

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2401

By: Begley

AS INTRODUCED

An Act relating to schools; creating the Oklahoma Regent Candidate Advisory Council; providing purpose; stating duties; providing for membership and operation of the Oklahoma Regent Candidate Advisory Council; prohibiting certain persons from membership; subjecting meetings of the Council to the Oklahoma Open Meeting Act; providing for certain reimbursement; requiring financial disclosure; requiring recommendation of candidates for boards of regents and trustees; specifying powers and duties of Council; providing for staffing services; amending 25 O.S. 1991, Section 307, as last amended by Section 3, Chapter 195, O.S.L. 1993 (25 O.S. Supp. 1993, Section 307), which relates to executive sessions under open meetings; providing for executive sessions of the Oklahoma Regent Candidate Advisory Council under the Oklahoma Open Meeting Act; amending 74 O.S. 1991, Section 4223, as amended by Section 30, H.J.R. No. 1077, O.S.L. 1992 (74 O.S. Supp. 1993, 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, 1994. 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 or herself 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, as last amended by Section 3, Chapter 195, O.S.L. 1993 (25 O.S. Supp. 1993, Section 307), is amended to read as follows:

Section 307. A. No public body shall hold executive sessions unless otherwise specifically provided in this section.

B. Executive sessions of public bodies will be permitted only for the purpose of:

1. Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee;

2. Discussing negotiations concerning employees and representatives of employee groups;

3. Discussing the purchase or appraisal of real property;

4. 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;

5. Permitting district boards of education to hear evidence and discuss the expulsion or suspension of a student when requested by the student involved or his parent, attorney or legal guardian;

6. Discussing matters involving a specific handicapped child;
or

7. Discussing any matter where disclosure of information would violate confidentiality requirements of state or federal law.

C. Notwithstanding the provisions of subsection B of this section, the following public bodies may hold executive sessions:

1. The State Banking Board, as provided for under Section 306.1 of Title 6 of the Oklahoma Statutes;

2. The Oklahoma Industrial Finance Authority, as provided for in Section 854 of Title 74 of the Oklahoma Statutes;

3. The Oklahoma Development Finance Authority, as provided for in Section 5062.6 of Title 74 of the Oklahoma Statutes;

4. The Oklahoma Center for the Advancement of Science and Technology, as provided for in Section 5060.7 of Title 74 of the Oklahoma Statutes;

5. The Oklahoma Savings and Loan Board, as provided for under subsection A of Section 381.74 of Title 18 of the Oklahoma Statutes;

6. The Oklahoma Health Research Committee for purposes of conferring on matters pertaining to research and development of products, if public disclosure of the matter discussed would interfere with the development of patents, copyrights, products, or services;

7. A review committee, as provided for in Section 855 of Title 62 of the Oklahoma Statutes; ~~and~~

8. The Child Death Review Board for purposes of receiving and conferring on matters pertaining to materials declared confidential by law; and

9. The Oklahoma Regent Candidate Advisory Council for purposes of performing its duties as specified in paragraph 2 of subsection C of Section 1 of this act.

D. 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.

E. No public body may go into an executive session unless the following procedures are strictly complied with:

1. The proposed executive session is noted on the agenda as provided in Section 311 of this title;

2. The executive session is authorized by a majority vote of a quorum of the members present and the vote is a recorded vote; and

3. Except for matters considered in executive sessions of the State Banking Board and the Oklahoma Savings and Loan Board, and which are required by state or federal law to be confidential, any vote or action on any item of business considered in an executive session shall be taken in public meeting with the vote of each member publically cast and recorded.

F. A willful violation of the provisions of this section shall:

1. Subject each member of the public body to criminal sanctions as provided in Section 314 of this title; and

2. Cause the minutes and all other records of the executive session, including tape recordings, to be immediately made public.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 4223, as amended by Section 30, H.J.R. No. 1077, O.S.L. 1992 (74 O.S. Supp. 1993, 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 April 30 of each year.

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 at the time of 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 April 30 of each year.

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 Two Thousand Five Hundred Dollars (\$2,500.00) in cost per calendar year shall file a Financial Disclosure Statement with the Commission by the later of April 30 or thirty (30) days after employment and not later than April 30 of each year thereafter.

E. A public member shall file a Financial Disclosure Statement with the Commission by the later of April 30 or thirty (30) days after appointment and not later than April 30 of each 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 state governmental entity except those exempted from the definition of "public member" pursuant to the provisions of Section 4202 of this title shall designate an employee or member who shall be responsible for filing a list of employees and/or members of the governmental entity required to file Financial Disclosure Statements. Such list shall be filed with the Commission 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. The employee or member so designated shall notify each person identified on the list of his obligation to file a financial disclosure statement. Only those persons identified on the list shall be required to file a financial disclosure statement. The intentional or inadvertent omission by another of a person from the list shall not subject such person to any liability resulting from the omission.

SECTION 4. This act shall become effective September 1, 1994.

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