

1 Section 1000.2. A. The Construction Industries Board is hereby
2 created to continue until ~~July 1, 2013~~ July 1, 2016, in accordance
3 with the provisions of the Oklahoma Sunset Law. ~~Beginning January~~
4 ~~1, 2002, the~~ The Board shall regulate the plumbing, electrical and
5 mechanical trades, ~~and the~~ building and construction inspectors, and
6 the roofing contractors through the powers and duties set forth in
7 the Construction Industries Board Act and in the respective
8 licensing or registration acts for such trades, or as otherwise
9 provided by law.

10 B. 1. Beginning ~~July 1, 2008~~ July 1, 2013, the Board shall be
11 composed of seven (7) members appointed by the Governor with the
12 advice and consent of the Senate, as follows:

13 a. two members shall have at least ten (10) years'
14 experience in the plumbing trade, of which one shall
15 be a plumbing contractor and one shall be a journeyman
16 plumber,

17 b. two members shall have at least ten (10) years'
18 experience in the electrical trade, of which one shall
19 be an electrical contractor and one shall be a
20 journeyman electrician,

21 c. two members shall have at least ten (10) years'
22 experience in the mechanical trade, of which one shall
23 be a mechanical contractor and one shall be a
24 mechanical journeyman, and

1 d. one member shall have at least ten (10) years'
2 experience as a building and construction inspector
3 ~~and shall be from a list recommended by a statewide~~
4 ~~organization of municipal governments.~~

5 2. ~~Members~~ Beginning July 1, 2013, members shall be appointed
6 for staggered terms of ~~four (4)~~ two (2) years; ~~provided, of those,~~
7 as designated by the Governor. However, members ~~initially~~ appointed
8 and confirmed to the Board, ~~five members shall be appointed for two-~~
9 ~~year terms, beginning September 1, 2001, and four members shall be~~
10 ~~appointed for four-year terms, beginning September 1, 2001, as~~
11 ~~designated by the Governor~~ prior to July 1, 2013, may complete their
12 term of appointment. Members shall serve a lifetime maximum of four
13 two-year terms or eight (8) years which shall include any portion of
14 an unexpired term for which the member was appointed. Members shall
15 continue in office until a successor is appointed by the Governor.
16 No member appointed to a term prior to July 1, 2013, shall be
17 eligible for reappointment if the reappointment term would exceed
18 the lifetime maximum term. The Governor shall fill all vacancies
19 and unexpired terms in the same manner as the original appointment
20 of the member whose position is to be filled. ~~Such members~~ A member
21 may be removed by the Governor ~~for cause~~ at any time.

22 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1000.3, is
23 amended to read as follows:
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1 Section 1000.3. A. 1. The Construction Industries Board shall
2 organize ~~immediately after September 1, 2001, and annually~~
3 ~~thereafter~~ on September 1 each year, by electing from among its
4 members a chair and a vice-chair who shall each serve a one-year
5 term. The Board shall hold regularly scheduled meetings at least
6 once each quarter at a time and place determined by the Board and
7 may hold ~~such~~ special meetings, emergency meetings, or continued or
8 reconvened meetings as found by the Board to be necessary. A
9 majority of the members of the Board shall constitute a quorum for
10 the transaction of business.

11 2. The chair shall preside at meetings of the Board, set the
12 agenda, sign orders and other required documents, coordinate Board
13 activities, and perform such other duties as may be prescribed by
14 the Board or authorized by law.

15 3. The vice-chair shall perform the duties of the chair during
16 the absence or disability of the chair and shall perform such other
17 duties as may be prescribed by the Board or authorized by law.

18 4. The Construction Industries Administrator, ~~at the discretion~~
19 ~~of the Board~~ shall:

- 20 a. keep a record of all proceedings of the Board and
21 certify to actions of the Board,
22 b. oversee the receipt and deposit of all monies received
23 by the Board in the appropriate revolving funds,
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- 1 c. submit, at the first regular meeting of the Board
2 after the end of each fiscal year, a full itemized
3 report of the receipts and disbursements for the prior
4 fiscal year, showing the amount of funds on hand, and
5 d. perform such other duties as are prescribed in ~~this~~
6 act the Construction Industries Board Act or as may be
7 prescribed by the Board or required by law.

8 B. The Board shall act in accordance with the provisions of the
9 Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the
10 Administrative Procedures Act.

11 C. All members of the Board and such employees as determined by
12 the Board shall be bonded as required by Sections 85.26 through
13 85.31 of Title 74 of the Oklahoma Statutes.

14 D. The liability of any member or employee of the Board acting
15 within the scope of Board duties or employment shall be governed by
16 The Governmental Tort Claims Act.

17 E. Members of the Board shall serve without compensation but
18 shall be reimbursed for all actual and necessary expenses incurred
19 in the performance of their duties in accordance with the State
20 Travel Reimbursement Act.

21 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1000.4, as
22 amended by Section 272, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
23 2012, Section 1000.4), is amended to read as follows:
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1 Section 1000.4. A. 1. Pursuant to and in compliance with
2 Article I of the Administrative Procedures Act, the Construction
3 Industries Board shall have the power to adopt, amend, repeal, and
4 promulgate rules as may be necessary to regulate the plumbing,
5 electrical and mechanical trades, building and construction
6 inspectors and home inspectors. All rules promulgated by the Board
7 shall be reviewed and approved as provided in subsection F of
8 Section 308 of Title 75 of the Oklahoma Statutes.

9 2. The Board shall have the power to enforce the provisions of
10 the Construction Industries Board Act, The Plumbing License Law of
11 1955, the Oklahoma Inspectors Act, the Electrical License Act, the
12 Mechanical Licensing Act and, the Home Inspection Licensing Act, and
13 the Roofing Contractor Registration Act, as provided in the
14 respective acts.

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

21 ~~4. Any order made or action taken prior to January 1, 2002, by~~
22 ~~the State Board of Health, the State Department of Health, or the~~
23 ~~State Commissioner of Health pursuant to the provisions of, or rules~~
24 ~~promulgated pursuant to, The Plumbing License Law of 1955, the~~

1 ~~Oklahoma Inspectors Act, the Electrical License Act, the Mechanical~~
2 ~~Licensing Act or, any order made or action taken prior to November~~
3 ~~1, 2008, pursuant to the Home Inspection Licensing Act, shall be~~
4 ~~considered valid and in effect unless rescinded by the Construction~~
5 ~~Industries Board.~~

6 B. The Board shall have the following powers:

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

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

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

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

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

4 6. Establish and levy administrative fines for violations of
5 law or rule in the trades and industries the Board licenses or
6 regulates or against any person or entity denying the Board or its
7 representatives access to a job site for purposes of enforcing any
8 of the provisions of the Plumbing License Law of 1955, the Oklahoma
9 Inspectors Act, the Electrical License Act, and the Mechanical
10 Licensing Act, or the Roofing Contractor Registration Act;

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

16 8. Enforce provisions of the plumbing, electrical and
17 mechanical codes as adopted by the Oklahoma Uniform Building Code
18 Commission pursuant to the Oklahoma Uniform Building Code Commission
19 Act.

20 C. The Board shall account for all receipts and expenditures of
21 the monies of the Board, including annually preparing and publishing
22 a statement of receipts and expenditures of the Board for each
23 fiscal year. The Board's annual statement of receipts and
24 expenditures shall be audited by the State Auditor and Inspector or

1 an independent accounting firm in accordance with the provisions of
2 subsection B of Section 212 of Title 74 of the Oklahoma Statutes,
3 and the audit report shall be certified to the Governor of this
4 state to be true and correct, under oath, by the chair and vice-
5 chair of the Board. A copy of such certified report shall be
6 delivered to the chairs of the respective Senate and House of
7 Representatives Committees having authority over matters relating to
8 business, labor and construction industry licensing or regulation
9 not later than February 1 each year.

10 D. ~~All powers, duties, responsibilities, employees, records,~~
11 ~~and equipment of the State Board of Health, the State Department of~~
12 ~~Health, and the State Commissioner of Health relating exclusively to~~
13 ~~the regulation of the plumbing, electrical and mechanical trades,~~
14 ~~building and construction inspectors and home inspectors shall be~~
15 ~~placed under the authority of the Construction Industries Board. To~~
16 ~~the extent practicable, this shall include all computer hardware and~~
17 ~~software used in regulating industries listed in this section. The~~
18 ~~Construction Industries Board may contract for additional legal and~~
19 ~~administrative services as necessary, pursuant to the Oklahoma~~
20 ~~Central Purchasing Act. Employees shall be under the direction of~~
21 ~~the Construction Industries Administrator and the Construction~~
22 ~~Industries Board~~ The Board shall account for all fines, penalties
23 and fees assessed and collected pursuant to the Administrative
24 Procedures Act or any rule promulgated for regulation of any

1 industry and trade under the authority of the Construction
2 Industries Board. All fines, penalties and fees assessed for any
3 violation of law or rule shall be brought before the entire Board
4 for review not later than the last day of the monthly quarter in
5 which it was imposed. The Construction Industries Administrator
6 shall present to the Board a written recommendation on each case in
7 which an assessment of a fine, penalty or fee is brought before the
8 Board for review.

9 E. ~~The Construction Industries Board and the State Board of~~
10 ~~Health may enter into an agreement for the transfer of personnel~~
11 ~~into the unclassified service under the direction of the~~
12 ~~Construction Industries Board effective January 1, 2002, and for~~
13 ~~personnel exclusively related to the regulation of home inspectors,~~
14 ~~effective November 1, 2008. No employee shall be transferred into~~
15 ~~the unclassified service under the direction of the Construction~~
16 ~~Industries Board except on the freely given written consent of the~~
17 ~~employee. All classified employees under the Merit System of~~
18 ~~Personnel Administration who are not transferred into the~~
19 ~~unclassified service as provided shall retain the status in the~~
20 ~~class occupied by the employee on July 1, 2001, and for personnel~~
21 ~~exclusively related to the regulation of home inspectors, occupied~~
22 ~~by the employee on November 1, 2008, as allocated by the Office of~~
23 ~~Management and Enterprise Services. The salary of such an employee~~
24 ~~shall not be reduced as a result of such position allocation.~~

1 ~~Employees who are transferred as provided shall not be required to~~
2 ~~accept a lesser grade or salary than that in effect on July 1, 2001,~~
3 ~~and for personnel exclusively related to the regulation of home~~
4 ~~inspectors, than that in effect on November 1, 2008. All employees~~
5 ~~shall retain leave, sick and annual time earned, and any retirement~~
6 ~~and longevity benefits which have accrued during their tenure in the~~
7 ~~classified service. The transfer of personnel shall be coordinated~~
8 ~~with the Office of Management and Enterprise Services shall hear all~~
9 ~~appeals timely made from an administrative ruling relating to an~~
10 ~~industry and trade regulated by the Board; however, this appeal~~
11 ~~authority shall not be in addition to the appeal process authorized~~
12 ~~under the Administrative Procedures Act. Any ruling by the Board~~
13 ~~from an administrative hearing may be further appealed to the~~
14 ~~district court of Oklahoma County. The district court, upon~~
15 ~~conclusion of an appeal from a Board ruling, shall be authorized to~~
16 ~~award reasonable legal fees to the prevailing party.~~

17 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1000.5, is
18 amended to read as follows:

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

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

10 2. The Board shall charge fees only within the following
11 ranges, except as may be otherwise specified in this section or
12 another provision of law.

13	For application for license	not to exceed \$30.00
14	For administration of license	
15	examinations:	not to exceed \$200.00
16	For license or permit issuance:	not to exceed \$300.00
17	For license or permit renewal:	not to exceed \$200.00
18	For formal project review for	
19	code conformance:	not to exceed \$200.00
20	For permit issuance for the use	
21	of alternative materials or	
22	methods:	not to exceed \$50.00
23	For dishonored checks:	not to exceed amount
24		pursuant to the provisions

1 of Section 1121 of Title
2 47 of the Oklahoma
3 Statutes.

4 B. The Board shall base its schedule of fees upon the
5 reasonable costs of review and inspection services rendered in
6 connection with each license, permit, or review, but shall be within
7 the ranges specified in paragraph 2 of subsection A of this section,
8 except as otherwise specified in this section or provided by law.

9 The Board shall establish a system of training for all personnel who
10 render review and inspection services in order to assure uniform
11 statewide application of rules. The Board shall include the
12 reasonable costs associated with such training in the fees provided
13 for in this section.

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

18 D. ~~All statutory fees now in effect for the issuance and~~
19 ~~renewal of any license, permit, or review under the authority of the~~
20 ~~Construction Industries Board shall remain in effect until such time~~
21 ~~as the Board, by its rulemaking authority, acts to implement new fee~~
22 ~~schedules pursuant to the provisions of this section~~ fee changes
23 adopted by the Board shall be reviewed and approved as provided in
24 subsection F of Section 308 of Title 75 of the Oklahoma Statutes.

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

3 F. When, at the time of application or renewal of any license
4 or registration, payment is made by check for fees and the check is
5 not paid by the bank on which drawn for any reason, such license or
6 registration issued at that time shall be invalid. In all such
7 cases, the license or registration shall be subject to the license
8 or registration fees and penalties provided in subsection A of this
9 section and treated as though no attempt to apply for or renew a
10 license or registration had been made. The Board may charge and
11 collect from the licensee, registrant or other obligor of fees or
12 fines, a fee for each return by a bank or other depository
13 institution of a dishonored check, negotiable order of withdrawal or
14 share draft issued by the licensee, registrant or other obligor.

15 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1000.5a, is
16 amended to read as follows:

17 Section 1000.5a. A. By Except as otherwise provided by law, by
18 way of reciprocity and without examination, an application for any
19 license issued by any committee or board under the authority of the
20 Construction Industries Board to engage in any work or trade in this
21 state subject to the Board's regulatory authority may be made to the
22 Board in writing on a form and in a manner prescribed by the Board.
23 The application shall be accompanied by a fee pursuant to Section
24 1000.5 of ~~Title 59 of the Oklahoma Statutes~~ this title, which shall

1 not be refundable under any circumstances. If the application is
2 disapproved by the Board, it shall be returned to the applicant with
3 the reason for its disapproval stated thereon.

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

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

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

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

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

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

7 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1000.5b, is
8 amended to read as follows:

9 Section 1000.5b. A. The Construction Industries Board shall
10 offer examinations for temporary journeyman plumber, temporary
11 journeyman electrician, and temporary mechanical journeyman at least
12 once every thirty (30) days following a declaration by the Governor
13 of this state of a state of emergency in response to a disaster
14 involving the destruction of dwelling units and shall continue do so
15 for at least six (6) months following the declaration.

16 B. The temporary journeyman examinations shall be neither less
17 stringent nor more stringent than examinations for regular
18 journeyman licenses in this state.

19 C. No applicant for any temporary journeyman license shall be
20 allowed more than one opportunity to take the temporary journeyman
21 examination.

22 D. No temporary journeyman license shall be extended or
23 renewed. Upon expiration of the temporary journeyman license, the
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1 license holder shall be ineligible to work as a journeyman in this
2 state unless qualified under other provisions of law.

3 E. The temporary license shall be distinguishable from the
4 regularly issued license.

5 F. The Construction Industries Board shall not issue a
6 temporary license until the person demonstrates compliance with the
7 requirements of Section 1701 et seq. of Title 68 of the Oklahoma
8 Statutes.

9 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1000.9, is
10 amended to read as follows:

11 Section 1000.9. A. In addition to any other remedies provided
12 for by law, the Construction Industries Board, ~~pursuant to rules~~
13 ~~promulgated by the Board,~~ may issue a written order to any person or
14 entity whom the Board has reason to believe is ~~presently~~ in
15 violation of, or has violated, any law which the Board has authority
16 to enforce or the standards or rules promulgated by the Construction
17 Industries Board, and to whom the Board has served, no less than
18 fifteen (15) days previously, a written notice of violation ~~of such~~
19 ~~standards or rules.~~ The fifteen-day notice period may be reduced
20 as, in the opinion of the Board, may be necessary to render the
21 order reasonably effectual.

22 B. The written order may require immediate compliance with ~~such~~
23 the law or the standards or rules immediately promulgated by the
24 Board, or within a specified time period, or both. The order may

1 also assess an administrative fine for each day or part of a day
2 that such person fails to comply with the order.

3 C. Any order issued pursuant to this section shall state with
4 specificity the nature of the violation. Any penalty assessed in
5 the order shall not exceed One Thousand Dollars (\$1,000.00) per day
6 of noncompliance with the order. In assessing such a penalty, the
7 Board shall consider the seriousness of the violation and any
8 efforts to comply with applicable requirements.

9 D. Any order issued pursuant to the provisions of this section
10 shall become a final order unless, no later than fifteen (15) days
11 after the order is served, the person or persons named therein
12 request an administrative hearing. Upon such request, the Board
13 shall promptly conduct a hearing. The Board ~~shall~~ may dismiss such
14 proceedings when compliance with the order is demonstrated and all
15 assessed fines, whether negotiated or not, are paid. A final order
16 following a hearing ~~may~~ determining a violation occurred shall
17 assess an administrative fine based upon consideration of the
18 evidence, ~~but not exceeding the amount stated in the written order~~
19 ~~provided for in subsections A through C of this section~~ and as
20 allowed by law or rule.

21 E. Such orders and hearings are subject to the Administrative
22 Procedures Act.

23 SECTION 9. This act shall become effective July 1, 2013.

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

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6 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND FINANCIAL
7 SERVICES, dated 03/28/2013 - DO PASS, As Amended.
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