HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

ENGROSSED SENATE
BILL NO. 658

By: Justice and Pittman of the Senate

and

Moore of the House

An Act relating to asbestos control; amending 40 O.S. 2011, Section 453; which relates to powers and duties of the Commissioner of Labor regarding asbestos; delegating powers and duties to the Commissioner of Labor; repealing 40 O.S. 2011, Section 457; which relate to the powers and duties of the Commissioner of Health regarding asbestos; and declaring an emergency.

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

SECTION 1. AMENDATORY 40 O.S. 2011, Section 453, is amended to read as follows:

Section 453. A. The Commissioner of Labor shall have the power and duty to:

1. Develop and promulgate rules for the abatement of friable asbestos materials which shall be consistent with general industry standards;

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

2. Instruct and examine contractors, employees and supervisors on the safe abatement of friable asbestos materials;

3. Hire sufficient personnel to carry out the provisions of this act consistent with funds allocated and full-time-equivalent employees authorized;

4. Inspect all asbestos abatement projects, to issue, modify and revoke orders; to issue cease and desist orders; and to require mandamus and seek injunctive relief for enforcement of orders;

5. Inspect public buildings for the presence of friable asbestos materials;

6. Collect samples to determine the presence and condition of friable asbestos materials in public buildings;

7. Recommend appropriate abatement measures for friable asbestos materials in public buildings;

8. Make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under the Oklahoma Asbestos Control Act including, but not limited to, contracts with the United States, other states, agencies, and political subdivisions of this state;

9. Accept grants from the United States government, its agencies and instrumentalities, and any other source. To these ends, the Department shall have the power to comply with such conditions and execute such agreements as may be necessary and desirable;

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10. Supervise, administer, and enforce the provisions of the Oklahoma Asbestos Control Act rules promulgated thereunder;

11. Hold hearings;

12. Institute legal proceedings, including suits for injunctions for the enforcement of his orders, rules, and for the enforcement of penalties;

13. Investigate any violations of the Oklahoma Asbestos Control Act; ~~and~~

14. Exercise all incidental powers which are necessary to carry out the provisions of the Oklahoma Asbestos Control Act; and

15. To perform such other duties as the Commissioner of Labor may determine are essential to the protection of health from hazards posed by friable asbestos materials.

B. The violations of any rule shall be grounds for the Commissioner to evoke any penalties set forth in Section 456 of this title.

C. The Commissioner of Labor shall be the primary authority regarding the regulation of asbestos abatement in the State of Oklahoma at the abatement site through the completion of the on-site abatement.

SECTION 2. REPEALER 40 O.S. 2011, Section 457, is hereby repealed.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

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declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, LABOR, AND RETIREMENT LAWS, dated 04/08/2015 - DO PASS.

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