

OKLAHOMA UNIFORM BUILDING CODE COMMISSION

REGULAR MINUTES

UNIFORM BUILDING CODE COMMISSION CONFERENCE ROOM

2401 NW 23RD STREET, SUITE 82

OKLAHOMA CITY, OK 73107

OCTOBER 20, 2021 – 10:30 A.M.

COMMISSION MEMBERS PRESENT:

Wayne Allen, Daniel Favata, Warren Goldmann (arrived at 10:53 a.m.), Paul Gunderson, Danny Hancock, Dee Hays (arrived at 10:37 a.m.), Mitchell Hort, Lonnie Shackelford, Scott Tucker, Cary Williamson, and Donny Williamson

COMMISSION MEMBERS ABSENT

Stephanie Cliff and Kyle Lombardo

OTHERS PRESENT:

Lindsay Heinrichs (OUBCC Staff) Kathy Hehnly (OUBCC Staff), Niki Batt (Oklahoma Attorney General's Office), LaTisha Edwards (OMES ABS - Office of Management and Enterprise Services, Agency Business Services), Richard Mize (The Oklahoman), Amber Armstrong (A&E Code Professionals), Mike Means (OK Home Builders Association), Kelly Parker (Guaranteed Watt Saver), Cliff Miller (City of Moore), Erick Blalock (City of Yukon), Todd Booze (Calidad Development), Ann Bornholdt, and John Nail (John Nail Homes)

CALL TO ORDER:

Mr. Cary Williamson, Chairman of the Commission called the regular meeting of the Oklahoma Uniform Building Code Commission to order at 10:31 a.m. in the Oklahoma Uniform Building Code Commission Board Room at Shepherd Center, 2401 NW 23rd St., Suite 82, Oklahoma City, OK 73107.

STATEMENT OF COMPLIANCE:

The following statement was read into the record:

"This regular meeting of the Oklahoma Uniform Building Code Commission scheduled to begin at 10:30 a.m. on this 19th day of October 2021, has been convened in accordance with the Oklahoma Open Meeting Act, Title 25 O.S. Sections 301 through 314.

Further, this meeting was preceded by an advance public notice that was sent to the Secretary of State electronically specifying the date, time, and place of the meeting here convened.

Notice of this meeting was given at least twenty-four (24) hours prior hereto. To date, 4,466 (four thousand four hundred sixty-six) people have filed a written request for notice of meetings of this public body."

REPORTS:

CEO Report:

Chairman Williamson reviewed Mr. Pope's report in his absence. The report items related to the OUBCC office move that was complete, that equipment was operational in the suite and that staff was working with the management company to discuss locations for exterior/interior signage and replacement of the front office doors.

Financial Report:

Ms. Edwards greeted the Commission. She reviewed the budget numbers for both the Administrative and IT budgets, noting overall the agency was in a good position for all the non-encumbered items to be paid throughout the remaining fiscal year. She noted the available cash to the agency was \$1,322,372.00. She stated the revenue for the agency through September was \$169,494.00 and noted in the Treasure's account there was \$54,936.00 in the fund that would be reconciled and transferred to the agency's 285 fund. She reviewed the agency's expenditures for September. Mr. Donny Williamson interrupted and stated he had previously requested a report on salaries and asked if he could get one. Ms. Edwards noted what Mr. Williamson was asking for was a payroll report that was not available on the financial side, but she would contact someone to get that report, but wasn't sure if he needed it monthly. Mr. Williamson responded he was on the audit committee and if they were approving payroll, he thought he should know how it was expended. He added instead of just checking the box for the lump sum, he wanted to know how it was allocated. He noted it didn't necessarily have to be for everyone, he would just like to see it. Ms. Edwards replied she would speak to the payroll department and ask for the report. Mr. Williamson asked to see the report each month. Ms. Edwards noted she would get it incorporated into the reports received.

Ms. Edwards continued her review, noting the total expenses for the month of September was \$30,461. She reviewed the 6-Digit Detail Report showing the vendor payments made. She noted there were total vendor payments of \$9,313 for the September. She reviewed the Outstanding Encumbrances report, adding the report gave a list of all of the purchase orders on file. She noted there were some outstanding encumbrances from previous fiscal years, and they were under review and would start dropping off the reports as they got further into the fiscal year. She noted the outstanding encumbrance amount was \$297,627. There was discussion on the fact that there could be prior year invoices through September or so and that it depended on how fast the vendors did their billing. She noted once they were sure all bills were paid and were comfortable with that, they would close out the encumbrances.

Technical Committee Review Updates

Energy Conservation Technical Committee Update

Mr. Donny Williamson stated they would hear a whole lot today with regards to Chapter 11 from Mr. Parker and others.

ACTION AND DISCUSSION ITEMS:

Discussion and possible approval of the September 21, 2021 regular meeting minutes.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DONNY WILLIAMSON TO APPROVE THE SEPTEMBER 21, 2021 REGULAR MEETING MINUTES

VOTING AYE: Wayne Allen
Daniel Favata
Paul Gunderson
Danny Hancock
Dee Hays
Mitchell Hort
Lonnie Shackelford
Scott Tucker
Cary Williamson
Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Stephanie Cliff
Warren Goldmann
Kyle Lombardo

Presentation by the Electrical Technical Committee (ETC) on proposed changes to the 2020 National Electrical Code

Mr. John Staires, Chairman of the Electrical Technical Committee greeted the Commission. He recognized and thanked the committee members for all their hard work. He summarized the breakdown of the comment forms, noting 19 of them were denied. He added the majority of those were from 2017 adoption and were recognized errata that had been corrected in the 2020 code. He stated there were also some Tentative Interim Amendments (TIA's) in the 2017 that were approved that were also incorporated into the 2020 code.

Mr. Staires reviewed the changes proposed for Chapter 1. He reviewed the reasoning for the two definitions added to the code, for a "Nationally Recognized Testing Laboratory" and "Plaque," both which were brought forward to be included in the 2020 adoption. He added the definition for the plaque provided acceptable means that would stand up to outdoor weather exposure. He reviewed the change to Section 110.12 (B) Integrity of Electrical Equipment and Connections as it added a way to reuse damaged materials and equipment that were reconditioned and tested and approved by the manufacturer or a Nationally Recognized Testing Laboratory. There was some discussion on the equipment in question and who would authorize reuse as well as the design capabilities of the equipment; erosion of the equipment; issues with insurance companies. Mr. Staires added that the 2020 code contained some requirements in it and information about reconditioning electrical equipment but didn't specify that it applied to damaged equipment by natural or manmade events. He added it could be equipment subject to normal wear. He noted because it had happened in Oklahoma, they wanted to address things such as flooded equipment. He noted the ability to rebuild large switch gear at industrial facilities without having to disassemble it and throw it away, the ability to rebuild the equipment by replacing parts was a huge cost and time savings to companies. He noted it was a continuation of what was carried forward from 2017.

Mr. Staires reviewed the changes proposed for Chapter 2. He explained the first change was to Section 210.8 (F) Outdoor outlets. He noted the committee agreed with the submitter of the change to delete the section as a lot of the new HVAC equipment was not compatible with GFCI

protection. He stated more equipment was coming out with variable frequency drives for the motors for soft starts and stops, noting the equipment lasted longer. He added 13 states had already stricken the requirement from the 2020 NEC. He noted the next change proposed was from the 2017 code related to errata for Section 210.12 Arc-Fault Circuit-Interrupter Protection that was fixed, and the committee voted to delete the change. He stated the next change proposed was to Section 220.12 Lighting Load for Specified Occupancies. He added the section was extensively modified in the 2020 code and the committee voted to reject the 2017 change and go with the published language in the 2020. He noted the next change was from the 2017 and dealt with errata to Section 225.30 Number of Supplies and the committee voted to delete it from the agency rules. He noted the last change to the Chapter was for Section 230.67 related to location of Electric Meter Locations. He stated the change allowed for equipment to be accessible by utility personnel. He noted there were concerns with jurisdictional issues as Article 90 allowed for the equipment to be exempt from the NEC if owned by a local utility company and in some areas, it would not be covered. He noted the committee voted to reject the change and not carry it forward.

Mr. Staires reviewed the proposed changes to Chapter 3. He stated the first change was to Section 300.4 which was errata from 2017 and the committee voted to delete it from the agency rules. He noted the next change was to Table 310.104(A) which addressed errata in the 2017 code and the committee voted to delete it from the agency rules. He noted the last change was a proposal to Section 392.80(A)(1) which was also errata from 2017 that they voted to delete from the agency rules.

Mr. Staires reviewed the proposed changes to Chapter 4. He noted in 2017 the committee at that time was asked to provide some language for emergency rules related to Horticultural Lighting. He stated prior to the emergency rules he, as an inspector, had seen a lot of different types of lighting used, most not code compliant. He noted first proposed change to the 2020 code, was related to the language pulled from the draft proposed 2020 NEC language and put into the 2017 NEC. He noted the committee voted to delete all the language from agency rules related to Article 410, Part 16 as it was now part of the published 2020 NEC. There was some discussion on the requirements for the equipment and installation related to horticultural lighting. He noted the next change was related to Section 422.16(B)(5) Gas-fired central furnaces. He noted the change added language that was in the 2017 code and the committee voted to carry it forward in the agency rules. There was some discussion on the change as it related to cord-and-plug connections. He stated the next change was on Section 424.99(B) Insulation. He noted the change addressed 2017 errata and the 2020 code was corrected, so they voted to delete it from the agency rules. He noted the next change addressed Section 430.97 Minimum Wire-Bending Space. He added the change addressed errata and they voted to delete it from the agency rules. He stated the last change was to Section 450.23(A) Indoor installations. He noted the change from 2017 addressed automatic fire extinguishing systems and was already addressed by the Fire code so the committee voted to delete it from the agency rules.

Mr. Staires reviewed the proposed changes to Chapter 5. He stated Sections 505.7(A) and 506.7 (A) Implementation of zone classification system both had the same change in different classification areas and were probably the oldest changes still kept in the adoption of the NEC. He explained the changes proposed and noted the committee approved keeping both changes in the code. He reviewed the next change to Section 505.9(E)(2) Equipment Provided and Threaded Entries for Metric Threaded Conduit or Fittings. He explained the change was from a TIA to the

2017 code and was no longer needed. He reviewed the change was from the 2017 adoption to Section 511.2 Major Repair Garages and noted after review, the committee voted to reject it and remove it from the agency rules. He noted the next change added a new section to the 2017 code to as Section 555.30 (D) Luminaries and other Electrical Equipment. He explained the history of the change dealt an electrocution that occurred in Bricktown. He noted the change was to prevent it from happening again. He noted the same change was in two areas, first in Section 555 dealing with Marinas and would come up again in Section 682.10 for Natural and Man-made bodies of water. He noted the committee added a vertical requirement if the structure was within 5 feet of the water. There was discussion related to the circumstances of the electrocution in the canal; if GFCI protection would fix the problem; and that it was difficult to find GFCI protection for 277-volt luminaries. He stated the last change to the Chapter was Section 590.4 Splices from a 2017 TIA and the committee voted to remove it from the agency rules.

Mr. Staires reviewed the changes proposed to Chapter 6. He noted the first two changes were the results of TIAs to the 2017 code for Section 625.17 (B) in the 2017 and 625.44 (A) and the committee voted to reject both changes and remove them from agency rules. He noted the change was proposed to Section 680.23(A)(4) Voltage limitations. He reviewed the history of the change and added the committee voted to approve the change to carry forward in the agency rules. He noted the next change was to Section 682.10 and addressed the same change in Chapter 5. There was some discussion on the language included in the change. He noted the last proposed change was to Section 690.15 which was from errata to the 2017 code. He noted the committee voted to reject the modification and remove it from agency rules.

Mr. Staires reviewed the changes proposed to Chapter 7. He noted the first proposed change addressed was an amendment to the 2017 code for Section 700.16 Emergency Illumination. He reviewed the history of the change, noted the section was modified extensively in the 2020 code and the committee determined the change was no longer needed and voted to reject the form and delete it from the agency rules. He noted the next change was from errata in the 2017 to Section 700.16 (B) System Reliability. He stated it was fixed in the 2020 code and the committee voted to reject the form and delete it from agency rules. He noted the next change was to Section 725.144(B) related to a TIA to the 2017 code. He stated it was corrected and the committee did not feel it should be carried forward in the agency rules. He noted the next two changes were to Section 725.154 and Table 760.164, which were errata in the 2017 code. He added both were fixed in the 2020 code and the committee voted to reject them and remove them from the agency rules. He noted the last change in the Chapters was to Section 770.100 (A)(2), which was also a TIA for the 2017 code and since it was in the 2020 code the committee rejected the change and felt it should not be brought forward in the agency rules.

Mr. Staires reviewed the changes proposed to Chapter 8. He noted the change in the 2017 code to Section 840.3(G) was from errata that was corrected in the 2020 code. He noted the last change to the 2017 code was from a TIA to Section 840.160. The committee voted in both cases to reject the proposed changes to the 2020 code and delete the modifications from the agency rules.

Ms. Hehnly stated she had two questions. She noted on tiles 7-8 related to the integrity of electrical equipment. She noted the committee action said they had rejected the comment form, but what he said in the meeting, it sounded like they were carrying the change forward. She asked if he could clarify that for her. Mr. Staires asked Mr. Pruitt (vice-chair of the committee) if he remembered

what occurred. Mr. Pruitt noted the committee voted to delete the change as the code article had the information in it. She noted the second area she needed clarification on was tile 48. She noted Mr. Staires said it was errata and was denied by the committee, but the notes say it was errata from the 2020 code and the action was approved. She asked him to clarify that change as well. Mr. Staires noted the presentation was correct.

Discussion and possible action to approve the ECT presentation to begin writing draft rules

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DONNY WILLIAMSON TO APPROVE THE ETC PRESENTATION TO BEGIN WRITING DRAFT RULES

VOTING AYE: Wayne Allen
Daniel Favata
Warren Goldmann
Paul Gunderson
Danny Hancock
Dee Hays
Mitchell Hort
Lonnie Shackelford
Scott Tucker
Cary Williamson
Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Stephanie Cliff
Kyle Lombardo

Discussion and possible to change the edition year of the IECC to be reviewed by the ECTC committee from 2015 to 2018

Mr. Kelly Parker addressed the committee. He noted after lunch he would be presenting the 2018 IRC Chapter 11 (Energy Efficiency) recommended changes. He noted in effect, they would be at the 2018 level with Oklahoma changes. He noted the committee was tasked to look at the 2015 International Energy Conservation Code (IECC). He explained in the IECC there were two components, the commercial and residential. He reminded the commission the ECTC committee had already been through Chapter 11 of the 2018 IRC® which was the same, effectively as the residential portion of the IECC. He noted when the IECC 2015 version was started at the national level, there was a lot of discussion and there were a lot of issues in voting on it. He noted as a result, there were some things in the 2015 edition which were amended out when the 2018 code was published. He added the difference between the 2015 code and the 2018 code was very small, about an overall 5 percent difference. He stated he was asking, as the chairman of the ECTC, to review the key points he had provided in handouts and consider keeping the codes on the same edition year by authorizing the ECTC to review the 2018 IECC instead of the 2015. He added there were no changes to the insulation values for walls or windows between the two editions.

The Commission and Mr. Parker discussed concerns with requirements in the 2018 code related to glass requirements for storefronts and if those same requirements were in the 2015 code;

requirements for vestibules in small areas that added large costs; that the code could be amended to address some of those issues; and that it had been months since the commissioners on the evaluation committee had made their recommendations and were now being asked to change their minds. There was discussion on the need for the commissioners to have an opportunity to review the code before it was adopted; timeframes for the committee to review the code; when the next committee meeting was scheduled; what the Commission had previously voted to have the committee to look at; the timeline on how the committee was created; and next steps to consider the request. Commission consensus was to have the commission evaluation committee review the request and come back with a final recommendation to the Commission.

MR. DONNY WILLIAMSON MADE A MOTION WITH A SECOND BY MR. MITCHELL HORT TO REFER CONSIDERATION OF THE EDITION YEARS BACK TO THE IECC COMMISSION COMMITTEE FOR FURTHER EVALUATION

VOTING AYE: Wayne Allen
Daniel Favata
Warren Goldmann
Paul Gunderson
Danny Hancock
Dee Hays
Mitchell Hort
Lonnie Shackelford
Scott Tucker
Cary Williamson
Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Stephanie Cliff
Kyle Lombardo

The commission recessed for lunch at 11:46 a.m.

The commission reconvened in open session at 12:19 p.m.

COMMISSION MEMBERS PRESENT:

Wayne Allen, Daniel Favata, Warren Goldmann, Paul Gunderson, Danny Hancock, Dee Hays, Mitchell Hort, Lonnie Shackelford, Scott Tucker, Cary Williamson, and Donny Williamson

COMMISSION MEMBERS ABSENT

Stephanie Cliff and Kyle Lombardo

Presentation by the Energy Conservation Technical Committee (ECTC) on proposed changes to the 2018 International Residential Code® (IRC® 2018)

Mr. Kelly Parker, chairman of the Energy Conservation Technical Committee greeted the Commission. He stated he was presenting the committee's change to the 2018 IRC®, Chapter 11, noting there were 44 public comment forms. He reviewed the status of the comment form

approvals and disapprovals and thanked the members of the committee and commission liaisons on the committee for the work they did. He added it was the largest technical committee for the OUBCC, noting had a large swath of contractors, builders, architects, engineers, and industry representatives who provided a lot of good input. He stated there were a few changes to other chapters as assigned by the Commission and reviewed those chapters. He reviewed other sources of information the committee looked at, as well as individuals who addressed the committee and provided expert input. He stated what might be new to some of the members were the terms U-value and SHGC. He explained U-values were like R-values and were a calculation utilized for windows and doors. He added SHGC stood for the Solar Heat Gain Coefficient which was the amount of instant solar heat gain that passed through a window or door.

Mr. Parker reviewed the change proposed to Chapter 1 of the IRC®. He explained the change in comment form EC-22 amended section R109.1.6 Final inspection and after discussion, a motion to approve the comment form failed.

Mr. Parker reviewed the change proposed to Chapter 2, on comment form EC-1. He explained the form addressed modifications made in the 2015 adoption of the IRC to Chapter 2 Definitions. He noted those changes to the definitions were made as a result of the changes to Chapter 11 in the 2015 IRC and the committee voted to delete them from the agency rules. He added the committee also voted to delete the definition to a roof-recover.

Mr. Parker reviewed the changes to Chapter 3. He noted the first comment form EC-2 addressed a modification to the 2015 IRC adoption in Section R303.1 Habitable rooms and the deletion of Section R303.4 Mechanical ventilation. He stated the committee voted to deny the form and allow the text to revert to the 2018 published code. He noted the next form EC-9 recommended leaving Section R303.4 as written, and the committee voted to deny the comment form as there was no actual change proposed. He stated comment form EC-39 was the last form the committee reviewed in relation to Chapter 3 and noted it proposed the modification of Section R327.3 Installation and added a new Section R327.3.1 Locations related to energy storage systems. He reviewed the reasoning for the change and that the language came from the 2021 edition of the IRC and stated the committee voted to approve the comment form.

Mr. Parker reviewed the changes to Chapter 11. He noted the first comment form, EC-21 recommended using the 2015 code and making amendments to it so it would match the IECC edition. He noted the committee voted to deny that proposal. He stated the next comment form EC-23 deleted the definition in Section 1101.6 for High-Efficacy Lamps, adding the change was denied by the committee. He noted the next comment form EC-10 addressed a change from the 2015 adoption which moved Section R1101.14 Certificate to the appendix and made it non-mandatory. He explained the discussion the committee had on the proposed change and noted motion to approve the comment form failed.

There was discussion between the Commission and Mr. Parker on who would need to verify the information on the certificate was correct; third-party inspections and the cost associated with them: creation of a new government entity to license energy raters; that they would need to be independent from the insulation installers; and the number of available inspectors who were capable of doing the inspections. There was further discussion on increasing costs for homes due to several of the items in the presentation; liability for contractors; that there were two inspections,

the insulation inspection and the final inspection for blower-door and duct testing that measured the performance of the home; the number of new homes built each year; issues with applying the requirement to homes in a rural setting; and if all that was required was a home inspectors license. The Commission and Mr. Parker discussed the national organizations that certified the third-party energy raters; review of talks Mr. Parker had with the Department of Labor (DOL) and with the Construction Industries Board (CIB) about creating a new licensing board for "code raters;" code requirements; current training requirements for raters with the national organizations; that cities would not do the inspections as it opened them to liability; and average fail rates on the rating inspections and how failure and retesting affected costs for the inspections.

Mr. Parker continued his review of Chapter 11 changes stating the next form EC-3 addressed the 2015 modifications to Table N1102.1.2 Insulation and Fenestration Requirements by Component. He stated after discussion the committee denied the form. He noted there were five comment forms (EC-11, EC-12, EC-35, EC-43, and EC-44) which addressed the same Table N1102.1.2 as well as Table N1102.1.4 Equivalent U-Factors. He explained comment form EC-12 was approved which changed the wall R-value from "20 or 13+5" to "R-13." He added at a subsequent meeting EC-35 was introduced that changed the wall value from "R-13" to "R-15 or R-13 plus 5." He explained there were two ways to achieve an R-15 wall, either with high-density batts or with blown-in insulation. He added there were two insulators on the committee who indicated 98 percent of their business was the blown-in insulation and after discussion, the committee voted to approve EC-35.

There was discussion between Mr. Parker and the Commission over the cost of the R-15 high density batt; that R-13 would be allowed but there would need to be a 1-inch exterior insulation on the outside of the structure; and issues with some forms of exterior sheathing with foam insulation. There was further discussion on comment form EC-35 and who would be impacted by it; cost of the impact to the consumer; that the payback on the increase in insulation was lengthy; and if the requirement was code driven or market driven. There was further discussion on which municipalities in the state did insulation inspections; that over 40% of the houses built in the country were rated; that the market should deal with the issue of insulation instead of mandating to citizens in Oklahoma; payback cost for the change; problems with supplies; limiting what could be utilized in construction; and increasing costs. The Commission and Mr. Parker discussed regardless of the type of insulation, with the change to the certificate section, an inspection would be required; that municipalities would not do the inspections due to liability issues; if the inspection was not required if the change would be okay; narrowing the options for products that were already scarce; that if the issue was market driven, not everyone would know or understand U-values and SHGC. There was further discussion on tabling the change and moving on with the presentation and options for approving the presentation with modifications and if the Commission didn't act on the Chapter how that would affect rules and rulemaking; Senate Bill 913 and how that affected rulemaking; and that rules not filed by April 1st of each year would not be reviewed by the sitting Legislative body until the following session. The commission and Mr. Parker discussed issues with enforcement in rural areas; builder liability, litigation, and builder licensing; and how homeowners would bear the brunt of it if a builder was not reputable.

Mr. Parker reviewed the next two comment forms on the table noting both comment form EC-43 and EC-44 failed. There was some discussion on how the comment forms and changes on the tables were laid out in the presentation. There was further discussion on the costs associated nationally with the 2018 requirement without any modification from OUBCC on a 2600 square

foot house both for the construction and the energy savings; that the costs didn't include the recent increases to lumber; if the national cost included builder markup and inspection fees; and on the numbers and costs for other cities in the same climate zone. They discussed the spreadsheet Mr. Parker had provided that had 5 different sized homes ranging from 1400 to 2700 square feet and the cost differences in a number of areas; that the committee had brought in a window supplier to discuss the 2018 requirements and how that would affect local suppliers; and that thermal break aluminum windows would probably not be usable unless better glass was used with them. There was discussion on the low cost of Oklahoma homes and reasons for that; how the increased requirements could keep people from purchasing homes; that aluminum windows had a better track with operation over the years than vinyl did and issues with mandating things for Oklahomans. There was further discussion on passing along increased energy costs to the people who can least afford it; the difference on savings between the proposed change in EC-44 and the current code requirement; and the diminishing point of return on insulation. Mr. John Nail with John Nail Homes addressed the committee and talked about the quality homes built in Oklahoma. He asked the Commission to be careful of adding more cost and more restraint to the codes in Oklahoma. There was further discussion on the number of states that had adopted energy codes and specifically what the states surrounding Oklahoma had as energy requirements; making Oklahoma a "Top 10" state; and that energy efficiency didn't have anything to do with safety.

Mr. Parker continued his review of the proposed changes to Chapter 11. He noted the next change was comment form EC-13. He stated the form proposed changes to Section N1102.2.1 Ceilings with attic spaces, but after committee discussion a motion to approve the form failed. He noted the next form was EC-14 which modified Section N1102.2.10 Slab on-grade floors, which provided an exception to the section. He added after discussion the comment form passed. There was some discussion on the different types of slab styles and where they were done within the state.

Mr. Parker reviewed comment form EC-5 which addressed changes made to Table N1102.4.1.1 Air Barrier and Insulation Installation, in the 2015 IRC adoption. He noted the committee voted to deny the comment form and not bring those changes forward in the agency rules. He stated the next form was EC-16 which addressed the same Table N1102.4.1.1 but was related to walls and after the discussion the committee voted to approve the change, with a further modification by adding the words "or greater" after the words "wall system." He noted comment form EC-24 also modified the same table related to Electrical and communication boxes and was approved by the committee. He explained the change required electrical boxes that were air tight, or insulation needed to be placed behind the electrical box. He added if the box penetrated the air barrier, it had to be airtight. There was discussion on the cost of boxes and that it would be a minimal requirement as there were few areas where this occurred in the home. He reviewed comment form EC-4 which added a new section of code in the 2015 adoption N1102.4.2.2 Visual inspection option. He stated the change allowed for a visual inspection and a motion to approve failed and testing would now be required for the air tightness of the house. He discussed the percentage of differences between the code cycles noting from 2009 to 2012 there was an increase in the energy code requirements of 20 percent, but from 2012 to 2015 it was only 5 percent and from 2015 to 2018 it was 5 percent. He noted there was a cumulative effect going from the 2009 requirements to the 2018 requirements and blower door testing became the measure of testing for air tightness. He stated comment form EC-15 modified Section N1102.4.1.2 Testing by allowing an exception for a visual test. He noted after discussion a motion to approve the comment form failed. He noted comment form EC-40 also addressed Section N1102.4.1.2 Testing and failed due to a lack of a

second to approve the form. He noted comment forms EC-28, EC-29, EC-30, EC-31, EC-32, EC-33, and EC-36 also addressed Section N1102.4.1.2 Testing. He noted no action was taken on forms EC-28 through EC-33 as they urged that the section be kept as written. He noted EC-36 was withdrawn by the submitter.

Mr. Parker stated the next comment form was EC-25, Revision 1 which added a new section of code N1102.4.6 Air-sealed Electrical and Communication Outlet Boxes. He noted the form passed. He stated comment form EC-6 and EC-17 dealt with section N1103.2 Sealing and EC-18 with N1103.3.3 Duct Testing. He stated EC-6 addressed the 2015 modification to the section and that EC-17 and EC-18 were new proposed changes. He added EC-6 died due to a lack of a second to approve, EC-17 was withdrawn and a motion to approve EC-18 failed. He stated the next form was EC-41 modifying Section N1103.3.3 Duct Testing and Section N1103.3.4 Duct leakage and that a motion to approve the form failed. There was some discussion on what that meant as far as testing. Mr. Parker noted the modifications proposed to the sections failed, so it would revert to the 2018 code which still required testing of duct work. There was further discussion on duct testing.

Mr. Parker stated the next form EC-19 modified Section N1103.4 Mechanical system piping insulation (Mandatory). He reviewed the changes and noted it was passed by the committee as amended. He stated the next comment form EC-20, Revision 1 modified Section N1103.5.3 Hot water pipe insulation (Prescriptive) and added after discussion the form was approved as modified. He reviewed comment form EC-7 which addressed 2015 code modifications to Sections N1103.5, 1103.5.1, and 1103.5.1.1 and noted they did not pass due to a lack of motion to approve. He reviewed comment form EC-8 addressed the 2015 modifications to Section N1104.1 Lighting equipment and explained the form died due to a lack of a motion to approve.

Mr. Parker noted comment form EC-42 modified Section N1103.6 Mechanical ventilation (Mandatory), added a new Section N1103.6.1 Heat or energy recovery ventilation, amended Section N1103.6.2 Whole-house mechanical ventilation system fan efficacy, Table N1103.6.1 Whole-House Mechanical Ventilation System Fan Efficacy, and added a new Section N1103.6.3 Testing. He noted the form died due to a lack of a motion to approve. He reviewed comment form EC-27 which modified Section N1109.1.4 Lighting, noting it died due to a lack of a motion to approve. There was some discussion that that section as published required upgrades to lighting if more than 50 percent of the home was remodeled and the proposed change modified that down to 10 percent of the home.

Mr. Parker noted the last change proposed to Chapter 11 was EC-34 and it modified Section N1105.4.2 Compliance Report which was the reporting mechanism for verifying the compliance with the requirements. He added the form was approved.

Mr. Parker reviewed the proposed change to Chapter 23. He stated comment form EC-37 modified Section 2301.2.2.1 Roof-mounted collectors. He noted what was added was the installation of a mechanical means of disconnection on piping to allow for the disconnection and removal of collectors for service or replacement of the roof. He added the comment form was approved.

Mr. Parker reviewed the proposed change to Chapter 28. He stated comment form EC-38 added a new Section P2802.3 Solar Water Heater Panels means of disconnect. He stated it was similar to the change in Chapter 23 and added a section to specify the means of disconnect on the roof for the

solar water heater panels was required to provide a union to allow for service of the roof. He added the committee voted to approve the change.

There was discussion between Mr. Parker and the Commission related to how some of the commissioners disagreed with Mr. Parker on some of the changes, but that Mr. Parker had worked hard and had even provided documentation which he knew others would use to argue against him. He was thanked for his work on the committee. There was further discussion on the number of raters Mr. Parker's company had trained; that if all the changes passed Mr. Parker's company would benefit from the increased requirements; both in rating and in training raters; that others also benefited from the codes as their businesses used them; and that it was possible to take things out of order on the agenda if the Commission still wanted to hear public comments before voting on the presentation. Ms. Hehly noted she reviewed her internal calendar for agency rulemaking benchmarks and if the Commission decided to put off making a decision on the presentation, as long as one was made at the November meeting, they could still meet the rulemaking deadlines.

Chairman Williamson asked if they needed to make a motion to move to public comments. Ms. Batt replied that was fine.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DONNY WILLIAMSON TO MOVE TO MOVE TO THE PUBLIC COMMENT PORTION OF THE MEETING

VOTING AYE: Wayne Allen
Daniel Favata
Warren Goldmann
Paul Gunderson
Danny Hancock
Dee Hays
Mitchell Hort
Lonnie Shackelford
Scott Tucker
Cary Williamson
Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Stephanie Cliff
Kyle Lombardo

PUBLIC COMMENT

Chairman Williamson stated if anyone had any public comments to make, they would like them to step to the podium, state their name and make their comments.

Ms. Ann Bornholdt a citizen of Oklahoma City addressed the Commission and stated: "There were a couple of comments that Oklahoma has low-cost housing. I want to bring up the point that low-cost is not always good. I don't know how many of you remember the Yugo cars that used to be

sold, they were very low cost, but they broke down and didn't run very well. I think that's a great analogy to homes as well. I was partly lucky. The first home I bought was in Nebraska, where it's a lot colder than here and it's very important to have insulation. I found out when I was in the process of buying it, that the local electric company had mapped the city from the air during the winter and you could see each house and how much energy it was emitting. I used that in my home buying process and got a very energy-efficient house. It was just a 900 square foot starter home, but it was very energy efficient. During Nebraska's cold winters when everyone else was complaining about their utility bills, I wasn't because it made a huge difference. I think that holds true, buying cheap upfront is not necessarily the best thing, especially for people who don't have a lot of money and that's the people who buy starter homes. I just wanted to make that point. There was also an unrelated comment about air duct testing, but I've learned since I've lived in my house for 30 years and have changed out things, that – now this is a quote I just Googled it. 'According to experts the typical air ducts systems lose between 25 and 40 percent of the energy put out by your heating and cooling system.' I think air duct testing is important and I had mine tested and I actually had them replaced when I replaced my heating and cooling system for that reason. So again, I think we need to be mindful of is it cheap or is it money well spent. Thank you for all your work."

Mr. Todd Booze addressed the Commission and stated: "Just to address, we're using some words here that don't truly represent the housing stock that we're building in Oklahoma. The words cheap and low cost, there's nothing cheap about Oklahoma houses. We're under the most current codes and we're working on that today to adopt the 2018 building code. So, we're talking about the energy piece of it and the concerns there are that I spent 30 years of my career building affordable, energy efficient housing, first home builder in the country to build an Energy Star house under \$175,000. So, I firmly believe in building energy efficient homes it's just at some point in this journey that ICC and special interest groups are on, there is a point of diminishing returns to continue to let you lay on top of these insulation requirements and energy requirements that don't have any payback to the consumer. We've shown that in several examples today, where you are talking about paybacks that are 20-40 years long that the consumer won't have any benefit of that and we're dictating to the consumer what they can buy and what they select to have in their homes. When this committee was working on this, there were several committee members that would say maybe they just don't need granite countertops, or they don't need that nice stove they have in the house and should spend it over here. I'm not for mandates. Most people are not for mandates saying this is what you have to have in your house. I want to address the low-cost cheap housing, because Oklahoma has the most quality homes built around the country. I travel the country all the time in my current role with the National Housing Quality program and see what's out there. We're doing a great job on what we deliver to our customers. As I mentioned earlier, 17 states have adopted the 2018 IECC and there are reasons for that, and they have amended it out. We don't need to be leading the pack on this. There are reasons why people have tapped the breaks on this to see what is happening out there and what makes sense. I'm equally concerned about the duct test and duct tightness. We did it in our houses. The numbers that were thrown out earlier, 20-25 percent were used back in 1992. They got everyone to go to Energy Star. There have been a set of programs by the federal government, by the state government and by utility companies with money, tax credits and rebates to try to change behavior over the last 15 years. We have done that. We've done a remarkable job of that. You could run out and test houses today and we're not going to see 20 percent. Maybe we'll see 10 percent, but the contractors are changing, insulation contractors are changing, cities are becoming aware of this. We need to try and train city

inspectors better to understand how to inspect insulation in a job and do a thermal bypass checklist. Many of the cities already do that. We don't need layer another inspection on top of it. The other thing is I'm concerned about is the rural issue. How are we going to address all of this in rural Oklahoma when you have to drive 4 hours from Oklahoma City to Watonga to go do an inspection. That inspection cost is going to go up. The capacity of the raters is not going to be what it is when they are hitting a neighborhood 2 miles apart and can get 3 blower door tests done in a day. This is going to get discussed someday down the road this is going to happen, but I think we need to come up with a more measured approach to how we implement this. We can't go from zero to 90, come out in November of 2022 when this thing gets enacted and all of the sudden start blower-door blaster tests for 14,000 homes in the state. I know right now the Legislature and the Governor's office have a task force to try to look at all the licenses we have. We have more licenses and registrations for all this stuff than any state in the country and now we're talking about throwing another one in there. If we go this route, that's fine, but I don't think it needs to be driven to two cottage industries of HERS and BOPT that is driving this across the country and is their stated mission to get every house in America tested. They are running it all through their programs. If we can come up with something through CIB and if CIB wants to have another trade underneath their umbrella to manage and certify and do all that kind of stuff, that's something we can talk about, but we don't need to just throw this at the gun barrel and shoot this thing out come next November. That's when it gets enacted and there is no way the industry could adjust to that. The supply chain is so screwed up right now and you want to throw this into it too? I can't imagine what it will do to the delay of house. My final comment is, my biggest concern is affordable housing and as we've talked about all the increases that have gone up and this committee, we looked at this and I can tell you with pretty good certainty, the cost from what we are doing today to what this new code would be on an 1800-foot house would be \$3,600 in cost to the consumer because builders have mark-up. Every company has mark-up. Walmart has mark-up when they buy a can of green beans and put their margin on it and sell it to the public. It's going to be \$5400 approximately. We're looking at this stuff in silos too because no one is paying attention to what's happening to the land cost out there, what's happening in other regulation, what's happening to materials with supply shortages. Labor has been a shortage issue for the last 15 years, in the country. That continues to get tighter and tighter, and prices go up. Look at our median income of what a home is today versus what it was 4 years ago. When I got out of the business in 2018 a 1500-foot house was going for \$175,000 to \$185,000 and its over \$225,000 right now. The American dream of owning a home is the greatest wealth creators there is, to own a home, pay the mortgage and get equity in your home. We continue to limit the number of people that can afford to buy that house. Numbers by the National Association of Home Builders, and I'm not talking about nationally because it's worse nationally than what it is in Oklahoma, but we're looking right now at over 50 and I think closer to 60 percent of median income earners cannot afford to buy the median income priced home in the state. Hence you see this blow up of rental activity. Multi-family projects are going crazy, (inaudible) are coming in and buying up developments from builders. The fastest growing right now in the country are the build to rent builders. They are taking over communities, building the houses to shove renters in them. Meanwhile the public cannot afford to buy a house anymore."

Mr. Mike Means with the Oklahoma Home Builders Association addressed the Commission He stated: "I'm going to take a slightly different tactic from the public comments you've had before, because I don't want to address just the issue you're talking about today. I kind of wanted to address, Todd mentioned the word silos, I want to address the bigger picture here. I do appreciate

the opportunity to bring these comments to the commission. First in regard to the code commission itself, I must express that the Association itself has lost a lot of confidence in both the direction and the leadership of the Commission. I think much of it centers on the Executive Director himself. We obviously have an acute interest in the codes by which we must build homes for the Oklahoma consumer. As Mr. Goldmann mentioned a minute ago, we are concerned about codes from a life safety standpoint. Todd mentioned it, we're concerned about it from an affordable standpoint. What we see happening is that we are getting beyond those two realms by looking at some of the other issues and looking at ways as Todd used the words, layer on. I call it piling on. But one of the concerns and why we're expressing this lack of confidence grows from the technical committees themselves and how they have grown outside of the norm of what we've experienced in the past since the commission was formed. In two of the most recent examples, I want to talk about. The first one deals with the Ice and Water Barrier Shield; I know you guys have gone through that process. I want to revisit it. Part of the problem started when the Executive Director issued a letter that stated that Ice and Water Barrie Shields on residential construction would be required. When the commission received push back from the construction industry, a technical committee was thus put in place. The problem with the technical committee was its makeup. It appeared that most of the members came from the roofing industry itself. They tried to get it pushed into the code, they even tried to make it a part of a reroof. And again, that aspect failed. Then it was determined this year as we look at updating the residential building code, let's go ahead and pull Chapter 11 out the building technical committee which had examined it in the past. When this had gone through in the past, the technical committee looked at all aspects of the building technical code and instead, now we've pulled out the energy code to be different and instead we get this specific energy conservation technical committee where again it looks like the membership of this committee appeared to be weighted to those that have a vested direct interest in this particular code. It appears in both of these committees that the committee members were presented to the Commission by the Executive Director and some of them don't even seem to represent the disciplines for which they were supposed to be. Where you have members that are representing a particular committee that don't have that particular role. For instance, an architectural engineer was on the committee, but that wasn't the role he filled in the particular energy technical committee. But all that aside, I have been in politics for 40 some years and one of the things that actually shocks me more than anything is that people that have a direct financial interest are voting on them. When I was with the Oklahoma County Board of Commissioners, if a commissioner had a vote coming up that dealt with oil and gas and he owned oil and gas properties, he recused himself from that vote. I would think that an Executive Director would have told committee members and would tell commission members, if you have a direct financial interest in something, you should probably recuse yourself from a vote. For example, on the Energy Technical Committee, you have insulators calling for more insulation that are going to directly benefit from providing more insulation. At the very least they should recuse themselves from that vote. And then we would have seen if that vote would have passed or failed at that point in time. I already mentioned before because it came up in discussion, but I still want to make it a part of my comments, that I believe you are moving at a pretty considerable quickness of pace and I think Senate Bill 913 changes the rules and allows you a little bit more time to analyze these things. Kathy has now told you that part of that is internal and not driven by the statute and thus these arbitrary deadlines are arbitrary is basically what I'm getting at. So, you can take your time to look at these actions and I suggest that the commission take such space because one of those that should be looked at is that cost benefit analysis of every single action. That has come up already in

your conversations and I've made note of it of how many times something is going to cost "x" amount of money and the amount of savings is going to take 24-30 years before anyone sees any kind of return on their investment on that. Let's take a look at those and slow them down. 20-30 years is that really a benefit to the Oklahoma consumer and how will that change the affordability issue. I do believe that since the Commission and committees have gone beyond life-safety they are attempting to mandate changes that the public is not necessarily asking for. I admit what the lady shared earlier previously those were decisions that she made when it came to buying her home. I visited with Kelly at lunch, by the way Kelly is one of my members, I'm not making this personal I hope you guys know that. But we were visiting at lunch, I am in the middle of building a house myself, personally I'm doing geo-thermal and doing these high-grade energy efficiencies, foam insulation. I'm doing the things that I listen to these guys talk about. It's a decision I made. Is it costing me more money? Yes, it is. Not to mention carrying costs because of how long it has taken. But I believe it's the market place where these decisions should be made rather than it being mandated by a commission. Nothing operates in a vacuum. Kelly mentioned how many houses he tested, Lonnie you shared how many homes you have tested, Todd mentioned how many homes he had tested when he was with Ideal Homes. Here's one of the questions for you though, right now much of that testing is covered by the utilities under their DSM programs, Demand Supply Management program. But the utilities pay for a lot of that testing through various rebates. If we propose this kind of change and make it mandatory, will they continue to do those kinds of rebates. I doubt it. I doubt if the Corporation Commission would allow them to do that. Thus, all the sudden their doing it, will they continue to do it if they were not getting the rebates that come from the utility companies. I'll give you a story on that. At one point in time, Oklahoma had an Energy Efficient Tax Credit. We had hundreds of builders building energy efficient homes so they could qualify for the tax credit. The state fell into a financial crunch and we were low hanging fruit. They got rid of the tax credit and all of the sudden that whole number of people who were building energy efficient homes changed. Because unless they were building a home big enough to meet the utility rebates, they didn't get a tax credit or a rebate. The market is going to change. I want you to think about one other thing, what is the mission and goal of the Uniform Building Code Commission. There is nowhere in the statute that governs you that says you have to use the ICC as a basis, that's just become what you're doing, but there's nothing that says you have to adopt the codes as quickly as the ICC does. There's nothing in your statutes that say that. The thing about it is the ICC has their whole profit model based on selling code books and it becomes an enterprise in itself to develop more codes so they can sell more books and get more profit coming to them. I don't think your motive is the same. I think your motive is to make sure that our homes, our buildings are safe, protecting the life and liberty of our Oklahomans. So, I ask you to also make sure you step back and reevaluate the Commission. Thank you."

Mr. John Nail with John Nail Homes addressed the Commission. He stated: "Boy are words not powerful. Anyone that knows John Nail knows quality's all I'm for. I haven't been to every state and looked at every house that's built in every state, but I will say this in my opinion. You're talking about the quality of house in Oklahoma, not the craftsmanship, not the things we put in those houses, because like a water hose with a kink, we haven't got a lot of regulation on us. The consumer has been guiding us, and so when I say – what did I say cheap? I can't believe I said that. That word isn't in my vocabulary – I will promise you that, I do anything but cheap. But affordable can be a \$200,000 house or it can be a million-dollar house. How we build our houses in Oklahoma, you get much more for a million-dollar house in Oklahoma than I believe you do anywhere in other states because unlike both ends of the country, we haven't kinked that hose and

put our builders under unneeded regulation. We know some regulation is good, but overburdensome regulation, not for that. So, I build anywhere from \$500,000 to \$1,000,000 houses, built a few 2 million and a few \$400,000 and I have to admit something to you. I've only had one blower test in any of those houses. I'm telling you, the people that hire me, their demands are as tall as this ceiling, they are demanding and not one of them, okay I built one with a blower test, and I forget why I did that, but that wasn't consumer driven. I build high-end luxury houses, for 25 years and I've never had one buyer, most of them are custom, say they want a blower test. You know what SEER rate I use, minimum SEER and build a furnace 85 percent, a blow-in insulation with super seal, a nice window. What is that called when you go from house to house, where dinner is here, and dessert is over there. And by the way, I live in the edition I developed, so what does that tell you and I live right on the corner. I can't hide from anybody. I'm right there. So, we had this progressive dinner about 3 years ago and again these houses range from \$500,000 to a million and I don't know what their bills are, I haven't had any complaints about the gas or electric bills, so I asked them as we were having this progressive Christmas dinner. I think it was dessert, now I love dessert the best, anyway I said what are your bills to each house. Their gas bills were \$145 a month, \$165 a month, for a \$600,00 to \$700,000 house? With minimum SEER and 85 percent on the furnace, a nice window, blow-in insulation, and super seal. No blower tests. Amazed at those bills. My market is consumer driven; I can promise you. I do what they tell me when I build those custom houses. You build someone that size of custom house, they are telling you, you are not telling them, I can promise you that. So, I'm here to say, the reason why we get the best built house in the United States of America with the most quality and the price is because the water hose hasn't been kinked. There's been regulation naturally, we have to have it, but that's why you get the best built house in the United States of America, the hose hasn't been kinked. Thank you very much."

Mr. Eric Blalock, Senior Building Inspector for City of Yukon and Chairman for the Commercial Plumbing Fuel Gas Mechanical Code, and the Chair for the IRC Plumbing Fuel Gas and Mechanical Code, addressed the Commission. He stated: "Well, I hope I don't kink any hoses while I'm here. I'm here because of what I see in the field as an inspector and talking to the different trades. We're having problems with fire places, windows, anything with metal. The duct work now we can hardly get any R-8 duct work because of shortages. I've talked to Locke Supply, one of the purchasing agents there, his name is William. I also talked to Morse Co Building, Mr. Belt. He said that if they put an order in for duct work it's an 8 to 16-week process to get the orders filled. We are running out of materials, one of the reasons why on duct work is because of the metals that are in the flex stack we can't get it anymore. It comes from overseas. Also, the windows, I talked to the window manufacturer and he said that there is a portion of the window that has no manufacturer in the United States that produces it. Everything comes from Asia and what I am afraid of is, with the costs going up so high that people coming out of college, they are already in debt and people wanting to buy new homes will not be able to afford it. In the builder's price book, the price on homes in 2019, a 3100 square foot home cost \$471,500 today it costs \$746,671, that's a 58% increase. On paint it's going from \$9,800 on the same house to \$16,495, that's a 68% increase. On concrete it's gone from \$15,474 to \$32,088 that's 104% increase. Lumber has gone up 262%. No immediate relief from skyrocketing house prices was a report from the National Association of Realtors from Political. It says soaring home prices are starting to alarm policy makers. This is from Forbes – Why the US housing bubble 2.0 is about to bust. World Construction Today – Construction material shortages to continue through 2021. Angie's list says Building material shortages price increase what it means for your next project. I believe if we keep

these prices going up, labor shortages, material shortages, and now we're putting more regulations on that, I believe that we are going to suffer a collapse. I was here in 1985, 86, and 87 when the market collapsed. During those years I had three plumbing jobs. I would call plumbers in the morning until I would find the one that was working and then I worked with him that day. How many remember 1985. It was terrible. We just had 2008, the economists are saying that we cannot sustain this. We can't. Our wages are not going up and if we put more on the consumer that's who gets it in the end, the consumer. One of these days' consumers are not going to be able to afford to buy houses. We've got some neighborhoods now that a builder just finished and a lot of the houses in the neighborhood are rentals, that's just the way we're looking at it and what's happening. I don't want to see this happen again. Thank you."

Mr. Kelly Parker addressed the Commission. He stated: "A couple of things – just to give some background and additional information. The Department of Labor, I talked to them about the number of licenses required in the State of Oklahoma was 550. Through this last legislative session, they eliminated them down to 258. So, we have cut our number of licenses in half in one year, just as an FYI. Some of the discussion was on the payback that is 20-30 years, we are currently working on codes that are 12 years old for the energy. Todd did say at some point we will someday adopt these codes. Well, we are 12 years late, here. When is someday that we are going to address these codes? 12 years is long enough in my opinion. I believe Mr. Nail, a great presentation, he talked about he's the best built quality house. I agree, but that's not what the discussion is, because the article that came out in the Oklahoman said that Oklahoma homes are bargains compared to bigger markets. They are not saying they are the best built, they are bargains. They are bargain houses because of what we are doing. Mr. Blalock talked about 68 percent increase because of one of the components of houses, when are we going to break. I don't disagree with that, but 68 percent increase on that product, whatever it was, because it's the current codes so it has nothing to do with adopting new codes. It has to do with 68 percent increase on what we are doing right now. Just because of the market. I would also ask back to Mr. Nail, how many people have asked for 24-inch concrete foundations, the same number of people probably that have asked for a blower door test on their house. It has to do with the knowledge of the people asking for this. Not everyone is an engineer or architect, back to what Mr. Means was saying as to who was on the committees. Well, we had 23 people and you're right that was a large swath of people and yes, they were architects and engineers and mechanical contractors, insulators, builders that were on the committee. They were the industry professionals that addressed everyday what they do. Commercial builders, residential builders there were all types that were on this committee, so it's not just one slice like the residential building committee had. A significant number of builders, the IRC committee had a significant number of builders, well aren't they self-serving and vote down everything. There were a lot of things voted down. I had 18 amendments that were turned down by that committee, and I was on the committee. So yeah, regulations take time, regulations cost money, and it's the Oklahomans that are being affected here and we're taking about bargain houses. That's what came out in the paper, Oklahoma's houses are bargains. They are because of a reason. So, what's the modification for consumers, it's their tasked with, they want the most amount for the least money. If we have backstop of codes to allow them to be not where they are talking amongst themselves on highly built out development like Mr. Nail's which are very nice houses – expense was not spared on some of those houses. He's taking contractors that are highly trained because of the things that have been adopted by other people. He's benefiting from that. Do you need a blower door test when everyone is trained to do it right? I don't know. You need something. I think the motivation for a lot of builders, back to what Mr. Means was saying, when

the incentives went away from the Oklahoma Natural Gas and Oklahoma Gas and Electric, those incentives were all based on codes that were 2009. Now they are relooking, ONG and OG&E relooking at their programs and well we can't be paying for builders to do exactly what is present in the economy right now. We can't be paying for a standard house and that's what they are doing. Now they are relooking at the programs and saying hold it, I'm not just going to pay you to build what you're doing because that is the code. It's above code, but everybody is doing that. We heard from Lonnie; he's doing Energy Star houses. Because you see it as a marketing advantage, you get more money and some of your market say look what I'm doing, that for the reason to sell more houses. That's exactly what it's about. We need to incentivize the builders and when the state tax credits went away, some of the builders were getting \$4,000 to \$6,000 per house. Some of the builders got checks for over a million dollars, tax credits for doing efficient construction. So now the fight is we may not get those incentives again. To be honest, I don't want those incentives. I want the incentives to build to the next level. Let's build better and give you incentives and give you \$5,000 for every house when you build it to above the code. You don't build it to a code that is 12 years old. So, I think that's just context. Thank you for allowing and allowing all the comments."

The commission took a short recess at 2:31 p.m.

The commission reconvened at 2:42 p.m.

COMMISSION MEMBERS PRESENT:

Wayne Allen, Daniel Favata, Warren Goldmann, Paul Gunderson, Danny Hancock, Dee Hays, Mitchell Hort, Lonnie Shackelford, Scott Tucker, Cary Williamson, and Donny Williamson

COMMISSION MEMBERS ABSENT

Stephanie Cliff and Kyle Lombardo

ACTION AND DISCUSSION ITEMS

Discussion and possible action to approve the ECTC presentation to begin writing draft rules

The commission discussed costs associated with all the changes versus the payback amounts homeowners could expect; that the costs discussed were averages and didn't reflect current real-world costs due to labor and supply shortages; additional third-party inspections and issues with them on the commercial side of the codes; that the commission should be setting the minimum requirements and making sure they didn't overstep any boundaries. There was further discussion on taking time to review the proposed changes before making a decision; if they should or could move forward with rulemaking for the rest of the IRC but Chapter 11; licensure reciprocity was one of the reasons for going with the ICC codes to begin with; if delaying the adoption of the 2018 IRC would impact those reciprocity agreements; and options on how to deal with the chapter from moving the entire requirement to an appendix to using the changes made in the 2015 adoption of the IRC. They discussed what codes/editions related to energy efficiency were adopted by the OUBCC previously; if the commissioners could recommend their own changes to the requirements or if the whole thing should be sent back to the committee for more discussion; and making sure that what was submitted would have legislative support. Ms. Batt reminded the commission that they needed to address what was on the agenda which was a potential action on the Energy Conservation Technical Committee's proposal.

MR. DONNY WILLIAMSON MADE A MOTION TO TABLE ACTION ON THE PRESENTATION

There was some discussion on how the commission needed to move forward with some kind of action so when the item was brought back up, an action could be taken; that the Commission should not be mandating energy efficiency as it goes against free enterprise; if the Commission liaisons to the committee should figure out and propose something to the Commission; or if anyone on the Commission could come up with their own motions and ideas. They discussed the history of the ICC and how the code development process worked; that there were very few public safety elements within the proposed changes; and reasons for the different chapters in the code.

MR. DONNY WILLIAMSON WITHDREW HIS MOTION TO TABLE THE PRESENTATION

There was some discussion on the second withdrawing the motion, but there was no second to Mr. Williamson's initial motion.

MR. DONNY WILLIAMSON MADE A MOTION TO PUSH FORWARD WITH THE 2018 IRC AND THAT THE ENERGY CODE STAYS THE SAME AS 2009 AND SUBMIT IT TO THE LEGISLATURE

Mr. Williamson noted that essentially pushed the IRC forward, but the energy code stayed status quo. Ms. Batt asked the motion to be framed with the presentation because it sounds like you're not dealing with the presentation presented to you. She recommended the commission approve or disapprove the presentation. Mr. Williamson asked if they moved to disapprove it, it didn't move forward the other one. Ms. Batt agreed noting the other part was not on the agenda.

MR. DONNY WILLIAMSON WITHDREW HIS MOTION

MR. DONNY WILLIAMSON MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO DISAPPROVE THE ECTC PRESENTATION

VOTING AYE: Wayne Allen
Daniel Favata
Warren Goldmann
Paul Gunderson
Danny Hancock
Dee Hays
Mitchell Hort
Lonnie Shackelford
Scott Tucker
Cary Williamson
Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Stephanie Cliff
Kyle Lombardo

There was some discussion on how the decision affected item 4G changing editions of the IECC and what the action was on that item.

NEW BUSINESS

There was no new business.

ADJOURNMENT: (3:05 P.M.)

MR. WARREN GOLDMANN MADE A MOTION WITH A SECOND BY MR. DANNY HANCOCK TO ADJOURN

VOTING AYE: Wayne Allen
 Daniel Favata
 Warren Goldmann
 Paul Gunderson
 Danny Hancock
 Dee Hays
 Mitchell Hort
 Lonnie Shackelford
 Scott Tucker
 Cary Williamson
 Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Stephanie Cliff
 Kyle Lombardo

Minutes approved in the regular meeting on the 16 day of November 2021

CARY WILLIAMSON
Cary Williamson, Chairman
Oklahoma Uniform Building Code Commission

PREPARED BY: KATHY HEHNLY
Kathy Hehnly, Executive Assistant
Oklahoma Uniform Building Code Commission

Official Copy: Original with signatures in office file.