

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1617

By: Dugger

AS INTRODUCED

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

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

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

3 2. The Dean of the University of Oklahoma College of Medicine,
4 or a designee;

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

6 4. The Director of the Oklahoma State Bureau of Investigation,
7 or a designee;

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

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

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

14 8. One person selected by the Oklahoma Association of Chiefs of
15 Police.

16 Members shall serve without pay other than reimbursement of
17 necessary and actual expenses as provided in the State Travel
18 Reimbursement Act. Each member shall receive an appointment in
19 writing which shall become a permanent part of the records of the
20 Board. The chair and vice-chair shall be elected from the
21 membership of the Board every two (2) years. The Board is
22 authorized to appoint a State Director of Tests for Alcohol and Drug
23 Influence and other employees, including, but not limited to,
24 persons to conduct training and provide administrative assistance as

1 necessary for the performance of its functions, subject to available
2 funding and authorized full-time equivalent employee limitations.
3 The Board may expend appropriated funds for purposes consistent with
4 Sections 751 through 761 of this title and Sections 301 through 308
5 of Title 3 of the Oklahoma Statutes. The Legislature shall
6 appropriate funds to the Department of Public Safety for the support
7 of the Board of Tests For Alcohol and Drug Influence and its
8 employees, if any. Upon the transfer of any employees from the
9 Alcohol Drug Countermeasures Unit of the Department of Public Safety
10 to the Board of Tests For Alcohol and Drug Influence on July 1,
11 2003, all funds of the Unit appropriated and budgeted shall be
12 transferred to the Board, and may be budgeted and expended to
13 support the functions and personnel of the Board.

14 B. Collection of a person's blood to be considered valid and
15 admissible in evidence, whether performed by or at the direction of
16 a law enforcement officer or at the request of the tested person,
17 shall have been performed by a person authorized to collect blood
18 pursuant to the provisions of Section 752 of this title. Analysis
19 of a person's blood to be considered valid and admissible in
20 evidence, whether performed by or at the direction of a law
21 enforcement officer or at the request of the tested person, shall
22 have been performed by a laboratory accredited in accordance with
23 ISO/IEC 17025 as defined in Section 150.37 of Title 74 of the
24 Oklahoma Statutes.

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

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

6 2. Shall have been performed on a breath alcohol measurement
7 device appearing on the most current conforming products list of
8 such devices published by the U.S. Department of Transportation in
9 the Federal Register, and utilizing a calibrating unit appearing on
10 the most current conforming products list of such devices published
11 by the U.S. Department of Transportation in the Federal Register;

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

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

17 D. The Board is authorized to prescribe uniform standards and
18 conditions for, and to approve satisfactory methods, procedures,
19 techniques, devices, equipment and records for tests and analyses
20 and to prescribe and approve the requisite education and training
21 for the performance of tests or analyses of breath to determine the
22 breath alcohol concentration. The Board shall establish standards
23 for and ascertain the qualifications and competence of individuals
24 to administer tests and analyses of breath to determine the breath

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

17 E. The Board shall promulgate rules adopting uniform standards
18 and conditions and rules approving devices, equipment, methods,
19 procedures, techniques, and records for screening tests administered
20 for the purpose of determining the presence or concentration of
21 alcohol or any other intoxicating substance in a person's blood,
22 breath, saliva or urine. Such screening tests shall be performed in
23 compliance with the rules adopted by the Board of Tests for Alcohol
24 and Drug Influence. For purposes of this subsection, "screening

1 test" means the use of devices, equipment, methods, procedures,
2 techniques and records by law enforcement officers at roadside to
3 assist in the development of probable cause.

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

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

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

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

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

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

7 1. Four of the members representing each administrator type,
8 two members representing the general public and two other members
9 shall be appointed for a term of two (2) years to expire on October
10 31, 2013; and

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

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

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

22 SECTION 3. AMENDATORY 73 O.S. 2021, Section 83.1, is
23 amended to read as follows:
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1 Section 83.1. A. There is hereby re-created to continue until
2 ~~July 1, 2022~~ July 1, 2025, in accordance with the Oklahoma Sunset
3 Law, a Capitol-Medical Center Improvement and Zoning Commission to
4 exercise the functions and perform the duties hereinafter
5 prescribed.

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

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

11 2. The Director of the Transportation Commission or his or her
12 designee;

13 3. The President of the University of Oklahoma or his or her
14 designee;

15 4. Two members appointed by the President Pro Tempore of the
16 Senate;

17 5. Two members appointed by the Speaker of the House of
18 Representatives;

19 6. The Chair of the Planning Commission of Oklahoma City or his
20 or her designee;

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

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

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

10 D. At least one of the members appointed by the President Pro
11 Tempore of the Senate and the Speaker of the House of
12 Representatives shall be a resident within the boundaries of the
13 Capitol-Medical Center Improvement and Zoning District as set forth
14 in Section 83 of this title.

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

17 Section 7005. A. The Oversight Committee for State Employee
18 Charitable Contributions shall be composed of the Director of the
19 Office of Management and Enterprise Services, or designee and six
20 state employees, of which two shall be appointed by the Governor,
21 two shall be appointed by the President Pro Tempore of the Senate
22 and two shall be appointed by the Speaker of the House of
23 Representatives. Members shall serve at the pleasure of their
24 appointing authorities. The provisions of Section 6 of Title 51 of

1 the Oklahoma Statutes shall not apply to appointments to the
2 Committee. The Committee is re-created to continue until ~~July 1,~~
3 ~~2022~~ July 1, 2025, in accordance with the provisions of the Oklahoma
4 Sunset Law.

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

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

10 1. Arrange for publication of information about the application
11 process;

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

16 3. Notify in writing each of the applying federations of its
17 acceptance or rejection. Provided, if a federation is rejected, the
18 Committee shall provide the reason for rejection of each of the
19 member agencies of the federation;

20 4. Hear appeals of rejected agencies;

21 5. Delegate to the principal combined fund-raising organization
22 the primary responsibility for the staffing and the financial
23 obligations necessary to comply with the provisions of this
24 subsection;

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

3 7. Select a principal combined fund-raising organization to
4 assist the Committee in gathering and accumulating the applications;
5 and

6 8. Promulgate rules to implement the provisions of the Oklahoma
7 State Employee Charitable Contribution Act.

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

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

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

17 SECTION 6. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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