

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2170

BY: THOMPSON

AS INTRODUCED

AN ACT RELATING TO EDUCATION; CREATING THE OKLAHOMA REGENT CANDIDATE ADVISORY COUNCIL; PROVIDING PURPOSE; STATING DUTIES; PROVIDING FOR MEMBERSHIP AND OPERATION OF THE OKLAHOMA REGENT CANDIDATE ADVISORY COUNCIL; EXEMPTING MEETINGS OF THE COUNCIL FROM THE OKLAHOMA OPEN MEETING ACT; PROVIDING FOR CERTAIN COMPENSATION; REQUIRING FINANCIAL DISCLOSURE; REQUIRING RECOMMENDATION OF CANDIDATES FOR BOARDS OF REGENTS AND TRUSTEES; SPECIFYING APPOINTMENT AUTHORITY OF GOVERNOR; PROVIDING FOR STAFFING SERVICES; AMENDING 25 O.S. 1991, SECTION 304, WHICH RELATES TO OPEN MEETINGS; EXEMPTING THE OKLAHOMA REGENT CANDIDATE ADVISORY COUNCIL FROM THE OKLAHOMA OPEN MEETING ACT; AMENDING 74 O.S. 1991, SECTION 4223, WHICH RELATES TO FINANCIAL DISCLOSURE; REQUIRING FINANCIAL DISCLOSURE OF MEMBERS OF THE OKLAHOMA REGENT CANDIDATE ADVISORY COUNCIL; PROVIDING FOR CODIFICATION; AND PROVIDING AN 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 geographical representation 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 at the pleasure of the appointing authority. 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. 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 exempt from 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 304, is amended to read as follows:

Section 304. As used in this act:

1. "Public body" means the governing bodies of all municipalities located within the State of Oklahoma, boards of county commissioners of the counties in the State of Oklahoma, boards of public and higher education in the State of Oklahoma and all boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces or study groups in the State of Oklahoma supported in whole or in part by public funds or entrusted with the expending of public funds, or administering public property, and shall include all committees or subcommittees of any public body. It shall not mean the state judiciary ~~or~~, the State Legislature ~~or~~, administrative staffs of public bodies, including, but not limited to, faculty meetings and athletic staff meetings of institutions of higher education when said staffs are not meeting with the public body, ~~or~~ entry-year assistance committees, as defined in Section 6-152 of Title 70 of the Oklahoma Statutes or the Oklahoma Regent Candidate Advisory Council, as provided in Section 3205.7 of Title 70 of the Oklahoma Statutes. Furthermore, it shall not mean the multidisciplinary team provided for in subsection B of Section ~~2~~ 1-502.2 of ~~this act~~ Title 63 of the Oklahoma Statutes or any school board meeting for the sole purpose of considering recommendations of said multidisciplinary team and deciding the placement of any child who is the subject of such recommendations.

2. "Meeting" means the conducting of business of a public body by a majority of its members being personally together.

3. "Regularly scheduled meeting" means a meeting at which the regular business of the public body is conducted.

4. "Special meeting" means any meeting of a public body other than a regularly scheduled meeting or emergency meeting.

5. "Emergency meeting" means any meeting called for the purpose of dealing with an emergency. For purposes of this act, an

emergency is defined as a situation involving injury to persons or injury and damage to public or personal property or immediate financial loss when the time requirements for public notice of a special meeting would make such procedure impractical and increase the likelihood of injury or damage or immediate financial loss.

6. "Continued or reconvened meeting" means a meeting which is assembled for the purpose of finishing business appearing on an agenda of a previous meeting. For the purposes of this act, only matters on the agenda of the previous meeting at which the announcement of the continuance is made may be discussed at a continued or reconvened meeting.

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 3205.7 of Title 70 of the Oklahoma Statutes. 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.

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