

An Act

ENROLLED HOUSE
BILL NO. 1280

By: Wallace of the House

and

Leewright of the Senate

An Act relating to professions and occupations; providing for powers of the Construction Industries Board; granting additional powers and duties; requiring contracts be approved by Board pursuant to the Oklahoma Open Meeting Act; directing payment of certain costs from certain fund; providing for certain deposits into certain fund; providing for use of certain funds; creating the Skilled Trade Education and Workforce Development Fund; providing for transfer of funds; prohibiting transfer of funds under certain conditions; providing for expenditures of fund; amending 59 O.S. 2011, Sections 1018, as amended by Section 274, Chapter 304, O.S.L. 2012, 1151.20, as amended by Section 278, Chapter 304, O.S.L. 2012, 1694, as amended by Section 281, Chapter 304, O.S.L. 2012, and 1850.13, as 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.

SUBJECT: Professions and occupations

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

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

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

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

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

- a. developing and implementing instructional courses on Oklahoma statutes and rules that govern the electrical, mechanical, plumbing and roofing trades, which courses can be in conjunction with instruction in performing trade work or instruction on statewide-adopted trade codes, or both, for the advancement of the electrical, mechanical, plumbing and roofing trades, or
- b. developing and implementing a workforce development program that will create interest in the pursuit of a skilled trade career. The workforce development program may consist of, but is not limited to, use of the Internet, community and school presentations, and research and instruction on the electrical, mechanical, plumbing and roofing trades.

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

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

1. To develop instructional materials on Oklahoma laws, statutes and rules, as they relate to the plumbing, mechanical, electrical and roofing trades and state licensing standards;
2. To cover the cost of equipment, materials, personnel and any other costs of developing and implementing the trade curriculum; and
3. To cover the cost of equipment, materials, personnel and any other costs of developing and implementing the workforce development program used to promote the plumbing, mechanical, electrical and roofing trades as a career in Oklahoma.

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

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

2. If actual receipts, not including fine receipts, exceed actual expenses and outstanding encumbrances, then one hundred percent (100%) of all fully adjudicated fine revenue received shall be transferred from each specific trade revolving fund: the Oklahoma Mechanical Licensing Revolving Fund, Electrical Revolving Fund, Plumbing Licensing Revolving Fund or Roofing Contractor Registration Revolving Fund.

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

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

5. All monies accruing to the credit of the Skilled Trade Education and Workforce Development Fund may be budgeted and expended by the Construction Industries Board for workforce development as it relates to the skilled trades and to contract for the services identified in Section 1000.4 of Title 59 of the Oklahoma Statutes or this act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

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

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

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

Section 1151.20 There is hereby created in the State Treasury a revolving fund for the Construction Industries Board to be designated the "Roofing Contractor Registration Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of application and renewal fees, late fees, administrative fees, reinstatement fees, and any other monies collected pursuant to the Roofing Contractor Registration Act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Construction Industries Board for implementation and administration of the Roofing Contractor Registration Act, and the fully adjudicated fine revenue received into this fund may be transferred to the Skilled Trade Education and Workforce Development Fund created in subsection E of Section 1 of this act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

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

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

Section 1694. All monies received by the Construction Industries Board under the Electrical License Act, including the administrative fines authorized by Section 1695 of this title, shall be deposited with the State Treasurer and credited to the "Electrical Revolving Fund". The revolving fund shall be a continuing fund not subject to fiscal year limitations and may be budgeted and expended by the Construction Industries Board. Expenditures from this fund shall be made pursuant to the purposes of the Electrical License Act and shall include, but not be limited to, payment of operating costs and the costs of programs designed to promote public awareness of the electrical industry, and expenditures for the preparation and printing of regulations, bulletins or other documents and the furnishing of copies of such documents to those persons engaged in the electrical industry or the public, and the fully adjudicated fine revenue received into this fund may be transferred to the Skilled Trade Education and Workforce

Development Fund created in subsection E of Section 1 of this act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

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

Section 1850.13 There is hereby created in the State Treasury a revolving fund for the Construction Industries Board, to be designated the "Oklahoma Mechanical Licensing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board pursuant to the Mechanical Licensing Act, including administrative fines authorized by Section 1850.11 of this title. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Construction Industries Board for the purpose of implementing the Mechanical Licensing Act, and the fully adjudicated fine revenue received into this fund may be transferred to the Skilled Trade Education and Workforce Development Fund created in subsection E of Section 1 of this act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

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

Passed the House of Representatives the 1st day of May, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 19th day of April, 2018.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____