

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

HOUSE BILL 1280

By: Wallace of the House

5 and

6 Leewright of the Senate

7  
8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to professions and occupations;  
11 providing for powers of the Construction Industries  
12 Board; requiring contracts be approved by Board  
13 pursuant to the Oklahoma Open Meeting Act; providing  
14 for use of certain funds; creating the Skilled Trade  
15 Education and Workforce Development Fund; providing  
16 for transfer of funds; prohibiting transfer of funds  
17 for certain period of time; providing for  
18 expenditures of fund; amending 59 O.S. 2011, Sections  
19 1018, as last amended by Section 274, Chapter 304,  
20 O.S.L. 2012, 1151.20, as last amended by Section 278,  
21 Chapter 304, O.S.L. 2012, 1694, as last amended by  
22 Section 281, Chapter 304, O.S.L. 2012, and 1850.13,  
23 as last amended by Section 286, Chapter 304, O.S.L.  
24 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.

15  
16 56-2-3554 NP 7/17/2018 10:02:15 AM  
17  
18  
19  
20  
21  
22  
23  
24