

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 1475

6 By: Pugh

7 COMMITTEE SUBSTITUTE

8 An Act relating to labor; creating the Occupational
9 Licensing Review Act; providing short title; making
10 act subject to the Oklahoma Sunset Law; creating the
11 Occupational Licensing Review Commission; providing
12 for membership appointment, terms, re-appointment,
13 vacancy, removal, and travel reimbursement;
14 designating chair; setting quorum; requiring records;
15 requiring compliance with Open Meeting Act and Open
16 Records Act; stating purpose of Commission and first
17 meeting; providing for review of new licenses within
18 certain time; requiring annual public meeting;
19 directing written report delivered to certain
20 persons; authorizing Commission to develop certain
21 forms for certain purpose; authorizing the Department
22 of Labor to promulgate certain rules; providing for
23 codification; and providing an effective date.

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

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

28 This act shall be known and may be cited as the "Occupational
29 Licensing Review 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 There is hereby created the Occupational Licensing Review
5 Commission to continue pursuant to the Oklahoma Sunset Law until
6 June 30, 2021.

7 The Commission shall consist of thirteen (13) members to be
8 appointed and serve as follows:

9 1. The Commissioner of Labor shall serve coterminous with his
10 or her office;

11 2. Two members shall be appointed by the Majority Leader of the
12 House of Representatives. Each member shall represent an occupation
13 or profession in the medical, nursing, pharmacy or dental field and
14 each shall serve an initial term of three (3) years;

15 3. One member shall be appointed by the Minority Leader of the
16 House of Representatives, who shall represent an occupation or
17 profession in the architectural or engineering field and who shall
18 serve an initial term of two (2) years;

19 4. Two members shall be appointed by the Majority Leader of the
20 Senate. Each member shall represent an occupation or profession in
21 the accounting, real estate or financial field and each shall serve
22 an initial term of three (3) years;

23 5. One member shall be appointed by the Minority Leader of the
24 Senate, who shall represent an occupation or profession in the

1 agricultural or veterinary field and who shall serve an initial term
2 of two (2) years;

3 6. The Chief Information Officer of the Office of Management
4 and Enterprise Services shall serve coterminous with his or her
5 position;

6 7. Three members shall be appointed by the Governor, who shall
7 represent an occupation or profession in the construction industry,
8 bail bondsmen, pawnbroker, security guard, alarm and locksmith or
9 funeral service field, and who shall each serve an initial term of
10 one year;

11 8. One member shall be appointed by the Commissioner of Public
12 Safety who shall represent a municipality or municipal law
13 enforcement agency with interests in the occupation or profession of
14 cosmetology, massage therapy, healing arts or pet breeders, and who
15 shall serve an initial term of two (2) years; and

16 9. One member shall be appointed by the Governor who shall
17 represent a not-for-profit organization that advocates for low-
18 income persons or advocates for persons entering, or re-entering,
19 the workforce such as youth, persons with a prior criminal
20 conviction, or other marginal or disadvantaged persons, and who
21 shall serve an initial term of one year.

22 During membership on the Commission, no appointed member shall
23 serve on any board, agency, committee or commission that regulates
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1 or governs the occupation or profession such member is appointed to
2 represent.

3 Members shall serve staggered three-year terms, except for the
4 initial term of office. Upon the expiration of a member's term of
5 office, such member may be reappointed. No member shall serve more
6 than two consecutive full three-year terms. Any member vacancy
7 shall be filled in the same manner by the appointing authority for
8 the unexpired term. A member may be removed by either the
9 appointing authority or a majority of the Commission members for
10 failure to attend meetings or for cause.

11 The Commissioner of Labor, or his or her designee, shall chair
12 each meeting, which shall be subject to the Open Meeting Act and the
13 Open Records Act. The Department of Labor shall provide staff and
14 administrative support to the Commission.

15 Members of the Commission shall receive travel reimbursements
16 from the Department of Labor pursuant to the State Travel
17 Reimbursement Act.

18 Seven members shall constitute a quorum for purposes of
19 conducting the business of the Commission. Meetings shall be called
20 by the chair and may be held by electronic media or in any location
21 deemed appropriate by the chair. Records shall be kept for each
22 meeting and such records shall be open to public inspection and
23 copying. The Commission may charge a reasonable copying or search
24 fee to the public for producing records of the Commission meetings.

1 The purpose of the Commission is to conduct a review of each
2 occupational or professional licensing act in this state, not less
3 than once every four (4) years. The first meeting of the Commission
4 shall be held before February 1, 2019, to develop a four-year
5 schedule showing when each licensing act will be reviewed. Any new
6 licensing act or new category of license enacted by the legislature
7 for regulation by an existing licensing board, agency or commission
8 shall be added to the four-year schedule and shall be initially
9 reviewed within ninety (90) days of enactment.

10 Annually the Commission shall hold at least one public meeting
11 to present its findings on any occupational or professional license
12 it has reviewed. At the public meeting, the Commission shall allow
13 public comments, make recommendations, and may vote whether to
14 recommend to the legislature that such license be maintained,
15 modified, or repealed. The results of any public meeting held for
16 the purpose of making legislative recommendations shall be provided
17 in a written report to the Governor, President Pro Tempore of the
18 Senate, and the Speaker of the House of Representatives prior to the
19 legislative deadline set for requesting legislation for the upcoming
20 legislative session. The report shall be made available on the
21 Department of Labor's website for public inspection. The Commission
22 may utilize, select and develop forms for the consistent standard
23 evaluation and review of occupational and professional licenses,
24 certifications, permits, registrations, endorsements, and any other

1 document which may be issued by a state regulatory authority, or
2 required by law or rule, before a person may lawfully engage in a
3 particular occupation, profession, trade or business.

4 The Commission may recommend rules and the Department of Labor
5 shall have authority to promulgate rules governing the
6 implementation, duties and responsibilities of the Commission as
7 provided in the Occupational Licensing Review Act.

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

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