

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3036

By: Lepak of the House

and

Treat of the Senate

10 COMMITTEE SUBSTITUTE

11 An Act relating to the State Department of Health;
12 amending 63 O.S. 2011, Sections 1-103, 1-104 and 1-
13 105, which relate to the State Board of Health;
14 making Board an advisory body; transferring duties to
15 the Commissioner of Health; modifying powers and
16 duties of the Board; authorizing Governor to appoint
17 State Commissioner of Health; providing for
18 determination of compensation; clarifying language;
19 and providing an effective date.

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

19 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-103, is
20 amended to read as follows:

21 Section 1-103. A. 1. There is hereby created the State Board
22 of Health, which shall be an advisory body to the State Commissioner
23 of Health and shall consist of nine (9) members appointed by the
24 Governor and confirmed by the Senate for regular terms of nine (9)

1 years, except as hereinafter otherwise indicated. Effective January
2 14, 2019, all duties and powers of the Board shall be transferred to
3 the Commissioner. Any provision in statute that provides to the
4 Board authority that is not advisory in nature shall be deemed to
5 grant the duty or power to the Commissioner.

6 2. Not less than four members shall hold a current license to
7 practice medicine in this state pursuant to the Oklahoma Allopathic
8 Medical and Surgical Licensure and Supervision Act and the Oklahoma
9 Osteopathic Medicine Act. At least one physician member shall be a
10 person licensed to practice medicine in this state by the State
11 Board of Osteopathic Examiners. Physician members licensed by the
12 State Board of Medical Licensure and Supervision shall be members of
13 the Oklahoma State Medical Association. One physician member shall
14 be a diplomate of the American Board of Psychiatry and Neurology or
15 be similarly qualified.

16 B. 1. The term of office of one member shall expire on June
17 30, 1964, and each nine (9) years thereafter, and such member shall
18 be a resident of one of the following counties and shall have been a
19 resident of one or more of such counties for not less than five (5)
20 years immediately preceding such member's appointment: Creek,
21 Lincoln, Okfuskee, Seminole, Pottawatomie, Pontotoc, Hughes,
22 Johnston, and Coal.

23 2. The term of office of one member shall expire on June 30,
24 1965, and each nine (9) years thereafter, and such member shall be a

1 resident of one of the following counties and shall have been a
2 resident of one or more of such counties for not less than five (5)
3 years immediately preceding such member's appointment: Blaine,
4 Kingfisher, Canadian, Caddo, Grady, Comanche, Stephens, Jefferson,
5 and Cotton.

6 3. The term of office of one member shall expire on June 30,
7 1966, and each nine (9) years thereafter, and such member shall be a
8 resident of one of the following counties and shall have been a
9 resident of one or more of such counties for not less than five (5)
10 years immediately preceding such member's appointment: Le Flore,
11 Latimer, Pittsburg, Atoka, Pushmataha, McCurtain, Choctaw, Bryan,
12 Marshall, Carter, and Love.

13 4. The term of office of one member shall expire on June 30,
14 1967, and each nine (9) years thereafter, and such member shall be a
15 resident of one of the following counties and shall have been a
16 resident of one or more of such counties for not less than five (5)
17 years immediately preceding such member's appointment: Cimarron,
18 Texas, Beaver, Harper, Woodward, Woods, Major, Alfalfa, Grant,
19 Garfield, Kay, and Noble.

20 5. The term of office of one member shall expire on June 30,
21 1968, and each nine (9) years thereafter, and such member shall be a
22 resident of one of the following counties and shall have been a
23 resident of one or more of such counties for not less than five (5)
24 years immediately preceding such member's appointment: Adair,

1 Sequoyah, Cherokee, Wagoner, Muskogee, Haskell, McIntosh, and
2 Okmulgee.

3 6. The term of office of one member shall expire on June 30,
4 1969, and each nine (9) years thereafter, and such member shall be a
5 resident of one of the following counties and shall have been a
6 resident of one or more of such counties for not less than five (5)
7 years immediately preceding such member's appointment: Ottawa,
8 Delaware, Craig, Mayes, Nowata, Rogers, Washington, Tulsa, Pawnee,
9 and Osage.

10 7. The term of office of one member shall expire on June 30,
11 1970, and each nine (9) years thereafter, and such member shall be a
12 resident of one of the following counties and shall have been a
13 resident of one or more of such counties for not less than five (5)
14 years immediately preceding such member's appointment: Logan,
15 Oklahoma, Cleveland, McClain, Garvin, Murray, and Payne.

16 8. The term of office of one member shall expire on June 30,
17 1971, and each nine (9) years thereafter, and such member shall be a
18 resident of one of the following counties and shall have been a
19 resident of one or more of such counties for not less than five (5)
20 years immediately preceding such member's appointment: Ellis, Dewey,
21 Roger Mills, Custer, Beckham, Washita, Kiowa, Greer, Jackson,
22 Harmon, and Tillman.

23 9. The term of office of one member shall expire on June 30,
24 1972, and each nine (9) years thereafter, and such member shall be

1 appointed from the State of Oklahoma at large, and shall have been a
2 resident of the state for not less than five (5) years immediately
3 preceding such member's appointment.

4 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-104, is
5 amended to read as follows:

6 Section 1-104. A. ~~The State Board of Health shall elect~~
7 ~~annually from its membership a President, Vice President and~~
8 ~~Secretary. The Board shall adopt rules for its government, and~~
9 State Commissioner of Health may adopt an official seal for the
10 State Department of Health. ~~It~~ The State Commissioner of Health
11 shall hold such meetings as ~~it~~ he or she deems necessary. ~~Each~~
12 ~~member of the Board shall be paid travel expenses, as provided in~~
13 ~~the State Travel Reimbursement Act.~~

14 B. The ~~Board~~ Commissioner shall have the following powers and
15 duties:

16 1. ~~Appoint and fix the compensation of a State Commissioner of~~
17 ~~Health;~~

18 ~~2.~~ Adopt such rules and standards as ~~it~~ he or she deems
19 necessary to carry out any of the provisions of ~~this Code~~ the
20 Oklahoma Public Health Code;

21 ~~3.~~ 2. Accept and disburse grants, allotments, gifts, devises,
22 bequests, funds, appropriations, and other property made or offered
23 to ~~it~~ the Department; and
24

1 ~~4.~~ 3. Establish such divisions, sections, bureaus, offices, and
2 positions in the State Department of Health as ~~it~~ the Commissioner
3 deems necessary to carry out the provisions of this Code.

4 C. The State Commissioner of Health shall be appointed by the
5 Governor, with the advice and consent of the Senate. The
6 Commissioner shall serve at the pleasure of the Governor and may be
7 removed or replaced without cause. Compensation for the
8 Commissioner shall be determined pursuant to Section 3601.2 of Title
9 74 of the Oklahoma Statutes.

10 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-105, is
11 amended to read as follows:

12 Section 1-105. There is hereby created a State Department of
13 Health, which shall consist of the State Commissioner of Health, and
14 such divisions, sections, bureaus, offices, and positions as may be
15 established by the ~~State Board of Health~~ Commissioner, or by law.

16 SECTION 4. This act shall become effective January 14, 2019.

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18 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/28/2018 - DO PASS,
19 As Amended and Coauthored.
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