

ENGROSSED HOUSE
BILL NO. 1160

By: Easley of the House

and

Harrison of the Senate

An Act relating to sunset; amending 59 O.S. 1991, Section 161.4, as last amended by Section 2, Chapter 390, O.S.L. 1994 (59 O.S. Supp. 1998, Section 161.4), which relates to the Board of Chiropractic Examiners; re-creating the Board of Chiropractic Examiners; modifying the termination date; amending 74 O.S. 1991, Section 3907, as last amended by Section 1, Chapter 334, O.S.L. 1994 (74 O.S. Supp. 1998, Section 3907), which relates to the 2000 Sunset List; and adding entity to the list.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 161.4, as last amended by Section 2, Chapter 390, O.S.L. 1994 (59 O.S. Supp. 1998, Section 161.4), is amended to read as follows:

Section 161.4 A. A Board of Chiropractic Examiners is hereby re-created to continue until July 1, ~~1999~~ 2000, in accordance with the provisions of the Oklahoma Sunset Law. The Board shall regulate the practice of chiropractic in this state in accordance with the provisions of the Oklahoma Chiropractic Practice Act. The Board, appointed by the Governor, shall be composed of three (3) chiropractic physicians and one (1) lay member representing the public.

B. Each chiropractic physician member of the Board shall:

1. Be a legal resident of this state;
2. Have practiced chiropractic continuously in this state during the five (5) years immediately preceding his appointment to the Board;

3. Be free of pending disciplinary action or active investigation by the Board; and

4. Be a person of recognized professional ability, integrity and good reputation.

C. The lay member of the Board shall:

1. Be a legal resident of this state;

2. Not be a registered or licensed practitioner of any of the healing arts or be related within the third degree of consanguinity or affinity to any such person; and

3. Participate in Board proceedings only for the purposes of:

a. reviewing, investigating and disposing of written complaints regarding the conduct of chiropractic physicians, and

b. formulating, adopting and promulgating rules pursuant to Article I of the Administrative Procedures Act.

D. The term of office of each chiropractic physician member of the Board shall be three (3) years, with one such member being appointed each year. The lay member of the Board shall serve a term coterminous with that of the Governor. Each member shall hold office until the expiration of the term of office 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 other cause resulting in an unexpired term.

E. Before assuming duties on the Board, each member shall take and subscribe to the oath or affirmation provided in Article XV of the Oklahoma Constitution, which oath or affirmation shall be administered and filed as provided in said article.

F. A member may be removed from the Board by the Governor for cause which shall include, but not be limited to:

1. Ceasing to be qualified;

2. Being found guilty by a court of competent jurisdiction of a felony or any offense involving moral turpitude;

3. Being found guilty, through due process, of malfeasance, misfeasance or nonfeasance in relation to his Board duties;

4. Being found mentally incompetent by a court of competent jurisdiction;

5. Being found in violation of any provision of the Oklahoma Chiropractic Practice Act; or

6. Failing to attend three (3) consecutive meetings of the Board without just cause, as determined by the Board.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 3907, as last amended by Section 1, Chapter 334, O.S.L. 1994 (74 O.S. Supp. 1998, Section 3907), is amended to read as follows:

Section 3907. The following statutory entities and their successors shall be terminated on July 1, 2000, and all powers, duties and functions shall be abolished one (1) year thereafter:

1. Board of Examiners for Speech Pathology and Audiology as created by Section 1607 of Title 59 of the Oklahoma Statutes;

2. State Board of Veterinary Medical Examiners as created by Section 698.3 of Title 59 of the Oklahoma Statutes;

3. Board of Tests for Alcohol and Drug Influence as created by Section 759 of Title 47 of the Oklahoma Statutes;

4. State Anatomical Board as created by Section 91 of Title 63 of the Oklahoma Statutes;

5. Oklahoma State Board of Examiners for Nursing Home Administrators as created by Section 330.52 of Title 63 of the Oklahoma Statutes;

6. Oklahoma Peanut Commission as created by Section 1103 of Title 2 of the Oklahoma Statutes;

7. Sheep and Wool Commission as created by Section 1502 of Title 2 of the Oklahoma Statutes;

8. Oklahoma Wheat Commission as created by Section 1022 of Title 2 of the Oklahoma Statutes;

9. Committee on Purchases of Products and Services of the Severely Handicapped as created by Section 3001 of this title;

10. Board of Examiners in Optometry as created by Section 582 of Title 59 of the Oklahoma Statutes;

11. State Capitol Preservation Commission as created by Section 4102 of this title;

12. Commission on County Government Personnel Education and Training as created by Section 130.1 of Title 19 of the Oklahoma Statutes;

13. Oklahoma Climatological Survey as created by Section 245 of this title;

14. The State Board of Licensed Social Workers as created by Section 1253 of Title 59 of the Oklahoma Statutes;

15. Literacy Initiatives Commission as created by Section 8001 of Title 70 of the Oklahoma Statutes;

16. Child Death Review Board as created by Section 1150.2 of Title 10 of the Oklahoma Statutes;

17. State Agency Review Committee as created by Section 7005 of this title;

18. The Wellness Council as created by Section ~~2~~ 1382 of ~~Enrolled House Bill No. 2241 of the 2nd Session of the 44th Oklahoma Legislature~~ this title;

19. Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission as created by Section ~~3~~ 420.22 of ~~Enrolled House Bill No. 2418 Title 52 of the 2nd Session of the 44th Oklahoma Legislature~~ Statutes; and

20. Oklahoma Homeless Prevention Committee as created by Section ~~2~~ 2900.1a of ~~Enrolled House Bill No. 1674 of the 2nd Session of the 44th Oklahoma Legislature~~ this title; and

21. Board of Chiropractic Examiners as created by Section 161.4
of Title 59 of the Oklahoma Statutes.

Passed the House of Representatives the 25th day of February,
1999.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1999.

President of the Senate