

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1515

By: Leftwich of the Senate

and

6 Wesselhoft of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to professions and occupations;
11 amending 59 O.S. 2001, Section 1000.4, as last
12 amended by Section 1, Chapter 163, O.S.L. 2004 (59
13 O.S. Supp. 2007, Section 1000.4), which relates to
14 powers and duties of the Construction Industries
15 Board; adding duty; requiring certain person to
16 provide to awarding public agencies certain verified
17 citations against certain persons; providing for
18 codification; and providing an effective date.

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

20 SECTION 1. AMENDATORY 59 O.S. 2001, Section 1000.4, as
21 last amended by Section 1, Chapter 163, O.S.L. 2004 (59 O.S. Supp.
22 2007, Section 1000.4), is amended to read as follows:

23 Section 1000.4 A. 1. Beginning September 1, 2001, pursuant to
24 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

1 regulate the plumbing, electrical and mechanical trades, and
2 building and construction inspectors. Rules authorized under this
3 section shall not become effective prior to January 1, 2002.

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

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12 amended or repealed by rules promulgated by the Construction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

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20 unless rescinded by the Construction Industries Board.

21 B. The Board shall have the following powers:

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

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

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

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

15 5. Maintain an administrative staff including, but not limited
16 to, a Construction Industries Administrator whose appointment shall
17 be made as provided in Section 1000.6 of this title;

18 6. Establish and levy administrative fines against any person
19 or entity denying the Board or its representatives access to a job
20 site for purposes of enforcing any of the provisions of the Plumbing
21 License Law of 1955, the Oklahoma Inspectors Act, the Electrical
22 License Act, and the Mechanical Licensing Act; ~~and~~

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

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

4 8. Establish and maintain a list of verified citations against
5 any contractors in the trades and industries regulated by the Board.
6 Such list shall contain verified citations against each contractor
7 made within the last five (5) years. The list shall be provided
8 monthly to the State Construction Administrator of the Construction
9 and Properties Division of the Department of Central Services.

10 C. After July 1, 2004, the Board shall account for all receipts
11 and expenditures of the monies of the Board, including annually
12 preparing and publishing a statement of receipts and expenditures of
13 the Board for each fiscal year. The Board's annual statement of
14 receipts and expenditures shall be audited by the State Auditor and
15 Inspector or an independent accounting firm, and the audit report
16 shall be certified to the Governor of this state to be true and
17 correct, under oath, by the chair and vice-chair of the Board.

18 D. Effective January 1, 2002, all powers, duties,
19 responsibilities, employees, records, and equipment of the State
20 Board of Health, the State Department of Health, and the State
21 Commissioner of Health relating exclusively to the regulation of the
22 plumbing, electrical and mechanical trades, and building and
23 construction inspectors shall be placed under the authority of the
24 Construction Industries Board. To the extent practicable, this

1 shall include all computer hardware and software used in regulating
2 industries listed in this section. Until July 1, 2004, the State
3 Department of Health shall provide all necessary administrative
4 support, including, but not limited to, office space, equipment,
5 furnishings, and legal staff support for the Board and may manage
6 the Board's funds, subject to Board approval. The Construction
7 Industries Board may contract for additional legal and
8 administrative services as necessary, pursuant to the Central
9 Purchasing Act. Employees shall be under the direction of the
10 Construction Industries Administrator and the Construction
11 Industries Board.

12 E. The Construction Industries Board and the State Board of
13 Health may enter into an agreement for the transfer of personnel
14 into the unclassified service under the direction of the
15 Construction Industries Board effective January 1, 2002. No
16 employee shall be transferred into the unclassified service under
17 the direction of the Construction Industries Board except on the
18 freely given written consent of the employee. All classified
19 employees under the Merit System of Personnel Administration who are
20 not transferred into the unclassified service as provided shall
21 retain the status in the class occupied by the employee on July 1,
22 2001, as allocated by the Office of Personnel Management. The
23 salary of such an employee shall not be reduced as a result of such
24 position allocation. Employees who are transferred as provided

1 shall not be required to accept a lesser grade or salary than that
2 in effect on July 1, 2001. All employees shall retain leave, sick
3 and annual time earned, and any retirement and longevity benefits
4 which have accrued during their tenure in the classified service.
5 The transfer of personnel shall be coordinated with the Office of
6 Personnel Management.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 110.1 of Title 61, unless there
9 is created a duplication in numbering, reads as follows:

10 Pursuant to Section 1000.4 of Title 59 of the Oklahoma Statutes,
11 the Administrator of the Construction and Properties Division of the
12 Department of Central Services shall provide to the awarding public
13 agency any verified citations against any contractors in the trades
14 and industries regulated by the Construction Industries Board who
15 have bid on the project.

16 SECTION 3. This act shall become effective November 1, 2008.

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