5 **single-family construction** requiring all proposed energy building
6 codes or amendments to include:

7 a. a payback period analysis, or

8 b. a statement explaining why a payback period is not
9 applicable to the proposed energy code or amendment.

10 2. The Commission shall not adopt any proposed energy code or
11 amendment **for residential single-family construction** that does not
12 have a payback period of seven (7) years or less unless a payback
13 period does not apply to the proposed code or amendment.

14 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
15 April 1, 2024 - DO PASS AS AMENDED