

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1321

BY: WEAVER

AS INTRODUCED

AN ACT RELATING TO STATE BOARDS AND COMMISSIONS;

AMENDING 8 O.S. 1981, SECTION 203, AS AMENDED BY SECTION 5, CHAPTER 225, O.S.L. 1988 (8 O.S. SUPP. 1990, SECTION 203), WHICH RELATES TO THE STATE BURIAL BOARD; 14A O.S. 1981, SECTIONS 6-502, AS AMENDED BY SECTION 1, CHAPTER 46, O.S.L. 1984 AND 6-503, AS LAST AMENDED BY SECTION 2, CHAPTER 46 O.S.L. 1984 (14A O.S. SUPP. 1990, SECTIONS 6-502 AND 6-503), WHICH RELATE TO THE COMMISSION ON CONSUMER CREDIT; 21 O.S. 1981, SECTION 142.4, WHICH RELATES TO THE CRIME VICTIMS COMPENSATION BOARD; 43A O.S. 1981, SECTION 12, AS RENUMBERED BY SECTION 103, CHAPTER 103, O.S.L. 1986, AND LAST AMENDED BY SECTION 28, CHAPTER 51, O.S.L. 1990 (43A O.S. SUPP. 1990, SECTION 2-103), WHICH RELATES TO THE BOARD OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES; 59 O.S. 1981, SECTION 137, AS LAST AMENDED BY SECTION 7, CHAPTER 225, O.S.L. 1988 (59 O.S. SUPP. 1990, SECTION 137), WHICH RELATES TO THE OKLAHOMA STATE BOARD OF PODIATRY; 59 O.S. 1981, SECTION 161, AS LAST AMENDED BY SECTION 8, CHAPTER 225, O.S.L. 1988 (59 O.S. SUPP. 1990, SECTION 161), WHICH RELATES TO THE BOARD OF CHIROPRACTIC EXAMINERS; 59 O.S. 1981, SECTION 328.7, AS AMENDED BY SECTION 30, CHAPTER

178, O.S.L. 1985 (59 O.S. SUPP. 1990, SECTION 328.7), WHICH RELATES TO THE BOARD OF GOVERNORS OF THE REGISTERED DENTISTS OF OKLAHOMA; 59 O.S. 1981, SECTIONS 353.3, AND 353.4, AS AMENDED BY SECTION 1, CHAPTER 172, O.S.L. 1982 (59 O.S. SUPP. 1990, SECTION 353.4), WHICH RELATE TO THE BOARD OF PHARMACY; 59 O.S. 1981, SECTION 396, AS AMENDED BY SECTION 1, CHAPTER 30, O.S.L. 1986 (59 O.S. SUPP. 1990, SECTION 396), WHICH RELATES TO THE OKLAHOMA STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS; 59 O.S. 1981, SECTION 1253, AS LAST AMENDED BY SECTION 14, CHAPTER 225, O.S.L. 1988 (59 O.S. SUPP. 1990, SECTION 1253), WHICH RELATES TO THE STATE BOARD OF LICENSED SOCIAL WORKERS; 59 O.S. 1981, SECTION 1607, AS AMENDED BY SECTION 16, CHAPTER 225, O.S.L. 1988 (59 O.S. SUPP. 1990, SECTION 1607), WHICH RELATES TO THE BOARD OF EXAMINERS FOR SPEECH PATHOLOGY AND AUDIOLOGY; 63 O.S. 1981, SECTION 1-103, AS AMENDED BY SECTION 51, CHAPTER 118, O.S.L. 1987 (63 O.S. SUPP. 1990, SECTION 1-103), WHICH RELATES TO THE STATE BOARD OF HEALTH; 63 O.S. 1981, SECTION 330.52, AS LAST AMENDED BY SECTION 21, CHAPTER 225, O.S.L. 1988 (63 O.S. SUPP. 1990, SECTION 330.52), WHICH RELATES TO THE OKLAHOMA STATE BOARD OF NURSING HOMES; 74 O.S. 1981, SECTION 952, AS LAST AMENDED BY SECTION 74, CHAPTER 178, O.S.L. 1985 (74 O.S. SUPP. 1990, SECTION 952), WHICH RELATES TO THE OKLAHOMA HUMAN RIGHTS COMMISSION; ADDING AN ADDITIONAL MEMBER TO CERTAIN BOARDS AND COMMISSIONS; SPECIFYING CERTAIN QUALIFICATIONS; PROVIDING FOR APPOINTMENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 8 O.S. 1981, Section 203, as amended by Section 5, Chapter 225, O.S.L. 1988 (8 O.S. Supp. 1990, Section 203), is amended to read as follows:

Section 203. A. There is hereby re-created, to continue until July 1, 1993, in accordance with the provisions of the Oklahoma Sunset Law, the State Burial Board composed of the State Insurance Commissioner or his designee, two representatives of the general public, one representative who is at least sixty (60) years of age representing the senior citizens of this state and four other members who shall be experienced in the operating of burial associations and funeral homes; the said members shall be appointed by the Governor for a term of two (2) years, or at the pleasure of the Governor, and shall serve without salary. The ~~public representatives~~ one representative who is at least sixty (60) years of age representing the senior citizens of this state shall be appointed by the Governor with the advice and consent of the Senate ~~on the effective date of this act~~ by November 1, 1991. The representatives of the general public or the representative of the senior citizens of this state shall not have any direct or indirect financial interest in any burial association or funeral home. The Board is hereby vested with the duty and authority of enforcing and administering the provisions of this act. The Board shall elect from its members a president, a vice-president, and a secretary-treasurer. The secretary-treasurer shall keep and maintain all of the records of the Board and shall receive all fees collected by the Board.

B. A majority of the Board present at any meeting duly called shall constitute a quorum and the decision of a majority of those

members present at any quorum shall be binding. The Board shall keep a record of its proceedings which shall be a public record and open to public inspection. The Board shall have a seal and the secretary-treasurer shall certify to the proceedings of the Board, and his certificates under seal shall be evidence of the record of the proceedings of the Board. The Board shall charge One Dollar (\$1.00) certification fee for the certification of any record of the Board.

C. On the effective date of this act:

1. The persons serving on the Board on June 30, 1988, shall continue to serve the full terms for which they were originally appointed until their successors have been duly appointed and approved with the advice and consent of the Senate. All future Boards shall continue the staggered terms of office established for the State Burial Board prior to July 1, 1988.

2. Any actions taken by any state agency on behalf of the State Burial Board or in an attempt to enforce the provisions of Sections 201 through 231 of this title shall be subject to review by the Board on and after the effective date of this act. Any such acts may be rescinded or modified as deemed appropriate by the Board, provided that such action shall not affect any accrued right, or penalty incurred, or proceeding begun between July 1, 1988, and the effective date of this act.

3. All funds collected after June 30, 1988, equipment, files, fixtures, furniture, and supplies of the Board which were transferred to the Office of Public Affairs or State Treasury pursuant to Section 3909 of Title 74 of the Oklahoma Statutes shall be returned to the care and custody of the Board on the effective date of this act.

4. All orders, determinations, rules, regulations, permits, certificates, licenses, contracts, rates, and privileges which have been issued, made, granted, or allowed by the Board and are in

effect on June 30, 1988, shall continue in effect according to their terms until further action is taken by the Board after the effective date of this act or as modified by law.

SECTION 2. AMENDATORY 14A O.S. 1981, Section 6-502, as amended by Section 1, Chapter 46, O.S.L. 1984 (14A O.S. Supp. 1990, Section 6-502), is amended to read as follows:

Section 6-502. (a) The Commission shall consist of ~~eight (8)~~ nine (9) members to be appointed by the Governor by and with the advice and consent of the Senate. The State Banking Commissioner shall be an ex officio nonvoting ~~ninth~~ tenth member of the Commission.

(b) It is unlawful for any member of the Commission, the Administrator, or any other officer or employee of the Department to use for personal benefit any information which is filed with or obtained by the Administrator and which is not made public. No provision of the Uniform Consumer Credit Code authorizes any member of the Commission, the Administrator, or any other officer or employee of the Department to disclose any information except among themselves or when necessary or appropriate in a proceeding or investigation according to the provisions of the Uniform Consumer Credit Code. The provisions of the Uniform Consumer Credit Code shall not be construed to create or derogate any privilege that exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to any member of the Commission, the Administrator, or any other officer or employee of the Department.

(c) Except upon proof of corruption, no member of the Commission shall be civilly liable to any applicant or other person for any acts or omissions.

(d) No member of the Commission shall participate in any proceeding before the Commission involving any corporation, partnership, or unincorporated association for which the member is

or was at any time in the preceding twelve (12) months a director, officer, partner, employee, member, or stockholder. A member of the Commission may disqualify himself from participation in any proceeding before the Commission for any cause deemed by him to be sufficient.

SECTION 3. AMENDATORY 14A O.S. 1981, Section 6-503, as last amended by Section 2, Chapter 46, O.S.L. 1984 (14A O.S. Supp. 1990, Section 6-503), is amended to read as follows:

Section 6-503. A. The Governor annually shall appoint one Commission member to serve at large for a term of five (5) years, expiring on January 1. However, for the initial appointments, the Governor shall appoint five at-large members, and designate one member to serve for a term of one (1) year; one member to serve for a term of two (2) years; one member to serve for a term of three (3) years; one member to serve for a term of four (4) years; and one member to serve for a term of five (5) years, from their respective dates of appointment and qualification. Upon the expiration of these initial terms, the term of each member shall be five (5) years from the date of his appointment and qualification, and until his successor shall qualify. No more than three at-large members of the Commission shall be members of the same political party.

B. The Commission shall include three ~~additional~~ members, one who shall be actively engaged in the business of making supervised loans primarily pursuant to the provisions of Section 3-508A of this title, one who shall be actively engaged in the business of making supervised loans primarily pursuant to the provisions of Section 3-508B of this title, and one who shall be actively engaged in the business of making pawn loans pursuant to the provisions of the Oklahoma Pawnshop Act. These ~~additional~~ members shall be appointed in the following manner: One appointed by the Governor with the advice and consent of the Senate upon recommendation of the Oklahoma Consumer Finance Association, Inc., one appointed by the Governor

with the advice and consent of the Senate upon recommendation of the Independent Finance Institute, Inc., one appointed by the Governor with the advice and consent of the Senate upon the recommendation of the Oklahoma Pawnbrokers Association, Inc. The appointments shall be made only from a list of twelve names submitted to the Governor by each recommending entity. If any recommending entity fails to submit a list within thirty (30) days after a vacancy occurs, the Governor, with the advice and consent of the Senate, shall fill the vacancy with a person qualified pursuant to the provisions of this section pertaining to additional members. For the initial appointments of these additional members, the Governor shall designate one member to serve for a term of three (3) years; one member to serve for a term of four (4) years; and one member to serve for a term of five (5) years, from the respective dates of appointment and qualification. No more than two of these additional members shall be members of the same political party.

C. The Commission shall also include a member who shall be at least sixty (60) years of age representing the senior citizens of this state. The term of office of this member shall be three (3) years.

D. Vacancies for any unexpired term of any member of the Commission shall be filled by the Governor in the same manner as the initial appointments were made. All members of the Commission shall be eligible for reappointment.

SECTION 4. AMENDATORY 21 O.S. 1981, Section 142.4, is amended to read as follows:

Section 142.4 A. There is hereby created a Crime Victims Compensation Board, consisting of ~~three (3)~~ four (4) members appointed by the Governor with the advice and consent of the Senate to serve four-year terms and until the successor is appointed and qualified. At least one member of the Board shall be a person admitted to practice law in this state. Of the first members

appointed, one shall be appointed for a term of two (2) years, one shall be appointed for a term of three (3) years, and one shall be appointed for a term of four (4) years. One additional member of the Board shall be a person at least sixty (60) years of age representing the senior citizens of this state who shall be appointed for a term of three (3) years. Vacancies shall be filled in the same manner as regular appointments.

B. Each year the Board shall elect the chairman from its membership. Members of the Board shall receive such compensation, subsistence allowances, mileage and expenses as are provided by the State Travel Reimbursement Act.

SECTION 5. AMENDATORY 43A O.S. 1981, Section 12, as renumbered by Section 103, Chapter 103, O.S.L. 1986 and as last amended by Section 28, Chapter 51, O.S.L. 1990 (43A O.S. Supp. 1990, Section 2-103), is amended to read as follows:

Section 2-103. A. The Board of Mental Health and Substance Abuse Services shall be composed of ~~seven (7)~~ eight (8) members appointed by the Governor with the consent of the Senate.

B. Immediately after June 3, 1953, one member shall be appointed for a term expiring December 31, 1953, and one each for terms ending respectively one (1), two (2), three (3), four (4), five (5) and six (6) years thereafter. Upon the expiration of any of the terms a successor shall be appointed for a full term of seven (7) years. One member, who shall be a physician licensed to practice in this state, and one member, who shall be a psychiatrist certified as a diplomate of the American Board of Psychiatry and Neurology, shall both be appointed from a list containing the names of not less than three physicians and not less than three psychiatrists submitted to the Governor by the Oklahoma State Medical Association; one member shall be an attorney licensed to practice in this state and shall be appointed from a list of not less than three names submitted to the Governor by the Oklahoma Bar

Association; and one member shall be a psychologist, licensed to practice in this state, who shall be appointed from a list of not less than three names submitted to the Governor by the Oklahoma State Psychological Association.

C. The Board shall also include a member who is at least sixty (60) years of age representing the senior citizens of this state. The term of office of such member shall be three (3) years.

D. No person shall be appointed a member of the Board who has been a member of the Legislature of this state within the preceding five (5) years. The Board shall elect its own chairman and vice-chairman.

E. The chairman may call meetings of the Board of Mental Health and Substance Abuse Services at any time. The Board shall visit at least once each fiscal year each institution in the department. The Commissioner may be present during such visits. While discussion and solution of specific problems of the institution being visited shall be the primary object of such meetings, problems of any of the other institutions or problems of mutual interest and importance shall be discussed and acted upon. A record of the proceedings of such meetings shall be made and recorded in the files of the department. ~~Four~~ Five members shall constitute a quorum at any meeting, and all action may be taken by the affirmative vote of the majority of the members present at any such meeting.

F. The action taken by the Board on any matter, or any document passed by the Board, shall be considered official when such action is placed in writing and signed by the chairman, or vice-chairman.

G. The duties of the Board shall pertain to the care, treatment, and hospitalization of the mentally ill, and alcohol- or drug-dependent persons.

H. Members of the Board Mental Health and Substance Abuse Services shall be allowed their necessary travel expenses pursuant

to the State Travel Reimbursement Act, ~~Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.~~

SECTION 6. AMENDATORY 59 O.S. 1981, Section 137, as last amended by Section 7, Chapter 225, O.S.L. 1988 (59 O.S. Supp. 1990, Section 137), is amended to read as follows:

Section 137. A. There is hereby re-created, to continue until July 1, 1993, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma State Board of Podiatry. The Board, appointed by the Governor, shall be composed of three (3) podiatrists licensed to practice podiatry in this state, and one (1) lay member representing the public and one (1) lay member who is at least sixty (60) years of age representing the senior citizens of this state who both shall participate only for the purpose of assisting in the review of consumer complaints and in rulemaking. The two lay ~~member~~ members shall not participate in the examination or licensing of podiatrists. The podiatrist members of the Board shall have practiced podiatry continuously in this state for the three (3) years preceding their appointment to the Board and shall be members in good standing of the National Association of Podiatrists and of the Oklahoma Podiatry Association. The Governor shall make the first three appointments within sixty (60) days after this act shall take effect, the first appointed to serve until July 1, 1956, the second until July 1, 1957, and the third until July 1, 1958.

B. The term of office of each podiatrist member of the Board shall be three (3) years. One podiatrist member shall be appointed to the Board each year. The re-creation of the Board shall not affect the staggered terms of office for members established with the original Board. The two lay ~~member~~ members of the Board shall serve a term coterminous with that of the Governor. Each member shall hold office until the expiration of the term for which appointed or until a qualified successor has been duly appointed.

An appointment shall be made by the Governor within ninety (90) days after the expiration of the term of any member, or the occurrence of a vacancy on the Board due to resignation, death, or any cause resulting in an unexpired term. The appointment of the podiatrist members shall be made from a list of not less than five names submitted annually to the Governor by the Oklahoma Podiatry Association. The members of the Board shall serve at the pleasure of the Governor.

C. Each member of the Board shall take the oath or affirmation provided in Article XV of the Constitution of the State of Oklahoma for state officers, to be administered and filed as provided in said article.

SECTION 7. AMENDATORY 59 O.S. 1981, Section 161, as last amended by Section 8, Chapter 225, O.S.L. 1988 (59 O.S. Supp. 1990, Section 161), is amended to read as follows:

Section 161. A Board of Chiropractic Examiners is hereby re-created to continue until July 1, 1993, in accordance with the provisions of the Oklahoma Sunset Law. The Board, appointed by the Governor, shall be composed of three chiropractors licensed to practice chiropractic in this state, and one lay member representing the public and one lay member at least sixty (60) years of age representing the senior citizens of this state who both shall participate only for the purpose of assisting in the review of consumer complaints and in rules and decision making. The two lay ~~member~~ members shall not participate in the examination or licensing of chiropractors, and shall not be a registered or licensed member of any healing art or be related by blood or marriage within the third degree to such person. The two lay ~~member~~ members shall be a ~~resident~~ residents of the state and shall serve for a term of three (3) years. The chiropractor members of the Board shall be graduates of legally chartered schools or colleges of chiropractic. Such members shall have practiced chiropractic continuously in this state

for and during the five (5) years preceding their appointment. The term of office shall be three (3) years. One member shall be appointed to said Board each year. The Governor shall, by appointment, fill all vacancies on said Board.

SECTION 8. AMENDATORY 59 O.S. 1981, Section 328.7, as amended by Section 30, Chapter 178, O.S.L. 1985 (59 O.S. Supp. 1990, Section 328.7), is amended to read as follows:

Section 328.7 There is hereby constituted a Board of Governors of the organization to be known as "The Board of Governors of the Registered Dentists of Oklahoma", consisting of eight (8) dentist members, one (1) dental hygienist member ~~and~~, two (2) members who shall represent the public in general and one (1) member at least sixty (60) years of age who shall represent the senior citizens of this state. One dentist member shall be elected from each of the eight districts. One dental hygienist member shall be elected by dental hygienists residing in the State of Oklahoma who are legally licensed to practice dental hygiene therein. The two public representative members and the one senior citizen representative member shall be appointed by the Governor, subject to confirmation by the Senate. The members representing the public ~~may~~ and senior citizens shall not be dentists, dental surgeons, dental hygienists or dental technicians, or be related by blood or marriage within the third degree to any such person. Each member shall hold office for a period of three (3) years and until his/her term expires and/or his/her successor is selected and qualified. Board members shall not serve for more than three (3) consecutive terms. However, upon this act becoming effective, the present members of the Board of Governors shall hold office until their terms expire and/or their successors are elected and qualified as hereinafter provided. The members of the Board of Governors shall be reimbursed for travel expenses as provided in the State Travel Reimbursement Act. The Board of Governors, at its discretion, may affiliate with the

American Association of Dental Examiners as an active member and pay regular dues to said association and may send no more than two board members as delegates to regular meetings thereof.

SECTION 9. AMENDATORY 59 O.S. 1981, Section 353.3, is amended to read as follows:

Section 353.3 A. The Board of Pharmacy shall consist of ~~five~~ (5) persons who seven (7) members as follows:

1. Five members shall:

a. have been registered not less than five (5) years, ~~who~~
~~are~~

b. be members of the pharmaceutical association and actively engaged in the practice of retail pharmacy within this state for a period of not less than five (5) years, ~~who shall~~

c. be appointed by the Governor, by and with the advice and consent of Senate, from a list of names elected by vote of the members of the pharmaceutical association, voting to be done by mail ballot; Provided: the provisions of this section shall not apply to present members of the Board of Pharmacy.

2. One member shall be at least sixty (60) years of age who shall represent the senior citizens of this state.

3. One member shall be a lay member representing the public at large.

SECTION 10. AMENDATORY 59 O.S. 1981, Section 353.4, as amended by Section 1, Chapter 172, O.S.L. 1982 (59 O.S. Supp. 1990, Section 353.4), is amended to read as follows:

Section 353.4 A. Annually the Secretary of the Oklahoma Pharmaceutical Association shall submit to the Governor the names of the ten (10) persons who have been elected as provided in the foregoing section, and from this list the Governor shall appoint one member to fill the vacancy annually occurring on the Board of

Pharmacy and the vacancies occurring from other causes shall be filled in like manner.

B. No person shall be appointed to the Board of Pharmacy who habitually uses intoxicating beverages, or habit-forming drugs; ~~Provided: that the Governor shall appoint one additional member to the present Board whose term shall be for five (5) years commencing on the 30th day of June following the adoption of this act.~~

C. Each year following the adoption of this act and as the present board members' terms expire their successor shall be appointed for a term of five (5) years, and shall serve until their respective successors are appointed and qualified; Provided: that the term of one member of the board shall expire on the 30th day of June each year. Provided further, that no person shall be appointed to serve more than two consecutive terms.

SECTION 11. AMENDATORY 59 O.S. 1981, Section 396, as amended by Section 1, Chapter 30, O.S.L. 1986 (59 O.S. Supp. 1990, Section 396), is amended to read as follows:

Section 396. There is hereby re-created, to continue until July 1, 1992, in accordance with the provisions of the Oklahoma Sunset Law, as provided by Sections 3901 et seq. of Title 74 of the Oklahoma Statutes, the Oklahoma State Board of Embalmers and Funeral Directors. The Board shall consist of ~~seven (7)~~ eight (8) persons, who shall be appointed by the Governor. The term of membership of each member of said Board, shall be five (5) years from the expiration of the term of the member succeeded. Any member having served as a member of the Board shall be eligible for reappointment. Provided that, a member of the Board shall serve no more than two consecutive terms and any unexpired term that a member is appointed to shall not apply to this limit. The Governor shall appoint the necessary members to said Board upon vacancies and immediately prior to the expiration of the various terms. Upon request of the Governor, appointments of a licensed embalmer and funeral director

member of the Board shall be made from a list of five qualified persons submitted by the Oklahoma Funeral Directors Association. An appointment to fill a vacancy shall be for the unexpired term. A member of said Board shall serve until his successor is appointed and qualified. No person shall be a member of the Board, unless, at the time of appointment, he is of good moral character and a resident of this state. Five of the members shall have been actively engaged in the practice of embalming and funeral directing in this state for not less than seven (7) consecutive years immediately prior to his appointment, and each of such members shall have an active license as provided by this act and such member shall keep his license effective and remain a resident of this state during the entire time he serves on the Board. Two of the members of the Board shall be chosen from the general public, one of which shall, if possible, be a person licensed and actively engaged in the health care field ~~and such~~. One of the members of the Board shall be a person at least sixty (60) years of age representing the senior citizens of this state. The lay members shall not be licensed funeral directors or embalmers or have any interest, directly or indirectly, in any funeral establishment or any business dealing in funeral services, supplies or equipment. These ~~two~~ three members shall be appointed to serve terms ending July 1, 1981, ~~and~~ July 1, 1982 and July 1, 1993, respectively, and their terms shall be for five-year terms thereafter.

SECTION 12. AMENDATORY 59 O.S. 1981, Section 1253, as last amended by Section 14, Chapter 225, O.S.L. 1988 (59 O.S. Supp. 1990, Section 1253), is amended to read as follows:

Section 1253. There is hereby re-created, to continue until July 1, 1994, in accordance with the provisions of the Oklahoma Sunset Law, the State Board of Licensed Social Workers, consisting of ~~seven (7)~~ eight (8) members. Three of the members of the Board shall be licensed social workers licensed pursuant to the provisions

of the Social Worker's Licensing Act. Two other members shall be licensed social work associates. One member shall be the president of the Oklahoma Chapter of the National Association of Social Workers. ~~The remaining~~ One member of the Board shall be selected from and shall represent the general public. The remaining member shall be at least sixty (60) years of age and shall represent the senior citizens of this state. The Board shall appoint an executive secretary who shall perform the day-to-day duties of the Board and serve at a reasonable compensation.

SECTION 13. AMENDATORY 59 O.S. 1981, Section 1607, as amended by Section 16, Chapter 225, O.S.L. 1988 (59 O.S. Supp. 1990, Section 1607), is amended to read as follows:

Section 1607. A. There is hereby re-created, to continue until July 1, 1994, in accordance with the provisions of the Oklahoma Sunset Law, the Board of Examiners for Speech Pathology and Audiology whose duty it is to administer the provisions of the Speech Pathology and Audiology Licensing Act. The members of the Board shall be residents of this state and shall be appointed by the Governor with the advice and consent of the Senate. The Board shall be composed of ~~five (5)~~ six (6) members consisting of three licensed speech pathologists or audiologists, provided that at least one of the three shall be a licensed speech pathologist and at least one a licensed audiologist; one otolaryngologist who is certified by the American Board of Otolaryngology ~~and~~; one lay member who shall represent the public at large; and one member at least sixty (60) years of age representing the senior citizens of this state.

B. The members of the original Board shall serve the following terms: one member for one (1) year, two members for two (2) years, and ~~two~~ three members for three (3) years. Thereafter, at the expiration of the term, or termination of the member's service for any reason, the Governor shall appoint each successor for a term of three (3) years, or for the remainder of an unexpired term. The

successor for any of the three speech pathologists or audiologists will be selected from a list of five eligible speech pathologists or audiologists, furnished by the Oklahoma Speech and Hearing Association. The re-creation of the Board shall not affect the staggered terms of office for Board members established with the original Board.

C. Before entering upon the duties of his office, each member of the Board shall take the Constitutional oath of office and file it with the Secretary of State.

D. A member of the Board may not be reappointed to succeed himself, but he may be reappointed three (3) years or more following the termination of a previous appointment to the Board.

E. Board members shall be reimbursed for travel expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act.

SECTION 14. AMENDATORY 63 O.S. 1981, Section 1-103, as amended by Section 51, Chapter 118, O.S.L. 1987 (63 O.S. Supp. 1990, Section 1-103), is amended to read as follows:

Section 1-103. (a) There is hereby created the State Board of Health, which shall consist of ~~nine (9)~~ ten (10) members appointed by the Governor and confirmed by the Senate for regular terms of nine (9) years, except as hereinafter otherwise indicated; provided, however, that members serving on the State Board of Health created by 63 O.S. 1961, Sec. 1.1, when this Code becomes effective shall continue to serve as members of the State Board of Health created by this section for the terms for which they were appointed. Not less than four members shall be licensed as physicians and surgeons by the State Board of Medical Licensure and Supervision and shall be members of the Oklahoma State Medical Association, one member of which shall be a diplomate of the American Board of Psychiatry and Neurology or be similarly qualified.

(b) The term of office of one member shall expire on June 30, 1964, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Creek, Lincoln, Okfuskee, Seminole, Pottawatomie, Pontotoc, Hughes, Johnston, and Coal.

(c) The term of office of one member shall expire on June 30, 1965, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Blaine, Kingfisher, Canadian, Caddo, Grady, Comanche, Stephens, Jefferson, and Cotton.

(d) The term of office of one member shall expire on June 30, 1966, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Le Flore, Latimer, Pittsburg, Atoka, Pushmataha, McCurtain, Choctaw, Bryan, Marshall, Carter, and Love.

(e) The term of office of one member shall expire on June 30, 1967, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Cimarron, Texas, Beaver, Harper, Woodward, Woods, Major, Alfalfa, Grant, Garfield, Kay, and Noble.

(f) The term of office of one member shall expire on June 30, 1968, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Adair, Sequoyah, Cherokee, Wagoner, Muskogee, Haskell, McIntosh, and Okmulgee.

(g) The term of office of one member shall expire on June 30, 1969, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Ottawa, Delaware, Craig, Mayes, Nowata, Rogers, Washington, Tulsa, Pawnee, and Osage.

(h) The term of office of one member shall expire on June 30, 1970, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Logan, Oklahoma, Cleveland, McClain, Garvin, Murray, and Payne.

(i) The term of office of one member shall expire on June 30, 1971, and each nine (9) years thereafter, and he shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding his appointment: Ellis, Dewey, Roger Mills, Custer, Beckham, Washita, Kiowa, Greer, Jackson, Harmon, and Tillman.

(j) The term of office of one member shall expire on June 30, 1972, and each nine (9) years thereafter, and he shall be appointed from the State of Oklahoma at large, and shall have been a resident of the state for not less than five (5) years immediately preceding his appointment.

(k) The term of office of one member shall expire on June 30, 1994, and each three (3) years thereafter. Such member shall:

- (1) be appointed from the state at large,
- (2) be at least sixty (60) years of age,
- (3) represent the senior citizens of this state, and
- (4) have been a resident of the state for not less than five (5) years immediately preceding his appointment.

SECTION 15. AMENDATORY 63 O.S. 1981, Section 330.52, as last amended by Section 21, Chapter 225, O.S.L. 1988 (63 O.S. Supp. 1990, Section 330.52), is amended to read as follows:

Section 330.52 (a) There is hereby re-created, to continue until July 1, 1994, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma State Board of Nursing Homes. The Oklahoma State Board of Nursing Homes shall consist of ~~fifteen (15)~~ sixteen (16) members, eleven of whom shall be representative of the professions and institutions concerned with the care and treatment of critically ill or infirm elderly patients, two members representing the general public and one member at least sixty (60) years of age representing the senior citizens of this state and the State Commissioner of Health and the Director of the Department of Human Services, or their designees. The thirteen members shall be appointed by the Governor, with the advice and consent of the Senate.

(b) (1) Six of the thirteen appointive members shall each be presently a licensed operator-administrator of a nursing home which has a current license issued by the State Commissioner of Health and shall have had five (5) years' experience in the nursing home profession as an operator-administrator. ~~Two~~ The two members ~~shall be representatives of~~ representing the general public and the one member representing the senior citizens of this state shall not have any direct or indirect financial interest in nursing homes. The other members shall not be nursing home operators-administrators and shall have no direct financial interest in nursing homes.

(2) The terms of all appointive members shall be three (3) years. Any vacancy occurring in the position of an appointive member shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired term.

(c) As used in this section, the term "nursing ~~home~~ facility" means ~~a skilled nursing home, an intermediate care facility, a rest~~

~~home or a specialized home~~ and the term "administrator" ~~means an~~
"administrator" shall have the same definitions as such terms are
defined and used in the Nursing Home Care Act.

SECTION 16. AMENDATORY 74 O.S. 1981, Section 952, as
last amended by Section 74, Chapter 178, O.S.L. 1985 (74 O.S. Supp.
1990, Section 952), is amended to read as follows:

Section 952. There is hereby created the Oklahoma Human Rights
Commission. Said Commission shall consist of ~~nine (9)~~ ten (10)
members appointed by the Governor by and with the advice and consent
of the Senate. Initially, three of such members shall be appointed
for a term of one (1) year, three for terms of two (2) years, and
~~three~~ four for terms of three (3) years, and until their successors
are appointed and confirmed. Thereafter all appointments to the
Commission shall be for terms of three (3) years and until their
successors are appointed and confirmed.

In making such appointments to said Commission, consideration
shall be given to making the membership broadly representative of
the geographic areas of the state, the two major political parties
in the state, and the several racial, religious, and ethnic groups
residing in the state. One member shall be at least sixty (60)
years of age representing the senior citizens of this state.

The Office of Public Affairs shall provide a suitable office for
said Commission for which the Commission shall pay an appropriate
rental charge.

The Commission shall meet regularly at least once per month and
at such other times as may be set by the Chairman. Members of the
Commission shall receive no salary, but shall be entitled to travel
reimbursement as provided by the State Travel Reimbursement Act.

SECTION 17. It being immediately necessary for the preservation
of the public peace, health and safety, an emergency is hereby
declared to exist, by reason whereof this act shall take effect and
be in full force from and after its passage and approval.

43-1-5974

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