

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1617

By: Dugger of the Senate

and

West (Kevin) of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to boards and commissions; amending
12 47 O.S. 2021, Section 759, as last amended by Section
13 3, Chapter 283, O.S.L. 2021, which relates to the
14 Board of Tests for Alcohol and Drug Influence;
15 amending 63 O.S. 2021, Section 330.52, which relates
16 to Oklahoma State Board of Examiners for Long-Term
17 Care Administrators; amending 73 O.S. 2021, Section
18 83.1, which relates to the Capitol-Medical Center
19 Improvement and Zoning Commission; amending 74 O.S.
20 2021, Section 7005, which relates to the oversight
21 committee for state employee charitable
22 contributions; extending sunset termination date;
23 providing an effective date; and declaring an
24 emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 759, as last
amended by Section 3, Chapter 283, O.S.L. 2021, is amended to read
as follows:

1 Section 759. A. There is hereby re-created, to continue until
2 ~~July 1, 2022~~ July 1, 2025, in accordance with the provisions of the
3 Oklahoma Sunset Law, the Board of Tests for Alcohol and Drug
4 Influence to be composed of the following members beginning July 1,
5 2015:

6 1. The Dean of the Oklahoma State University College of
7 Osteopathic Medicine, or a designee;

8 2. The Dean of the University of Oklahoma College of Medicine,
9 or a designee;

10 3. The Commissioner of Public Safety, or a designee;

11 4. The Director of the Oklahoma State Bureau of Investigation,
12 or a designee;

13 5. The State Commissioner of Health, or a designee;

14 6. The Director of the Council on Law Enforcement Education and
15 Training, or a designee;

16 7. One certified peace officer who is a member of a local law
17 enforcement agency selected by the Oklahoma Sheriffs and Peace
18 Officers Association; and

19 8. One person selected by the Oklahoma Association of Chiefs of
20 Police.

21 Members shall serve without pay other than reimbursement of
22 necessary and actual expenses as provided in the State Travel
23 Reimbursement Act. Each member shall receive an appointment in
24 writing which shall become a permanent part of the records of the

1 Board. The chair and vice-chair shall be elected from the
2 membership of the Board every two (2) years. The Board is
3 authorized to appoint a State Director of Tests for Alcohol and Drug
4 Influence and other employees, including, but not limited to,
5 persons to conduct training and provide administrative assistance as
6 necessary for the performance of its functions, subject to available
7 funding and authorized full-time equivalent employee limitations.
8 The Board may expend appropriated funds for purposes consistent with
9 Sections 751 through 761 of this title and Sections 301 through 308
10 of Title 3 of the Oklahoma Statutes. The Legislature shall
11 appropriate funds to the Department of Public Safety for the support
12 of the Board of Tests For Alcohol and Drug Influence and its
13 employees, if any. Upon the transfer of any employees from the
14 Alcohol Drug Countermeasures Unit of the Department of Public Safety
15 to the Board of Tests For Alcohol and Drug Influence on July 1,
16 2003, all funds of the Unit appropriated and budgeted shall be
17 transferred to the Board, and may be budgeted and expended to
18 support the functions and personnel of the Board.

19 B. Collection of a person's blood to be considered valid and
20 admissible in evidence, whether performed by or at the direction of
21 a law enforcement officer or at the request of the tested person,
22 shall have been performed by a person authorized to collect blood
23 pursuant to the provisions of Section 752 of this title. Analysis
24 of a person's blood to be considered valid and admissible in

1 evidence, whether performed by or at the direction of a law
2 enforcement officer or at the request of the tested person, shall
3 have been performed by a laboratory accredited in accordance with
4 ISO/IEC 17025 as defined in Section 150.37 of Title 74 of the
5 Oklahoma Statutes.

6 C. Collection of a person's breath, to be considered valid and
7 admissible in evidence:

8 1. Shall have been performed by an individual possessing a
9 valid permit issued by the Board of Tests for Alcohol and Drug
10 Influence for this purpose; and

11 2. Shall have been performed on a breath alcohol measurement
12 device appearing on the most current conforming products list of
13 such devices published by the U.S. Department of Transportation in
14 the Federal Register, and utilizing a calibrating unit appearing on
15 the most current conforming products list of such devices published
16 by the U.S. Department of Transportation in the Federal Register;

17 3. Shall have been performed on a device maintained by the
18 Board of Tests for Alcohol and Drug Influence; and

19 4. Shall have been performed in accordance with the operating
20 procedure prescribed by the State Director of Tests or the Board of
21 Test for Alcohol and Drug Influence.

22 D. The Board is authorized to prescribe uniform standards and
23 conditions for, and to approve satisfactory methods, procedures,
24 techniques, devices, equipment and records for tests and analyses

1 and to prescribe and approve the requisite education and training
2 for the performance of tests or analyses of breath to determine the
3 breath alcohol concentration. The Board shall establish standards
4 for and ascertain the qualifications and competence of individuals
5 to administer tests and analyses of breath to determine the breath
6 alcohol concentration, and to issue permits to individuals which
7 shall be subject to suspension or revocation at the discretion of
8 the Board. The Board is authorized to prescribe uniform standards,
9 conditions, methods, procedures, techniques, devices, equipment and
10 records for the collection, handling, retention, storage,
11 preservation and delivery of specimens of blood, breath, saliva and
12 urine obtained for the purpose of determining the alcohol
13 concentration thereof or the presence or concentration of any other
14 intoxicating substance therein. The Board may take such other
15 actions as may be reasonably necessary or appropriate to effectuate
16 the purposes of Sections 751 through 761 of this title and Sections
17 301 through 308 of Title 3 of the Oklahoma Statutes, and may adopt,
18 amend and repeal such other rules consistent with this chapter as
19 the Board shall determine proper. The Board is authorized to
20 delegate authority granted in this section to the State Director of
21 Tests as it deems appropriate.

22 E. The Board shall promulgate rules adopting uniform standards
23 and conditions and rules approving devices, equipment, methods,
24 procedures, techniques, and records for screening tests administered

1 for the purpose of determining the presence or concentration of
2 alcohol or any other intoxicating substance in a person's blood,
3 breath, saliva or urine. Such screening tests shall be performed in
4 compliance with the rules adopted by the Board of Tests for Alcohol
5 and Drug Influence. For purposes of this subsection, "screening
6 test" means the use of devices, equipment, methods, procedures,
7 techniques and records by law enforcement officers at roadside to
8 assist in the development of probable cause.

9 F. The Board may set rules and charge appropriate fees for
10 operations incidental to its required duties and responsibilities.

11 G. There is hereby created in the State Treasury a revolving
12 fund for the Board of Tests for Alcohol and Drug Influence to be
13 designated the "Board of Tests for Alcohol and Drug Influence
14 Revolving Fund". The fund shall be a continuing fund, not subject
15 to fiscal year limitations, and shall consist of monies received
16 pursuant to the provisions of subsection F of this section and any
17 funds previously deposited in the Board of Tests for Alcohol and
18 Drug Influence Revolving Fund. All monies accruing to the credit of
19 the fund are hereby appropriated and may be budgeted and expended by
20 the Board of Tests for Alcohol and Drug Influence for operating
21 expenses of the Board. Expenditures from the funds shall be made
22 upon warrants issued by the State Treasurer against claims filed as
23 prescribed by law with the Director of the Office of Management and
24 Enterprise Services for approval and payment.

1 SECTION 2. AMENDATORY 63 O.S. 2021, Section 330.52, is
2 amended to read as follows:

3 Section 330.52 A. There is hereby re-created, to continue
4 until ~~July 1, 2022~~ July 1, 2025, in accordance with the provisions
5 of the Oklahoma Sunset Law, the Oklahoma State Board of Examiners
6 for Long-Term Care Administrators. The Oklahoma State Board of
7 Examiners for Long-Term Care Administrators shall consist of fifteen
8 (15) members, eight of whom shall be representatives of the
9 professions and institutions of long-term care, with representation
10 from each type of administrator defined in Section 330.51 of this
11 title. In order to be eligible to serve as a member, such
12 administrators shall be licensed or certified in their defined
13 facility type, and be in good standing and have at least three (3)
14 years of experience as an administrator in the facility type they
15 represent, except a nursing facility administrator as defined in
16 Section 330.51 of this title, who shall have at least five (5) years
17 of experience as a nursing facility administrator. Four members
18 shall represent the general public, of which at least two shall be
19 licensed medical professionals concerned with the care and treatment
20 of critically ill or infirm elderly patients. The preceding twelve
21 members shall be appointed by the Governor, with the advice and
22 consent of the Senate. The final three members shall constitute the
23 State Commissioner of Health, the Director of the Department of
24

1 Human Services, and the Director of the Department of Mental Health
2 and Substance Abuse Services, or their designees.

3 B. No members other than the eight licensed or certified
4 administrators shall have a direct or indirect financial interest in
5 long-term care facilities.

6 C. Effective November 1, 2011, all appointed positions of the
7 current Board shall be deemed vacant. The Governor shall make
8 initial appointments pursuant to the provisions of this subsection.
9 Initial appointments shall become effective on November 1, 2011.
10 The new members of the Board shall be initially appointed as
11 follows:

12 1. Four of the members representing each administrator type,
13 two members representing the general public and two other members
14 shall be appointed for a term of two (2) years to expire on October
15 31, 2013; and

16 2. Four of the members representing each administrator type,
17 two members representing the general public and one other member
18 shall be appointed for a term of three (3) years to expire on
19 October 31, 2014.

20 D. After the initial terms, the terms of all appointive members
21 shall be three (3) years. Any vacancy occurring in the position of
22 an appointive member shall be filled by the Governor, with the
23 advice and consent of the Senate, for the unexpired term.

1 E. Any member of the Board shall recuse himself or herself from
2 voting on any matter that originated from or involves an entity with
3 which the Board member is affiliated.

4 SECTION 3. AMENDATORY 73 O.S. 2021, Section 83.1, is
5 amended to read as follows:

6 Section 83.1 A. There is hereby re-created to continue until
7 ~~July 1, 2022~~ July 1, 2025, in accordance with the Oklahoma Sunset
8 Law, a Capitol-Medical Center Improvement and Zoning Commission to
9 exercise the functions and perform the duties hereinafter
10 prescribed.

11 B. The Commission shall be composed of eleven (11) members as
12 follows:

13 1. The Director of the Office of Management and Enterprise
14 Services or his or her designee, who shall be ex officio chair of
15 the Capitol-Medical Center Improvement and Zoning Commission;

16 2. The Director of the Transportation Commission or his or her
17 designee;

18 3. The President of the University of Oklahoma or his or her
19 designee;

20 4. Two members appointed by the President Pro Tempore of the
21 Senate;

22 5. Two members appointed by the Speaker of the House of
23 Representatives;

1 6. The Chair of the Planning Commission of Oklahoma City or his
2 or her designee;

3 7. The Chair of the Long-Range Capital Planning Commission; and

4 8. Two members of the Commission appointed by the Governor,
5 with the advice and consent of the State Senate, for four-year
6 staggered terms with one term expiring on January 31 of each even-
7 numbered year.

8 C. One of the two members shall be appointed upon the
9 recommendation of the Citizens' Advisory Committee. The Commission
10 is authorized to appoint and hire a Director, who shall serve as the
11 chief administrative officer of the Commission, and other necessary
12 personnel. The Attorney General of the State of Oklahoma shall be
13 the legal advisor to the Commission in the same capacity as he or
14 she is to other boards and commissions.

15 D. At least one of the members appointed by the President Pro
16 Tempore of the Senate and the Speaker of the House of
17 Representatives shall be a resident within the boundaries of the
18 Capitol-Medical Center Improvement and Zoning District as set forth
19 in Section 83 of this title.

20 SECTION 4. AMENDATORY 74 O.S. 2021, Section 7005, is
21 amended to read as follows:

22 Section 7005. A. The Oversight Committee for State Employee
23 Charitable Contributions shall be composed of the Director of the
24 Office of Management and Enterprise Services, or designee and six

1 state employees, of which two shall be appointed by the Governor,
2 two shall be appointed by the President Pro Tempore of the Senate
3 and two shall be appointed by the Speaker of the House of
4 Representatives. Members shall serve at the pleasure of their
5 appointing authorities. The provisions of Section 6 of Title 51 of
6 the Oklahoma Statutes shall not apply to appointments to the
7 Committee. The Committee is re-created to continue until ~~July 1,~~
8 2022 July 1, 2025, in accordance with the provisions of the Oklahoma
9 Sunset Law.

10 B. The Committee annually shall elect a chairman from its
11 membership. The Director of the Office of Management and Enterprise
12 Services shall serve as chairman until the first such election.

13 C. The Oversight Committee for State Employee Charitable
14 Contributions shall have the following duties and responsibilities:

15 1. Arrange for publication of information about the application
16 process;

17 2. Review applications of federations electing to participate
18 in the State Charitable Campaign and certify that a federation and
19 each of its member agencies meet the eligibility criteria set forth
20 in Sections 7009 and 7010 of this title;

21 3. Notify in writing each of the applying federations of its
22 acceptance or rejection. Provided, if a federation is rejected, the
23 Committee shall provide the reason for rejection of each of the
24 member agencies of the federation;

1 4. Hear appeals of rejected agencies;

2 5. Delegate to the principal combined fund-raising organization
3 the primary responsibility for the staffing and the financial
4 obligations necessary to comply with the provisions of this
5 subsection;

6 6. Develop a pledge card to be used throughout the State
7 Charitable Campaign;

8 7. Select a principal combined fund-raising organization to
9 assist the Committee in gathering and accumulating the applications;
10 and

11 8. Promulgate rules to implement the provisions of the Oklahoma
12 State Employee Charitable Contribution Act.

13 D. The Office of Management and Enterprise Services shall
14 provide such staff support as is required by the Committee.

15 E. The Oversight Committee for State Employee Charitable
16 Contributions is authorized to appoint such advisory councils and
17 task forces as it deems necessary for counsel, advice and review
18 concerning the formulation and administration of the rules,
19 application review process and the implementation of the Oklahoma
20 State Employee Charitable Contribution Act.

21 SECTION 5. This act shall become effective July 1, 2022.

22 SECTION 6. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
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4 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated
5 04/14/2022 - DO PASS, As Amended.
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