

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 396

By: Morgan of the Senate

and

Paulk of the House

COMMITTEE SUBSTITUTE

( Boards, commission and authorities - providing for  
appointment -

effective date )

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

SECTION 1. AMENDATORY 3 O.S. 1991, Section 84, as amended by Section 3, Chapter 181, O.S.L. 1995 (3 O.S. Supp. 2000, Section 84), is amended to read as follows:

Section 84. A. There is hereby created the Oklahoma Aeronautics Commission, which shall be the successor to the Oklahoma Aviation Commission created by ~~Sections~~ Section 72 et seq. of ~~Title 3 of the Oklahoma Statutes~~ this title. The Oklahoma Aeronautics Commission shall consist of seven (7) members, who shall be appointed by the Governor and who shall continue in office, as designated by the Governor at the time of appointment, through the last day of the second, third, fourth, fifth, sixth, and seventh calendar years, respectively, following the passage of this act, with the initial seventh member remaining in office until the end of the calendar year 1979. The successors of the members initially appointed shall be appointed for terms of six (6) years in the same manner as the members originally appointed under this act, except

that any person appointed to fill a vacancy shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of a successor. ~~No more than one of the original six (6) members or their successors shall be from any one congressional district, as created by Section 1 of Title 14 of the Oklahoma Statutes while the seventh member and the successors may be from any part of the state~~ One member shall be appointed from each congressional district and any remaining members shall be appointed from the state at large. However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than two members shall be appointed from any one congressional district. To qualify for appointment to the Commission, an appointee shall have the following minimum qualifications:

(1) A citizen and bona fide resident of the state;

(2) Three (3) years' experience in aeronautical activities, such as general aviation, agricultural aviation, airport management, or air carrier operation.

Members of the Commission shall receive no salary but shall be entitled to be reimbursed for necessary travel expenses pursuant to the State Travel Reimbursement Act. The members of the Commission may be removed by the Governor for inefficiency, neglect of duty, or malfeasance in office in the manner provided by law for the removal of officers not subject to impeachment.

B. (1) A Director of Aeronautics shall be appointed by the Commission, who shall serve at the pleasure of the Commission. The Director shall be appointed with due regard to such person's fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics for the efficient dispatch of the powers and duties duly vested in and imposed upon the Director.

The Director shall devote full time to the duties of the office and shall not be actively engaged or employed in any other business, vocation, or employment, nor shall the Director have any pecuniary interest in or any stock in or bonds of any civil aeronautics enterprise. The Director shall be reimbursed for all traveling and other expenses incurred in the discharge of the official duties of the Director, subject to general statutory limitations on such expenses as contained in the State Travel Reimbursement Act.

(2) The Director shall be the executive officer of the Commission and under its supervision shall administer the provisions of this act and rules, regulations, and orders established thereunder and all other laws of the state relative to aeronautics. The Director shall attend all meetings of the Commission, but shall have no vote. The Director shall be in charge of the offices of the Commission and responsible to the Commission for the preparation of reports and the collection and dissemination of data and other public information relating to aeronautics. The Director is hereby empowered to execute all contracts entered into by the Commission.

(3) The Commission may, by written order filed in its office, delegate to the Director any of the powers or duties vested in or imposed upon it by this act. Such delegated powers and duties may be exercised by the Director in the name of the Commission.

(4) The Director shall appoint, subject to the approval of the Commission, such experts, field and office assistants, clerks, and other employees as may be required and authorized for the proper discharge of the functions of the Commission.

C. The Commission shall, within thirty (30) days after its appointment, organize, adopt a seal, and make such rules and regulations for its administration, not inconsistent herewith, nor inconsistent with, or contrary to, any act of the Congress of the United States or regulations promulgated or standards established pursuant thereto, as it may deem expedient and from time to time

amend such rules and regulations. At such organizational meeting it shall elect from among its members a chairman, a vice-chairman, and a secretary, to serve for one (1) year, and annually thereafter shall elect such officers, all to serve until their successors are appointed and qualified. The Commission shall schedule meetings at a convenient time and place as they become necessary. Five (5) members shall constitute a quorum, and no action shall be taken by less than a majority of the Commission. Special meetings may be called as provided by the rules and regulations of the Commission. Regular meetings shall be held at the established offices of the Commission, but, whenever the convenience of the public or of the parties may be promoted, or delay or expense may be prevented, the Commission may hold meetings, hearings, or proceedings at any other place designated by it. The Commission shall report in writing to the Governor on or about July 31 of each year. The report shall contain a summary of the proceedings of the Commission during the preceding fiscal year, a detailed and itemized statement of all revenue and of all expenditures made by or in behalf of the Commission, such other information as it may deem necessary or useful, and any additional information which may be requested by the Governor.

D. Suitable office space shall be provided by the Department of Central Services for the Commission in the City of Oklahoma City, and the Commission may incur the necessary expense for office rent, furniture, stationery, printing, incidental expenses, and other necessary expenses needed for the administration of this act.

SECTION 2. AMENDATORY 3A O.S. 1991, Section 201, as amended by Section 3, Chapter 364, O.S.L. 1992 (3A O.S. Supp. 2000, Section 201), is amended to read as follows:

Section 201. A. There is hereby created the Oklahoma Horse Racing Commission, which shall consist of seven (7) members appointed by the Governor with the advice and consent of the Senate.

One member shall be appointed from each congressional district, and one member who shall be experienced in the horse industry shall be appointed from the state at large, and any remaining members shall be appointed from the state at large. However, if the congressional districts are modified, then each member shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than two members shall be appointed from any one congressional district.

B. To be eligible for appointment to the Commission, a person shall:

1. be a citizen of the United States; and
2. have been a resident of this state for five (5) years immediately preceding the appointment; and
3. not have been convicted of a felony pursuant to the laws of this state, the laws of any other state, or the laws of the United States.

C. The initial terms of office of:

1. three members shall expire on June 30, 1985; and
2. two members shall expire on June 30, 1987; and
3. two members shall expire on June 30, 1989.

Thereafter, the term of office of a member of the Commission shall be for six (6) years and until a successor is appointed and qualified.

D. The Governor may remove any member of the Commission for incompetence, neglect of duty, or malfeasance in office upon first giving the member a copy of the charges and an opportunity to be heard. A vacancy on the Commission shall be filled for the unexpired term by appointment made by the Governor.

SECTION 3. AMENDATORY Section 6, Chapter 290, O.S.L. 1994, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as

last amended by Section 8, Chapter 247, O.S.L. 1996 (10 O.S. Supp. 2000, Section 7302-1.1), is amended to read as follows:

Section 7302-1.1 A. There is hereby created, effective February 1, 1995, the Board of Juvenile Affairs which shall consist of seven (7) members who shall be appointed by the Governor with the advice and consent of the Senate.

B. One member shall be appointed from each of the ~~six~~ congressional districts ~~as defined and in existence on February 1, 1995, and the seventh member~~ and any remaining members shall be appointed from the state at large. However, if the congressional districts are modified, then each member shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than two members shall be appointed from any one congressional district. The terms of office of two members shall expire on March 15, 1997, and each six (6) years thereafter; the terms of three members shall expire on March 15, 1999, and each six (6) years thereafter; the terms of two members shall expire on March 15, 2000, and each six (6) years thereafter.

C. 1. The Governor shall appoint the first Board on February 1, 1995.

2. Thereafter an appointment shall be made by the Governor within ninety (90) days after a vacancy has occurred due to resignation, death, or any cause resulting in an unexpired term. In the event of a vacancy on the Board due to resignation, death, or for any cause resulting in an unexpired term, if not filled within ninety (90) days following such vacancy, the Board may appoint a provisional member to serve in the interim until the Governor makes an appointment.

3. A member may be reappointed to succeed himself for one additional term.

D. To be eligible for appointment to the Board a person shall:

1. Be a citizen of the United States;
2. Be a resident of this state;
3. Be a qualified elector of this state; and
4. Not have been convicted of a felony pursuant to the laws of this state, the laws of any other state, or the laws of the United States.

E. The Board shall be composed of:

1. One member who shall have training or experience in social work;
2. One member who shall have training or experience in juvenile or criminal justice or related behavior sciences;
3. One member who shall be an attorney licensed by this state who shall be selected from lists submitted by the Indigent Defense System and each of the two offices of county indigent defender;
4. One member who shall be selected from a list submitted by the Oklahoma Commission on Children and Youth;
5. One member who shall be an attorney licensed by this state who shall be selected from a list submitted by the District Attorneys Council from the state at large;
6. One member who shall be an educator within a public school system of this state; and
7. One member who shall be from the public.

F. Any member of the Board may be removed from office in the manner provided by law for the removal of officers not subject to impeachment.

G. 1. The Board shall hold meetings as necessary at a place and time to be fixed by the Board. The Board shall elect, at its first meeting, one of its members to serve as chair and another of its members to serve as vice-chair. At the first meeting in each calendar year thereafter, the chair and vice-chair for the ensuing year shall be elected. Special meetings may be called by the chair or by five members of the Board by delivery of written notice to

each member of the Board. A majority of members serving on the Board shall constitute a quorum of the Board.

2. Members of the Board shall receive necessary travel expenses according to the provisions of the State Travel Reimbursement Act, but shall receive no other compensation. Travel expenses shall be paid from funds available to the Office of Juvenile Affairs.

H. The Board shall:

1. Adopt and promulgate rules for its government and may adopt an official seal for the Office of Juvenile Affairs;

2. Appoint and fix the compensation of the Executive Director of the Office of Juvenile Affairs;

3. Be the rulemaking body for the Office of Juvenile Affairs;

4. Review and approve the budget request of the Office of Juvenile Affairs to the Governor;

5. Assist the Office of Juvenile Affairs in conducting periodic reviews and planning activities related to the goals, objectives, priorities, and policies of the Office;

6. Provide a public forum for receiving comments and disseminating information to the public and the regulated community regarding goals, objectives, priorities, and policies of the Office of Juvenile Affairs at least quarterly. The Board shall have the authority to adopt nonbinding resolutions requesting action by the Office of Juvenile Affairs in response to comments received or upon the Board's own initiative; and

7. Establish contracting procedures for the Office of Juvenile Affairs and guidelines for rates of payment for services provided by contract; provided, the Board shall not increase any rates of payment at any time the Legislature is not in session.

I. 1. As the rulemaking body of the Office of Juvenile Affairs, the Board is specifically charged with the duty of promulgating rules which will implement the duties and

responsibilities of the Office pursuant to the Oklahoma Juvenile Code.

2. Effective July 1, 1995, any administrative policies adopted by the Commission for Human Services related to personnel and other administrative issues and any rules promulgated relating to the custody, care and supervision of children adjudicated to be delinquent or in need of supervision shall be and remain in effect until amended or new rules are promulgated by the Board of Juvenile Affairs.

3. Any rules adopted by the Commission for Human Services related to personnel and other administrative issues and the custody, care and supervision of children adjudicated to be delinquent or in need of supervision and subject to review by the Legislature during the 1st Session of the 45th Oklahoma Legislature may be finally adopted and promulgated by the Board of Juvenile Affairs pursuant to the Administrative Procedures Act.

4. Starting April 1, 1995, the Board of Juvenile Affairs shall conduct an internal review of current permanent and emergency rules relating to the custody, care and supervision of children adjudicated to be delinquent or in need of supervision to determine whether such rules need to be amended, or repealed, reinstated, or recodified. By January 1, 1997, the Board shall have adopted permanent rules to implement the programs and functions within its jurisdiction and shall submit such rules for legislative review pursuant to Article I of the Administrative Procedures Act.

5. The Board of Juvenile Affairs shall develop performance standards for programs implemented, either directly or pursuant to contract, by the Department of Juvenile Justice.

SECTION 4. AMENDATORY 22 O.S. 1991, Section 1355.1, as last amended by Section 1, Chapter 201, O.S.L. 1998 (22 O.S. Supp. 2000, Section 1355.1), is amended to read as follows:

Section 1355.1 There is hereby created the Oklahoma Indigent Defense System Board. The Board shall govern the Oklahoma Indigent Defense System. The Board shall be composed of five (5) members appointed for five-year terms by the Governor with the advice and consent of the Senate. At least three members shall be attorneys licensed to practice law in the State of Oklahoma who have experience through the practice of law in the defense of persons accused of crimes. The Governor shall designate one Board member to serve as chair. No congressional district shall be represented by more than one member on the Board. However, if the congressional districts are modified, then each member shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. If the number of congressional districts is reduced below five then one member shall be appointed from each congressional district and any remaining members shall be appointed from the state at large. No county shall be represented by more than one member. The Board shall meet bimonthly upon the call of the chair. Board members shall serve without compensation, but shall be reimbursed for their necessary travel expenses as provided by the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. The terms of office for the initial appointees to the Board shall be as follows:

1. The term for Position One shall expire on July 1, 1989;
2. The term for Position Two shall expire on July 1, 1990;
3. The term for Position Three shall expire on July 1, 1991;
4. The term for Position Four shall expire on July 1, 1992; and
5. The term for Position Five shall expire on July 1, 1993.

A Board member shall be eligible for reappointment and shall continue in office until his successor has been appointed, qualified and confirmed by the Senate.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 582, as last amended by Section 2, Chapter 150, O.S.L. 2000 (47 O.S. Supp. 2000, Section 582), is amended to read as follows:

Section 582. A. There is hereby created the Oklahoma Used Motor Vehicle and Parts Commission, to be composed of ten (10) members who shall be selected as follows:

1. a. one member shall be selected from each of the congressional districts of this state, however, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment, and

b. a chair and all other members shall be selected from the state at large;

2. No more than two members shall be appointed from any one congressional district. All members shall be appointed by the Governor, by and with the advice and consent of the Senate;

3. a. each of the members appointed from a congressional district shall, at the time of appointment, be a resident in good faith of the congressional district from which appointed, and

b. each of the members appointed from the state at large shall, at the time of appointment and during the period of service, be residents in good faith of the state;

4. Each member shall be of good moral character and, for the ten-year period immediately preceding appointment, each of the used motor vehicle dealer representatives shall have been licensed for and actually engaged in the distribution or sale of used motor vehicles; each of the dismantler representatives shall have actually been licensed for and engaged in the principal business of

dismantling or disassembling motor vehicles for the purpose of selling the parts thereof; and the manufactured housing representative shall have been licensed for and actually engaged in the principal business of selling manufactured homes; and

5. Eight members plus the chair shall be engaged in the used motor vehicle industry or the automotive dismantler industry. There shall not be fewer than five members engaged in the principal business of the sale of used motor vehicles and there shall not be fewer than two members engaged in the principal business of dismantling or disassembling motor vehicles for the purpose of selling the parts thereof. One of the at-large members shall be engaged in the principal business of selling manufactured homes as a licensed manufactured home dealer. Being engaged in one or more of such pursuits shall not disqualify a person otherwise qualified from serving on the Commission.

B. 1. The term of the chair shall be coterminous with that of the Governor making the appointment, and until a successor is appointed and is qualified.

2. The terms of office of each member of the Commission shall be subject to the following:

- a. the Commission shall determine and certify the trade associations of manufactured home dealers that represent ten percent (10%) or more of the number of licensed manufactured home dealers in the state and shall certify each such association to the Governor. The Governor shall request a minimum of ten names from each such association and shall select one member from the manufactured home industry from the names provided,
- b. each member actively serving July 1, 2000, who was appointed on or before June 30, 2000, shall remain and

fulfill the term of his or her membership as set forth at the appointment,

- c. except for the chair, the term of office of each member of the Commission shall be for six (6) years,
- d. except for the chair and the at-large members, the term of office of any member will automatically expire if the member moves out of the congressional district from which appointed; however, if the congressional districts are modified, then each member shall complete the current term of office,
- e. in event of death, resignation, or removal of any person serving on the Commission, the vacancy shall be filled by appointment as aforesaid for the unexpired portion of the term,
- f. except for the chair, when the term of a member automatically expires, the vacancy shall be filled by appointment of a qualified successor for a term of six (6) years as aforesaid, except that the member shall serve until a successor is appointed and qualified.

3. The chair and each member of the Commission shall take and subscribe to the oath of office required of public officers.

C. The chair and members of the Commission shall receive Thirty Dollars (\$30.00) for each and every day actually and necessarily spent in attending the meetings of the Commission, and shall be reimbursed for subsistence and traveling expenses incurred in the performance of their duties hereunder as provided by the State Travel Reimbursement Act; provided that such meeting payments shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum to any one person.

D. 1. a. The Commission shall appoint a qualified person to serve as Executive Director who shall have had sufficient management and organizational experience in

the automotive industry to direct the functions of the Commission.

- b. The Executive Director shall be appointed for a term of six (6) years, and shall not be subject to dismissal or removal without cause.
- c. The Commission shall fix the salary and define and prescribe the duties of the Executive Director.
- d. The Executive Director shall be in charge of the Commission's office, shall devote such time as necessary to fulfill the duties thereof, and, before entering upon these duties, shall take and subscribe to the oath of office.

2. The Commission may employ such clerical, technical, legal and other help and incur such expenses as may be necessary for the proper discharge of its duties under Section 581 et seq. of this title.

3. The Commission shall maintain its office and transact its business in Oklahoma City, and is authorized to adopt and use a seal.

- E. 1. a. The Commission is hereby vested with the powers and duties necessary and proper to enable it to fully and effectively carry out the provisions and objectives of Section 581 et seq. of this title, and is hereby authorized and empowered, pursuant to the Administrative Procedures Act, to make and enforce all reasonable rules and to adopt and prescribe all forms necessary to accomplish said purpose.
- b. The Commission shall promulgate rules for the licensing of manufactured home installers.
- c. The Commission shall promulgate rules to prescribe the contents of manufactured home sales agreements and to require that each manufactured home manufacturer issue

with each new manufactured home a warranty comparable to warranties generally in use in the industry warranting the manufactured home to be free from material defects.

- d. The enumeration of any power or authority herein shall not be construed to deny, impair, disparage or limit any others necessary to the attainment thereof.
- e. A copy of all rules adopted by the Commission shall be filed and recorded in the office of the Secretary of State and the State Librarian and Archivist, and same may be amended, modified or repealed from time to time.

2. The Commission's powers and duties shall include, but not be limited to, the following:

- a. to license used motor vehicle dealers, used motor vehicle salespersons, wholesale used motor vehicle dealers, dismantlers, manufactured home dealers, manufactured home manufacturers, and manufactured home installers,
- b. to inspect used motor vehicle dealer, dismantler and manufactured home dealer locations, and manufactured home manufacturers' factories or assembly sites to ensure that they are in an approved location, meet local zoning or other municipal requirements, and have sufficient facilities which shall include, but not be limited to, for retail businesses, a business sign, a listed and usable telephone number, a restroom, and a sales office,
- c. to inspect wholesale used motor vehicle dealer locations to ensure that they are in an approved location, meet local zoning or other municipal requirements, and have sufficient facilities which

shall include, but not be limited to, a listed and usable telephone number in the dealer's name and a business office where records of the business are kept,

- d. to require all dealer sales to have a condition of sale such as a warranty disclaimer, implied or written warranty or a service contract approved by the Commission,
- e. to work with consumers and dealers to hear complaints on used vehicles and parts and establish a Used Car Consumer Action Panel to hear complaints on a condition of sale, implied and written warranties, and service complaints, and
- f. to serve as a dispute resolution panel for binding arbitration in accordance with Section 801 et seq. of Title 15 of the Oklahoma Statutes in contract controversies between licensed used motor vehicle dealers, dismantlers and manufactured housing dealers and their consumers when, by mutual written agreement executed after the dispute between the parties has arisen, both parties have agreed to use the Commission as their arbitration panel for contract disputes.

F. 1. All fees and charges collected under the provisions of Section 581 et seq. of this title shall be deposited by the Executive Director in the State Treasury in accordance with the depository laws of this state in a special fund to be known as the "Oklahoma Used Motor Vehicle and Parts Commission Fund", which fund is hereby created. Except as hereinafter provided, the monies in the fund shall be used by the Commission for the purpose of carrying out and enforcing the provisions of Section 581 et seq. of this title. Expenditures from the fund shall be warrants issued by the

State Treasurer against claims submitted by the Commission to the Director of State Finance for approval.

2. At the close of each fiscal year, the Commission shall file with the Governor and the State Auditor and Inspector a true and correct report of all fees and charges collected and received by it during the preceding fiscal year and shall at the same time pay into the General Revenue Fund of the state a sum equal to ten percent (10%) of the gross fees and charges so collected and received.

3. All expenses incurred by the Commission in carrying out the provisions of Section 581 et seq. of this title including, but not limited to, per diem, wages, salaries, rent, postage, advertising, supplies, bond premiums, travel and subsistence for the Commissioners, the Executive Director, employees, and legal counsel, and printing and utilities, shall be a proper charge against the fund, exclusive of the portion thereof to be paid into the General Revenue Fund as above set out; provided, that in no event shall liability ever accrue hereunder against the state in any sum whatsoever, or against the Oklahoma Used Motor Vehicle and Parts Commission Fund, in excess of the ninety percent (90%) of the fees and charges deposited therein.

SECTION 6. AMENDATORY 57 O.S. 1991, Section 503, as amended by Section 5, Chapter 364, O.S.L. 1992 (57 O.S. Supp. 2000, Section 503), is amended to read as follows:

Section 503. There is hereby created the State Board of Corrections which shall be the governing board of the Department of Corrections herein created. The Board shall consist of seven (7) members who shall be appointed by the Governor with the advice and consent of the Senate. One member shall be appointed from each of the ~~six~~ congressional districts, and the ~~seventh member~~ remaining members shall be appointed from the state at large. However, if the congressional districts are modified, then each member shall complete the current term of office and subsequent appointments

shall reflect the existing congressional districts at the time of appointment. No more than two members shall be appointed from any one congressional district. The terms of office of two members shall expire on March 15, 1969, and each six (6) years thereafter; the terms of two members shall expire on March 15, 1971, and each six (6) years thereafter; and the terms of three members shall expire on March 15, 1973, and each six (6) years thereafter. Not more than four members of the Board shall be of the same political party. Any member of the Board may be removed from office in the manner provided by law for the removal of officers not subject to impeachment. Vacancies on the Board shall be filled for the unexpired term.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 199.2, as last amended by Section 3, Chapter 355, O.S.L. 2000 (59 O.S. Supp. 2000, Section 199.2), is amended to read as follows:

Section 199.2 A. 1. There is hereby re-created, to continue until July 1, 2003, in accordance with the provisions of the Oklahoma Sunset Law, a State Board of Cosmetology which shall be composed of nine (9) members to be appointed by the Governor and to serve at the pleasure of the Governor.

2. One member shall be appointed from each congressional district and the additional members shall be appointed at large. However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than two members shall be appointed from any one congressional district.

3. At the time of appointment, the members shall be citizens of this state, at least twenty-five (25) years of age, and shall be high school graduates. Six members shall, at the time of appointment, have had at least five (5) years' continuous practical

experience in the practice of cosmetology in this state, one member shall be a lay person, one member shall be an administrator of a licensed private cosmetology school, and one member shall be an administrator of a public school licensed to teach cosmetology.

4. No two members shall be graduates of the same cosmetology school, nor shall they be organizers of or promote the organization of any cosmetic, beauty, or hairdressers' association. Each of the six cosmetology appointees shall continue to be actively engaged in the profession of cosmetology while serving.

5. If any member retires or ceases to practice his or her profession during the term of membership on the Board, such terms shall automatically cease and the Governor shall appoint a like-qualified person to fulfill the remainder of the term.

B. The terms of office for Board members shall be four (4) years ending June 30.

C. Each member shall serve until a successor is appointed and qualified.

D. Five members of the Board shall constitute a quorum for the transaction of business.

E. The Governor may remove any member of the Board at any time at the Governor's discretion. Vacancies shall be filled by appointment by the Governor for the unexpired portion of the term.

F. The Board shall organize by electing from its membership a chair and vice-chair, each to serve for a period of one (1) year. The presiding officer shall not be entitled to vote upon any question except in the case of a tie vote.

Members shall be reimbursed for their actual and necessary traveling expenses as provided by the State Travel Reimbursement Act.

G. Within thirty (30) days after the end of each fiscal year, the Board shall make a full report to the Governor of all its receipts and expenditures, and also a full statement of its work

during the year, together with such recommendations as the Board deems expedient.

H. The Board may expend funds for suitable office space for the transaction of its business. The Board shall adopt a common seal for the use of the executive director in authenticating Board documents.

I. The Board shall meet at its office for the transaction of such business as may come before it on the second Monday in January, March, May, July, September, and November and at such other times as it may deem advisable.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 567.4, is amended to read as follows:

Section 567.4 A. The Oklahoma Board of Nursing is hereby established in the State of Oklahoma. The Board shall consist of nine (9) members who shall be citizens of the United States of America, and residents of Oklahoma, for no less period than the previous five (5) years. Five of the members shall be registered nurses, in good standing under the provisions of the Oklahoma Nursing Practice Act, currently engaged in the practice of nursing as a registered nurse and shall have had no less than five (5) years of experience as a registered nurse. At least two of the registered nurses shall be from the field of nursing education, actively associated with a recognized school of nursing in Oklahoma, and one of them must be in nursing education administration. At least two of the registered nurses shall represent nursing service, and one of them must hold the highest level of nursing management within a hospital setting. Three of the members shall be licensed practical nurses in good standing under the provisions of the Oklahoma Nursing Practice Act and currently engaged in the practice of practical nursing as a licensed practical nurse and shall have had no less than five (5) years of experience as a licensed practical nurse. One of the Board members must be a director of nursing in a licensed

long-term care facility. One member shall represent the public and shall be an eligible voting resident of this state, knowledgeable in consumer health concerns, and shall neither be nor ever have been associated with the provision of health care or be enrolled in any health-related educational program. This member will be appointed by the Governor to serve coterminously with the Governor. Not more than one registered nurse and one practical nurse Board member shall be appointed from any one congressional district. However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than two members total shall be appointed from any one congressional district. At least one registered nurse Board member and one licensed practical nurse Board member shall be appointed from a county with a population of less than sixty thousand (60,000).

B. The Governor shall appoint the Registered Nurse Board members from a total list of not less than five (5) names submitted by the Oklahoma Nurses Association and Oklahoma chapters of nationally recognized registered nurse organizations. The Governor shall appoint the licensed practical nurse Board members from a list of no less than five (5) names submitted by the Oklahoma State Association of LPN's and Oklahoma chapters of nationally recognized practical nurse organizations. Individuals who are members of the Oklahoma Board of Nursing prior to the effective date of this act shall be allowed to fulfill their terms and be eligible for reappointment.

C. The Registered Nurse and Licensed Practical Nurse members shall be appointed for a term of five (5) years. Upon the death, resignation, or removal of any member a list from the aforementioned organizations will be submitted to the Governor, who shall appoint a member to fill the vacancy.

D. A quorum shall be a majority of the Board which must include at least three (3) registered nurses and one (1) licensed practical nurse.

E. The members of the Board shall annually elect from their number a president, vice-president and a secretary who shall also be the treasurer, and other such officers as necessary to conduct the business of the Board. It shall hold six (6) regular business meetings during each calendar year. Special meetings may be called by the president or secretary with five (5) days' notice to each member of the Board. The Board shall have a seal; it shall make and adopt all necessary rules not inconsistent with the laws of this state, the United States, or with this act; it shall perform the duties and transact the business required under the provisions of this act. The Board shall cause to be kept a record of all meetings for the Board and give notice of all meetings in accordance with the Administrative Procedures Act and the Open Meetings Act. A list of all persons duly licensed and qualified under this act shall be maintained by the Board. Each member of the Board shall receive, in addition to actual and necessary travel expenses as provided in the State Travel Reimbursement Act, compensation of One Hundred Dollars (\$100.00) for each regular scheduled monthly meeting attended, not to exceed more than six (6) meetings per year. All monies received by the Board shall be held by the treasurer of the Board for meeting the expenses of the Board and for the promotion of nursing education, to employ an attorney to assist the Board and other state and county officials in carrying out the provisions of this act, and such other purposes which the Board may determine, and shall be disbursed as directed by the Board. The Board is authorized to adopt and, from time to time, revise such rules and regulations, not inconsistent with this act, as may be necessary to enable it to carry into effect the provisions of this act. The Board shall appoint and employ a qualified person, who shall be a registered

nurse, to serve as Executive Director and shall fix his or her compensation, require a satisfactory bond, and define his or her duties.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 698.4, as amended by Section 4, Chapter 94, O.S.L. 1999 (59 O.S. Supp. 2000, Section 698.4), is amended to read as follows:

Section 698.4 A. 1. The State Board of Veterinary Medical Examiners shall consist of six (6) members, appointed by the Governor with the advice and consent of the Senate. The Board shall consist of five licensed veterinarian members, and one lay person representing the general public.

2. Each veterinary member shall be a graduate of an approved school of veterinary medicine, shall be a currently licensed veterinarian and shall have held an active license for the three (3) years preceding appointment to the Board. No more than ~~one~~ two members of the Board shall be appointed from any one ~~Congressional District~~ congressional district. One veterinary member shall be appointed from each congressional district and any remaining members shall be appointed from the state at large. However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment.

3. The lay member shall have no financial interest in the profession other than as a consumer or potential consumer of its services.

4. Members must be residents of the State of Oklahoma and be persons of integrity and good reputation. No member shall be a registered lobbyist. No member shall be an officer, board member or employee of a statewide or national organization established for the purpose of advocating the interests of or conducting peer review of

veterinarians licensed pursuant to the Oklahoma Veterinary Practice Act.

B. Members of the Board shall be appointed for a term of five (5) years. No member shall serve consecutively for more than two (2) terms. Not more than two (2) terms shall expire in each year, and vacancies for the remainder of an unexpired term shall be filled by appointment by the Governor. Members shall serve beyond the expiration of their term until a successor is appointed by the Governor. The initial appointee for the Board position created on November 1, 1999, shall be appointed for less than five (5) years to abide by staggered term requirements. The Governor shall appoint to a vacancy within ninety (90) days of the beginning of the vacancy. Nominees considered by the Governor for appointment to the Board must be free of pending disciplinary action or active investigation by the Board.

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

1. Ceases to be qualified;
2. Is found guilty by a court of competent jurisdiction of a felony or unlawful act which involves moral turpitude;
3. Is found guilty of malfeasance, misfeasance or nonfeasance in relation to Board duties;
4. Is found mentally incompetent by a court of competent jurisdiction;
5. Is found in violation of the Oklahoma Veterinary Practice Act; or
6. Fails to attend three successive Board meetings without just cause as determined by the Board.

SECTION 10. AMENDATORY 59 O.S. 1991, Section 858-201, as last amended by Section 2, Chapter 60, O.S.L. 1998 (59 O.S. Supp. 2000, Section 858-201), is amended to read as follows:

Section 858-201. A. There is hereby re-created, to continue until July 1, 2003, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma Real Estate Commission, which shall consist of seven (7) members. The Commission shall be the sole governmental entity, state, county or municipal, which shall have the authority to regulate and issue real estate licenses in the State of Oklahoma.

B. All members of the Commission shall be citizens of the United States and shall have been residents of the State of Oklahoma for at least three (3) years prior to their appointment.

C. Five members shall be licensed real estate brokers and shall have had at least five (5) years' active experience as real estate brokers prior to their appointment and be engaged full time in the real estate brokerage business. One member shall be a lay person not in the real estate business, and one member shall be an active representative of a school of real estate located within the State of Oklahoma and approved by the Oklahoma Real Estate Commission.

D. No more than two members shall be appointed from the same congressional district according to the latest congressional redistricting act. However, if the congressional districts are modified, then each member shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 1004, as amended by Section 1, Chapter 63, O.S.L. 1996 (59 O.S. Supp. 2000, Section 1004), is amended to read as follows:

Section 1004. A. The Oklahoma State Committee of Plumbing Examiners is hereby re-created to continue until July 1, 2002, in accordance with the provisions of the Oklahoma Sunset Law, as provided by Sections 3901 et seq. of Title 74 of the Oklahoma Statutes, and shall consist of six (6) members, each of whom shall be a citizen of the United States, and a resident of this state, ~~and~~

~~reside in a different Congressional district of this state. One~~  
member shall be appointed from each congressional district and any  
remaining members shall be appointed from the state at large.  
However, if the congressional districts are modified, then each  
member appointed from a congressional district shall complete the  
current term of office and subsequent appointments shall reflect the  
existing congressional districts at the time of appointment. No  
more than two members shall be appointed from any one congressional  
district. Members of the Committee shall be appointed by the State  
Board of Health which may also remove them for cause. They will  
hold office for terms of two (2) years, or until their successors  
are appointed. Two members of the Committee shall have had at least  
five (5) years' practical experience as a licensed master plumber  
and/or plumbing contractor, and two members shall have had at least  
five (5) years' practical experience as a licensed journeyman  
plumber. One member shall be a plumbing inspector selected from  
lists of names submitted from plumbing inspection industries and one  
member shall be a lay person. Whenever appointments of initial,  
new, or replacement plumbing members of the Committee are to be  
made, the State Board of Health shall choose them only from lists of  
at least three names to be furnished whenever needed as follows:

1. Master plumber and/or plumbing contractor member - lists to  
be furnished by associated plumbing and heating contractors of this  
state;

2. Journeyman plumber member - lists to be furnished by state  
pipe trades associations;

3. One licensed master plumber and/or plumbing contractor who  
is not a member of an association of plumbing, heating, and cooling  
contractors of this state; and

4. One licensed journeyman plumber who is not a member of a  
state pipe trades association.

B. Duties of the Committee shall be to serve the Commissioner in an advisory capacity, to formulate rules pursuant to the Plumbing Licensing Law of 1955, and to assist and advise the Department on the examination of applicants for licenses as journeyman plumber and/or plumbing contractor, in accordance with such rules and the terms and conditions hereof. A majority of the Committee shall constitute a quorum for the transaction of business. Each examiner shall be reimbursed his or her travel expenses in accordance with the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 12. AMENDATORY 59 O.S. 1991, Section 1455, as last amended by Section 1, Chapter 18, O.S.L. 1999 (59 O.S. Supp. 2000, Section 1455), is amended to read as follows:

Section 1455. A. There is hereby re-created, to continue until July 1, 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. However, if the congressional districts are modified, then each member shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. 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.

SECTION 13. AMENDATORY 63 O.S. 1991, Section 2-104.1, as amended by Section 6, Chapter 364, O.S.L. 1992 (63 O.S. Supp. 2000, Section 2-104.1), is amended to read as follows:

Section 2-104.1 A. There is hereby created an Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission which shall consist of seven (7) members, not more than two of whom shall be from the same congressional district. However, if the congressional districts are modified, then each member shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. The members shall be appointed by the Governor and confirmed by the Senate and shall be removable only for cause, as provided by law for the removal of officers not subject to impeachment. The term of office of each member shall be seven (7) years. The first appointments shall be for the following terms as designated by the Governor: one member for a term of one (1) year; one member for a term of two (2) years; one member for a term of three (3) years; one member for a term of four (4) years; one member for a term of five (5) years; one member for a term of six (6) years; and one member for a term of seven (7) years. A member may serve more than one term on the Commission. Each member shall continue to serve so long as he is qualified until his successor has been appointed and confirmed by the Senate. Vacancies occurring

during a term shall be filled for the unexpired portion of the term by the same procedure used to make the regular appointments.

B. Four of the members shall represent the lay citizenry, one member shall be a district attorney while serving in that capacity, one member shall be a sheriff while serving in that capacity, and one member shall be a chief of police while serving in that capacity; provided that the sheriff and police chief members shall have successfully completed an approved course of instruction for peace officers as required by law.

C. Annually the Commission shall select one of the Commission members to serve as Chairman and one member to serve as Vice Chairman. The Commission shall meet at least quarterly. The Chairman shall preside at all meetings of the Commission and shall have the power to call meetings of the Commission. In addition, meetings of the Commission may be called by a majority of the members. The Vice Chairman shall perform these functions in the absence or incapacity of the Chairman. A quorum of four members of the Commission shall be necessary to conduct any official business. All actions taken by the Commission shall be by a simple majority vote of a quorum. In the event of a tie vote, the measure being voted upon shall be deemed to have failed.

The Commission shall adopt rules of procedure for the orderly performance of its functions.

D. Members of the Commission shall serve without salary but may be reimbursed for travel expenses in attending meetings and performing their duties in the manner provided for other state officers and employees under the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. No other provisions of law shall be construed as prohibiting public officers from also serving as members of the Commission, nor shall any other provisions of law be construed as prohibiting public officers or public employees from performing services for the

Commission without compensation. It is further provided that no town, city, county, or other subdivision or other agency of state government shall be prohibited from receiving a grant or from benefiting from grants or expenditures of the Commission for the reason that an officer or employee of such town, city, county, or other subdivision or agency of state government is a Commission member or employee.

E. The Commission shall have the following powers and duties and responsibilities:

1. To appoint the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, whose compensation shall be determined by the Legislature.

2. To hear any complaint against the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or any of its employees according to the following procedure:

- a. Only those complaints which have been submitted in writing and are signed will be acted upon by the Commission.
- b. All hearings on complaints shall be conducted in executive sessions, and shall not be open to the public.
- c. The Commission shall have limited access to pertinent investigative files when investigating a complaint. The Director shall provide a procedure whereby the identification of all persons named in any investigative file except the subject of the complaint and the complaining witness shall not be revealed to the members of the Commission. Any consideration of files shall be in executive session not open to the public. No information or evidence received in connection with the hearings shall be revealed to any person or agency. Any violation hereof shall be

grounds for removal from the Commission, and shall constitute a misdemeanor.

3. To make recommendations to the Director of any needed disciplinary action necessary as a result of an investigation conducted upon a complaint received.

4. To establish general procedures with regard to assisting law enforcement officers and district attorneys.

5. To establish a program of training for agents utilizing such courses as the National Police Academy conducted by the Federal Bureau of Investigation.

SECTION 14. AMENDATORY Section 5, Chapter 332, O.S.L. 1993, as last amended by Section 1, Chapter 143, O.S.L. 1998 (63 O.S. Supp. 2000, Section 5007), is amended to read as follows:

Section 5007. A. There is hereby created the Oklahoma Health Care Authority Board. On and after July 1, 1994, as the terms of the initially appointed members expire, the Board shall be composed of seven appointed members who shall serve for terms of four (4) years and shall be appointed as follows:

1. Two members shall be appointed by the President Pro Tempore of the Senate;

2. Two members shall be appointed by the Speaker of the House of Representatives; and

3. Three members shall be appointed by the Governor. Two of the members appointed by the Governor shall be consumers.

B. Members appointed pursuant to this paragraph, with the exception of the consumer members, shall include persons having experience in medical care, health care services, health care delivery, health care finance, health insurance and managed health care. Consumer members shall have no financial or professional interest in medical care, health care services, health care delivery, health finance, health insurance or managed care. In

making the appointments, the appointing authority shall also give consideration to urban, rural, gender and minority representation.

C. As the terms of office of members appointed before July 1, 1995, expire, appointments made on or after July 1, 1995, shall be subject to the following requirements:

1. One member appointed by the Governor shall be a resident of the First Congressional District. The term of office of the member appointed by the Governor and serving as of the effective date of this act shall expire on September 1, 2003;

2. One member appointed by the President Pro Tempore of the Senate shall be a resident of the Second Congressional District and a consumer. The term of office of the member appointed by the President Pro Tempore of the Senate and serving as of the effective date of this act shall expire on September 1, 1999;

3. One member appointed by the President Pro Tempore of the Senate shall be a resident of the Third Congressional District. The term of office of the member appointed by the President Pro Tempore of the Senate and serving as of the effective date of this act shall expire on September 1, 2004;

4. One member appointed by the Speaker of the House of Representatives shall be a resident of the Fourth Congressional District. The term of office of the member appointed by the Speaker of the House of Representatives and serving as of the effective date of this act shall expire on September 1, 2001;

5. One member appointed by the Speaker of the House of Representatives shall be a resident of the Fifth Congressional District and a consumer. The term of office of the member appointed by the Speaker of the House of Representatives and serving as of the effective date of this act shall expire on September 1, 1998;

6. One member appointed by the Governor shall be a resident of the Sixth Congressional District and a consumer. The term of office of the member appointed by the Governor and serving as of the

effective date of this act shall expire on September 1, 2000. The member serving in this position on the effective date of this act shall complete the term for which appointed and subsequent appointments to this position shall be made from the state at large; and

7. The second consumer member appointed by the Governor shall be appointed at large. The term of office of the member appointed by the Governor and serving as of the effective date of this act shall expire on September 1, 2002.

However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than two members shall be appointed from any one congressional district.

D. The terms of the members serving on the Board as of the effective date of this act shall expire on September 1 of the year in which the respective terms expire. Thereafter, as new terms begin, members shall be appointed to four-year staggered terms which shall expire on September 1. Should a member serve less than a four-year term, the term of office of the member subsequently appointed shall be for the remainder of the four-year term.

E. On and after July 1, 1994, any subsequently appointed administrator of the Authority shall be appointed by the Board. The administrator shall have the training and experience necessary for the administration of the Authority, as determined by the Board, including, but not limited to, prior experience in the administration of managed health care. The administrator shall serve at the pleasure of the Board.

F. The Board shall have the power and duty to:

1. Establish the policies of the Oklahoma Health Care Authority;

2. Appoint the Administrator of the Authority;

3. Adopt and promulgate rules as necessary and appropriate to carry out the duties and responsibilities of the Authority. The Board shall be the rulemaking body for the Authority; and

4. Adopt, publish and submit by January 1 of each year to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives appropriate administrative policies and the business plan for that year. All actions governed by said administrative policies and annual business plan shall be examined annually in an independent audit.

G. 1. A vacancy in a position shall be filled in the same manner as provided in subsection A of this section.

2. A majority of the members of the Board shall constitute a quorum for the transaction of business and for taking any official action. Official action of the Board must have a favorable vote by a majority of the members present.

3. Members appointed pursuant to subsection A of this section shall serve without compensation but shall be reimbursed for expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

H. The Board and the Authority shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the Administrative Procedures Act.

SECTION 15. AMENDATORY 65 O.S. 1991, Section 2-101, as amended by Section 7, Chapter 364, O.S.L. 1992 (65 O.S. Supp. 2000, Section 2-101), is amended to read as follows:

Section 2-101. The Oklahoma Department of Libraries Board is hereby created. The Board shall consist of seven (7) appointive members, and the Director, who shall be an ex officio nonvoting member. The Governor shall appoint, with the advice and consent of the Senate, one member from each congressional district and ~~one member-at-large~~ any remaining members from the state at large.

However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than two of the appointed members shall be appointed from any one congressional district. No appointive member shall be a librarian in active practice. Appointments shall be made on the basis of ability, sound understanding of the total responsibilities and objectives of a state library agency and active interest in the attainment of these goals.

SECTION 16. AMENDATORY 70 O.S. 1991, Section 3-101, as last amended by Section 1, Chapter 210, O.S.L. 1994 (70 O.S. Supp. 2000, Section 3-101), is amended to read as follows:

Section 3-101. The State Board of Education shall be the governing board of the State Department of Education and shall consist of seven (7) members. The State Superintendent of Public Instruction shall be a member and the chairperson of said Board. The remaining six members shall be appointed by the Governor by and with the advice and consent of the Senate. No person shall be eligible to be appointed to serve on the State Board unless said person has been awarded a high school diploma or certificate of high school equivalency. Any member appointed to the State Board after the effective date of this act shall complete the workshop requirements of a new school board member pursuant to Section 5-110 of this title within thirteen (13) months following or preceding the appointment of the member. Notwithstanding any provision of law to the contrary, the State Department of Education shall not charge any member of the State Board of Education a fee for any workshop provided by the Department for board members pursuant to Section 5-110 of this title and shall not pay a fee to any organization or institution of higher education on behalf of a member of the State Board of Education, or reimburse any member of the Board for a fee

paid to any organization or institution of higher education, for attendance at a workshop or courses to satisfy the requirements of Section 5-110 of this title.

The Governor shall appoint one member to serve for one (1) year; one member to serve for two (2) years; one member to serve for three (3) years; one member to serve for four (4) years; one member to serve for five (5) years; and one member to serve for six (6) years. Said members shall serve until their successors are duly appointed and qualified. Their successors shall be appointed for a term of six (6) years, and thereafter the term of each member of said Board shall be six (6) years. An appointment shall be made to take effect on April 2 of each year. Except for the State Superintendent of Public Instruction, a member shall be appointed from each congressional district, ~~not to exceed~~ and any remaining members shall be appointed from the state at large. However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than one appointed member shall be appointed from any one county, city or town, and no more than two of the appointed members shall be appointed from any one congressional district. Upon the occurrence of a vacancy the same shall be filled by the Governor, subject to confirmation by the Senate at the next session of the Legislature, such appointments to be made for the unexpired term.

Terms of the members shall be staggered so that only one term expires each year. Each member of the Board shall receive necessary traveling expenses while in the performance of his duties in accordance with the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

Provided, that persons serving as members of the State Board of Education on the effective date of this act shall continue to serve

as members of the State Board of Education for the terms for which they were appointed.

SECTION 17. AMENDATORY 70 O.S. 1991, Section 3-116, as last amended by Section 1, Chapter 312, O.S.L. 1999 (70 O.S. Supp. 2000, Section 3-116), is amended to read as follows:

Section 3-116. A. There is hereby created the Education Oversight Board. The membership of the Education Oversight Board shall consist of:

1. The Chairperson of the Education Committee of the Oklahoma House of Representatives;

2. The Chairperson of the Education Committee of the Senate;

3. Two members, who are not legislators, appointed by the Governor;

4. Two members, who are not legislators, appointed by the Speaker of the Oklahoma House of Representatives;

5. Two members, who are not legislators, appointed by the President Pro Tempore of the Senate; and

6. One member, who is not a legislator, appointed jointly by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

The two Education Committee Chairpersons shall serve as nonvoting members of the Board as long as each holds that position in such chairperson's respective house. The terms of the appointed members shall be staggered. The initial term of the first member appointed by the Governor shall expire on June 30, 1996. The initial term of the first member appointed by the President Pro Tempore of the Senate shall expire on June 30, 1995. The initial term of the first member appointed by the Speaker of the House of Representatives shall expire on June 30, 1994. The initial term of the second member appointed by the Governor shall expire on June 30, 2002. The initial term of the second member appointed by the President Pro Tempore of the Senate shall expire on June 30, 2001.

The initial term of the second member appointed by the Speaker of the House of Representatives shall expire on June 30, 2000. The initial term of the member appointed jointly by the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall expire on June 30, 1999. The terms of the seven appointed members shall begin on July 1 of the year the preceding term expires. All terms scheduled to begin on or before June 30, 1997, shall be for three (3) years. Except for the initial terms of the second members appointed by the Governor, Speaker of the House of Representatives, and the President Pro Tempore of the Senate and the member appointed jointly, all terms scheduled to begin on or after July 1, 1997, shall be for five (5) years. At least one appointed member must reside in each congressional district. However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than two of the appointed members shall be appointed from any one congressional district. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

B. A chairperson and vice-chairperson shall be elected annually from the membership of the Board. A quorum which shall consist of four voting members must be present for the transaction of any business. Members shall be reimbursed for travel in the performance of their official duties in accordance with the State Travel Reimbursement Act.

C. The Education Oversight Board shall have oversight over implementation of:

1. The provisions of Enrolled House Bill No. 1017 of the 1st Extraordinary Session of the 42nd Oklahoma Legislature; and
2. The provisions of the Oklahoma Teacher Preparation Act.

D. The Education Oversight Board shall govern the operation of the Office of Accountability created in Section 3-117 of this title. The Secretary of Education shall be the chief executive officer of the Office of Accountability.

E. Legislators who serve on the Education Oversight Board shall be exempt from the dual office holding prohibitions of Section 6 of Title 51 of the Oklahoma Statutes.

SECTION 18. AMENDATORY 70 O.S. 1991, Section 7-101, as last amended by Section 1, Chapter 300, O.S.L. 1999 (70 O.S. Supp. 2000, Section 7-101), is amended to read as follows:

Section 7-101. A. Except as otherwise provided for in Section 7-105 of this title for conditional consolidated school districts, the territory comprising all or part of a school district may be annexed to another school district or to two or more districts, when approved at an annexation election called by the State Superintendent of Public Instruction, but except as provided in subsection B of this section, an annexation election may not be held unless the boards of education of the affected districts concur therein. Provided, that such concurrence of the boards of education affected shall not be required in cases of mandatory annexation by the State Board of Education:

1. In pursuance of a petition for annexation signed by a majority of the school district electors in the territory proposed to be annexed, hereinafter referred to as the area affected, said majority being applied to the highest number of voters voting in a regular school district election in the district in the preceding five (5) years as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition as provided in this section; or

2. In pursuance of a resolution adopted by the board of education of the district in which the area affected is situated.

B. An annexation election shall be called by the State Superintendent of Public Instruction without the concurrence of the board of education of the school district which is proposed to be annexed, upon the filing of a petition with the State Superintendent of Public Instruction for annexation that is signed by a majority of the school district electors in the territory proposed to be annexed, hereinafter referred to as the area affected, said majority being applied to the highest number of voters voting in a regular school district election in the district in the preceding five (5) years as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition. The petition shall contain such information as the State Superintendent of Public Instruction may require.

C. Annexation elections held pursuant to this section shall be conducted pursuant to the following procedures:

1. Such election shall be held not less than sixty (60) days nor more than ninety (90) days after the State Superintendent of Public Instruction receives such petition, at some public place in the school district in which the area affected is situated, between the hours of 7 a.m. and 7 p.m., and notice thereof shall be given by the State Superintendent of Public Instruction in the same manner as notice of special elections of the school district electors of school districts is given, provided, that the State Superintendent of Public Instruction shall not be required to call an election for the purpose of annexing a part of a school district more than once during any twelve-month period. Such elections shall be conducted by the county election board;

2. The annexation shall be approved by a majority of the school district electors voting at such election:

- a. of an entire school district, or
- b. if a majority of the members of a board of education of a school district losing the territory concur with

the petitioners, or resolution, only the legal voters of the area so affected shall be eligible to vote at such election, or

- c. if the affected area is part of a school district with thirty thousand (30,000) or more average daily membership, if the boundaries of the affected area is not contiguous with the boundaries of the rest of the district, and if the boundary of the noncontiguous affected area is a least two (2) miles from the nearest boundary of the rest of the district, only the legal voters of the area so affected shall be eligible to vote at such election. Provided, if there is an incorporated city located wholly within the separate noncontiguous affected area, the annexation election being held shall not effect the area within the boundaries of the incorporated area unless a majority of the school district electors within the boundaries of the incorporated area also file a petition requesting annexation as required in subsection B of this section.

If the area proposed to be annexed constitutes less than two percent (2%) of the total area of the school district in which such area is located, and there are no qualified electors residing in such area, no election shall be held. In such instance the board of education of the school district wherein the area proposed to be annexed is located and the board of education of the school district to which such area is proposed to be annexed shall each adopt a resolution approving such annexation and shall transmit certified copies of both resolutions to the State Superintendent of Public Instruction who shall, within five (5) days after receiving copies of such resolutions, make an order declaring the annexation as approved in the resolutions. Copies of the annexation order shall be

transmitted to the State Board of Education, Oklahoma Tax Commission, county clerk, county treasurer, county assessor and to the boards of education of the school districts involved;

3. The annexation shall be approved by a majority of the school district electors of the area affected, voting at such election, if the area affected is an area within a school district in which, as a result of condemnation proceedings by the federal government, a majority of the pupils of said area have attended school, for at least one school term, in the district to which the petition requests annexation;

4. If the annexation of an entire district is approved, as provided for in this section, the State Superintendent of Public Instruction shall, within five (5) days after such election, issue an order declaring the annexation as requested in the petition or resolution for annexation to the State Board of Education, Oklahoma Tax Commission, county clerk, county treasurer and county assessor in each county in which any of the territory of the disorganized district lies, but the annexation shall not become effective until the time for filing an appeal, as hereinafter provided, has expired. In the event a majority of the electors voting at such election do not vote for the annexation, the State Superintendent of Public Instruction shall, within five (5) days after such election, issue an order denying the annexation to the State Board of Education, Oklahoma Tax Commission, county clerk, county treasurer and county assessor in each county in which any of the territory of the disorganized district lies. Within ten (10) days after the order of the State Superintendent of Public Instruction is issued, twenty-five percent (25%) of the school district electors who were eligible to vote at the annexation election may appeal to the district court of the county in which the territory proposed to be annexed, or the largest part thereof if such territory lies in more than one county, is situated, and thereafter all proceedings shall be stayed until

the district court has rendered judgment. The proceedings shall be given precedence over all other civil matters. In the event the court issues a final order upholding a partial annexation, the effective date of said partial annexation shall be July 1 following the final order. All pending annexation proceedings are hereby exempted from this act. The State Board of Education shall be required to change the boundary lines as described in the declaration after all litigation has expired;

5. Upon the effective date of the annexation of an entire school district to one or more school districts, the board of education of the school district whose territory was annexed shall be declared abolished by the State Superintendent of Public Instruction. If a school district to which the territory was annexed currently has a five-member board of education, that school district board of education shall ~~have the option of forming~~ form a seven-member board of education pursuant to the provisions of Section 5-107A of this title upon the effective date of the annexation. Prior to the next October 1 following the effective date of the annexation the newly constituted board of education shall redistrict the entire school district into board seats observing the criteria in subparagraph a of paragraph 1 of subsection B of Section 5-107A of this title. As part of the redistricting, the newly constituted seven-member board may choose to reduce the size of the board to five (5) members; and

6. If an independent district annexes to an elementary district not maintaining a high school, both boards of education are abolished. The Governor shall appoint three members of the newly formed district to the board of education and these members shall appoint the remaining two members. Prior to the next October 1 following the effective date of the annexation the newly appointed board of education shall redistrict the entire school district into

board seats for five members observing the criteria in subparagraph a of paragraph 1 of subsection B of Section 5-107A of this title.

SECTION 19. AMENDATORY 70 O.S. 1991, Section 7-105, as last amended by Section 2, Chapter 332, O.S.L. 1997 (70 O.S. Supp. 2000, Section 7-105), is amended to read as follows:

Section 7-105. A. Two or more school districts may, whether adjacent or not adjacent, be consolidated into a single school district in accordance with standards, rules and procedures to be determined by the State Board of Education. When the consolidation of two or more school districts is proposed, the State Board of Education shall conduct such studies of the populations, wealth, terrain, trade areas and other factors as may be necessary to determine the location of boundaries and the size of a proposed district which will most nearly ensure an efficient and economical administrative unit. The State Board of Education shall furnish the boards of education of the school districts which might be involved information and advice as to where the boundaries and what the size of the proposed new district should be. Nothing herein shall be construed to prevent the inclusion within a school district of territory lying within the boundaries of two or more counties.

B. Ten percent (10%) of the qualified school electors in any district may petition the board of education of such district to request such information, or a board of education of such district may on its own initiative ask for information and advice from the State Board of Education on the educational advantages and disadvantages of proposed consolidation to the children and residents of the area which might be affected. Upon the receipt of such a petition, the local board of education shall request the services of the State Board of Education and shall notify the boards of education in adjacent school districts that such a request has been made. The State Board of Education may on its own initiative make the study herein authorized of any area of the state and direct

the board of education of such school districts as might be involved to set into operation in their districts the procedure for determining what, if any, consolidation should be carried on in the area under study.

C. Any rules or procedures which the State Board of Education may prescribe for consolidation of school districts shall include the opportunity for the qualified school electors in the school districts involved to express their wishes through a majority vote of the school electors in the entire territory involved.

D. Prior to an election for consolidation, the boards of education of the school districts involved may develop a plan which shall set forth the actions to be taken during and after consolidation. The plan of action shall include agreements relating to school site closing, disposition and utilization of property and equipment and such other agreements as may be necessary to facilitate the consolidation of the school districts. The plan of action shall also include provisions related to the area school district the newly formed district will be a part of which are consistent with the State Board of Vocational and Technical Education rules. The plan shall be placed on a separate ballot and voted on by the qualified school electors of each district at the time of the consolidation election. Both the plan and consolidation questions must be approved by a majority vote for the plan to take effect. The plan shall be binding on the board of education of the newly formed district for at least three (3) years; provided, any provisions related to the expenditure of appropriated money shall not be binding beyond the current fiscal year. The newly formed district may alter or disregard the plan only if there is a significant change in circumstances, including a significant drop in revenue to the district or in student enrollment.

E. Two or more school districts may be consolidated into a single school district on a conditional basis. If the voters

approve conditional consolidation of the school districts at an election for such purpose in accordance with the procedures set forth in this section, the newly formed school district shall be considered consolidated and shall go through the same procedure and meet the same requirements as any consolidated school district. Under a conditional consolidation plan, any subsequent decision to consolidate the new school district or annex all or part of the new school district, shall first be approved by a majority of the electors, voting at such election, of each of the original school districts. If one or more of the original school districts disapproves the subsequent consolidation or annexation plan, the plan shall not be approved. If all of the original school districts approve the subsequent consolidation or annexation plan, the plan shall be approved and thereafter, any further consolidation or annexation shall be subject to approval of the electors of all of the school districts as a whole. The original school district shall mean only the districts which independently voted to join the conditionally consolidated district.

F. An election for such purpose shall be held either upon:

1. A petition for consolidation or conditional consolidation, signed by forty percent (40%) of the school district electors of each school district included in the proposed consolidation, or conditional consolidation said percentage being applied to the highest number of voters voting in a regular school election in the district in the preceding five (5) years as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition; or

2. The concurrence of the boards of education of the school districts included in the proposed consolidation or conditional consolidation, as shown by a resolution adopted by each board.

The election shall be called by the State Board of Education and conducted in accordance with the general election laws of this

state. Any vote to consolidate two or more districts, shall require a majority vote of those voting in each school district involved. When such a majority vote is in favor of consolidation or conditional consolidation, the State Board of Education shall declare the participating school districts dissolved and the new school district established, and the newly formed district shall thereupon be governed by the provisions of the Oklahoma School Code.

G. The State Superintendent of Public Instruction or designee shall convene the members of the boards of the districts forming the new district, who shall be given the opportunity of selecting from among themselves the initial board of education for the new district, selecting the number of members and designating the initial terms of service of each as required to conform to law; provided, the members convened shall have the option of forming a seven-member board pursuant to the provisions of Section 5-107A of this title rather than a board of the size otherwise provided by law and shall have the option of temporarily increasing the number of board positions for the new district by two positions per consolidating district ~~for the first two (2) years following consolidation. The temporary positions will be filled by appointment by the board. The temporary board positions shall be abolished two (2) years from the effective date of consolidation.~~ Within ten (10) days following the declaration of establishment of the new district, the State Superintendent or designee shall declare the agreement or shall declare that such agreement has not been reached, in which case persons serving as members of the board of education of the participating district having the largest number of enumerated children as shown by the last regular enumeration shall serve as members of the board of education of the newly formed district for the terms for which they were elected and until their successors have been duly elected or appointed and have qualified. Prior to the next October 1 following the effective date of the

consolidation the board of education shall redistrict the entire school district into either five or seven board seats observing the criteria in subparagraph a of paragraph 1 of subsection B of Section 5-107A of this title.

H. All liabilities, assets, powers and duties of the participating districts shall become the responsibility of the new school district, which district shall be the legal successor in every respect to the school districts participating in the consolidation or conditional consolidation in accordance with law.

SECTION 20. AMENDATORY 70 O.S. 1991, Section 14-101, as amended by Section 1, Chapter 209, O.S.L. 2000 (70 O.S. Supp. 2000, Section 14-101), is amended to read as follows:

Section 14-101. A. There is hereby created the State Board of Career and Technology Education which shall succeed to all of the powers and duties heretofore invested in the State Board for Vocational Education. The membership of the State Board of Career and Technology Education shall consist of the State Superintendent of Public Instruction and the six appointed members of the State Board of Education as ex officio voting members, plus six members to be appointed by the Governor, five of whom shall be appointed with the advice and consent of the Senate. The Governor shall appoint one such appointive member from each of the ~~six~~ (6) congressional districts and any remaining members from the state at large.

However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than two of such appointive members shall be appointed from any one congressional district. All appointments made by the Governor shall be initially as follows: One for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years, one for a term of five (5) years, and

one for a term of six (6) years. Thereafter all such members appointed by the Governor shall be appointed for a term of six (6) years. All such terms shall expire on the first day of April of the year in which the term of each member expires. The chairman of the Board shall be the State Superintendent of Public Instruction. The Director of the Oklahoma Department of Career and Technology Education shall serve as an ex officio nonvoting member and shall be the executive officer of said Board.

For each additional month employed, the additional salary shall be calculated on the basis of one-tenth (1/10) of the base salary as prescribed by the school district for a teacher of like qualifications employed on a ten-months' basis.

B. The official name of the Board which is known as the "State Board of Vocational and Technical Education" shall be designated in all future references as the "State Board of Career and Technology Education". Any references in the statutes to the State Board of Vocational and Technical Education shall be deemed references to the State Board of Career and Technology Education.

SECTION 21. AMENDATORY 70 O.S. 1991, Section 16-101, as last amended by Section 1, Chapter 229, O.S.L. 1993 (70 O.S. Supp. 2000, Section 16-101), is amended to read as follows:

Section 16-101. There is hereby created the State Textbook Committee, which shall be composed of thirteen members of which two members shall be appointed from each congressional district, ~~appointed~~ by the Governor with the advice and consent of the Senate and one member, appointed by the Governor with the advice and consent of the Senate, who shall be a lay citizen not having a teaching certificate and having at least one child in the public schools of Oklahoma, and any remaining members shall be appointed by the Governor with the advice and consent of the Senate from the state at large. However, if the number of congressional districts is reduced, each member shall fulfill their term of office and

subsequent appointments shall reflect the then-existing number of congressional districts. No more than three members shall be appointed from any one congressional district. A majority of the twelve non-lay citizen members appointed from the congressional districts shall be classroom teachers. The regular terms of all members shall be for three (3) years. No member shall be eligible to succeed himself. At no time shall more than one member of the State Textbook Committee be an employee of the same school district. Each member appointed from a congressional district shall have had not less than five (5) years' teaching or supervisory experience in the public schools of Oklahoma at the time of appointment, and shall be actively employed in the public schools of Oklahoma during the term of service on said Committee. The State Superintendent of Public Instruction or a designated member of the staff shall serve as Secretary of the Committee and vote only when there is a tie vote in the membership of the Committee. Each member shall receive necessary traveling expenses while in the performance of his duties pursuant to the State Travel Reimbursement Act.

The Committee may meet at the call of the State Superintendent of Public Instruction at the State Capitol and elect by secret written ballot a chairperson and vice-chairperson from its membership to serve for the year. The terms for which new members from the congressional districts are appointed shall be staggered by the Governor in making appointments. The terms of four members shall expire each year. The four new members appointed each year shall be certified in one of the curriculum areas in which the textbooks will be adopted that ensuing fiscal year.

SECTION 22. AMENDATORY 70 O.S. 1991, Section 23-105, as amended by Section 1, Chapter 54, O.S.L. 1996 (70 O.S. Supp. 2000, Section 23-105), is amended to read as follows:

Section 23-105. There is hereby re-created, to continue until July 1, 2002, in accordance with the provisions of the Oklahoma

Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, a body corporate and politic to be known as the "Oklahoma Educational Television Authority", and by that name the Authority may sue and be sued, and plead and be impleaded. The Authority is hereby constituted an instrumentality of the state, and the exercise by the Authority of the powers conferred by this article for the planning, construction, operation, and maintenance of educational television facilities shall be deemed and held to be an essential function of the state.

The Oklahoma Educational Television Authority shall consist of thirteen (13) members, including the President of the University of Oklahoma, the President of Oklahoma State University, the State Superintendent of Public Instruction, the Chancellor of the Oklahoma State Regents for Higher Education, the president of one of the state-supported four-year colleges to be chosen by the presidents of this group of institutions, the president of one of the state-supported two-year colleges to be chosen by the presidents of this group of institutions, and seven additional members to be appointed by the Governor with the consent of the Senate, to serve seven-year terms.

The appointed members shall have been residents of the state for at least five (5) years preceding the date of their appointment. The appointed members shall include one member from each of the ~~six~~ ~~(6)~~ Congressional Districts and ~~one member-at-large~~ the remaining members from the state at large. However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than two of the appointed members shall be appointed from any one congressional district. A majority of the appointed members shall be actively engaged in the profession of education. Each appointed member of

the Authority, before entering upon his duties, shall take the oath provided for by Section 1 of Article XV of the Constitution of the State of Oklahoma.

The seven original members appointed by the Governor shall continue in office for terms expiring on June 30, 1954; June 30, 1955; June 30, 1956; June 30, 1957; June 30, 1958; June 30, 1959; and June 30, 1960, respectively. The terms of each of the original appointed members shall be designated by the Governor, and said members shall serve for their appointed terms and until their respective successors shall be appointed and qualified. The successor of each appointed member shall be appointed for a term of seven (7) years, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term in said vacancy.

The Authority shall elect from the membership of the Authority a chairman, a vice-chairman, and a secretary-treasurer. Any such officers elected by the Authority on or after July 1, 1984, shall be appointed to serve a term of one (1) year. Seven members of the Authority shall constitute a quorum, and the vote of seven members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. The Authority shall meet at least quarterly.

The members of the Authority shall not be entitled to compensation for their services, but each member shall be reimbursed for his travel expenses incurred in performing his official duties in accordance with the provisions of the State Travel Reimbursement Act. No liability or obligation shall be incurred by the Authority beyond the extent to which monies shall have been provided pursuant to the authority of this article.

SECTION 23. AMENDATORY 70 O.S. 1991, Section 3409, is amended to read as follows:

Section 3409. (a) The Board of Regents created by Section 31a, Article 6, Oklahoma Constitution, shall be known as the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges. It shall consist of nine (9) members, one of whom shall be the President of the State Board of Agriculture, the remaining eight members to be appointed by the Governor, by and with the advice and consent of the Senate. Provided, that persons now serving on such Board shall be members of and shall continue to serve on the Board for the terms for which they were appointed.

(b) Appointments shall be to numbered positions on the Board, and the terms of members of the Board shall be, as follows:

(1) Position No. 1. ~~Until April 5, 1990, the term of office of one member shall expire on the 4th day of April, 1966, and each eight (8) years thereafter, and he shall be, and shall have been for not less than five (5) years prior to his appointment, a resident and elector of one of the following counties: Leflore, Latimer, Pittsburg, Atoka, Pushmataha, McCurtain, Choctaw, Bryan, Marshall, Carter and Love.~~ Effective April 5, 1990, the term of office of one member shall expire on the 4th day of April, 1998, and each eight (8) years thereafter, and he shall be, and shall have been for not less than five (5) years prior to his appointment, a resident and elector of this state.

(2) Position No. 2. ~~Until April 5, 1991, the term of office of one member shall expire on the 4th day of April, 1967, and each eight (8) years thereafter, and he shall be, and shall have been for not less than five (5) years prior to his appointment, a resident and elector of one of the following counties: Adair, Sequoyah, Cherokee, Wagoner, Muskogee, Haskell, McIntosh and Okmulgee.~~ Effective April 5, 1991, the term of office of one member shall expire on the 4th day of April, 1999, and each eight (8) years thereafter, and he shall be, and shall have been for not less than

five (5) years prior to his appointment, a resident and elector of the Second Congressional District.

(3) Position No. 3. ~~Until April 5, 1992, the term of office of one member shall expire on the 4th day of April, 1968, and each eight (8) years thereafter, and he shall be, and shall have been for not less than five (5) years prior to his appointment, a resident and elector of one of the following counties: Ellis, Dewey, Roger Mills, Custer, Beckham, Washita, Kiowa, Greer, Jackson, Harmon and Tillman.~~ Effective April 5, 1992, the term of office of one member shall expire on the 4th day of April, 2000, and each eight (8) years thereafter, and he shall be, and shall have been for not less than five (5) years prior to his appointment, a resident and elector of this state.

(4) Position No. 4. ~~Until April 5, 1993, the term of office of one member shall expire on the 4th day of April, 1969, and each eight (8) years thereafter, and he shall be, and shall have been for not less than five (5) years prior to his appointment, a resident and elector of one of the following counties: Ottawa, Delaware, Craig, Mayes, Nowata, Rogers, Washington, Tulsa, Pawnee and Osage.~~ Effective April 5, 1993, the term of office of one member shall expire on the 4th day of April, 2001, and each eight (8) years thereafter, and he shall be, and shall have been for not less than five (5) years prior to his appointment, a resident and elector of the First Congressional District.

(5) Position No. 5. ~~Until April 5, 1994, the term of office of one member shall expire on the 4th day of April, 1970, and each eight (8) years thereafter, and he shall be, and shall have been for not less than five (5) years prior to his appointment, a resident and elector of one of the following counties: Logan, Oklahoma, Cleveland, McClain, Garvin, Murray and Payne.~~ Effective April 5, 1994, the term of office of one member shall expire on the 4th day of April, 2002, and each eight (8) years thereafter, and he shall

be, and shall have been for not less than five (5) years prior to his appointment, a resident and elector of the Fifth Congressional District.

(6) Position No. 6. ~~Until April 5, 1995, the term of office of one member shall expire on the 4th day of April 1971, and each eight (8) years thereafter, and he shall be, and shall have been for not less than five (5) years prior to his appointment, a resident and elector of one of the following counties: Cimarron, Texas, Beaver, Harper, Woodward, Woods, Major, Alfalfa, Grant, Garfield, Kay and Noble.~~ Effective April 5, 1995, the term of office of one member shall expire on the 4th day of April, 2003, and each eight (8) years thereafter, and he shall be, and shall have been for not less than five (5) years prior to his appointment, a resident and elector of the ~~Sixth Congressional District~~ state.

(7) Position No. 7. ~~Until April 5, 1996, the term of office of one member shall expire on the 4th day of April, 1972, and each eight (8) years thereafter, and he shall be, and shall have been for not less than five (5) years prior to his appointment, a resident and elector of one of the following counties: Creek, Lincoln, Okfuskee, Seminole, Pottawatomie, Pontotoc, Hughes, Johnston and Coal.~~ Effective April 5, 1996, the term of office of one member shall expire on the 4th day of April, 2004, and each eight (8) years thereafter, and he shall be, and shall have been for not less than five (5) years prior to his appointment, a resident and elector of the Third Congressional District.

(8) Position No. 8. ~~Until April 5, 1997, the term of office of one member shall expire on the 4th day of April, 1973, and each eight (8) years thereafter, and he shall be, and shall have been for not less than five (5) years prior to his appointment, a resident and elector of one of the following counties: Blaine, Kingfisher, Canadian, Caddo, Grady, Comanche, Stephens, Jefferson and Cotton.~~ Effective April 5, 1997, the term of office of one member shall

expire on the 4th day of April, 2005, and each eight (8) years thereafter, and he shall be, and shall have been for not less than five (5) years prior to his appointment, a resident and elector of the Fourth Congressional District.

However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than two of the appointed members shall be appointed from any one congressional district.

(9) Position No. 9. This position shall be occupied by the President of the State Board of Agriculture.

(c) A majority of the members appointed by the Governor shall be farmers, who are actually engaged in farming and/or livestock growing as their principal business or occupation in earning a livelihood; and no state, national or county officer shall be appointed as a member of the Board until two (2) years after his tenure as such officer has ceased.

(d) No member of the Board of Regents shall be employed upon any work to be performed in connection with any of the Agricultural Colleges or Oklahoma State University of Agriculture and Applied Science, nor shall any member of said Board enter into any contract or business dealings with any of said Agricultural Colleges, in the way of buying, selling or exchanging livestock, or any other business transactions involving a financial consideration.

(e) Members of the Board shall be removable only for cause, as provided by law for this removal of officers not subject to impeachment.

(f) Vacancies on the Board shall be filled by the Governor, for the unexpired term, by and with the advice and consent of the Senate.

SECTION 24. AMENDATORY Section 3, Chapter 325, O.S.L. 1998 (70 O.S. Supp. 2000, Section 4663), is amended to read as follows:

Section 4663. A. On January 1, 1999, there shall be created the Board of Trustees for Oklahoma State University/Tulsa which shall consist of seven members who reside in Tulsa County or contiguous counties and two members of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges (A&M Board) who shall serve as voting, ex officio members, one of whom shall reside in the First Congressional District. However, if the First Congressional District is modified, then such member shall complete the current term of office and subsequent appointments shall reflect the existing congressional district at the time of appointment. The second member from the A&M Board shall be appointed by the A&M Board. For purposes of serving on the Board of Trustees, the members of the A&M Board who are appointed to the Board of Trustees shall not be subject to the dual office holding restrictions in Section 6 of Title 51 of the Oklahoma Statutes. The Governor shall appoint the other members of the Board of Trustees with the advice and consent of the Senate. The members shall be appointed to numbered positions with staggered terms to expire as provided in this section. Successors to the initial board members shall serve seven-year terms that shall expire on June 30 of the seventh year following appointment. Vacancies on the Board shall be filled for the unexpired term by the Governor with the advice and consent of the Senate. Four of the nine members on the initial Board of Trustees shall be appointed by the Governor with the advice and consent of the Senate from the members of the Board of Regents of Rogers University who are residents of Tulsa and are serving on the effective date of this act. The four members appointed from the Board of Regents of Rogers University shall be appointed to the positions numbered one through four. The remaining three members

appointed by the Governor shall be appointed to positions five through seven. The member of the A&M Board who resides in the First Congressional District shall hold position number eight. The second member of the A&M Board shall hold position number nine. The numbered positions and terms shall be as follows:

1. Position No. 1: The term of office of one member shall expire on the 30th day of June, 2000, and each seven (7) years thereafter;

2. Position No. 2: The term of office of one member shall expire on the 30th day of June, 2001, and each seven (7) years thereafter;

3. Position No. 3: The term of office of one member shall expire on the 30th day of June, 2002, and each seven (7) years thereafter;

4. Position No. 4: The term of office of one member shall expire on the 30th day of June, 2003, and each seven (7) years thereafter;

5. Position No. 5: The term of office of one member shall expire on the 30th day of June, 2004, and each seven (7) years thereafter;

6. Position No. 6: The term of office of one member shall expire on the 30th day of June, 2005, and each seven (7) years thereafter;

7. Position No. 7: The term of office of one member shall expire on the 30th day of June, 2006, and each seven (7) years thereafter;

8. Position No. 8: The term of office shall coincide with the member's term on the A&M Board; and

9. Position No. 9: The term of office shall coincide with the member's term on the A&M Board.

B. The Board of Trustees shall be a body corporate and shall adopt and use an official seal. The Board shall elect a chair,

vice-chair, and secretary annually, each of whom shall serve for a term of one fiscal year and until a successor is elected and qualified, and who shall perform such duties as the Board directs. The Board shall adopt rules which it deems necessary for the operation of the Board and the discharge of its duties and shall cause the minutes of all meetings to be kept. The Board shall comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

C. The Board of Trustees for Oklahoma State University/Tulsa may be authorized by the A&M Board to supervise and manage the campus of Oklahoma State University/Tulsa and perform other functions as necessary. The Board of Trustees shall promulgate rules and enact policies to govern the processes and procedures of the Board. The policies of the Board of Regents of Rogers University, including but not limited to policies on personnel and student participation, that are in effect on the date that the Board of Regents of Rogers University is dissolved shall be deemed adopted by the Board of Trustees unless specifically amended or repealed by the A&M Board. The A&M Board and the Board of Trustees shall appoint a joint committee of at least two members from each board and at least two members of the staff of each institution to develop and propose mutually agreed upon rules and policies to formalize the review and oversight procedures and the relationships between the A&M Board, the Board of Trustees, Oklahoma State University in Stillwater, and Oklahoma State University/Tulsa. It is the intent of the Legislature that in the interests of immediate responsiveness to the needs of students, employees, and the business community that the decision or approval process be expedited.

D. Subject to the oversight of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, the Board of Trustees of Oklahoma State University/Tulsa shall set the compensation of the president of Oklahoma State University/Tulsa. On or after January

1, 1999, the A&M Board may assign and delineate roles and responsibilities for the Board of Trustees for Oklahoma State University/Tulsa. Such responsibilities may include, but are not limited to, student services, facility operations, student financial services, budget preparations, endowed chairs at Oklahoma State University/Tulsa, and administrative operations as specified by the A&M Board.

E. The Board of Trustees shall establish the usual and customary accounts established by higher education institutions within the Office of State Finance necessary to carry out its duties.

F. Until July 1, 2001, during the transition and development of Oklahoma State University/Tulsa, acting on behalf of the Board of Trustees for Oklahoma State University/Tulsa, Oklahoma State University is authorized and directed to negotiate contracts with institutions for courses and degree programs of study approved by the Oklahoma State Regents for Higher Education, as necessary to meet the higher education needs for the Tulsa metropolitan area. The number of degree programs offered by Northeastern State University and Langston University shall not be diminished or duplicated.

G. The president of Oklahoma State University/Tulsa shall be selected by the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges after completion of a search process as set forth in this subsection. The A&M Board shall appoint at least two of its members, one of whom must reside in the First Congressional District, and the Board of Trustees shall appoint at least two of its members to a search committee. The president of Oklahoma State University may appoint other representatives of faculty, staff, and students to the search committee. The president of Oklahoma State University shall recommend a candidate in consultation with the search committee to the Board of Trustees and the A&M Board.

SECTION 25. AMENDATORY 74 O.S. 1991, Section 150.3, is amended to read as follows:

Section 150.3 A. There is hereby created an Oklahoma State Bureau of Investigation Commission which shall consist of seven (7) members, not more than two of whom shall be from the same congressional district as construed at the time of enactment of this section. However, if the congressional districts are modified, then each member shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. The members shall be appointed by the Governor and confirmed by the Senate and shall be removable only for cause, as provided by law for the removal of officers not subject to impeachment. The term of office of each member shall be seven (7) years. The first appointments shall be for the following terms as designated by the Governor: one member for a term of one (1) year; one member for a term of two (2) years; one member for a term of three (3) years; one member for a term of four (4) years; one member for a term of five (5) years; one member for a term of six (6) years; and one member for a term of seven (7) years. A member may serve more than one term on the Commission. Each member shall continue to serve so long as he is qualified until his successor has been appointed and confirmed by the Senate. Vacancies occurring during a term shall be filled for the unexpired portion of the term by the same procedure used to make the regular appointments.

B. Four of the members shall represent the lay citizenry, one member shall be a district attorney while serving in that capacity, one member shall be a sheriff while serving in that capacity, and one member shall be a chief of police while serving in that capacity; provided that the sheriff and police chief members shall have successfully completed an approved course of instruction for peace officers as required by law.

C. Annually the Commission shall select one of the Commission members to serve as Chairman and one member to serve as Vice Chairman. The Commission shall meet at least quarterly. The Chairman shall preside at all meetings of the Commission and shall have the power to call meetings of the Commission. In addition, meetings of the Commission may be called by a majority of the members. The Vice Chairman shall perform these functions in the absence or incapacity of the Chairman. A quorum of four members of the Commission shall be necessary to conduct any official business. All actions taken by the Commission shall be by a simple majority vote of a quorum. In the event of a tie vote, the measure being voted upon shall be deemed to have failed.

The Commission shall adopt rules of procedure for the orderly performance of its functions.

D. Members of the Commission shall serve without salary but may be reimbursed for travel and other expenses in attending meetings and performing their duties in the manner provided for other state officers and employees under the State Travel Reimbursement Act. The lay-citizen members shall be paid Thirty Dollars (\$30.00) per diem for attendance at meetings of the Commission. No other provisions of law shall be construed as prohibiting public officers from also serving as members of the Commission, nor shall any other provisions of law be construed as prohibiting public officers or public employees from performing services for the Commission without compensation. It is further provided that no town, city, county or other subdivision or other agency of state government shall be prohibited from receiving a grant or from benefiting from grants or expenditures of the Commission for the reason that an officer or employee of such town, city, county or other subdivision or agency of state government is a Commission member or employee.

SECTION 26. AMENDATORY 74 O.S. 1991, Section 854, is amended to read as follows:

Section 854. A. There is hereby created a body corporate and politic, constituting a public corporation and governmental instrumentality of this state, to be known and identified as "The Oklahoma Industrial Finance Authority". Said Authority shall be under the control of a Board of Directors, to be composed of seven (7) members appointed by the Governor for overlapping terms, with the advice and consent of the Senate, one of whom shall be the Director of the Oklahoma Department of Commerce, representing the state at large, and one ~~each~~ from ~~the present six Congressional Districts~~ each congressional district and the remaining members to be appointed from the state at large, at least five of whom shall have had at least fifteen (15) years' experience in banking, mortgage loans or financial management, and the remaining member shall have demonstrated outstanding ability in business or industry. However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than two of the appointed members shall be appointed from any one congressional district. Members initially appointed shall continue in office for terms of from one (1) to six (6) years, respectively, from the date of their appointment and until their respective successors shall be duly appointed and qualified, the term of each appointed member to be designated by the Governor at the time of his appointment; but their successors shall each be appointed for a term of six (6) years, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any appointed member of the Authority shall be eligible for reappointment, and no member shall be removed from office except for good cause shown.

B. The Chairman and other officers of the Board shall be elected annually by the Board from its own membership. Members of

the Authority shall be compensated for their travel expenses pursuant to the State Travel Reimbursement Act.

C. The State Treasurer shall be an ex officio, nonvoting member of said Board of Directors, and shall serve without compensation. All other Board members, excluding the Director of the Oklahoma Department of Commerce, shall receive a stipend of Three Hundred Dollars (\$300.00) for each Board meeting attended not to exceed Three Thousand Six Hundred Dollars (\$3,600.00) per annum. In addition, the actual expenses, documented by receipts, incurred by employees of the Authority for necessary travel and subsistence to attend Board meetings and to carry out the powers and duties of the Authority under Section 851 et seq. of this title shall be reimbursed to such Board member or employee. All such stipends and expenses must be approved by the Board prior to reimbursement. No state appropriated monies shall be used for said reimbursement.

D. The meetings of the Board of Directors of the Authority shall be subject to the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes, and the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes. Any information submitted to or compiled by the Authority with respect to the marketing plans, financial statements, trade secrets or any other commercially sensitive information of persons, firms, associations, partnerships, agencies, corporations or other entities shall be confidential, except to the extent that the person or entity which provided such information or which is the subject of such information consents to disclosure. Executive sessions may be held to discuss such materials if deemed necessary by the Board of Directors.

SECTION 27. AMENDATORY 74 O.S. 1991, Section 1804, as amended by Section 10, Chapter 364, O.S.L. 1992 (74 O.S. Supp. 2000, Section 1804), is amended to read as follows:

Section 1804. A. The Oklahoma Tourism and Recreation Commission shall consist of ~~one~~ eight members. One member shall be appointed from each congressional district, who shall be a resident and a qualified elector in the district which appointed, and ~~two~~ the remaining members shall be appointed from the state at large. However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than one member shall be from any one county. No more than two of the appointed members shall be appointed from any one congressional district. Commission members shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall serve at the pleasure of the Governor. At the expiration of the term of each member the Governor shall appoint a successor who shall serve for a term of six (6) years. The Lieutenant Governor shall serve as an ex officio voting member of the Commission. Whenever a vacancy on the Commission occurs by death, resignation, or otherwise, the Governor shall fill the same by appointment, with the advice and consent of the Senate, and the appointee shall hold office during the unexpired term. Each member shall hold office until his successor has been appointed and qualified.

B. No member of the Commission shall seek election to a federal, state, or county office while serving on the Oklahoma Tourism and Recreation Commission.

C. Each member of the Commission, before serving on the Commission, shall take and subscribe to the constitutional and statutory oaths of office and file said oaths with the Secretary of State. Members of the Commission shall be reimbursed for travel expenses to Commission meetings as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of this title.

D. Within three (3) days after appointment of the Commission, the Governor shall call said Commission to meet at Oklahoma City. The Commission shall be organized by the Governor who shall appoint from the Commission the Chairman, the Vice Chairman, and the Secretary. The Commission is authorized and directed to adopt rules and regulations for conducting its proceedings. A majority of the Commission shall constitute a quorum for transacting business. The Commission shall meet at least monthly and may meet at such other times as it deems necessary for effectively performing its duties and responsibilities. Special meetings may be called by the Chairman or by any three members of the Commission.

SECTION 28. AMENDATORY 82 O.S. 1991, Section 1085.1, as amended by Section 12, Chapter 364, O.S.L. 1992 (82 O.S. Supp. 2000, Section 1085.1), is amended to read as follows:

Section 1085.1 A. There is hereby created the Oklahoma Water Resources Board, hereinafter referred to as the Board, consisting of nine (9) members to be appointed by the Governor, by and with the advice and consent of the Senate. The Board shall constitute a body corporate and politic and an instrumentality, agency and department of the State of Oklahoma, and exercise by the Board of the powers conferred by this act shall be deemed and shall be held to be an essential governmental function of the State of Oklahoma. One member shall be appointed for a term of one (1) year; one member shall be appointed for a term of two (2) years; one member shall be appointed for a term of three (3) years; one member shall be appointed for a term of four (4) years; one member shall be appointed for a term of five (5) years; two members shall be appointed for a term of six (6) years; and two members shall be appointed for a term of seven (7) years. Upon the expiration of said terms, their successors shall be appointed for terms of seven (7) years. One member shall be appointed from each of the congressional districts of this state and ~~three~~ the remaining

members shall be appointed at large. However, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than two members shall be appointed from any one congressional district. Each member shall be a qualified elector of this state. At all times the membership of the Board shall have represented on it at least one member well versed in each of the following major types of water use: recreational, industrial, irrigational, municipal, rural residential, agricultural and soil conservation work. Not more than two members may be selected representing any one of the major types of water use. The Board shall meet at least once each month. The members of the Board may be removed only for cause. Whenever a vacancy shall occur, the Governor shall appoint a qualified person to fill the unexpired term of the vacant office. Each member of the Board upon entering upon his duties shall take and subscribe to the constitutional and statutory oath of office and file the same with the Secretary of State.

B. The Board shall organize annually by electing a chairman, vice-chairman, and secretary from the membership of the Board, who shall perform such duties as shall be prescribed by the Board.

SECTION 29. AMENDATORY Section 18, Chapter 349, O.S.L. 1993, as last amended by Section 15, Chapter 361, O.S.L. 1997 (85 O.S. Supp. 2000, Section 201.1), is amended to read as follows:

Section 201.1 A. 1. There is hereby created a Physician Advisory Committee comprised of nine (9) members to be appointed as follows:

- a. the Governor shall appoint three members, one of whom shall be licensed in this state as a doctor of medicine and surgery, one of whom shall be engaged in the practice of family medicine in a rural community

of the state, and one of whom shall be an osteopathic physician,

b. the President Pro Tempore of the Senate shall appoint three members, one of whom shall be licensed in this state as a doctor of medicine and surgery, one of whom shall be licensed in this state either as a doctor of medicine or a doctor of osteopathy, and one of whom shall be licensed in this state as a podiatric physician,

c. the Speaker of the House of Representatives shall appoint three members, one of whom shall be licensed in this state as an osteopathic physician, one of whom shall be licensed in this state either as a doctor of medicine or a doctor of osteopathy, and one of whom shall be licensed in this state as a chiropractic physician.

2. a. To fill the positions for which the term of office expires on January 1, 1996, the Governor shall appoint a resident of the Fifth Congressional District, the President Pro Tempore of the Senate shall appoint a resident of the First Congressional District and the Speaker of the House of Representatives shall appoint a resident of the Second Congressional District.

b. To fill the positions for which the term of office expires on January 1, 1997, the Governor shall appoint a resident of the Sixth Congressional District, the President Pro Tempore of the Senate shall appoint a resident of the Third Congressional District and the Speaker of the House of Representatives shall appoint a resident of the Fourth Congressional District.

c. To fill the positions for which the term of office expires on January 1, 1998, the Governor, the

President Pro Tempore of the Senate and the Speaker of the House of Representatives shall appoint residents of the state at large.

- d. Thereafter, appointments shall be made from the same Congressional District as the original appointment was made pursuant to this paragraph. Provided, if any congressional districts are eliminated by congressional reapportionment, then appointments required to be made from such districts may be made from the state at large; provided further, if the congressional districts are modified, then each member appointed from a congressional district shall complete the current term of office and subsequent appointments shall reflect the existing congressional districts at the time of appointment. No more than two members shall be appointed from any one congressional district.

B. The Committee shall:

1. Assist and advise the Administrator of the Workers'

Compensation Court regarding utilization review as it relates to the medical practice and treatment of work-related injuries. Such utilization review shall include a review of reasonable and necessary treatment; abusive practices; needless treatments, testing, or procedures; or a pattern of billing in excess of or in violation of the Schedule of Medical Fees. The Physician Advisory Committee shall review and make findings and recommendations to the Administrator of the Workers' Compensation Court with respect to charges of inappropriate or unnecessary treatment or procedures, abusive practices, or excessive billing disclosed through utilization review;

2. Assist the Administrator of the Workers' Compensation Court in reviewing medical practices of health care providers, including

evaluations of permanent impairment provided by health care providers, as provided for in Section 201 of this title. The Committee shall review and make findings and recommendations to the Administrator with respect to charges of abusive practices by health care providers providing medical services or evaluations of permanent impairment through the workers' compensation system-;

3. After public hearing, review and make recommendations for acceptable deviations from the American Medical Association's "Guides to the Evaluation of Permanent Impairment" using appropriate and scientifically valid data. Those recommendations may be adopted, in part or in whole, by the Administrator to be used as provided for in paragraph 11 of Section 3 and Section 22 of this title;

4. After public hearing, review and make recommendations for an alternative method or system to evaluate permanent impairment that shall be used in place of or in combination with the American Medical Association's "Guides to the Evaluation of Permanent Impairment". Appropriate and scientific data shall be considered. The alternative method or system to evaluate permanent impairment may be adopted, in part or in whole, by the Administrator to be used as provided for in paragraph 11 of Section 3 and Section 22 of this title. Revisions, deviations and alternatives to the American Medical Association's "Guides to the Evaluation of Permanent Impairment" shall become effective as provided in paragraph 11 of Section 3 and Section 22 of this title;

5. After public hearing, review and make recommendations for treatment guidelines and protocols and utilization controls for adoption, in part or in whole, by the Administrator. Treatment guidelines and protocols and utilization controls may be adopted incrementally in the descending order of utilization frequency;

6. Provide general recommendations to the judges of the Workers' Compensation Court on the issues of injury causation and apportionment;

7. Conduct educational seminars for the judges of the Workers' Compensation Court, employers, employees, and other interested parties;

8. Assist the judges of the Workers' Compensation Court in accessing medical information from scientific literature; and

9. Report its progress annually to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

C. The term of office for initial appointees shall expire March 1, 1994. Thereafter, successors in office shall serve as follows:

1. The term of office for three positions, one each appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, shall expire on January 1, 1996;

2. The term of office for three positions, one each appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, shall expire on January 1, 1997;

3. The term of office for three positions, one each appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, shall expire on January 1, 1998;

4. Thereafter, successors in office shall be appointed for a three-year term. Members shall be eligible to succeed themselves in office; and

5. Any person appointed to fill a vacancy shall be appointed for the unexpired portion of the term.

D. Members of the Physician Advisory Committee shall receive no compensation for serving on the Committee but shall be reimbursed by

the Workers' Compensation Court for their necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

E. Meetings of the Physician Advisory Committee shall be called by the Administrator but held at least quarterly. The presence of a simple majority of the members constitutes a quorum. No action shall be taken by the Physician Advisory Committee without the affirmative vote of at least a simple majority of the members.

F. The Administrator shall provide office supplies and personnel of the Workers' Compensation Court to assist the Committee in the performance of its duties.

G. Upon written request, the State Insurance Commissioner, the State Insurance Fund, and every approved self-insured employer in Oklahoma shall provide the Committee with data necessary to the performance of its duties.

H. Any health care provider acting in good faith and within the scope of the provider's duties as a member of the Physician Advisory Committee shall be immune from civil liability for making any report or other information available to the judges of the Workers' Compensation Court or to the Administrator of the Workers' Compensation Court or for assisting in the origination, investigation, or preparation of the report or other information so provided.

SECTION 30. This act shall become effective November 5, 2002.

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