

# An Act

ENROLLED HOUSE  
BILL NO. 2823

By: Gann of the House

and

Rader of the Senate

An Act relating to sunset extension; amending 59 O.S. 2011, Section 46.4, as last amended by Section 4, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2019, Section 46.4), which relates to Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma; amending 59 O.S. 2011, Section 475.3, as last amended by Section 3, Chapter 259, O.S.L. 2017 (59 O.S. Supp. 2019, Section 475.3), which relates to the State Board of Licensure for Professional Engineers and Land Surveyors; amending 59 O.S. 2011, Section 698.3, as last amended by Section 1, Chapter 353, O.S.L. 2014 (59 O.S. Supp. 2019, Section 698.3), which relates to State Board of Veterinary Medical Examiners; amending 59 O.S. 2011, Section 1455, as last amended by Section 1, Chapter 192, O.S.L. 2019 (59 O.S. Supp. 2019, Section 1455), which relates to the Polygraph Examiners Board; amending 59 O.S. 2011, Section 1000.2, as last amended by Section 1, Chapter 157, O.S.L. 2016 (59 O.S. Supp. 2019, Section 1000.2), which relates to the Construction Industries Board; amending 59 O.S. 2011, Section 15.2, as last amended by Section 2, Chapter 327, O.S.L. 2019 (59 O.S. Supp. 2019, Section 15.2), which relates to the Oklahoma Accountancy Board; amending 59 O.S. 2011, Section 396, as amended by Section 1, Chapter 61, O.S.L. 2014 (59 O.S. Supp. 2019, Section 396), which relates to the Oklahoma Funeral Board; amending 59 O.S. 2011, Section 1253, as last amended by Section 1, Chapter 62, O.S.L. 2014 (59 O.S. Supp. 2019, Section 1253), which relates to the Oklahoma Board of Licensed Social Workers; amending 59 O.S. 2011,

Section 161.4, as last amended by Section 1, Chapter 156, O.S.L. 2016 (59 O.S. Supp. 2019, Section 161.4), which relates to the Board of Chiropractic Examiners; amending 59 O.S. 2011, Section 1873, as amended by Section 1, Chapter 66, O.S.L. 2014 (59 O.S. Supp. 2019, Section 1873), which relates to the Oklahoma Board of Licensed Alcohol and Drug Counselors; amending 59 O.S. 2011, Section 582, as last amended by Section 1, Chapter 158, O.S.L. 2016 (59 O.S. Supp. 2019, Section 582), which relates to the Board of Examiners in Optometry; amending 1 O.S. 2011, Section 22, as last amended by Section 1, Chapter 44, O.S.L. 2019 (1 O.S. Supp. 2019, Section 22), which relates to the Oklahoma Abstractors Board; amending 10 O.S. 2011, Section 1150.2, as last amended by Section 1, Chapter 63, O.S.L. 2014 (10 O.S. Supp. 2019, Section 1150.2), which relates to the Child Death Review Board within the Oklahoma Commission on Children and Youth; amending 19 O.S. 2011, Section 130.1, as last amended by Section 1, Chapter 191, O.S.L. 2019 (19 O.S. Supp. 2019, Section 130.1), which relates to the Commission on County Government Personnel Education and Training; amending 20 O.S. 2011, Section 1501, as last amended by Section 1, Chapter 15, O.S.L. 2016 (20 O.S. Supp. 2019, Section 1501), which relates to the State Board of Examiners of Certified Shorthand Reporters; amending 27A O.S. 2011, Section 2-2-201, as last amended by Section 1, Chapter 430, O.S.L. 2019 (27A O.S. Supp. 2019, Section 2-2-201), which relates to the Water Quality Management Advisory Council, Hazardous Waste Management Advisory Council, Solid Waste Management Advisory Council and Radiation Management Advisory Council; amending 57 O.S. 2011, Section 521.1, as last amended by Section 1, Chapter 429, O.S.L. 2019 (57 O.S. Supp. 2019, Section 521.1), which relates to the Reentry Policy Council; amending 63 O.S. 2011, Section 1-1923, as amended by Section 1, Chapter 60, O.S.L. 2014 (63 O.S. Supp. 2019, Section 1-1923), which relates to the Long-Term Care Facility Advisory Board; amending 63 O.S. 2011, Section 91, as last amended by Section 1, Chapter 48, O.S.L. 2016 (63 O.S. Supp. 2019, Section 91), which relates to the State Anatomical Board; amending 70 O.S. 2011, Section 3-173, as last amended by Section 1, Chapter 131, O.S.L. 2014 (70 O.S. Supp. 2019,

Section 3-173), which relates to the Oklahoma Advisory Council on Indian Education; amending 70 O.S. 2011, Section 23-105, as last amended by Section 1, Chapter 290, O.S.L. 2014 (70 O.S. Supp. 2019, Section 23-105), which relates to the Oklahoma Educational Television Authority; amending 74 O.S. 2011, Section 245, as last amended by Section 1, Chapter 57, O.S.L. 2014 (74 O.S. Supp. 2019, Section 245), which relates to the Oklahoma Climatological Survey; extending sunset date; providing an effective date; and declaring an emergency."

SUBJECT: Sunset extension

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 46.4, as last amended by Section 4, Chapter 234, O.S.L. 2014 (59 O.S. Supp. 2019, Section 46.4), is amended to read as follows:

Section 46.4 There is hereby re-created, to continue until July 1, ~~2020~~ 2023, in accordance with the provisions of the Oklahoma Sunset Law, a board to be known as the "Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma", hereinafter referred to as the Board. The Board shall be composed of eleven (11) members, including seven persons who are duly licensed to practice architecture and are in good standing in this state, two persons who are duly licensed to practice landscape architecture and are in good standing in this state, one person as a registered interior designer and is active and in good standing and one lay member. Each member of the Board shall be a qualified elector of this state, and the architect, landscape architect and registered interior designer members shall have had five (5) years' licensing or registration experience as the professional position requires in this state. Re-creation of the Board shall not alter existing staggered terms. Board members, other than the lay member, shall be appointed for a period of five (5) years thereafter; provided that nothing herein shall affect the tenure of office of anyone who is a member of the Board on May 31, 1957. A member may be reappointed to succeed such membership. The licensed architect, landscape architect or the registered interior designer may be appointed by the Governor from a list of nominees submitted by respective professional societies of this state. Membership in a professional society shall not be a prerequisite to

appointment to the Board. The lay member of the Board shall be appointed by the Governor to a term coterminous with that of the Governor. The lay member shall serve at the pleasure of the Governor. Provided, the lay member may continue to serve after the expiration of the term of the member until such time as a successor is appointed. Vacancies which may occur in the membership of the Board shall be filled by appointment by the Governor. Each person who has been appointed to fill a vacancy shall serve for the remainder of the term for which the member the person shall succeed was appointed and until a successor, in turn, has been appointed and shall have qualified. Each member of the Board, before entering upon the discharge of the duties of the member, shall make and file with the Secretary of State a written oath or affirmation for the faithful discharge of official duties. Each member of the Board and staff shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 475.3, as last amended by Section 3, Chapter 259, O.S.L. 2017 (59 O.S. Supp. 2019, Section 475.3), is amended to read as follows:

Section 475.3 A. The State Board of Licensure for Professional Engineers and Land Surveyors is hereby re-created, to continue until July 1, ~~2020~~ 2023, in accordance with the provisions of the Oklahoma Sunset Law, whose duty it shall be to administer the provisions of Section 475.1 et seq. of this title. The Board shall consist of four professional engineers and two professional land surveyors, at least one of whom is not a professional engineer, all of whom shall be appointed by the Governor, with the advice and consent of the Senate. The Governor shall also appoint one lay member. The professional engineers and professional land surveyors shall be appointed by the Governor and shall have the qualifications required by Section 475.4 of this title.

B. Each member of the Board shall file with the Secretary of State a written oath or affirmation for the faithful discharge of official duties.

C. Appointments to the Board shall be in such manner and for such period of time so that no two terms, with the exception of the lay member, shall expire in the same year. On the expiration of the term of any member, except the lay member, the Governor shall in the manner herein provided appoint for a term of six (6) years a professional engineer or professional land surveyor having the qualifications required in Section 475.4 of this title. The lay

member of the Board shall be appointed by the Governor to a term coterminous with that of the Governor. The lay member shall serve at the pleasure of the Governor. Provided, the lay member may continue to serve after the expiration of the member's term until such time as a successor is appointed. Members may be reappointed to succeed themselves. Each member may hold office until the expiration of the term for which appointed or until a successor has been duly appointed and has qualified. In the event of a vacancy on the Board due to resignation, death or for any cause resulting in an unexpired term, if not filled within three (3) months, the Board may appoint a provisional member to serve in the interim until the Governor acts.

SECTION 3. AMENDATORY 59 O.S. 2011, Section 698.3, as last amended by Section 1, Chapter 353, O.S.L. 2014 (59 O.S. Supp. 2019, Section 698.3), is amended to read as follows:

Section 698.3 A. The State Board of Veterinary Medical Examiners is hereby re-created, to continue until July 1, ~~2020~~ 2023, in accordance with the provisions of the Oklahoma Sunset Law, to regulate and enforce the practice of veterinary medicine in this state in accordance with the Oklahoma Veterinary Practice Act.

B. 1. The duty of determining a person's initial and continuing qualification and fitness for the practice of veterinary medicine, of proceeding against the unlawful and unlicensed practice of veterinary medicine and of enforcing the Oklahoma Veterinary Practice Act is hereby delegated to the Board. That duty shall be discharged in accordance with the Oklahoma Veterinary Practice Act and other applicable statutes.

2. a. It is necessary that the powers conferred on the Board by the Oklahoma Veterinary Practice Act be construed to protect the health, safety and welfare of the people of this state.

b. No member of the Board, acting in that capacity or as a member of any Board committee, shall participate in the making of any decision or the taking of any action affecting such member's own personal, professional or pecuniary interest, or that of a person related to the member within the third degree by consanguinity, marriage or adoption or of a business or professional associate.

- c. With advice of legal counsel, the Board shall adopt and annually review a conflict of interest policy to enforce the provisions of the Oklahoma Veterinary Practice Act.

C. The practice of veterinary medicine is a privilege granted by the people of this state acting through their elected representatives. It is not a natural right of individuals. In the interest of the public, and to protect the public, it is necessary to provide laws and rules to govern the granting and subsequent use of the privilege to practice veterinary medicine. The primary responsibility and obligation of the Board is to protect the public from the unprofessional, improper, incompetent and unlawful practice of veterinary medicine.

D. The liability of any member or employee of the Board acting within the scope of Board duties or employment shall be governed by The Governmental Tort Claims Act.

SECTION 4. AMENDATORY 59 O.S. 2011, Section 1455, as last amended by Section 1, Chapter 192, O.S.L. 2019 (59 O.S. Supp. 2019, Section 1455), is amended to read as follows:

Section 1455. A. There is hereby re-created, to continue until July 1, ~~2020~~ 2023, in accordance with the provisions of the Oklahoma Sunset Law, the Polygraph Examiners Board.

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

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

3. All funds collected after June 30, 1988, equipment, files, fixtures, furniture, and supplies of the Board which were transferred to the Office of Management and Enterprise Services or

State Treasury pursuant to Section 3909 of Title 74 of the Oklahoma Statutes shall be returned to the care and custody of the Board.

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

C. The Board shall consist of five (5) members who shall be citizens of the United States and residents of the state for at least two (2) years prior to appointment, all of whom shall have been engaged for a period of two (2) consecutive years as polygraph examiners prior to appointment to the Board, and at the time of appointment active polygraph examiners. No two Board members may be employed by the same person or agency. No more than two members may be appointed from one congressional district. However, when congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district. At least two members must be qualified examiners of a governmental law enforcement agency and at least two members must be qualified polygraph examiners in the commercial field. The members shall be appointed by the Governor of the State of Oklahoma, with the advice and consent of the Senate, for terms of six (6) years. Any vacancy in an unexpired term shall be filled by appointment of the Governor, with the advice and consent of the Senate, for the unexpired term. Except as authorized by the Polygraph Examiners Act, members of the Board shall be paid no fee, expense reimbursement, wage or other compensation for their services.

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

SECTION 5. AMENDATORY 59 O.S. 2011, Section 1000.2, as last amended by Section 1, Chapter 157, O.S.L. 2016 (59 O.S. Supp. 2019, Section 1000.2), is amended to read as follows:

