

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1013

By: Faught

7 COMMITTEE SUBSTITUTE

8 An Act relating to sunset; amending 47 O.S. 2011,
9 Section 759, as last amended by Section 32, Chapter
10 15, O.S.L. 2013 (47 O.S. Supp. 2014, Section 759),
11 which relates to the Board of Tests for Alcohol and
12 Drug Influence; re-creating the Board; and modifying
13 termination date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 759, as last
16 amended by Section 32, Chapter 15, O.S.L. 2013 (47 O.S. Supp. 2014,
17 Section 759), is amended to read as follows:

18 Section 759. A. There is hereby re-created, to continue until
19 July 1, ~~2015~~ 2016, in accordance with the provisions of the Oklahoma
20 Sunset Law, the Board of Tests for Alcohol and Drug Influence to be
21 composed of the Dean of the University of Oklahoma College of
22 Medicine, or the Dean's designee who shall receive an appointment in
23 writing, as Chairman, and the Commissioner of Public Safety or a
24 designee, the Director of the Oklahoma State Bureau of Investigation

1 or a designee, the State Commissioner of Health or a designee, the
2 Director of the Council on Law Enforcement Education and Training or
3 a designee, one certified peace officer who is a member of a local
4 law enforcement agency selected by the Oklahoma Sheriffs and Peace
5 Officers Association and one person selected by the Oklahoma
6 Association of Chiefs of Police, as members, to serve without pay
7 other than reimbursement of necessary and actual expenses as
8 provided in the State Travel Reimbursement Act. Each designee shall
9 receive an appointment in writing which shall become a permanent
10 part of the records of the Board. The Board is authorized to
11 appoint a State Director of Tests for Alcohol and Drug Influence, an
12 Administrative Assistant to the Board, and other employees,
13 including but not limited to persons to conduct training and provide
14 administrative assistance as necessary for the performance of its
15 functions, subject to available funding and authorized full-time
16 equivalent employee limitations. The Board may expend appropriated
17 funds for purposes consistent with Sections 751 through 761 of this
18 title and Sections 301 through 308 of Title 3 of the Oklahoma
19 Statutes. The Legislature shall appropriate funds to the Department
20 of Public Safety for the support of the Board of Tests For Alcohol
21 and Drug Influence and its employees, if any. Upon the transfer of
22 any employees from the Alcohol Drug Countermeasures Unit of the
23 Department of Public Safety to the Board of Tests For Alcohol and
24 Drug Influence on July 1, 2003, all funds of the Unit appropriated

1 and budgeted shall be transferred to the Board, and may be budgeted
2 and expended to support the functions and personnel of the Board.

3 B. Collection and analysis of a person's blood, breath, saliva
4 or urine, to be considered valid and admissible in evidence, whether
5 performed by or at the direction of a law enforcement officer or at
6 the request of the tested person, shall have been performed in
7 compliance with the rules adopted by the Board of Tests for Alcohol
8 and Drug Influence and by an individual possessing a valid permit
9 issued by the Board for this purpose or shall have been performed by
10 a laboratory accredited in Toxicology by the American Society of
11 Crime Laboratory Directors/Laboratory Accreditation Board
12 (ASCLD/LAB) or accredited by the American Board of Forensic
13 Toxicology (ABFT).

14 C. The Board of Tests for Alcohol and Drug Influence is
15 authorized to approve laboratories for the analysis, provided by the
16 provisions of this title, of specimens of blood, breath, saliva and
17 urine, and to administer a program for regular monitoring of such
18 laboratories. The Board is authorized to prescribe uniform
19 standards and conditions for, and to approve satisfactory methods,
20 procedures, techniques, devices, equipment and records for tests and
21 analyses and to prescribe and approve the requisite education and
22 training for the performance of such tests and analyses. The Board
23 shall establish standards for and ascertain the qualifications and
24 competence of individuals to administer and conduct such tests and

1 analyses, and to issue permits to laboratories and to individuals
2 which shall be subject to suspension or revocation at the discretion
3 of the Board. The Board is authorized to prescribe uniform
4 standards, conditions, methods, procedures, techniques, devices,
5 equipment and records for the collection, handling, retention,
6 storage, preservation and delivery of specimens of blood, breath,
7 saliva and 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. Laboratories accredited in
15 Toxicology by the American Society of Crime Laboratory
16 Directors/Laboratory Accreditation Board (ASCLD/LAB) or accredited
17 by the American Board of Forensic Toxicology (ABFT) are exempt from
18 the provisions of this subsection.

19 D. The Board may set rules and charge appropriate fees for
20 operations incidental to its required duties and responsibilities.

21 E. There is hereby created in the State Treasury a revolving
22 fund for the Board of Tests for Alcohol and Drug Influence to be
23 designated the "Board of Tests for Alcohol and Drug Influence
24 Revolving Fund". The fund shall be a continuing fund, not subject

1 to fiscal year limitations, and shall consist of monies received
2 pursuant to the provisions of subsection D of this section and any
3 funds previously deposited in the Board of Tests for Alcohol and
4 Drug Influence Revolving Fund. All monies accruing to the credit of
5 the fund are hereby appropriated and may be budgeted and expended by
6 the Board of Tests for Alcohol and Drug Influence for operating
7 expenses of the Board. Expenditures from the funds shall be made
8 upon warrants issued by the State Treasurer against claims filed as
9 prescribed by law with the Director of the Office of Management and
10 Enterprise Services for approval and payment.

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COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated
02/11/2015 - DO PASS, As Amended.