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THE STATE SENATE
Tuesday, February 19, 2008

Senate Bill No. 1515
As Amended

SENATE BILL NO. 1515 - By: LEFTWICH of the Senate and WESSELHOFT of the House.

[professions and occupations - Construction Industries Board - codification - effective date]

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

SECTION 1. AMENDATORY 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), 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.

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5 amended or repealed by rules promulgated by the Construction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

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13 unless rescinded by the Construction Industries Board.

14 B. The Board shall have the following powers:

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

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

22 3. Order or subpoena the attendance of witnesses, the
23 inspection of records and premises, and the production of relevant

1 books and papers for the investigation of matters that may come
2 before the Board;

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

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

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

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

21 8. Establish and maintain a list of **verified citations** against
22 any contractors in the trades and industries regulated by the Board.
23 Such list shall contain **verified citations** against each contractor

1 made within the last five years. The list shall be provided monthly
2 to the State Construction Administrator of the Construction and
3 Properties Division of the Department of Central Services.

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

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

1 the Board's funds, subject to Board approval. The Construction
2 Industries Board may contract for additional legal and
3 administrative services as necessary, pursuant to the Central
4 Purchasing Act. Employees shall be under the direction of the
5 Construction Industries Administrator and the Construction
6 Industries Board.

7 E. The Construction Industries Board and the State Board of
8 Health may enter into an agreement for the transfer of personnel
9 into the unclassified service under the direction of the
10 Construction Industries Board effective January 1, 2002. No
11 employee shall be transferred into the unclassified service under
12 the direction of the Construction Industries Board except on the
13 freely given written consent of the employee. All classified
14 employees under the Merit System of Personnel Administration who are
15 not transferred into the unclassified service as provided shall
16 retain the status in the class occupied by the employee on July 1,
17 2001, as allocated by the Office of Personnel Management. The
18 salary of such an employee shall not be reduced as a result of such
19 position allocation. Employees who are transferred as provided
20 shall not be required to accept a lesser grade or salary than that
21 in effect on July 1, 2001. All employees shall retain leave, sick
22 and annual time earned, and any retirement and longevity benefits
23 which have accrued during their tenure in the classified service.

1 The transfer of personnel shall be coordinated with the Office of
2 Personnel Management.

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

6 Pursuant to Section 1000.4 of Title 59 of the Oklahoma Statutes,
7 the Administrator of the Construction and Properties Division of the
8 Department of Central Services shall provide to the awarding public
9 agency, any complaints against any contractors in the trades and
10 industries regulated by the Construction Industries Board who have
11 bid on the project.

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

13 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-11-08 -
14 DO PASS, As Amended and Coauthored.