STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 793 By: Morgan of the Senate

and

Paulk of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to boards, commissions and authorities; correcting statutory language and reinstating structure of certain boards, commissions and authorities affected by congressional redistricting; amending 47 O.S. 2001, Section 582, as amended by Section 5, Chapter 375, O.S.L. 2002 (47 O.S. Supp. 2002, Section 582), which relates to the Oklahoma Used Motor Vehicle and Parts Commission; reinstating at-large appointment of chair of certain commission; amending 59 O.S. 2001, Section 858-201, as amended by Section 9, Chapter 375, O.S.L. 2002 (59 O.S. Supp. 2002, Section 858-201), which relates to the Oklahoma Real Estate Commission; re-creating such Commission; modifying termination date; removing conflicting language requiring certain congressional district representation; amending 59 O.S. 2001, Section 1455, as amended by Section 11, Chapter 375, O.S.L. 2002 (59 O.S. Supp. 2002, Section 1455), which relates to the Polygraph Examiners Board; removing conflicting language requiring certain congressional district representation; deleting obsolete language; clarifying certain date; amending 63 O.S. 2001, Section 2-104.1, as amended by Section 12, Chapter 375, O.S.L. 2002 (63 O.S. Supp. 2002, Section 2-104.1), which relates to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission; removing conflicting language requiring certain congressional district representation; making references gender neutral; amending 70 O.S. 2001, Section 16-101, as amended by Section 18, Chapter 375, O.S.L. 2002 (70 O.S. Supp. 2002, Section 16-101), which relates to State Textbook Committee; clarifying required congressional district representation; making certain reference gender neutral; amending 70 O.S. 2001, Section 3409, as amended by Section 20, Chapter 375, O.S.L. 2002 (70 O.S. Supp. 2002, Section 3409), which relates to the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges; removing conflicting language requiring certain congressional district representation; updating reference to certain at-large appointment; making certain references gender neutral; amending 74 O.S. 2001, Section 150.3, as amended by Section 21, Chapter 375, O.S.L. 2002 (74

O.S. Supp. 2002, Section 150.3), which relates to Oklahoma State Bureau of Investigation Commission; removing conflicting language related to configuration of congressional districts; removing conflicting language requiring certain congressional district representation; making certain references gender neutral; amending 74 O.S. 2001, Section 854, as amended by Section 22, Chapter 375, O.S.L. 2002 (74 O.S. Supp. 2002, Section 854), which relates to The Oklahoma Industrial Finance Authority; removing language that conflicts with congressional district representation required by Oklahoma Constitution; clarifying representation of congressional districts as configured at certain time; removing redundant statutory references; amending 85 O.S. 2001, Section 201.1, as amended by Section 25, Chapter 375, O.S.L. 2002 (85 O.S. Supp. 2002, Section 201.1), which relates to the Physician Advisory Committee; clarifying reference to certain numbered congressional districts; removing certain appointment requirements based on congressional redistricting; providing for certain appointments from state at large; repealing 59 O.S. 2001, Section 858-201, as last amended by Section 1 of Enrolled House Bill No. 1541 of the 1st Session of the 49th Oklahoma Legislature, which relates to the Oklahoma Real Estate Commission and is a duplicate section; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 582, as amended by Section 5, Chapter 375, O.S.L. 2002 (47 O.S. Supp. 2002, 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. One member shall be appointed from each congressional district and any remaining members, including the chair, shall be appointed from the state at large. However, when congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any

redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member; provided, the chair shall be appointed at large without regard to congressional district representation on the board;

2. 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 each member shall complete the current term of office as provided in this section,

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 2. AMENDATORY 59 O.S. 2001, Section 858-201, as amended by Section 9, Chapter 375, O.S.L. 2002 (59 O.S. Supp. 2002, Section 858-201), is amended to read as follows:

Section 858-201. A. There is hereby re-created, to continue until July 1, ~~2003~~ 2009, 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, when congressional districts are redrawn, each member appointed prior to July 1 of the year in which

such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. ~~Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member.~~ No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district.

SECTION 3. AMENDATORY 59 O.S. 2001, Section 1455, as amended by Section 11, Chapter 375, O.S.L. 2002 (59 O.S. Supp. 2002, 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~~ October 12, 1988.

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, when congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. ~~Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member.~~ No appointments may be made after July 1 of the year in which such

modification becomes effective if such appointment would result in more than two members serving from the same modified district. At least two members must be qualified examiners of a governmental law enforcement agency and at least two members must be qualified polygraph examiners in the commercial field. The members shall be appointed by the Governor of the State of Oklahoma, with the advice and consent of the Senate, for terms of six (6) years. ~~The terms of office of members appointed to the initial Board created on May 17, 1971, are one for two (2) years, two for four (4) years, and two for six (6) years.~~ Any vacancy in an unexpired term shall be filled by appointment of the Governor, with the advice and consent of the Senate, for the unexpired term. Except as authorized by the Polygraph Examiners Act, members of the Board shall be paid no fee, expense reimbursement, wage or other compensation for their services.

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

SECTION 4. AMENDATORY 63 O.S. 2001, Section 2-104.1, as amended by Section 12, Chapter 375, O.S.L. 2002 (63 O.S. Supp. 2002, 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, when congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. ~~Appointments made after July 1 of the year in which such modification becomes~~

~~effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member.~~ No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district. 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~~ the member is qualified until ~~his~~ a 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~~ chair and one member to serve as ~~Vice Chairman~~ vice-chair. The Commission shall meet at least quarterly. The ~~Chairman~~ chair 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~~ vice-chair shall perform these functions in the absence or incapacity of the ~~Chairman~~ chair. 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 5. AMENDATORY 70 O.S. 2001, Section 16-101, as amended by Section 18, Chapter 375, O.S.L. 2002 (70 O.S. Supp. 2002, 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 (13) members appointed by the Governor with the advice and consent of the Senate: two members from each congressional district, two members from the state at large and one member who shall be a lay citizen not having a teaching certificate and having at least one child in the public schools of Oklahoma. However, when congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by ~~a~~ two board ~~member~~ members until such time as each of the modified congressional districts ~~are~~ is represented by ~~a~~ two board ~~member~~ members. A majority of the twelve educator members ~~appointed from the congressional districts~~ shall be classroom teachers. The regular terms of all members shall be for three (3) years. ~~No member~~ Members shall not be eligible to succeed ~~himself~~ themselves. At no time shall more than one member of the State Textbook Committee be an employee of the same school district. Each educator 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~~ chair and ~~vice-chairperson~~ vice-chair 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 6. AMENDATORY 70 O.S. 2001, Section 3409, as amended by Section 20, Chapter 375, O.S.L. 2002 (70 O.S. Supp. 2002, 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. 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~~ the member 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. 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~~ the member 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. 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~~ the member 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. 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~~ the member 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. 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~~ the member 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. 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~~ the member 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~~ this state.

(7) Position No. 7. 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~~ the member 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. 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~~ the member 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.

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

However, when congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. ~~Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member.~~ Any member whose named congressional district has been removed due to redistricting shall be appointed from the state at large.

(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 7. AMENDATORY 74 O.S. 2001, Section 150.3, as amended by Section 21, Chapter 375, O.S.L. 2002 (74 O.S. Supp. 2002, 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, when~~ When congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. ~~Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member.~~ No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district. 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~~ the member is qualified until ~~his~~ a 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~~ chair and one member to serve as ~~Vice Chairman~~ vice-chair. The Commission shall meet at least quarterly. The ~~Chairman~~ chair 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~~ vice-chair shall perform these functions in the absence or incapacity of the ~~Chairman~~ chair. 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 8. AMENDATORY 74 O.S. 2001, Section 854, as amended by Section 22, Chapter 375, O.S.L. 2002 (74 O.S. Supp. 2002, 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. One member shall be appointed from each congressional district ~~and any remaining members shall be appointed from the state at large. However, when congressional districts are~~

~~redrawn then each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member. No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district~~ as the districts were configured in 1960. At least five of the members, other than the Director of the Oklahoma Department of Commerce, 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. 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~~ chair 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 9. AMENDATORY 85 O.S. 2001, Section 201.1, as amended by Section 25, Chapter 375, O.S.L. 2002 (85 O.S. Supp. 2002, 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 numbered the same as the district from which the original appointment was made pursuant to this paragraph, if a Congressional District so numbered exists. ~~However, when~~ When congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts ~~and any remaining members~~. Appointments that were to be made from a numbered Congressional District which no longer exists shall be appointed from the state at large. ~~Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member.~~

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 10. REPEALER 59 O.S. 2001, Section 858-201, as last amended by Section 1 of Enrolled House Bill No. 1541 of the 1st Session of the 49th Oklahoma Legislature, is hereby repealed.

SECTION 11. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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