

ENGROSSED HOUSE  
BILL NO. 2170

BY: THOMPSON and ROBERTS  
(Larry) of the HOUSE

and

SHEDRICK of the SENATE

( EDUCATION - OKLAHOMA REGENT CANDIDATE ADVISORY  
COUNCIL - AMENDING 25 O.S. 1991, SECTION 307 -  
AMENDING 74 O.S. 1991, SECTION 4223 -

EFFECTIVE DATE )

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3205.7 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created an advisory council to the Governor of the State of Oklahoma to be known as the "Oklahoma Regent Candidate Advisory Council", hereinafter to be referred to as the "Council". The duty of the Council shall be to provide advice on the selection of appointments to the Oklahoma State Regents for Higher Education and appointments to individual institutional boards of regents and higher education center boards of trustees in The Oklahoma State System of Higher Education. In pursuit of this duty, the Oklahoma Regent Candidate Advisory Council shall determine criteria for and identify and recruit qualified candidates for membership on the various boards of regents and trustees.

B. The Council shall consist of twelve (12) members, with at least two members being from each congressional district from across

the state taken into consideration. Three members shall be appointed by the Governor of the State of Oklahoma; three members shall be appointed by the Chancellor of the Oklahoma State Regents for Higher Education; three members shall be appointed by the Speaker of the Oklahoma House of Representatives; and three members shall be appointed by the President Pro Tempore of the Oklahoma State Senate. Appointment of members of the first Council shall be completed not later than November 1, 1992. Members shall serve terms of three (3) years, staggered so that one vacancy occurs each year. Appointments and terminations of appointments shall be filed with the Secretary of State. Members resigning shall do so by letter to his or her appointing entity with copies to all of the other appointing entities for the Council. Membership shall not include persons serving in the Oklahoma State Legislature or who have served in the Legislature within the previous four (4) years. Not more than two members of the Council may be current employees of The Oklahoma State System of Higher Education or any institution that is a part thereof. The Council shall select one of its members to serve as chairperson for a term of one (1) year. A member may succeed himself as chairperson. Interested persons may nominate themselves for membership to the Council to any of the appointing entities. The first meeting of the Oklahoma Regent Candidate Advisory Council shall be called by the Chancellor of the Oklahoma State Regents for Higher Education. Thereafter, meetings shall be called by the chairperson of the Council. Meetings of the Council shall be subject to the provisions of the Oklahoma Open Meeting Act. Members shall receive no compensation, but shall be reimbursed in accordance with the State Travel Reimbursement Act for travel expenses incurred in carrying out their duties as members of the Council. Members of the Council shall be required to file a Financial Disclosure Statement with the Ethics Commission pursuant

to the provisions of Section 4223 of Title 74 of the Oklahoma Statutes.

C. The Oklahoma Regent Candidate Advisory Council shall:

1. Develop, in consultation with current and former regents, trustees and the administration of the various state institutions of higher education, a statement of the selection criteria to be applied and a description of the responsibilities and duties of a regent and trustee, and shall distribute this information to potential candidates; and

2. Identify and recruit qualified candidates for the board of regents or trustees, based on the background and experience of the candidates, on their ability to satisfy the selection criteria, and on their potential for discharging the responsibilities of a member of a board of regents or trustees.

D. The Council shall recommend and maintain an adequate pool of qualified candidates and shall submit its recommendations to the Governor. The Governor shall not be bound by these recommendations in making appointments to boards of regents and trustees.

E. The staff of the Oklahoma State Regents for Higher Education shall provide administrative and support services for the Council.

SECTION 2. AMENDATORY 25 O.S. 1991, Section 307, is amended to read as follows:

Section 307. No public body shall hold executive sessions unless otherwise specifically provided for herein.

Executive sessions of public bodies will be permitted only for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, or for the purpose of discussing negotiations concerning employees and representatives of employee groups, or for the purpose of discussing the purchase or appraisal of real property, or for the purpose of confidential communications between a public body and its attorney concerning a

pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest; or by district boards of education for the purpose of hearing evidence and discussing the expulsion or suspension of a student when requested by the student involved or his parent, attorney or legal guardian, or for the purpose of discussing matters involving a specific handicapped child or in any other instance where disclosure of information would violate confidentiality requirements of state or federal law. Provided, however, that, except for matters considered in executive sessions of the State Banking Board and the Oklahoma Savings and Loan Board, any vote or action thereon must be taken in public meeting with the vote of each member publicly cast and recorded. An executive session for the purpose of discussing the purchase or appraisal of real property shall be limited to members of the public body, the attorney for the public body, and the immediate staff of the public body; no landowner, real estate salesperson, broker, developer, or any other person who may profit directly or indirectly by a proposed transaction concerning real property which is under consideration may be present or participate in the executive session.

The State Banking Board may hold executive sessions to exercise those powers provided for under Section 306.1 of Title 6 of the Oklahoma Statutes.

The Oklahoma Industrial Finance Authority may hold executive sessions as provided for in Section 854 of Title 74 of the Oklahoma Statutes. The Oklahoma Development Finance Authority may hold executive sessions as provided for in Section 5062.6 of Title 74 of the Oklahoma Statutes. The Oklahoma Center for the Advancement of Science and Technology may hold executive sessions as provided for in Section 5060.7 of Title 74 of the Oklahoma Statutes.

The Oklahoma Savings and Loan Board may hold executive sessions to exercise those powers provided for under subsection A of Section 381.74 of Title 18 of the Oklahoma Statutes.

The Oklahoma Health Research Committee may hold executive sessions to confer on matters pertaining to research and development of products, if public disclosure of the matter discussed would interfere with development of patents, copyrights, products, or services.

The Oklahoma Regent Candidate Advisory Council may hold executive sessions to perform its duties as specified in paragraph 2 of subsection C of Section 1 of this act.

No executive session by a public body shall occur except on a vote by a majority of a quorum of the members present.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 4223, is amended to read as follows:

Section 4223. A. Any person elected to an office for which a declaration of candidacy is required to be filed with the State Election Board as provided in Section 5-102 of Title 26 of the Oklahoma Statutes or the county election board as provided in Section 5-103 of Title 26 of the Oklahoma Statutes, except any person required to file financial disclosure pursuant to the provisions of any federal law, shall file a Financial Disclosure Statement with the Ethics Commission on or before the fortieth day after each General Election.

B. Any candidate for an office for which a declaration of candidacy is required to be filed with the State Election Board as provided in Section 5-102 of Title 26 of the Oklahoma Statutes or the county election board as provided in Section 5-103 of Title 26 of the Oklahoma Statutes shall file a Financial Disclosure Statement with the Commission on or before the tenth day following the last day for filing the declaration of candidacy for the office.

C. Any person retained in an office for which a declaration of candidacy is required to be filed with the Secretary of State as provided in Section 11-101 of Title 26 or Section 30.16 of Title 20 of the Oklahoma Statutes shall file a Financial Disclosure Statement with the Commission on or before the fortieth day after the General Election.

D. The chief administrative officer and the first assistant administrative officer of any state agency, board or commission who make the policy decisions necessary to implement the duties imposed on the entity by law and any state employee who is responsible for taking or recommending official action of a nonministerial nature with regard to contracting or procurement of services or products exceeding Seven Hundred Fifty Dollars (\$750.00) in cost per calendar year shall file a Financial Disclosure Statement with the Commission upon initial employment and not later than April 30 of each even-numbered year thereafter.

E. A member of a board or commission as created by the Oklahoma Constitution or by statute except members of advisory committees to the legislative, executive, or judicial branches of state government, Foster Care Review Board members appointed pursuant to Section 1116.2 of Title 10 of the Oklahoma Statutes, and board members of guaranty associations created pursuant to state statute, shall file a Financial Disclosure Statement with the Commission upon initial appointment and not later than April 30 of each even-numbered year thereafter. The provisions of this subsection shall not be construed to exclude the members of the Oklahoma Regent Candidate Advisory Council appointed pursuant to Section 1 of this act. The provisions of this subsection shall not be construed to require precinct inspectors, judges, clerks and counters to file Financial Disclosure Statements.

F. No individual shall be required to file more than one Financial Disclosure Statement in any calendar year.

G. Every person failing to file a Financial Disclosure Statement on or before the dates specified in this section shall be assessed by the Commission a late filing fee of up to One Hundred Dollars (\$100.00) for each day the statement remains unfiled; provided, the total amount of such fees assessed per report shall not exceed One Thousand Dollars (\$1,000.00). Failure to file a Financial Disclosure Statement shall be deemed to be a separate offense for each day that the Statement remains unfiled after it becomes due. Fees collected pursuant to the provisions of this subsection shall be deposited with the State Treasurer to the credit of the General Revenue Fund. Such fees shall not be paid from campaign funds.

H. Every state agency, and every board and commission created by the Oklahoma Constitution or by state statute, except those exempted in subsection E of this section, shall designate an employee or member who shall be responsible for filing a list of employees and/or members of governing boards or commissions required under this section to file Financial Disclosure Statements on or before January 1 of each year. Names of individuals no longer required to file shall also be reported along with the effective date of the termination of their services.

SECTION 4. This act shall become effective September 1, 1992.

Passed the House of Representatives the 25th day of February, 1992.

Speaker of the House of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1992.

President of the Senate