

CONSTRUCTION INDUSTRIES BOARD MEETING MINUTES
March 9, 2011

BOARD MEMBERS PRESENT: Larry Butler; Larry Shea; Mike Burton; Robert Soder Mike Liston; Tommy O'Donnell.

ABSENT: Keith Miller.

OTHERS PRESENT: Tommy Thomas, Heather Conditt, OLCG; Tim Yaciuk, IEC; Nancy Pellow, Senate; Jimmy Fish, Oklahoma Building Trades; Greg Newby, eCapitol; Kenneth Whitson, 344 Training Center; Dana West, Riley Shaull, OSF; Pam Parks, Joanne Bohn, Dannette Yousey, Sherrie Ladd, CIB.

CALL TO ORDER:

Mike Burton, Chairman, called the special meeting of the Construction Industries Board to order at 1:30 p.m. in the Board Room at the Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, OK. 73107

STATEMENT OF COMPLIANCE

This regular meeting of the Construction Industries Board, scheduled to begin at 1:30 p.m. on this 9th day of March, 2011, has been convened in accordance with the Oklahoma Open Meeting Act, Title 25, Sections 301 through 314.

Further, this meeting was preceded by an advance public notice that was sent to the Secretary of State by Computer specifying the time and place of the meeting here convened.

Notice of this meeting was given at least twenty-four (24) hours prior hereto and 54 people have filed a written request for notice of meetings of this public body to date.

Read aloud this 9th day of March, 2011.

ADMINISTRATORS COMMENTS:

Mr. Powell reported that our space plan has been signed off by the mall management and is in the hands of the Department of Central services for their approval. My estimate now would be a June 1 move date.

We finally met with the new statewide licensing vendor on March 2 to begin the process of converting our system into the new system which will be referred to as AMANDA. We know just a bit more about the implementation phase. We can expect implementation to extend over a nine month period. This will require that we extend our contract with the existing vendor and manage the transition to the new vendor and conversion of our data.

As you know, we completed our strategic planning retreat on January 21st. I have attached a summary of the goals we developed at that meeting.

PRESENTATION by Nathan Powell: Ruth Triplitt

Mr. Nathan Powell introduced Ms. Ruth Triplitt. Mr. Powell reported the passing of a treasured investigator, Louis Triplitt in October of 2010. He was a very special member of our Mechanical field staff. He was one of those people who really enjoyed his job and really believed in the mission of the Oklahoma Construction Industries Board. He will be missed by all. The staff has prepared for Ruth some memories of his service here at the Construction Industries Board and to remind her of how much we appreciated his service to us.

Financial Report – Riley Shaull

Mr. Riley Shaull reported revenues outpaced the expenditures by \$89,000 this month. Through the month of February collection for the roofing program now totals \$58,050.00. We need to meet with the Budget committee and the Administrator and start the budget work program.

Legislative Report – Tommy Thomas

Mr. Thomas introduced Heather Conditt a new member of their team. She will be an asset to us and everyone she interacts with. He has seen works in place for sweeping changes in government. After the first three weeks of committee meetings they are now down to approximately 350 bills to consider. We are seeing all sorts of bills.

Mr. Tim Yaciuk reported on the apprenticeship bill. The first option the bill would change the apprentice ratio per county with each county to have a different ratio. The next option would be that CIB would be allowed to grant waivers. The last option would be a three to one ratio. Mr. Yaciuk managed to persuade them to do a study instead of presenting these options. The considerations should include what this would do to the trade and how it would affect the health and safety of the public.

Mr. Thomas reported on other bills. One specific bill discussed was SB772 by Senator Jolley. It creates the Office of Business and Professional Facilitation within the Department of Commerce. He read part of the bill and listed the many other professions it will affect. There is more transparency and accountability with smaller agencies. The service is better for the public.

DIVISION REPORTS:

Mechanical Report

Mr. Gary Kirk reported on the month of January and February on field contacts, citations, complaints, renewals, and applications received and new licenses processed. Mr. Liston would like a report at the next board meeting about PSI assistance or accommodations to the candidates. Mr. Soder wanted a breakdown of the citations.

Plumbing Report

Mr. Jim George reported on the month of January and February on field contacts, citations, complaints, renewals, and applications received and new licenses processed.

Electrical Report

Mr. Gary Williamson reported on the month of December, January, and February on field contacts, citations, complaints, renewals, and applications received and new licenses processed.

ACTION AND DISCUSSION ITEMS:

Approval of the January 24, 2011 board meeting minutes

MOTION BY MICHAEL LISTON WITH A SECOND BY ROBERT SODER TO APPROVE THE JANUARY 24, 2011 BOARD MEETING MINUTES AS WRITTEN.

Voting aye: Larry Butler
Tommy O'Donnell
Larry Shea
Robert Soder
Michael Liston
Mike Burton

Voting nay:

Absent: Keith Miller

Approval of the December 8, 2010 board meeting minutes

MOTION BY MICHAEL LISTON WITH A SECOND BY ROBERT SODER TO APPROVE THE DECEMBER 8, 2010 BOARD MEETING MINUTES AS WRITTEN.

Voting aye: Larry Butler
Tommy O'Donnell
Larry Shea
Robert Soder
Michael Liston
Mike Burton

Voting nay:

Absent: Keith Miller

Approval of the November 10, 2010 board meeting minutes

MOTION BY MICHAEL LISTON WITH A SECOND BY ROBERT SODER TO APPROVE THE NOVEMBER 10, 2010 BOARD MEETING MINUTES AS WRITTEN.

Voting aye: Larry Butler
Tommy O'Donnell
Larry Shea
Robert Soder
Michael Liston
Mike Burton

Voting nay:

Absent: Keith Miller

Reciprocity agreement between the State of Oklahoma and the State of Idaho in accordance with Oklahoma Statutes 59 O.S. Section 1685; CIB rulemaking section 158:40-7-5.

Mr. Rick Denny, Attorney for CIB indicated that he has reviewed this document and thought it was appropriate to approve with a minor change on the first page under AUTHORITY FOR RECIPROCITY under the State of Oklahoma – we need to add the statutory citation which is 59 O.S. section 1685.

Using the by-laws we discussed at previous meetings, this is exactly how I believe it is supposed to work. This is a short form agreement that references the standards in the by-laws and the agreement is adopting and incorporating those standards from the by-laws between two individual states and a very short summary agreement for reciprocity. He thought CIB should use this form and format for agreements with any other states.

MOTION BY LARRY SHEA WITH A SECOND BY LARRY BUTLER TO APPROVE THE RECIPROCITY AGREEMENT BETWEEN THE STATE OF OKLAHOMA AND THE STATE OF IDAHO WITH ADDITION OF STATUTORY LANGUAGE AND IN THIS FORMAT.

Voting aye: Larry Butler
Tommy O'Donnell
Larry Shea
Robert Soder
Michael Liston
Mike Burton

Voting nay:

Absent: Keith Miller

Open Records Request of the Oklahoma Department of Labor and the CIB response

Mr. Powell explained the open records request from the Department of Labor and the CIB responses to those documents. No Action was taken on this item.

RULEMAKING ACTION ITEMS:

Discussion with possible vote on permanent Rulemaking on TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 30. PLUMBING INDUSTRY REGULATIONS

Subchapter 3. Procedures of the Committee and Hearing Board

158:30-3-2 Procedures of the Hearing Board [AMENDED]

Summary: The purpose of 158:30-3-2 rule creates a designee to the Plumbing Hearing Board as authorized pursuant to 59 O.S. § 1010.

This Serves as Public Meeting Notice Pursuant to 75 O.S. § 303(c)

Chairman Mike Burton asked Jeanne Britt if there were any public comments. Ms. Britt replied, no sir. Chairman Burton asked for public comments. There were no public comments. Chairman Burton asked for Board Comments. There were no Board comments.

MOTION BY LARRY SHEA WITH A SECOND BY TOMMY O'DONNELL TO APPROVE THE PERMANENT RULEMAKING ON TITLE 158.CONSTRUCTION INDUSTRIES BOARD CHAPTER 30.

Voting aye: Larry Butler
Tommy O'Donnell
Larry Shea
Robert Soder
Michael Liston
Mike Burton

Voting nay:

Absent: Keith Miller

Discussion with possible vote on permanent Rulemaking on Rulemaking on TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS

Subchapter 1. General Provisions

158:50-1-2. Definitions. [AMENDED]

158:50-1-3. License requirement and exemptions [AMENDED]

158:50-1-4. Adopted references and standard of workmanship [AMENDED]

Subchapter 5. License Types, Limitations of Licenses, Contractor Special requirements and Display of License Number and Firm Name

158:50-5-1. License types [AMENDED]

158:50-5-2. Limitations of licenses [AMENDED]

Subchapter 9. Qualifications for Mechanical Licensure, License and Registration Fees, Duration of License, Mechanical License Application, and Apprentice Registration

158:50-9-1. Qualifications for mechanical licensure. [AMENDED]

158:50-9-2. License and registration fees and renewals. [AMENDED]

158:50-9-7. Continuing Education. [AMENDED]

Summary: The rules in 158:50-1-2 defines "Health care facility", "Medical gas piping work", "Medical gas journeyman", for purposes of regulatory compliance. "Mechanical work", "Process piping", "Refrigeration system", and "Variance" have been modified for regulatory clarification. 158:50-1-3(c), (d), (e), (f) and (g) provide uniformity between the Mechanical Licensing Act and the Mechanical Industry Regulations and establish the requirements for the installation, replacement, modification, or repair of mechanical systems. 158:50-1-4 acknowledges approved code documents by the Oklahoma Uniform Building Code Commission as the minimum standard for mechanical work in Oklahoma. 158:50-5-1(b)(9) creates the mechanical license category and license type for medical gas journeyman. 158: 50-5-2(b)(10) clarifies the authorized activities and limitations of a medical gas journeyman licensee. 158:50-9-1(b)(1)(A)(B)(C) and (D) and 158:50-9-1(b)(2) set forth the qualification requirements for persons applying for a license and require

proof of the minimum number of hours of verifiable experience and education necessary to receive a license. 158:50-9-1(c) sets requirements for certification by examination for the Medical Gas license category. 158:50-9-2 is clean up language which corrects a misspellings and typographical errors. 158: 50-9-7(l) and (m) eliminate continuing education requirements for ground source piping category licensees and medical gas category licensees.

This Serves as Public Meeting Notice Pursuant to 75 O.S. § 303(c)

Chairman Mike Burton asked Jeanne Britt if there were any public comments. Ms. Britt replied, there were public comments from regional public meetings. Those comments were sent to the Board members in advance and are presented at this time. Chairman Burton asked for public comments. There were no public comments. Chairman Burton asked for Board Comments. There were no Board comments.

MOTION BY MICHAEL LISTON WITH A SECOND BY ROBERT SODER TO APPROVE THE PERMANENT RULEMAKING ON TITLE 158.CONSTRUCTION INDUSTRIES BOARD CHAPTER 50.

Voting aye: Larry Butler
Tommy O'Donnell
Larry Shea
Robert Soder
Michael Liston
Mike Burton

Voting nay:

Absent: Keith Miller

Discussion with possible vote on permanent Rulemaking on Title 158. Chapter 80.

RULES:

- Subchapter 1. GENERAL PROVISIONS [NEW]
 - 158:80-1-1 Purpose [NEW]
 - 158:80-1-2 Definitions [NEW]
- Subchapter 3. APPLICATION FOR REGISTRATION OF ROOFING CONTRACTORS
 - 158:80-3-1. Application for Registration [NEW]
 - 158:80-3-2. Information and Documentation Required for Registration
 - 158:80-3-3. Fees [NEW]
 - 158:80-3-4. Action on Initial Application [NEW]
 - 158:80-3-5. Grounds for Refusal to Grant Registration[NEW]
 - 158:80-3-6. Disclosure of Felony Convictions[NEW]
- Subchapter 5. ROOFING CONTRACTOR REGISTRATION[NEW]
 - 158:80-5-1. Roofing Contractor Registration Certificate[NEW]
 - 158:80-5-2. Contents of Registration Certificate and Registration Card[NEW]
 - 158:80:5.3. Registration Number[NEW]
 - 158:80-5-4. Term of Registration[NEW]
 - 158:80-5-5. Notification of Changes in Application Information Required[NEW]
 - 158:80-5-6. Surrender of Certificate of Registration or Registration Card[NEW]
 - 158:80-5-7. Business Entities Required to File with Secretary of State[NEW]
 - 158:80-5.8. Registration Sharing Prohibited; Separate Joint Venture Registration Required [NEW]
- Subchapter 7. REGISTRATION RENEWAL[NEW]
 - 158:80-7-1. Renewal of Registration, Fees and Time Restrictions[NEW]
 - 158:80-7-2. Registration Renewal Requirements[NEW]
 - 158:80-7-3. Action on Renewal Application[NEW]
- Subchapter 9. APPEAL PROCEDURE FOR DENIED APPLICATION FOR REGISTRATION OR REGISTRATION RENEWAL[NEW]
 - 158:80-9-1. Appeal Procedures for Denial of Initial Application or Application for Renewal. [NEW]

- Subchapter 11. REGISTRY AND CLASSIFICATION[NEW]
- 158:80-11-1. Registry of Roofing Contractors[NEW]
- 158:80-11-2. Status Classification of Registered Roofing Contractors[NEW]
- 158:80-11-3. Status Classification of "Not in Good Standing." [NEW]
- 158:80-11-4. Appeal of Status Classification[NEW]

Subchapter 13. COMPLAINTS [NEW]

- 158:80-13-1. Complaint and Response Forms[NEW]
- 158:80-13-2. Receiving and Processing Complaints[NEW]

Summary: The purpose of these rules is to promulgate administrative rules necessary to implement the provisions of the Roofing Contractor Registration Act, Title 59 O.S. §1151.1 et seq., enacted under SB2180 of the Second Regular Session of the 52nd Legislature, effective November 1, 2010. Title 58, Chapter 80, Subchapter 1, Subchapter 3, Subchapter 5, Subchapter 7, Subchapter 9, Subchapter 11, and Subchapter 13 were presented to and approved for emergency adoption by the Construction Industries Board and approved by the Governor. These proposed permanent rules implement the Roofing Contractor Registration Act, Title 59 O.S. §§ 1151.1-1151.20 (the "Act"), as set for the in Subchapter 1 at 158:80-1-1. 158:80-1-2 defines essential terms for administration and implementation of the Act by the Construction Industries Board ("CIB"). Subchapter 3 establishes rules for the initial application for the registration of roofing contractors. 158:80-3-1 sets forth the administrative requirements and procedures to obtain roofing contractor registration. 158:80-3-2 itemizes the information and documentation required to obtain roofing contractor registration. 158:80-3-3 establishes the fees for registration and related administrative functions. 158:80-3-4 establishes the procedures for processing applications for registration. 158:80-3-5 enumerates the grounds for refusal to grant registrations. 158:80-3-6 lists the requirements for an applicant's disclosure of felony convictions. Subchapter 5 establishes administrative rules which govern the granting of the certificate of registration and registrant credentials. 158:80-5-1 establishes the administrative requirements for the certificate of registration. 158:80-5-2 sets forth the required contents for the certificate and credentials issued by the CIB. 158:80-5-3 establishes the requirements for the roofing contractor registration number. 158:80-5-4 provides the term of registration. 158:80-5-5 requires registrants to notify the CIB of registration information changes which have occurred since registration. 158:80-5-6 requires registrants to surrender certificates and credentials upon suspension or revocation. 158:80-5-7 establishes that any registration granted shall only be valid if the registrant is in good standing with the Oklahoma Secretary of State. Subchapter 7 establishes rules for contractor registration renewal. 158:80-7-1 sets forth the fees and time restrictions for renewal. 158:80-7-2 sets forth the information and documentation requirements for registration renewal. 158:80-7-3 establishes the procedures for processing renewal applications. Subchapter 9 establishes the appeal procedures for denied applications for registration. 158:80-9-1 establishes the procedure, time for appeal and processing protocol for processing appeals. Subchapter 11 establishes the requirements for the Oklahoma Registry of Roofing Contractors and classifications for registrants. 158:80-11-1 sets forth the contents of the registry. 158:80-11-2 enumerates the statuses for registered contractors. 158:80-11-3 details the criteria used to classify a registrant as "not in good standing." 158:80-11-4 sets forth the appeal process for disputed status classifications. Subchapter 13 establishes rules for the filing and processing of complaints against registered roofing contractors. 158:80-13-1 sets forth the forms to be used for complaint processing. 158:80-13-2 requires that all complaints must be made and processed according to the Act.

This Serves as Public Meeting Notice Pursuant to 75 O.S. § 303(c)

Chairman Mike Burton asked Jeanne Britt if there were any public comments. Ms. Britt replied, no sir. Chairman Burton asked for public comments. There were no public comments. Chairman Burton asked for Board Comments. There were no Board comments.

Mr. Rick Denny suggested the Board close the comment period as of today. Mr. Denny recommended that adoption of Chapter 80 should be tabled and placed on the Special Meeting Agenda for March 21, 2011. The reason is the legislature is not happy with the proposed permanent rules. These are the very same rules submitted under emergency rulemaking and

were approved by the Governor. Senator Newberry wants the rules withdrawn. He asked us to substantiate our need to make these rules. It was his interpretation that the bill he drafted last year did not leave any room for rules. We cannot establish a fee without rules because they did not tell us what fee to charge for the registration, they just gave us a range.

Mr. Denny thought we could withdraw the rules without the Senator having to file a resolution to kill the rules. However, after re-thinking this, we have some fee issues here with emergency rules in place which will expire in mid-July. We are counting on the Senator to come up with a revised bill telling us everything we need to know for this program, but we don't know if that bill will pass or be effective. If the bill does not pass, and we are back at square one and we cannot charge a fee for the roofing registration. Therefore, Mr. Denny would like to table this Chapter until a special meeting on March 21, 2011.

MOTION BY LARRY SHEA WITH A SECOND BY MICHAEL LISTON TO CLOSE THE COMMENT PERIOD FOR THE PERMANENT RULEMAKING ON TITLE 158.CONSTRUCTION INDUSTRIES BOARD CHAPTER 80 AND TABLE ANY ACTION ON THESE RULES UNTIL THE SPECIAL MEETING ON MARCH 21, 2011.

Voting aye: Larry Butler
Tommy O'Donnell
Larry Shea
Robert Soder
Michael Liston
Mike Burton

Voting nay:

Absent: Keith Miller

PUBLIC COMMENTS (*limit 3 minutes per person*)

There were no public comments.

NEW BUSINESS

There was no new business.

ADJOURNMENT

MOTION BY MICHAEL LISTON WITH A SECOND BY ROBERT SODER TO ADJOURN

Voting aye:

Voting nay:

Minutes approved in regular Session on the ____ day of _____, 2011

Mike Burton, Chairman

PREPARED BY: _____
Secretary to the Constructions Industries Board