

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR ENGROSSED

HOUSE BILL NO. 1280

By: Wallace of the House

and

Leewright of the Senate

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; providing for powers of the Construction Industries Board; requiring contracts be approved by Board pursuant to the Oklahoma Open Meeting Act; providing for use of certain funds; creating the Skilled Trade Education and Workforce Development Fund; providing for transfer of funds; prohibiting transfer of funds for certain period of time; providing for expenditures of fund; amending 59 O.S. 2011, Sections 1018, as last amended by Section 274, Chapter 304, O.S.L. 2012, 1151.20, as last amended by Section 278, Chapter 304, O.S.L. 2012, 1694, as last amended by Section 281, Chapter 304, O.S.L. 2012, and 1850.13, as last amended by Section 286, Chapter 304, O.S.L. 2012 (59 O.S. Supp. 2017, Sections 1018, 1151.20, 1694 and 1850.13), which relate to the Plumbing Licensing Revolving Fund, the Roofing Contractor Registration Revolving Fund, the Electrical Revolving Fund, and the Oklahoma Mechanical Licensing Revolving Fund; providing for transfer of certain funds to the Skilled Trade Education and Workforce Development Fund for certain purposes; providing for codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1000.4a of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

4 A. The Construction Industries Board shall have the additional
5 powers to:

6 1. Receive and convey information relating to the skilled
7 trades regulated by the Construction Industries Board; and

8 2. Enter into contracts with the Oklahoma Department of Career
9 and Technology Education for any accredited vocational or technical
10 school or system of education institution in the State of Oklahoma
11 receiving state appropriations and offering programs in secondary
12 and postsecondary instruction that provide electrical, mechanical,
13 plumbing or roofing trade coursework for any of the following
14 purposes, or combination thereof:

15 a. developing and implementing instructional courses on
16 Oklahoma statutes and rules that govern the
17 electrical, mechanical, plumbing and roofing trades,
18 which courses can be in conjunction with instruction
19 in performing trade work or instruction on statewide-
20 adopted trade codes, or both, for the advancement of
21 the electrical, mechanical, plumbing and roofing
22 trades, or

23 b. developing and implementing a workforce development
24 program that will create interest in the pursuit of a

1 skilled trade career. The workforce development
2 program may consist of, but is not limited to, use of
3 the Internet, community and school presentations, and
4 research and instruction on the electrical,
5 mechanical, plumbing and roofing trades.

6 B. All contracts with the Oklahoma Department of Career and
7 Technology Education pursuant to this section shall be approved by
8 the Construction Industries Board in accordance with the Oklahoma
9 Open Meeting Act. Costs of the contracts with the Oklahoma
10 Department of Career and Technology Education for education and
11 workforce development programs shall be paid from the Skilled Trade
12 Education and Workforce Development Fund established herein and
13 funded by administrative fines or penalties as described in this
14 section.

15 C. Fines or penalties collected by the Board and deposited in
16 the Oklahoma Mechanical Licensing Revolving Fund, the Electrical
17 Revolving Fund, the Plumbing Licensing Revolving Fund and the
18 Roofing Contractor Registration Revolving Fund may be transferred to
19 the Skilled Trade Education and Workforce Development Fund created
20 in subsection E of this section for the following purposes:

21 1. To develop instructional materials on Oklahoma laws,
22 statutes and rules, as they relate to the plumbing, mechanical,
23 electrical and roofing trades and state licensing standards;
24

1 2. To cover the cost of equipment, materials, personnel and any
2 other costs of developing and implementing the trade curriculum; and

3 3. To cover the cost of equipment, materials, personnel and any
4 other costs of developing and implementing the workforce development
5 program used to promote the plumbing, mechanical, electrical and
6 roofing trades as a career in Oklahoma.

7 D. The Skilled Trade Education and Workforce Development Fund
8 monies shall be used only for the advancement of trade-related
9 education and workforce development, and only if available based
10 upon statutory limitations.

11 E. 1. There is hereby created in the State Treasury a
12 revolving fund for the Construction Industries Board to be
13 designated the "Skilled Trade Education and Workforce Development
14 Fund". The fund shall be a continuing fund, not subject to fiscal
15 year limitations. The fund shall consist of an annual transfer of
16 fully adjudicated fine revenue received in the Oklahoma Mechanical
17 Licensing Revolving Fund, Electrical Revolving Fund, Plumbing
18 Licensing Revolving Fund or Roofing Contractor Registration
19 Revolving Fund as determined pursuant to this section. Funds may be
20 transferred only from the prior fiscal year.

21 2. If actual receipts, not including fine receipts, exceed
22 actual expenses and outstanding encumbrances, then one hundred
23 percent (100%) of all fully adjudicated fine revenue received shall
24 be transferred from each specific trade revolving fund: the

1 Oklahoma Mechanical Licensing Revolving Fund, Electrical Revolving
2 Fund, Plumbing Licensing Revolving Fund or Roofing Contractor
3 Registration Revolving Fund.

4 3. If at any time the receipts in the Oklahoma Mechanical
5 Licensing Revolving Fund, Electrical Revolving Fund, Plumbing
6 Licensing Revolving Fund or Roofing Contractor Registration
7 Revolving Fund, not including fine receipts, are less than actual
8 expenses and outstanding encumbrances, then the difference of fine
9 receipts over actual expenses and outstanding encumbrances, if any,
10 shall be transferred.

11 4. If at any time the annual receipts in the Oklahoma
12 Mechanical Licensing Revolving Fund, Electrical Revolving Fund,
13 Plumbing Licensing Revolving Fund or Roofing Contractor Registration
14 Revolving Fund, including fine receipts, are less than the actual
15 expenses and outstanding encumbrances, there shall be no transfer of
16 funds for that period.

17 5. All monies accruing to the credit of the Skilled Trade
18 Education and Workforce Development Fund may be budgeted and
19 expended by the Construction Industries Board for workforce
20 development as it relates to the skilled trades and to contract for
21 the services identified in Section 1000.4 of Title 59 of the
22 Oklahoma Statutes or this act. Expenditures from the fund shall be
23 made upon warrants issued by the State Treasurer against claims
24

1 filed as prescribed by law with the Director of the Office of
2 Management and Enterprise Services for approval and payment.

3 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1018, as
4 last amended by Section 274, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
5 2017, Section 1018), is amended to read as follows:

6 Section 1018. All fees, administrative fines or payments of any
7 type received by the Construction Industries Board under The
8 Plumbing License Law of 1955 shall be deposited in a revolving fund
9 to be designated as the "Plumbing Licensing Revolving Fund" and are
10 hereby appropriated and may be expended by the Construction
11 Industries Board for the purpose of implementing The Plumbing
12 License Law of 1955, and the fully adjudicated fine revenue received
13 into this fund may be transferred to the Skilled Trade Education and
14 Workforce Development Fund created in subsection E of Section 1 of
15 this act. The fund shall be a continuing fund, not subject to
16 fiscal year limitations. Expenditures from the fund shall be made
17 upon warrants issued by the State Treasurer against claims filed as
18 prescribed by law with the Director of the Office of Management and
19 Enterprise Services for approval and payment.

20 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1151.20, as
21 last amended by Section 278, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
22 2017, Section 1151.20), is amended to read as follows:

23 Section 1151.20. There is hereby created in the State Treasury
24 a revolving fund for the Construction Industries Board to be

1 designated the "Roofing Contractor Registration Revolving Fund".
2 The fund shall be a continuing fund, not subject to fiscal year
3 limitations, and shall consist of application and renewal fees, late
4 fees, administrative fees, reinstatement fees, and any other monies
5 collected pursuant to the Roofing Contractor Registration Act. All
6 monies accruing to the credit of the fund are hereby appropriated
7 and may be budgeted and expended by the Construction Industries
8 Board for implementation and administration of the Roofing
9 Contractor Registration Act, and the fully adjudicated fine revenue
10 received into this fund may be transferred to the Skilled Trade
11 Education and Workforce Development Fund created in subsection E of
12 Section 1 of this act. Expenditures from the fund shall be made
13 upon warrants issued by the State Treasurer against claims filed as
14 prescribed by law with the Director of the Office of Management and
15 Enterprise Services for approval and payment.

16 This fund shall be subject to and comply with the provisions of
17 Section 211 of Title 62 of the Oklahoma Statutes.

18 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1694, as
19 last amended by Section 281, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
20 2017, Section 1694), is amended to read as follows:

21 Section 1694. All monies received by the Construction
22 Industries Board under the Electrical License Act, including the
23 administrative fines authorized by Section 1695 of this title, shall
24 be deposited with the State Treasurer and credited to the

1 "Electrical Revolving Fund". The revolving fund shall be a
2 continuing fund not subject to fiscal year limitations and may be
3 budgeted and expended by the Construction Industries Board.
4 Expenditures from this fund shall be made pursuant to the purposes
5 of the Electrical License Act and shall include, but not be limited
6 to, payment of operating costs and the costs of programs designed to
7 promote public awareness of the electrical industry, and
8 expenditures for the preparation and printing of regulations,
9 bulletins or other documents and the furnishing of copies of such
10 documents to those persons engaged in the electrical industry or the
11 public, and the fully adjudicated fine revenue received into this
12 fund may be transferred to the Skilled Trade Education and Workforce
13 Development Fund created in subsection E of Section 1 of this act.
14 Expenditures from the fund shall be made upon warrants issued by the
15 State Treasurer against claims filed as prescribed by law with the
16 Director of the Office of Management and Enterprise Services for
17 approval and payment.

18 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1850.13, as
19 last amended by Section 286, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
20 2017, Section 1850.13), is amended to read as follows:

21 Section 1850.13. There is hereby created in the State Treasury
22 a revolving fund for the Construction Industries Board, to be
23 designated the "Oklahoma Mechanical Licensing Revolving Fund". The
24 fund shall be a continuing fund, not subject to fiscal year

1 limitations, and shall consist of all monies received by the Board
2 pursuant to the Mechanical Licensing Act, including administrative
3 fines authorized by Section 1850.11 of this title. All monies
4 accruing to the credit of said fund are hereby appropriated and may
5 be budgeted and expended by the Construction Industries Board for
6 the purpose of implementing the Mechanical Licensing Act, and the
7 fully adjudicated fine revenue received into this fund may be
8 transferred to the Skilled Trade Education and Workforce Development
9 Fund created in subsection E of Section 1 of this act. Expenditures
10 from said fund shall be made upon warrants issued by the State
11 Treasurer against claims filed as prescribed by law with the
12 Director of the Office of Management and Enterprise Services for
13 approval and payment.

14 SECTION 6. This act shall become effective November 1, 2018.

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