

**EHB 1208**

**THE STATE SENATE**  
**Wednesday, March 16, 2005**

**ENGROSSED**

**House Bill No. 1208**

ENGROSSED HOUSE BILL NO. 1208 - By: WRIGHT of the House and EASLEY of the Senate.

An Act relating to sunset; amending 59 O.S. 2001, 1455, as last amended by Section 3, Chapter 229, O.S.L. 2003 (59 O.S. Supp. 2004, Section 1455), which relates to the Polygraph Examiners Board; re-creating the Board; and modifying termination date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1455, as last amended by Section 3, Chapter 229, O.S.L. 2003 (59 O.S. Supp. 2004, Section 1455), is amended to read as follows:

Section 1455. A. There is hereby re-created, to continue until July 1, ~~2005~~ 2011, in accordance with the provisions of the Oklahoma Sunset Law, the Polygraph Examiners Board.

B. 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

1 of the Polygraph Examiners Act shall be subject to review by the  
2 Board. Any such acts may be rescinded or modified as deemed  
3 appropriate by the Board, provided that such action shall not affect  
4 any accrued right, or penalty incurred, or proceeding begun between  
5 July 1, 1988, and October 12, 1988.

6 3. All funds collected after June 30, 1988, equipment, files,  
7 fixtures, furniture, and supplies of the Board which were  
8 transferred to the Department of Central Services or State Treasury  
9 pursuant to Section 3909 of Title 74 of the Oklahoma Statutes shall  
10 be returned to the care and custody of the Board.

11 4. All orders, determinations, rules, regulations, permits,  
12 certificates, licenses, contracts, rates, and privileges which have  
13 been issued, made, granted, or allowed by the Board and are in  
14 effect on June 30, 1988, shall continue in effect according to their  
15 terms until further action is taken by the Board or as modified by  
16 law.

17 C. The Board shall consist of five (5) members who shall be  
18 citizens of the United States and residents of the state for at  
19 least two (2) years prior to appointment, all of whom shall have  
20 been engaged for a period of two (2) consecutive years as polygraph  
21 examiners prior to appointment to the Board, and at the time of  
22 appointment active polygraph examiners. No two Board members may be  
23 employed by the same person or agency. No more than two members may

1 be appointed from one congressional district. However, when  
2 congressional districts are redrawn, each member appointed prior to  
3 July 1 of the year in which such modification becomes effective  
4 shall complete the current term of office and appointments made  
5 after July 1 of the year in which such modification becomes  
6 effective shall be based on the redrawn districts. No appointments  
7 may be made after July 1 of the year in which such modification  
8 becomes effective if such appointment would result in more than two  
9 members serving from the same modified district. At least two  
10 members must be qualified examiners of a governmental law  
11 enforcement agency and at least two members must be qualified  
12 polygraph examiners in the commercial field. The members shall be  
13 appointed by the Governor of the State of Oklahoma, with the advice  
14 and consent of the Senate, for terms of six (6) years. Any vacancy  
15 in an unexpired term shall be filled by appointment of the Governor,  
16 with the advice and consent of the Senate, for the unexpired term.  
17 Except as authorized by the Polygraph Examiners Act, members of the  
18 Board shall be paid no fee, expense reimbursement, wage or other  
19 compensation for their services.

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

1 COMMITTEE REPORT BY: COMMITTEE ON SUNSET REVIEW, dated 3-15-05 - DO  
2 PASS.