

An Act

ENROLLED HOUSE
BILL NO. 3036

By: Lepak, Cockroft and Roberts
(Dustin) of the House

and

Treat and David of the
Senate

An Act relating to the State Department of Health; amending 63 O.S. 2011, Sections 1-103, as amended by Section 1 of Enrolled House Bill No. 3584 of the 2nd Session of the 56th Oklahoma Legislature, 1-104 and 1-105, which relate to the State Board of Health; making Board an advisory body; transferring duties to the Commissioner of Health; modifying powers and duties of the Board; authorizing Governor to appoint State Commissioner of Health; providing for determination of compensation; clarifying language; and providing an effective date.

SUBJECT: State Board and Commissioner of Health

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-103, as amended by Section 1 of Enrolled House Bill No. 3584 of the 2nd Session of the 56th Oklahoma Legislature, is amended to read as follows:

Section 1-103. A. 1. There is hereby created the State Board of Health, which shall be an advisory body to the State Commissioner of Health and shall consist of nine (9) members appointed by the Governor and confirmed by the Senate for regular terms of nine (9) years, except as hereinafter otherwise indicated. Effective January 14, 2019, all duties and powers of the Board shall be transferred to the Commissioner. Any provision in statute that provides to the Board authority that is not advisory in nature shall be deemed to grant the duty or power to the Commissioner.

2. Not less than four members shall hold a current license to practice medicine in this state pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and the Oklahoma Osteopathic Medicine Act. At least one physician member shall be a person licensed to practice medicine in this state by the State Board of Osteopathic Examiners. Physician members licensed by the State Board of Medical Licensure and Supervision shall be members of the Oklahoma State Medical Association. One physician member shall be a diplomate of the American Board of Psychiatry and Neurology or be similarly qualified.

3. Not less than two members shall possess at least five (5) years of executive leadership experience in a health-related business or industry, and whose education and experience includes but is not limited to fiduciary, legal, business planning, or operational decision-making authority.

B. 1. The term of office of one member shall expire on June 30, 1964, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Creek, Lincoln, Okfuskee, Seminole, Pottawatomie, Pontotoc, Hughes, Johnston, and Coal.

2. The term of office of one member shall expire on June 30, 1965, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Blaine, Kingfisher, Canadian, Caddo, Grady, Comanche, Stephens, Jefferson, and Cotton.

3. The term of office of one member shall expire on June 30, 1966, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Le Flore, Latimer, Pittsburg, Atoka, Pushmataha, McCurtain, Choctaw, Bryan, Marshall, Carter, and Love.

4. The term of office of one member shall expire on June 30, 1967, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a

resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Cimarron, Texas, Beaver, Harper, Woodward, Woods, Major, Alfalfa, Grant, Garfield, Kay, and Noble.

5. The term of office of one member shall expire on June 30, 1968, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Adair, Sequoyah, Cherokee, Wagoner, Muskogee, Haskell, McIntosh, and Okmulgee.

6. The term of office of one member shall expire on June 30, 1969, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Ottawa, Delaware, Craig, Mayes, Nowata, Rogers, Washington, Tulsa, Pawnee, and Osage.

7. The term of office of one member shall expire on June 30, 1970, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Logan, Oklahoma, Cleveland, McClain, Garvin, Murray, and Payne.

8. The term of office of one member shall expire on June 30, 1971, and each nine (9) years thereafter, and such member shall be a resident of one of the following counties and shall have been a resident of one or more of such counties for not less than five (5) years immediately preceding such member's appointment: Ellis, Dewey, Roger Mills, Custer, Beckham, Washita, Kiowa, Greer, Jackson, Harmon, and Tillman.

9. The term of office of one member shall expire on June 30, 1972, and each nine (9) years thereafter, and such member shall be appointed from the State of Oklahoma at large, and shall have been a resident of the state for not less than five (5) years immediately preceding such member's appointment.

SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-104, is amended to read as follows:

Section 1-104. A. ~~The State Board of Health shall elect annually from its membership a President, Vice President and Secretary. The Board shall adopt rules for its government, and State Commissioner of Health may adopt an official seal for the State Department of Health. It The State Commissioner of Health shall hold such meetings as it he or she deems necessary. Each member of the Board shall be paid travel expenses, as provided in the State Travel Reimbursement Act.~~

B. The ~~Board~~ Commissioner shall have the following powers and duties:

1. ~~Appoint and fix the compensation of a State Commissioner of Health;~~

2. ~~Adopt such rules and standards as it he or she deems necessary to carry out any of the provisions of this Code the Oklahoma Public Health Code;~~

3. ~~2.~~ Accept and disburse grants, allotments, gifts, devises, bequests, funds, appropriations, and other property made or offered to ~~it~~ the Department; and

4. ~~3.~~ Establish such divisions, sections, bureaus, offices, and positions in the State Department of Health as ~~it~~ the Commissioner deems necessary to carry out the provisions of this Code.

C. The State Commissioner of Health shall be appointed by the Governor, with the advice and consent of the Senate. The Commissioner shall serve at the pleasure of the Governor and may be removed or replaced without cause. Compensation for the Commissioner shall be determined pursuant to Section 3601.2 of Title 74 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-105, is amended to read as follows:

Section 1-105. There is hereby created a State Department of Health, which shall consist of the State Commissioner of Health, and such divisions, sections, bureaus, offices, and positions as may be established by the ~~State Board of Health~~ Commissioner, or by law.

SECTION 4. This act shall become effective January 14, 2019.

Passed the House of Representatives the 8th day of March, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of April, 2018.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____