

1 STATE OF OKLAHOMA

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

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

By: Dugger of the Senate

and

6 West (Kevin) of the House

7  
8  
9 COMMITTEE SUBSTITUTE

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

1 Oklahoma Sunset Law, the Board of Tests for Alcohol and Drug  
2 Influence to be composed of the following members beginning July 1,  
3 2015:

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

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

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

9 4. The Director of the Oklahoma State Bureau of Investigation,  
10 or a designee;

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

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

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

17 8. One person selected by the Oklahoma Association of Chiefs of  
18 Police.

19 Members shall serve without pay other than reimbursement of  
20 necessary and actual expenses as provided in the State Travel  
21 Reimbursement Act. Each member shall receive an appointment in  
22 writing which shall become a permanent part of the records of the  
23 Board. The chair and vice-chair shall be elected from the  
24 membership of the Board every two (2) years. The Board is

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

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

1 have been performed by a laboratory accredited in accordance with  
2 ISO/IEC 17025 as defined in Section 150.37 of Title 74 of the  
3 Oklahoma Statutes.

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

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

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

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

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

20 D. The Board is authorized to prescribe uniform standards and  
21 conditions for, and to approve satisfactory methods, procedures,  
22 techniques, devices, equipment and records for tests and analyses  
23 and to prescribe and approve the requisite education and training  
24 for the performance of tests or analyses of breath to determine the

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

20 E. The Board shall promulgate rules adopting uniform standards  
21 and conditions and rules approving devices, equipment, methods,  
22 procedures, techniques, and records for screening tests administered  
23 for the purpose of determining the presence or concentration of  
24 alcohol or any other intoxicating substance in a person's blood,

1 breath, saliva or urine. Such screening tests shall be performed in  
2 compliance with the rules adopted by the Board of Tests for Alcohol  
3 and Drug Influence. For purposes of this subsection, "screening  
4 test" means the use of devices, equipment, methods, procedures,  
5 techniques and records by law enforcement officers at roadside to  
6 assist in the development of probable cause.

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

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

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

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

24

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

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

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

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

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

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



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

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

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

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

13 2. The Director of the Transportation Commission or his or her  
14 designee;

15 3. The President of the University of Oklahoma or his or her  
16 designee;

17 4. Two members appointed by the President Pro Tempore of the  
18 Senate;

19 5. Two members appointed by the Speaker of the House of  
20 Representatives;

21 6. The Chair of the Planning Commission of Oklahoma City or his  
22 or her designee;

23 7. The Chair of the Long-Range Capital Planning Commission; and  
24

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

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

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

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

19 Section 7005. A. The Oversight Committee for State Employee  
20 Charitable Contributions shall be composed of the Director of the  
21 Office of Management and Enterprise Services, or designee and six  
22 state employees, of which two shall be appointed by the Governor,  
23 two shall be appointed by the President Pro Tempore of the Senate  
24 and two shall be appointed by the Speaker of the House of

1 Representatives. Members shall serve at the pleasure of their  
2 appointing authorities. The provisions of Section 6 of Title 51 of  
3 the Oklahoma Statutes shall not apply to appointments to the  
4 Committee. The Committee is re-created to continue until ~~July 1,~~  
5 ~~2022~~ July 1, 2025, in accordance with the provisions of the Oklahoma  
6 Sunset Law.

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

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

12 1. Arrange for publication of information about the application  
13 process;

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

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

22 4. Hear appeals of rejected agencies;

23 5. Delegate to the principal combined fund-raising organization  
24 the primary responsibility for the staffing and the financial

1 obligations necessary to comply with the provisions of this  
2 subsection;

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

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

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

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

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

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

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

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