

RULE IMPACT STATEMENT

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD

1. **BRIEF DESCRIPTION OF PURPOSE OF PROPOSED RULE:** The purpose of the proposed rule amendments is to clarify the statutory procedure for proposed orders issued by an Administrative Law Judge to only become a final order by vote of the Construction Industries Board ("the Board"); to clarify that the written recommendation and summary of a case provided to the Board can be in the form of a proposed order; and to clarify that any agreed settlement or consent order must be approved by the Board.
2. **DESCRIPTION OF THE CLASSES OF PERSONS AFFECTED:** The agency, members of industry and persons subject to the provisions of The Plumbing License Law of 1955, the Electrical License Act, the Mechanical Licensing Act, the Oklahoma Inspectors Act, the Home Inspection Licensing Act, and the Roofing Contractor Registration Act.
3. **CLASSES OF PERSONS BENEFITTED:** The agency, members of the industries and persons subject to the provisions of The Plumbing License Law of 1955, the Electrical License Act, the Mechanical Licensing Act, the Oklahoma Inspectors Act, the Home Inspection Licensing Act, and the Roofing Contractor Registration Act.
4. **ECONOMIC IMPACT UPON AFFECTED CLASSES OF PERSONS:** No fees are established or changed by the proposed rules. The proposed amendments are for clarification purposes and therefore, there would be no new/different economic impact.
5. **COSTS AND BENEFITS TO THE AGENCY:** The proposed amendments create no new cost to the agency. The benefit is to have clear, unambiguous rules in place to assist those impacted by the rules.
6. **ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS:** No fees are established or changed by the proposed rules. The proposed amendments are for clarification purposes and therefore, there would be no new/different economic impact.
7. **ECONOMIC IMPACT ON SMALL BUSINESS:** The economic impact on small business is not measurable.
8. **MEASURES TAKEN TO MINIMIZE COMPLIANCE COSTS:** The proposed rule changes are the least costly or least intrusive method of achieving the purpose of the proposed rules. There are no non-regulatory methods for achieving the purpose of the proposed rule changes.

9. **EFFECT OF THE PROPOSED RULE ON PUBLIC HEALTH:** No impact on public health is anticipated.
10. **DETRIMENTS TO PUBLIC HEALTH IF THE RULE IS NOT ADOPTED:** There are no known detriments to public health if the proposed rule changes are not adopted.
11. **DATE IMPACT STATEMENT PREPARED:** December 12, 2017.

TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD

SUBCHAPTER 5. PROCEDURE IN INDIVIDUAL PROCEEDINGS

158:1-5-11. Default

Any Respondent or other person who fails to appear as directed, after service of the petition and notice of hearing as provided by these rules, may be determined to have waived the right to appear and present a defense to the allegations contained in the petition. A ~~final~~ proposed order in such proceeding may be issued by the Administrative Law Judge or the Administrator and becomes a final order by vote of the Board granting by default the relief prayed for in the petition.

158:1-5-12. Order

Following the hearing, the Administrative Law Judge shall prepare a proposed ~~final~~ order to ~~be authorized~~ become a final order by vote of the Board. The proposed final order will be automatically reviewed by the entire Board to be affirmed, denied, or remanded to the Administrative Law Judge for further hearing, with or without instructions. A written recommendation and summary of the case, which can be in the form of a proposed order, will be provided to the Board by the Administrator. The decision by the Board that is affirmed or denied will be a final order. Any decision to remand will be brought before the Board following further proceeding by the Administrative Law Judge and the new proposed order will be reviewed by the Board according to this section. The Board member attending the original or remanded trade hearing board hearing will abstain from discussion or voting when the same matter is before the Board. The Board will review proposed orders no later than the last day of the quarter the proposed order was issued.

158:1-5-14. Settlement

Unless precluded by law, individual proceedings may be resolved by agreed settlement or consent order, with the concurrence of the Administrator and final approval by the Board.

TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Procedure in Individual Proceedings

158:1-5-11 [AMENDED]

158:1-5-12 [AMENDED]

158:1-5-14 [AMENDED]

SUMMARY:

The proposed amendments clarify the statutory procedure for proposed orders issued by an Administrative Law Judge to only become a final order by vote of the Board; clarify that the written recommendation and summary of a case provided to the Board can be in the form of a proposed order; and clarify that any agreed settlement or consent order must be approved by the Board.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 858-627, 1000.4, 1000.5, 1002, 1032, 1681, 1850.3, 1151.2a, and 1151.4

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2018, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 17, 2018, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2018, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2017, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Kim Stell, Business Program Officer/Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 17, 2018, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 17, 2018, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 21, 2018, at 1:30 p.m., in the

Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.