ENROLLED SENATE
BILL NO. 1432

By: Snyder of the Senate

and

Fields of the House

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 1000.4 and 1000.5, which relate to the Construction Industries Board Act; authorizing the Board to take certain actions; providing for reciprocity; stating certain requirements; authorizing imposition of fees; amending 59 O.S. 2001, Section 1006.1, which relates to the Plumbing License Law of 1955; eliminating statutory fee; providing that fee be set by Construction Industries Board; amending 59 O.S. 2001, Section 1037, which relates to the Oklahoma Inspectors Act; eliminating statutory fee; providing that fee be set by Construction Industries Board; authorizing access by building and construction inspectors; clarifying Construction Industries Board authority to take certain actions; amending 59 O.S. 2001, Sections 1683, 1685.1 and 1688, which relate to the Electrical Licensing Act; modifying membership of Committee of Electrical Examiners; eliminating statutory fee; providing that fee be set by Construction Industries Board; modifying time frame for renewal of license; amending 59 O.S. 2001, Sections 1850.4 and 1850.8, which relate to the Mechanical Licensing Act; modifying appointment authority for Committee of Mechanical Examiners; eliminating statutory fee; providing that fee be set by Construction Industries Board; repealing 59 O.S. 2001, Sections 1008 and 1687, which relate to the Plumbing License Law of 1955 and the Electrical Licensing Act; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1000.4, is amended to read as follows:

Section 1000.4 A. 1. Beginning September 1, 2001, pursuant to and in compliance with Article I of the Administrative Procedures Act, the Construction Industries Board shall have the power to adopt, amend, repeal, and promulgate rules as may be necessary to regulate the plumbing, electrical and mechanical trades, and

building and construction inspectors. Rules authorized under this section shall not become effective prior to January 1, 2002.

2. Beginning January 1, 2002, the Board shall have the power to enforce the provisions of the Construction Industries Board Act, The Plumbing License Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, and the Mechanical Licensing Act.

3. In addition to rules promulgated by the Construction Industries Board, rules promulgated by the State Board of Health prior to January 1, 2002, shall be the rules of the Construction Industries Board and shall continue in effect until such rules are amended or repealed by rules promulgated by the Construction Industries Board.

4. Any order made or action taken prior to January 1, 2002, by the State Board of Health, the State Department of Health, or the State Commissioner of Health pursuant to the provisions of, or rules promulgated pursuant to, The Plumbing License Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, or the Mechanical Licensing Act shall be considered valid and in effect unless rescinded by the Construction Industries Board.

B. The Board may:

1. Exercise all incidental powers and duties which are necessary to effectuate the provisions of The Plumbing License Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, and the Mechanical Licensing Act;

2. Serve as a code variance and appeals board for the trades and industries it regulates which do not have statutory code variance and appeals boards;

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

4. Initiate disciplinary proceedings, request prosecution of and initiate injunctive proceedings against any person who violates any of the provisions of the Plumbing License Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, and the Mechanical Licensing Act;

5. Recommend at least three candidates for the position of Construction Industries Administrator to the State Commissioner of Health when a vacancy exists, and fix the salary of the Construction Industries Administrator; and

~~5.~~ 6. Direct such other expenditures as may be necessary in the performance of its duties.

C. Effective January 1, 2002, all powers, duties, responsibilities, employees, records, and equipment of the State Board of Health, the State Department of Health, and the State Commissioner of Health relating exclusively to the regulation of the

plumbing, electrical and mechanical trades, and building and construction inspectors shall be placed under the authority of the Construction Industries Board. To the extent practicable, this shall include all computer hardware and software used in regulating industries listed in this section. The State Department of Health shall provide all necessary administrative support, including, but not limited to, office space, equipment, furnishings, and legal staff support for the Board and may manage the Board's funds, subject to Board approval. The Construction Industries Board may contract for additional legal services as necessary, pursuant to the Central Purchasing Act. Employees shall be under the general direction of the Construction Industries Administrator and the Construction Industries Board, but in all other respects shall be employees of the Department of Health.

D. The Construction Industries Board and the State Board of Health may enter into an agreement for the transfer of personnel into the unclassified service under the direction of the Construction Industries Board effective January 1, 2002. No employee shall be transferred into the unclassified service under the direction of the Construction Industries Board except on the freely given written consent of the employee. All classified employees under the Merit System of Personnel Administration who are not transferred into the unclassified service as provided shall retain the status in the class occupied by the employee on July 1, 2001, as allocated by the Office of Personnel Management. The salary of such an employee shall not be reduced as a result of such position allocation. Employees who are transferred as provided shall not be required to accept a lesser grade or salary than that in effect on July 1, 2001. All employees shall retain leave, sick and annual time earned, and any retirement and longevity benefits which have accrued during their tenure in the classified service. The transfer of personnel shall be coordinated with the Office of Personnel Management.

SECTION 2. AMENDATORY 59 O.S. 2001, Section 1000.5, is amended to read as follows:

Section 1000.5 A. The Construction Industries Board may establish a system of fees to be charged for the application for licenses, for the issuance and renewal of licenses and permits, for administration of examinations and for formal project reviews under the Board's authority. This provision is subject to the following limitations:

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

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

For application for license	not to exceed $30.00
For administration of license examinations:	not to exceed $200.00
For license or permit issuance:	not to exceed $300.00
For license or permit renewal:	not to exceed $200.00
For formal project review for code conformance:	not to exceed $200.00
For permit issuance for the use of alternative materials or methods:	not to exceed $50.00

B. The Board shall base its schedule of fees upon the reasonable costs of review and inspection services rendered in connection with each license, permit, or review, but shall be within the ranges specified in paragraph 2 of subsection A of this section, except as otherwise specified in this section. The Board shall establish a system of training for all personnel who render review and inspection services in order to assure uniform statewide application of rules. The Board shall include the reasonable costs associated with such training in the fees provided for in this section.

C. The Board may exempt by rule any class of licensee or permittee from the requirements of the fee schedule if the Board determines that the creation of such a schedule for any such class would create an unreasonable economic hardship.

D. All statutory fees now in effect for the issuance and renewal of any license, permit, or review under the authority of the Construction Industries Board shall remain in effect until such time as the Board, by its rulemaking authority, acts to implement new fee schedules pursuant to the provisions of this section.

E. Unless otherwise provided, licenses and permits issued by the Construction Industries Board shall be for a one-year period.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.5a of Title 59, unless there is created a duplication in numbering, reads as follows:

A. By way of reciprocity and without examination, an application for any license issued by any committee or board under the authority of the Construction Industries Board to engage in any work or trade in this state subject to the Board's regulatory authority may be made to the Board in writing on a form and in a manner prescribed by the Board. The application shall be accompanied by a fee pursuant to Section 1000.5 of Title 59 of the Oklahoma Statutes, which shall not be refundable under any circumstances. If the application is disapproved by the Board, it shall be returned to the applicant with the reason for its disapproval stated thereon.

B. The Board may, in its discretion, issue a license by reciprocity to an applicant who is currently licensed to practice an applicable trade in another state, country, territory, province or city outside of the State of Oklahoma, upon a satisfactory showing of the following:

1. That the requirements for licensure in the city, state, country, territory or province in which the applicant is licensed are deemed by the Board to be substantially the same or equivalent to the requirements for obtaining an original license by examination in force in this state at the date of such license;

2. That one (1) year immediately prior to the date of payment of the required fee the applicant lawfully practiced an applicable trade within and under the laws of city, state, country, territory or province pursuant to a license issued thereby authorizing such practice;

3. That no disciplinary matters are pending against the applicant in any city, state, country, territory or province, and relating to the applicable trade in which the applicant seeks reciprocity;

4. That the license being reciprocated was obtained by examination in the city, state, country, territory or province wherein it was issued; and

5. That the applicant meets all other requirements of the Construction Industries Board Act, including payment of the applicable license fee.

SECTION 4. AMENDATORY 59 O.S. 2001, Section 1006.1, is amended to read as follows:

Section 1006.1 A. Within one (1) year of the date the Governor of this state declares a state of emergency in response to a disaster involving the destruction of dwelling units, the Construction Industries Board shall issue a distinctively colored, nonrenewable, temporary journeyman plumber license which shall expire one (1) year after the date of the declaration to any person who is currently licensed as a journeyman plumber by another state and who:

1. Submits, within ten (10) days of beginning journeyman plumber's work in this state, an application and fee for a journeyman plumber's examination;

2. Takes and passes the examination at the first opportunity thereafter offered by the Board; and

3. Pays a temporary journeyman plumber's license fee ~~of Twenty-five Dollars ($25.00)~~ <u>to be established by rule by the Board pursuant to Section 1000.5 of this title</u>.

B. Nothing in this section shall be construed as prohibiting any person from qualifying at any time for any other license by meeting the requirements for the other license.

SECTION 5. AMENDATORY 59 O.S. 2001, Section 1037, is amended to read as follows:

Section 1037. Application for examination, certification, or license or renewal of license shall be made to the Construction Industries Board in writing on forms furnished by the Board and each application shall be accompanied by a fee ~~of Twenty-five Dollars ($25.00)~~ to be established by rule by the Board pursuant to Section 1000.5 of this title. Applicants for renewal may also be required to submit proof of compliance with continuing education requirements established by the Board.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1045 of Title 59, unless there is created a duplication in numbering, reads as follows:

Any building and construction inspector licensed pursuant to Sections 1031 through 1044 of this title, shall be granted access within a reasonable period of time to perform an inspection for the purpose of enforcing compliance with the Oklahoma Inspectors Act. Pursuant to its authority under Section 1000.4 of Title 59 of the Oklahoma Statutes, the Construction Industries Board may initiate disciplinary proceedings, request prosecution of and initiate injunctive proceedings against any person who violates this provision.

SECTION 7. AMENDATORY 59 O.S. 2001, Section 1683, is amended to read as follows:

Section 1683. A. There is hereby established the Committee of Electrical Examiners which shall consist of seven (7) members. All members of the Committee shall be residents of this state.

B. Beginning January 1, 2002, as the terms of members serving on the Committee expire, six voting members of the Committee shall be appointed by the Construction Industries Board as follows:

1. One member shall be an electrical inspector selected from a list of names submitted by ~~the Oklahoma Chapter, International Association of Electrical Inspectors~~ a statewide organization of electrical inspectors;

2. One member shall be selected from a list of names submitted by ~~the Oklahoma Chapters of the National Electrical Contractors Association~~ a statewide organization of electrical contractors representing union contractors;

3. One member shall be selected from a list of names submitted by ~~the Associated Builders and Contractors~~ a statewide organization representing builders and contractors;

4. One member shall be a journeyman wireman selected from a list of names submitted by ~~the International Brotherhood of~~

~~Electrical Workers~~ a statewide organization of union journeymen wiremen;

5. One member shall be a journeyman wireman selected from lists of names submitted from the electrical construction industry; and

6. One member shall be selected from a list of names submitted by ~~the Oklahoma Chapters of Independent Electrical Contractors, Incorporated~~ a statewide organization of electrical contractors representing nonunion contractors. The term of the initial appointee shall be for two (2) years.

All members shall each have at least ten (10) years of active experience as licensed electrical contractors, journeyman electricians or as an electrical inspector. No member shall be employed by the same person or firm as any other member of the Committee. The terms of members so appointed shall be staggered and shall be for two (2) years, or until their successors are appointed and qualified.

The nonvoting member shall be designated by the Board from its staff to serve as Program Administrator and serve as the Chief Electrical Inspector for the state.

C. Vacancies which may occur in the membership of the Committee shall be filled by appointment of the Board. Each person who has been appointed to fill a vacancy shall serve for the remainder of the term for which the member he or she succeeds was appointed and until his or her successor has been appointed and has qualified. Members of the Committee may be removed from office by the Board for cause in the manner provided by law for the removal of officers not subject to impeachment.

D. The Committee shall assist and advise the Board on all matters relating to the formulation of rules and standards in accordance with the Electrical License Act. The Committee shall administer the examinations of applicants for licenses as electrical contractors or journeyman electricians provided that such examinations shall be in accordance with the provisions of the Electrical License Act. The Committee may authorize the Board to conduct tests on their behalf as the Committee deems necessary.

E. All members of the Committee shall be reimbursed for expenses incurred while in the performance of their duties in accordance with the State Travel Reimbursement Act.

F. A majority of the total membership of the Committee shall constitute a quorum for the transaction of business.

G. The Committee shall elect from among its membership a chairperson, vice-chairperson and secretary to serve terms of not more than one (1) year ending on June 30 of the year designated as the end of the officer's term. The chairperson or vice-chairperson shall preside at all meetings. The chairperson, vice-chairperson and secretary shall perform such duties as may be directed by the Committee. The Committee shall meet at such times as the

chairperson or presiding officer deems necessary to carry out the responsibilities of the Board.

SECTION 8. AMENDATORY 59 O.S. 2001, Section 1685.1, is amended to read as follows:

Section 1685.1 A. Within one (1) year of the date the Governor of this state declares a state of emergency in response to a disaster involving the destruction of dwelling units, the Construction Industries Board shall issue a distinctively colored, nonrenewable, temporary journeyman electrician license which shall expire one (1) year after the date of declaration to any person who is currently licensed as a journeyman electrician by another state and who:

1. Submits, within ten (10) days of beginning journeyman electrician's work in this state, an application and fee for a journeyman electrician's examination;

2. Takes and passes the examination at the first opportunity thereafter offered by the Board; and

3. Pays a temporary journeyman electrician's license fee ~~of Twenty-five Dollars ($25.00)~~ to be established by rule by the Board pursuant to Section 1000.5 of this title.

B. Nothing in this section shall be construed as prohibiting any person from qualifying at any time for any other license by meeting the requirements for the other license.

SECTION 9. AMENDATORY 59 O.S. 2001, Section 1688, is amended to read as follows:

Section 1688. A. ~~No~~ Until June 30, 2003, no license shall be issued for longer than one (1) year and all licenses shall expire on June 30 of each year. A license may be renewed upon application and payment of fees thirty (30) days preceding or following June 30 of each year, or the date the license is due, and not be subject to a late renewal penalty. Beginning July 1, 2003, all licenses shall expire on the birthdate of the licensee. The Construction Industries Board shall establish by rule a method for prorating license fees to coincide with the birthdate of the licensee. No penalty for late renewal shall be charged to any holder of a license which expires while the holder is in military service if an application for renewal is made within one (1) year following the service discharge of the holder.

B. No journeyman or contractor license shall be renewed unless the licensee has completed the required hours of continuing education by completing a course on the current national electrical code revision of not less than six (6) hours of instruction as determined by the Committee of Electrical Examiners and approved by the Construction Industries Board, within one (1) year of adoption of the current national electrical code revision.

C. An apprentice registration certificate shall be issued for one (1) year, at which time the apprentice may reregister upon

meeting the requirements of the Construction Industries Board and paying the renewal fee.

SECTION 10. AMENDATORY 59 O.S. 2001, Section 1850.4, is amended to read as follows:

Section 1850.4 A. There is hereby established the Committee of Mechanical Examiners, which shall consist of five (5) members. All members shall be citizens of the United States and shall be residents of this state. Members shall hold office for terms of two (2) years or until their successors have been appointed and qualified.

B. Members of the Committee shall be appointed as follows:

1. Two members shall be appointed by the President Pro Tempore of the Senate and shall be mechanical journeymen with five (5) years' actual experience in mechanical work as journeymen. Beginning January 1, 2003, as the terms of the members serving on the Committee pursuant to this paragraph expire, subsequent members shall be appointed by the President Pro Tempore of the Senate, unless after thirty (30) days from expiration an appointment is not made, then the member shall be appointed by the Construction Industries Board;

2. Two members shall be appointed by the Speaker of the House of Representatives and shall be mechanical contractors with five (5) years' actual experience in mechanical work as contractors. Beginning January 1, 2003, as the terms of the members serving on the Committee pursuant to this paragraph expire, subsequent members shall be appointed by the Speaker of the House of Representatives, unless after thirty (30) days from expiration an appointment is not made, then the member shall be appointed by the Construction Industries Board; and

3. One member shall be a lay member appointed by the Construction Industries Board; provided, the person serving in this position on January 1, 2002, may elect to continue to serve until the end of the term of office and until a successor has been appointed and qualified.

C. Any vacancy on the Committee shall be filled for the unexpired term within thirty (30) days in the manner in which that position was originally filled. Members may be removed for misconduct, incompetence, or neglect of duty.

D. A majority of the Committee shall constitute a quorum for the transaction of business, and the Committee shall elect a chair from its number. Each member shall receive travel expenses in accordance with the provisions of the State Travel Reimbursement Act. The Committee shall meet at least quarterly to conduct examinations, and special meetings may be called by the chair or the Board.

E. The Committee shall:

1. Assist and advise the Board on all matters pertaining to the formation of rules pursuant to the provisions of the Mechanical Licensing Act;

2. Assist and advise the Board on the examinations for applicants for licenses as a mechanical contractor or journeyman and on all matters relating to the licensing of mechanical contractors and mechanical journeymen and the registering of mechanical apprentices; and

3. Assist and advise the Board in such other matters as requested thereby.

SECTION 11. AMENDATORY 59 O.S. 2001, Section 1850.8, is amended to read as follows:

Section 1850.8 A. The Construction Industries Board shall issue a license as a mechanical journeyman or mechanical contractor to any person who:

1. Has been certified by the Committee of Mechanical Examiners as having successfully passed the appropriate examination; and

2. Has paid the license fee and has otherwise complied with the provisions of the Mechanical Licensing Act. The license fees shall be ~~annually as follows:~~

~~a. mechanical contractor Fifty Dollars ($50.00),~~

~~b. mechanical journeyman Twenty-five Dollars ($25.00),~~

~~c. apprentice registration Fifteen Dollars ($15.00), and~~

~~d. apprentice registration renewal Fifteen Dollars ($15.00)~~ established by rule by the Board pursuant to Section 1000.5 of this title.

B. All licenses shall be nontransferable. No license shall be issued for longer than one (1) year and all licenses shall expire on June 30 of each year. Licenses may be renewed upon application and payment of the required fees and payment of any penalty for late renewal, as shall be established by the Board. Licenses, issued without state examination, that have not been renewed by June 30 of the year following expiration, shall not be renewed until the applicant passes the appropriate examination. Persons who are licensed under the Mechanical Licensing Act may have their license placed on inactive status by paying the annual renewal fee and eliminating the bonding and insurance requirements. No late fee shall be charged to renew a license which expired while the applicant was in military service if application is made within one (1) year of discharge from the military service.

C. The Board is authorized to establish and issue, subject to the provisions of the Mechanical Licensing Act, limited licenses in each area of mechanical work based on the experience, ability, examination scores and the education of the applicant. The limited

licenses shall authorize the licensee to engage in only those activities and within the limits specified in the license.

SECTION 12. REPEALER 59 O.S. 2001, Sections 1008 and 1687, are hereby repealed.

SECTION 13. This act shall become effective July 1, 2002.

SECTION 14. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 22nd day of May, 2002.

_____
Presiding Officer of the Senate

Passed the House of Representatives the 24th day of May, 2002.

_____
Presiding Officer of the House
of Representatives