

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 772

By: Jolley

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6 AS INTRODUCED

7 An Act relating to licensed professions; amending 74
8 O.S. 2001, Section 5003.3, which relates to mission
9 of the Department of Commerce; expanding mission;
10 creating the Office of Business and Professional
11 Oversight within the Department of Commerce;
12 providing for Sunset review; setting date for certain
13 transfer of personnel and authority; providing for
14 appointment of Under Secretary of Commerce by
15 Governor; requiring advice and consent of Senate;
16 providing authority to set salary; establishing
17 certain powers and duties for Under Secretary of
18 Commerce; authorizing hiring of personnel; making
19 hiring subject to budget and fiscal limitations;
20 transferring certain authority, powers and duties to
21 Office of Business and Professional Oversight;
22 setting specific law and entities to be transferred;
23 providing for transfer of funds, property, personnel,
24 obligations and memberships; authorizing assignment
of office space; requiring the Director of State
Finance to coordinate transfer of funds; providing
for codification; providing for noncodification;
providing an effective date; and declaring an
emergency.

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

23 SECTION 1. AMENDATORY 74 O.S. 2001, Section 5003.3, is
24 amended to read as follows:

1 Section 5003.3. The mission of the Oklahoma Department of
2 Commerce shall be to support firms', farms' and local communities'
3 growth, diversification, expansion and ability to compete in a
4 variety of business environments, including but not limited to
5 export markets, in order to create new and better jobs for
6 Oklahomans throughout the state.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 5009A of Title 74, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The Office of Business and Professional Oversight is hereby
11 created within the Department of Commerce to continue until July 1,
12 2015, in accordance with the provisions of the Oklahoma Sunset Law.
13 Beginning July 1, 2011, the Office of Business and Professional
14 Oversight shall oversee the transfer all authority, powers, duties,
15 responsibilities and personnel as provided in this act and shall
16 regulate, upon such transfer, the plumbing, electrical, mechanical,
17 engineering, landscaping, building inspectors, architects, interior
18 designers, boiler and pressure vessels, welders, alarms and
19 locksmiths, elevators, land surveyors, and roofer trades and
20 professions through the powers, duties and regulations set forth in
21 the respective licensing acts, statutory provisions, and rules
22 promulgated for such trades and professions.

23 B. The Under Secretary of Commerce for the Office of Business
24 and Professional Oversight shall be appointed by the Governor, with

1 the advice and consent of the Senate. The Under Secretary of
2 Commerce shall serve at the pleasure of the Governor who shall set
3 the salary of the Under Secretary of Commerce in accordance with the
4 salary range of commensurate positions established by the Office of
5 Personnel Management. The Under Secretary of Commerce position
6 shall be an unclassified and at-will employment. The Under
7 Secretary of Commerce shall have the power, duty and responsibility
8 to provide oversight and to supervise and administer the
9 construction industries and professions in accordance with the
10 statutory and rule authority for each trade or profession.

11 C. The Under Secretary of Commerce shall hire and set salaries
12 of personnel within the limitations of full-time-equivalence
13 positions authorized for personnel under the supervision and
14 authority of the Office of Business and Professional Oversight,
15 subject to budgetary and fiscal limitations, and state appropriated
16 funds, if any.

17 SECTION 3. NEW LAW A new section of law not to be
18 codified in the Oklahoma Statutes reads as follows:

19 A. There is hereby transferred to the Office of Business and
20 Professional Oversight within the Department of Commerce the
21 following:

22 1. From the State Department of Health: All authority, powers,
23 duties and responsibilities of the Alarm and Locksmith Industry Act,
24 Chapter 43 of Title 59 of the Oklahoma Statutes;

1 2. From the Department of Labor: All authority, powers, duties
2 and responsibilities of the Boiler and Pressure Vessel Safety Act,
3 Section 141.1 et seq. of Title 40 of the Oklahoma Statutes; the
4 Oklahoma Asbestos Control Act, Section 450 et seq. of Title 40 of
5 the Oklahoma Statutes; the Oklahoma Welding Act, Section 1624 et
6 seq. of Title 59 of the Oklahoma Statutes; and the Elevator Safety
7 Act, Chapter 56A of Title 59 of the Oklahoma Statutes;

8 3. All authority, powers, duties and responsibilities of the
9 State Architectural and Registered Interior Designers Act, Section
10 46.1 of Title 59 of the Oklahoma Statutes;

11 4. All authority, powers, duties and responsibilities of the
12 State Board of Registration for Professional Engineers and Land
13 Surveyors, as provided in Section 475.3 of Title 59 of the Oklahoma
14 Statutes;

15 5. All authority, powers, duties and responsibilities of the
16 Construction Industries Board Act, Chapter 26A of Title 59 of the
17 Oklahoma Statutes; and

18 6. From the Construction Industries Board: All authority,
19 powers, duties and responsibilities of the State Plumbing License
20 Law of 1955, Chapter 27 of Title 59 of the Oklahoma Statutes; the
21 Oklahoma Inspectors Act, Chapter 27A of Title 59 of the Oklahoma
22 Statutes; the Roofing Contractors Registration Act, Chapter 30 of
23 Title 59 of the Oklahoma Statutes; the Electrical License Act,
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1 Chapter 40A of title 59 of the Oklahoma Statutes; and the Mechanical
2 Licensing Act, Chapter 43A of Title 59 of the Oklahoma Statutes.

3 B. All unexpended funds, property, furnishings, equipment,
4 supplies, records, personnel, and outstanding financial obligations
5 and encumbrances relating to the designated transfer specified in
6 subsection A of this section are hereby transferred to the Office of
7 Business and Professional Oversight within the Department of
8 Commerce.

9 C. 1. All transferred personnel may retain their employment
10 position and status as unclassified or classified employees.

11 2. All transferred contract personnel and any written contracts
12 or agreements, or portions thereof, relating to any transferred
13 personnel or any right, obligation, responsibility, duty or
14 authority subject to the transfer specified in subsection A of this
15 section, shall remain in full force and effect upon transfer.

16 3. All board and commission members subject to the transfer
17 provided by the provisions of this act shall retain such selection,
18 appointment, assignment or membership term as provided by law,
19 except when the Board or Commission or any membership position
20 thereof is lawfully abolished or amended by law.

21 D. The Office of Business and Professional Oversight within the
22 Department of Commerce may rent office space, continue current
23 office space arrangements, or shall assign office space through the
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1 Department of Central Services pursuant to Section 94 of Title 74 of
2 the Oklahoma Statutes as may be necessary.

3 E. The Director of State Finance is hereby directed to
4 coordinate the transfer of funds, allotments, purchase orders, and
5 outstanding financial obligations, or encumbrances, provided for by
6 the provisions of this act.

7 SECTION 4. This act shall become effective July 1, 2011.

8 SECTION 5. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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