

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 2ND CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2804

By: Sims of the House

and

Bergstrom of the Senate

7
8
9 2ND CONFERENCE COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

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

22 4. The Oklahoma Uniform Building Code Commission Chief
23 Executive Officer, at the discretion of the Commission, shall:
24

- 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 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

1 expenses incurred in the performance of their duties in accordance
2 with the State Travel Reimbursement Act.

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

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

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

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

24

1 D. The Oklahoma Uniform Building Code Commission shall have the
2 power and duty to establish a continuing education training and
3 ~~certification~~ process for, but not limited to, all residential and
4 commercial construction industry personnel affected by the codes
5 adopted by the Commission, building code inspectors officials, and
6 design professionals. Building trades professionals may attend
7 training provided by the Oklahoma Uniform Building Code Commission.
8 The Commission shall establish ~~regional training for the purpose of~~
9 ~~training the county and municipal inspectors in the Uniform Building~~
10 ~~Code~~ this training regionally. The regional training shall be
11 offered at no cost to the participant and shall be funded from the
12 funds received pursuant to Section 1000.25 of this title. ~~Each~~
13 ~~inspector operating in this state on behalf of any state agency or~~
14 ~~any municipal or county office may complete regional training and be~~
15 ~~issued a certification for inspections by the Uniform Building Code~~
16 ~~Commission on and after January 1, 2015. The training and~~
17 ~~certification applications, qualifications and procedures shall be~~
18 ~~promulgated by rules of the Commission. The Commission may~~
19 ~~establish forms and procedures to implement and administer the~~
20 ~~provisions of this section.~~

21 SECTION 4. AMENDATORY 59 O.S. 2021, Section 1000.24, as
22 amended by Section 1, Chapter 56, O.S.L. 2023 (59 O.S. Supp. 2023,
23 Section 1000.24), is amended to read as follows:
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1 Section 1000.24 A. 1. Beginning July 1, 2009, pursuant to and
2 in compliance with Article I of the Administrative Procedures Act,
3 the Oklahoma Uniform Building Code Commission shall have the power
4 to adopt, amend, repeal and promulgate rules as may be necessary to
5 perform the duties required under the Oklahoma Uniform Building Code
6 Commission Act. Rules authorized under this section shall not
7 become effective prior to October 1, 2009.

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

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

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

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

23 2. Adopt and have an official seal;

24

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

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

9 5. Appoint technical committees to review and recommend for
10 adoption all building codes. The technical committees shall review
11 and recommend building codes with any amendments for adoption by the
12 Commission; and

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

20 C. After October 1, 2009, the Commission shall account for all
21 receipts and expenditures of the monies of the Commission, including
22 annually preparing and publishing a statement of receipts and
23 expenditures of the Commission for each fiscal year. The
24 Commission's annual statement of receipts and expenditures shall be

1 audited by the State Auditor and Inspector or an independent
2 accounting firm, and the audit report shall be certified to the
3 Governor of this state to be true and correct, under oath, by the
4 chair and vice-chair of the Commission.

5 D. Any amendments or modifications to the currently adopted
6 state codes shall be forwarded to the Oklahoma Uniform Building Code
7 Commission for consideration.

8 E. 1. The Commission shall promulgate rules, requiring all
9 proposed energy building codes or amendments for residential single-
10 family construction and commercial construction to include:

11 a. a payback period analysis, or

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

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

18 3. The Commission shall not adopt any proposed energy code or
19 amendment for commercial construction that does not have a payback
20 period of ten (10) years or less unless a payback period does not
21 apply to the proposed code or amendment.

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