

1 ENGROSSED HOUSE
2 BILL NO. 3819

By: Sims of the House

3 and

4 Newhouse of the Senate

5
6 An Act relating to professions and occupations;
7 defining term; amending 59 O.S. 2021, Sections
8 1000.22, 1000.23, and 1000.24, as amended by Section
9 1, Chapter 56, O.S.L. 2023 (59 O.S. Supp. 2023,
10 Section 1000.24), which relate to the Oklahoma
11 Uniform Building Code Commission Act; adding vice-
12 chair duties; modifying Commission powers and duties;
13 clarifying who may attend training provided by the
14 Commission; and creating energy payback requirements;
15 and providing for codification.

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

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

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

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

Section 1000.22 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

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

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

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

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

- 19 a. keep a record of all proceedings of the Commission and
20 certify to actions of the Commission,
- 21 b. oversee the receipt and deposit of all monies received
22 by the Commission in the appropriate revolving funds,
- 23 c. submit, at the first regular meeting of the Commission
24 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. 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. 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 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 3. AMENDATORY 59 O.S. 2021, 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

1 used by all entities within this state. Codes and standards adopted
2 by the Commission shall be the minimum standards for residential and
3 commercial construction in this state.

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

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

17 D. The Oklahoma Uniform Building Code Commission shall have the
18 power and duty to establish a continuing education training ~~and~~
19 ~~certification~~ process for, but not limited to, all residential and
20 commercial construction industry personnel affected by the codes
21 adopted by the Commission, building code ~~inspectors~~ officials, and
22 design professionals. Building trades professionals may attend
23 training provided by the Oklahoma Uniform Building Code Commission.
24 The Commission shall establish ~~regional training for the purpose of~~

1 ~~training the county and municipal inspectors in the Uniform Building~~
2 ~~Code this training regionally.~~ The regional training shall be
3 offered at no cost to the participant and shall be funded from the
4 funds received pursuant to Section 1000.25 of this title. ~~Each~~
5 ~~inspector operating in this state on behalf of any state agency or~~
6 ~~any municipal or county office may complete regional training and be~~
7 ~~issued a certification for inspections by the Uniform Building Code~~
8 ~~Commission on and after January 1, 2015.~~ The training and
9 ~~certification applications, qualifications and procedures shall be~~
10 ~~promulgated by rules of the Commission.~~ The Commission may
11 ~~establish forms and procedures to implement and administer the~~
12 ~~provisions of this section.~~

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

16 Section 1000.24 A. 1. Beginning July 1, 2009, pursuant to and
17 in compliance with Article I of the Administrative Procedures Act,
18 the Oklahoma Uniform Building Code Commission shall have the power
19 to adopt, amend, repeal and promulgate rules as may be necessary to
20 perform the duties required under the Oklahoma Uniform Building Code
21 Commission Act. Rules authorized under this section shall not
22 become effective prior to October 1, 2009.

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

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

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

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

16 2. Adopt and have an official seal;

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

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

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

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

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

21 D. Any amendments or modifications to the currently adopted
22 state codes shall be forwarded to the Oklahoma Uniform Building Code
23 Commission for consideration.

E. 1. The Commission shall promulgate rules requiring all
proposed energy building codes or amendments to include:

a. a payback period analysis, or

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

2. The Commission shall not adopt any proposed energy code or amendment that does not have a payback period of seven (7) years or less unless a payback period does not apply to the proposed code or amendment.

Passed the House of Representatives the 13th day of March, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the _____ day of _____, 2024.

Presiding Officer of the Senate