

THE HOUSE OF REPRESENTATIVES
Tuesday, April 8, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 1515

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1515 - By:
LEFTWICH of the Senate and WESSELHOFT of the House.

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

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

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

4 Section 1000.4 A. 1. Beginning September 1, 2001, pursuant to and in compliance
5 with Article I of the Administrative Procedures Act, the Construction Industries Board
6 shall have the power to adopt, amend, repeal, and promulgate rules as may be necessary
7 to regulate the plumbing, electrical and mechanical trades, and building and
8 construction inspectors. Rules authorized under this section shall not become effective
9 prior to January 1, 2002.

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

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8 amended or repealed by rules promulgated by the Construction Industries Board.

9 4. Any order made or action taken prior to January 1, 2002, by the State Board of
10 Health, the State Department of Health, or the State Commissioner of Health pursuant
11 to the provisions of, or rules promulgated pursuant to, The Plumbing License Law of
12 1955, the Oklahoma Inspectors Act, the Electrical License Act, or the Mechanical
13 Licensing Act shall be considered valid and in effect unless rescinded by the Construction
14 Industries Board.

15 B. The Board shall have the following powers:

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

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

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

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

8 5. Maintain an administrative staff including, but not limited to, a Construction
9 Industries Administrator whose appointment shall be made as provided in Section
10 1000.6 of this title;

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

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

19 8. Establish and maintain a list of verified citations against any contractors in the
20 trades and industries regulated by the Board. Such list shall contain verified citations
21 against each contractor made within the last five (5) years. The list shall be provided

1 monthly to the State Construction Administrator of the Construction and Properties
2 Division of the Department of Central Services.

3 C. After July 1, 2004, the Board shall account for all receipts and expenditures of
4 the monies of the Board, including annually preparing and publishing a statement of
5 receipts and expenditures of the Board for each fiscal year. The Board's annual
6 statement of receipts and expenditures shall be audited by the State Auditor and
7 Inspector or an independent accounting firm, and the audit report shall be certified to
8 the Governor of this state to be true and correct, under oath, by the chair and vice-chair
9 of the Board.

10 D. Effective January 1, 2002, all powers, duties, responsibilities, employees,
11 records, and equipment of the State Board of Health, the State Department of Health,
12 and the State Commissioner of Health relating exclusively to the regulation of the
13 plumbing, electrical and mechanical trades, and building and construction inspectors
14 shall be placed under the authority of the Construction Industries Board. To the extent
15 practicable, this shall include all computer hardware and software used in regulating
16 industries listed in this section. Until July 1, 2004, the State Department of Health shall
17 provide all necessary administrative support, including, but not limited to, office space,
18 equipment, furnishings, and legal staff support for the Board and may manage the
19 Board's funds, subject to Board approval. The Construction Industries Board may
20 contract for additional legal and administrative services as necessary, pursuant to the
21 Central Purchasing Act. Employees shall be under the direction of the Construction
22 Industries Administrator and the Construction Industries Board.

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

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

18 Pursuant to Section 1000.4 of Title 59 of the Oklahoma Statutes, the Administrator
19 of the Construction and Properties Division of the Department of Central Services shall
20 provide to the awarding public agency any verified citations against any contractors in
21 the trades and industries regulated by the Construction Industries Board who have bid
22 on the project.

1 SECTION 3. This act shall become effective November 1, 2008.
2 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
3 FINANCIAL SERVICES, dated 04-07-08 - DO PASS, As Amended.