

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2826

By: Gann

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to sunset; amending 59 O.S. 2011,
10 Section 1455, as last amended by Section 1, Chapter
11 192, O.S.L. 2019 (59 O.S. Supp. 2019, Section 1455),
12 which relates to the Polygraph Examiners Board; re-
13 creating the Board; and modifying termination date.

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

16 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1455, as
17 last amended by Section 1, Chapter 192, O.S.L. 2019 (59 O.S. Supp.
18 2019, Section 1455), is amended to read as follows:

19 Section 1455. A. There is hereby re-created, to continue until
20 July 1, ~~2020~~ 2021, in accordance with the provisions of the Oklahoma
21 Sunset Law, the Polygraph Examiners Board.

22 B. 1. The persons serving on the Board on June 30, 1988, shall
23 continue to serve the full terms for which they were originally
24 appointed until their successors have been duly appointed and

1 approved with the advice and consent of the Senate. All future
2 Boards shall continue the staggered terms of office established for
3 the Polygraph Examiners Board prior to July 1, 1988.

4 2. Any actions taken by any state agency on behalf of the
5 Polygraph Examiners Board or in an attempt to enforce the provisions
6 of the Polygraph Examiners Act shall be subject to review by the
7 Board. Any such acts may be rescinded or modified as deemed
8 appropriate by the Board, provided that such action shall not affect
9 any accrued right, or penalty incurred, or proceeding begun between
10 July 1, 1988, and October 12, 1988.

11 3. All funds collected after June 30, 1988, equipment, files,
12 fixtures, furniture, and supplies of the Board which were
13 transferred to the Office of Management and Enterprise Services or
14 State Treasury pursuant to Section 3909 of Title 74 of the Oklahoma
15 Statutes shall be returned to the care and custody of the Board.

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

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

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

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

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6 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated
7 02/06/2020 - DO PASS, As Amended.

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