

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1443

By: Gann

4
5 AS INTRODUCED

6 An Act relating to sunset; amending 59 O.S. 2011,
7 Section 1455, as last amended by Section 1, Chapter
8 233, O.S.L. 2015 (59 O.S. Supp. 2018, Section 1455),
which relates to the Polygraph Examiners Board; re-
creating the Board; and modifying termination date.

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

11 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1455, as
12 last amended by Section 1, Chapter 233, O.S.L. 2015 (59 O.S. Supp.
13 2018, Section 1455), is amended to read as follows:

14 Section 1455. A. There is hereby re-created, to continue until
15 July 1, ~~2019~~ 2025, in accordance with the provisions of the Oklahoma
16 Sunset Law, the Polygraph Examiners Board.

17 B. 1. The persons serving on the Board on June 30, 1988, shall
18 continue to serve the full terms for which they were originally
19 appointed until their successors have been duly appointed and
20 approved with the advice and consent of the Senate. All future
21 Boards shall continue the staggered terms of office established for
22 the Polygraph Examiners Board prior to July 1, 1988.

23 2. Any actions taken by any state agency on behalf of the
24 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 Any such acts may be rescinded or modified as deemed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 Office of Management and Enterprise Services or
9 State Treasury pursuant to Section 3909 of Title 74 of the Oklahoma
10 Statutes shall 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
24 be appointed from one congressional district. However, when

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

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

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24 57-1-5336 LRB 12/19/18