

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1174

By: David

6 AS INTRODUCED

7 An Act relating to labor; creating the Freedom to  
8 Work Act; providing short title; construing  
9 application of act; defining terms; limiting the  
10 authority of political subdivisions of this state to  
11 create new occupational fees or licensing  
12 requirements or to continue to regulate certain  
13 professions; requiring waiver of occupational fees  
14 and fees from licensing requirements for certain low-  
15 income individuals, military families and young  
16 workers; revoking procurement authority to all  
17 licensing authorities with respect to contracts for  
18 professional lobbyists or lobbying services;  
19 modifying ability of licensing authorities to deny  
20 approvals to those with criminal records; limiting  
21 the authority of political subdivisions of this state  
22 to create or enforce minimum wage laws that differ  
23 from this state's minimum wage laws; providing for  
24 apprenticeships; specifying requirements, procedures  
and limitations for certain provisions; providing for  
codification; and providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 800 of Title 40, unless there is  
22 created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Freedom To Work  
24 Act".

1       SECTION 2.       NEW LAW       A new section of law to be codified

2 in the Oklahoma Statutes as Section 800.1 of Title 40, unless there  
3 is created a duplication in numbering, reads as follows:

4       A. Notwithstanding any other provisions of law or rule, the  
5 provisions of the Freedom to Work Act shall apply to all  
6 occupations, professions and businesses in this state, and the  
7 Freedom To Work Act shall be deemed and construed to govern each  
8 occupational licensing act existing in statute on November 1, 2018,  
9 or thereafter enacted.

10       B. For purposes of the Freedom To Work Act, terms are defined  
11 as follows:

12       1. "Apprenticeship" means a program that meets the federal  
13 guidelines set out in 29 CFR Part 29 and 29 USC §50;

14       2. "Criminal record" means any type of felony conviction or  
15 misdemeanor conviction;

16       3. "Employee" means any person who supplies a service for  
17 remuneration or pursuant to any contract for hire to a private or  
18 public employer in this state;

19       4. "Licensing" means any required training, education or fee to  
20 work in a specific profession;

21       5. "Licensing authority" means an agency, examining board,  
22 credentialing board or other office with the authority to impose  
23 occupational fees or licensing requirements on any profession;

1       6. "Lobbying" means the act of attempting to influence the  
2 actions, policies or decisions of legislators, members of regulatory  
3 agencies or government officials for any particular outcome, result  
4 or to benefit another;

5       7. "Lobbyist" means a person who contracts or is hired to  
6 organize or take part in an attempt to influence legislators or  
7 follow legislation through the legislative process for the benefit  
8 of another;

9       8. "Low-income individuals" means individuals who are enrolled  
10 in a state or federal public assistance program including, but not  
11 limited to, TANF, Medicaid or SNAP, or whose household adjusted  
12 gross income is below one hundred thirty percent (130%) of the  
13 federal poverty line, or a higher threshold to be set by the  
14 executive branch department that oversees business regulation;

15       9. "Military families" means active duty service members,  
16 honorably discharged veterans, spouses of active duty service  
17 members or honorably discharged veterans, and surviving spouses of  
18 deceased service members who have not remarried;

19       10. "Minimum wage laws" means any legislation or regulation  
20 that mandates a certain minimum hourly pay for employees;

21       11. "Occupational fee" means a fee or tax on professionals or  
22 businesses that is charged for the privilege of providing goods or  
23 services within a certain jurisdiction;

1        12. "Political subdivision" means a city, town, village, or  
2 county; and

3        13. "Young workers" means applicants who are between the ages  
4 of eighteen and twenty-five years.

5        C. Limitation on new occupational fees or licensing  
6 regulations.

7        1. Beginning on November 1, 2018, a political subdivision of  
8 this state shall not impose any occupational fees or licensing  
9 requirements on any profession if the political subdivision does not  
10 already impose occupational fees or licensing requirements on that  
11 profession. Notwithstanding the above, the political subdivision  
12 may continue to so regulate any profession or occupation that is  
13 subject to occupational fees or licensing requirements on or before  
14 November 1, 2018, if the occupational fees do not exceed Twenty-five  
15 Dollars (\$25.00) per year. If a profession is already subject to  
16 political subdivision occupational fees that exceed Twenty-five  
17 Dollars (\$25.00) per year, then the existing occupational fees  
18 imposed do not apply and the licensing authority shall immediately  
19 reduce occupational fees in accordance with the limits set by this  
20 act.

21        2. With regard to professions subject to licensing requirements  
22 imposed by a state licensing authority, a political subdivision of  
23 this state shall not impose any regulations on such professions that  
24

1 add additional licensing requirements to those already imposed by a  
2 state licensing authority.

3 3. Beginning on November 1, 2018, if a state licensing  
4 authority imposes any new licensing requirements on any profession  
5 that was previously unregulated by the state, and if the political  
6 subdivision regulates the profession when the state regulations take  
7 effect, the political subdivision may not continue to require  
8 occupational fees or licensing requirements for the profession on or  
9 after the date when the state regulations take effect.

10 D. Waiver of Licensing Fees for Low-Income Individuals and  
11 Military Families.

12 1. All state and political subdivision licensing authorities  
13 shall waive all initial occupational fees and fees from licensing  
14 requirements for low-income individuals. These initial fees shall  
15 also be waived for military families, and young workers.

16 2. Individuals seeking a waiver of initial occupational fees  
17 and fees from licensing requirements must apply to the appropriate  
18 licensing authority in a format prescribed by the licensing  
19 authority. The licensing authority shall process the application  
20 within 30 days of receiving it from the applicant.

21 3. The licensing authority shall adopt necessary rules for the  
22 implementation of this section.

23 E. Ban on hiring lobbyists.  
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1 Beginning on November 1, 2018, state or political subdivision  
2 licensing authorities must terminate all existing contracts with  
3 professional lobbyists and private entities that include a scope of  
4 work to provide lobbying services for a licensing authority. From  
5 November 1, 2018, no new lobbying services may be purchased using  
6 funds from procurement or the income from a licensing authority's  
7 activities.

8 F. Required revision of licensing restrictions that are based  
9 on criminal records.

10 1. All state and political subdivision licensing authorities  
11 shall revise their existing licensing requirements to explicitly  
12 list the specific criminal records that would disqualify an  
13 applicant from receiving a license. Licensing authorities shall not  
14 use non-specific terms including, but not limited to, "moral  
15 turpitude" and "good character" or consider arrests that are not  
16 followed by a valid conviction.

17 2. Licensing authorities may only list disqualifying criminal  
18 records that are specific and directly related to the duties and  
19 responsibilities for the licensed occupation.

20 3. If an individual has a valid criminal conviction for a crime  
21 that would disqualify the individual from receiving a license, the  
22 disqualification shall not last longer than five (5) years from the  
23 date of conviction provided the conviction is not for a crime that  
24 is violent or sexual in nature and the individual has not been

1 convicted of any other crime during the five-year disqualification  
2 period.

3 4. All licensing authorities shall meet the requirements listed  
4 in paragraphs 1, 2 and 3 of this subsection within one hundred  
5 twenty (120) days after November 1, 2018.

6 5. For state licensing authorities, the requirements listed in  
7 paragraphs 1, 2 and 3 of this subsection also apply to any new  
8 occupational licenses that are created after November 1, 2018.

9 Political subdivisions are prohibited from creating any new  
10 occupational licenses after November 1, 2018.

11 6. After the one-hundred-twenty-day period following the  
12 effective date of this act, an individual with a criminal record may  
13 petition a licensing authority at any time for a determination of  
14 whether the individual's criminal record will disqualify the  
15 individual from obtaining a license. This petition shall include  
16 details on the individual's criminal record. The licensing  
17 authority shall inform the individual of his or her standing within  
18 thirty (30) days of receiving the petition from the applicant. The  
19 board may charge a fee to recoup its costs not to exceed Twenty-five  
20 Dollars (\$25.00) for each petition.

21 7. The licensing authority shall adopt necessary rules for the  
22 implementation of this section.

23 G. Limitation on minimum wage laws from political subdivisions.  
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1        1. Beginning on November 1, 2018, all political subdivisions  
2 shall no longer enforce minimum wage laws that differ from this  
3 state's minimum wage laws. From November 1, 2018, no new minimum  
4 wage laws may be enacted by political subdivisions.

5        2. This state's current minimum wage laws remain in effect, and  
6 the minimum wage for political subdivisions will remain the same as  
7 this state's minimum wage.

8        H. Creation of new apprenticeships.

9        1. Beginning on November 1, 2018, the licensing authority for  
10 any relevant occupation must grant an apprentice license or  
11 registration to any applicant who meets the following criteria:

- 12            a. successfully completed the 8th grade,
- 13            b. completed an apprenticeship program or training  
14                approved by the Construction Industries Board, the  
15                state Department of Labor or federal Department of  
16                Labor, or otherwise permitted under state or federal  
17                law, and
- 18            c. passed an examination, if one is deemed to be  
19                necessary by the relevant occupation or by the  
20                licensing authority, or
- 21            d. completed an established term of apprenticeship set by  
22                the licensing authority under the direct on-the job  
23                supervision of a qualified state-licensed practitioner  
24                in the occupation sought for apprentice licensure or



1 registration, or completed the required number of  
2 training hours for apprenticeship licensure or  
3 registration at a state-licensed occupational school.

4 2. The relevant agency or department shall establish a passing  
5 score for apprentice examinations which shall not exceed the passing  
6 score that is required by the relevant licensing authority or  
7 statute. If the relevant licensing authority or statute does not  
8 require an apprentice examination, no examination can be required  
9 for applicants who complete an apprenticeship.

10 3. The apprenticeship shall not exceed the number of hours set  
11 by statute or rule for the occupation.

12 4. The relevant licensing authority and relevant agency or  
13 department shall adopt necessary rules for the implementation of  
14 this subsection.

15 SECTION 3. This act shall become effective November 1, 2018.

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