EHB 1159

THE STATE SENATE
Thursday, March 18, 1999

ENGROSSED

House Bill No. 1159

ENGROSSED HOUSE BILL NO. 1159 - By: EASLEY of the House and HARRISON of the Senate.

An Act relating to sunset; amending 59 O.S. 1991, Section 1455, as amended by Section 1, Chapter 89, O.S.L. 1993 (59 O.S. Supp. 1998, Section 1455), which relates to the Polygraph Examiners Board; re-creating the Polygraph Examiners Board; and modifying termination date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 1455, as amended by Section 1, Chapter 89, O.S.L. 1993 (59 O.S. Supp. 1998, Section 1455), is amended to read as follows:

Section 1455. A. There is hereby ~~created~~ re-created, to continue until July 1, ~~1999~~ 2005, in accordance with the provisions of the Oklahoma Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, the Polygraph Examiners Board.

B. 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 Polygraph Examiners Board prior to July 1, 1988.

2. Any actions taken by any state agency on behalf of the Polygraph Examiners Board or in an attempt to enforce the provisions of the Polygraph Examiners Act, Section 1451 et seq. 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 Any such acts may be rescinded or modified as deemed appropriate by the Board, provided that such action shall not affect any accrued right, or penalty incurred, or proceeding begun between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 Department of Central Services 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.

C. The Board shall consist of five (5) members who shall be citizens of the United States and residents of the state for at least two (2) years prior to appointment, all of whom shall have

been engaged for a period of two (2) consecutive years as polygraph examiners prior to appointment to the Board, and at the time of appointment active polygraph examiners. No two Board members may be employed by the same person or agency. No more than two members may be appointed from one congressional district. At least two members must be qualified examiners of a governmental law enforcement agency and at least two members must be qualified polygraph examiners in the commercial field. The members shall be appointed by the Governor of the State of Oklahoma, with the advice and consent of the Senate, for terms of six (6) years. The terms of office of members appointed to the initial Board created on May 17, 1971, are one for two (2) years, two for four (4) years, and two for six (6) years. Any vacancy in an unexpired term shall be filled by appointment of the Governor, with the advice and consent of the Senate, for the unexpired term. Except as authorized by the Polygraph Examiners Act, members of the Board shall be paid no fee, expense reimbursement, wage or other compensation for their services.

D. The vote of a majority of the Board members is sufficient for passage of any business or proposal which comes before the Board. The Board shall elect a chairman, vice-chairman, and secretary from among its members.

COMMITTEE REPORT BY: COMMITTEE ON SUNSET REVIEW, dated 3-16-99 - DO PASS.