

THE HOUSE OF REPRESENTATIVES  
Wednesday, February 24, 2010

Committee Substitute for  
House Bill No. 2328

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2328 - By: MURPHEY of the House.

An Act relating to state government; amending 74 O.S. 2001, Section 1364, which relates to the creation of the Oklahoma State Employees Benefits Council; requiring certain annual meeting; and providing an effective date.

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

1 SECTION 1. AMENDATORY 74 O.S. 2001, Section 1364, is amended to read  
2 as follows:

3 Section 1364. A. There is hereby created the Oklahoma State Employees Benefits  
4 Council.

5 B. The Oklahoma State Employees Benefits Council shall be composed of the five  
6 (5) following individuals:

- 7 1. The Administrator of the Office of Personnel Management;
- 8 2. Two members appointed by the Governor;
- 9 3. One member appointed by the President Pro Tempore of the Senate; and
- 10 4. One member appointed by the Speaker of the House of Representatives.

11 C. The members appointed by the Governor shall serve a term of office of four (4)  
12 years which is coterminous with the term of office of the office of the appointing

1 authority. The members appointed by the Speaker of the House of Representatives and  
2 the President Pro Tempore of the State Senate shall serve a term of office of four (4)  
3 years.

4 D. No member of the Council shall be a lobbyist registered in this state as provided  
5 by law, or be employed, directly or indirectly, by any firm or health care provider under  
6 contract to the Council or Board, or any benefit program under its jurisdiction, for any  
7 goods or services whatsoever.

8 E. Any vacancy that occurs on the Council shall be filled for the unexpired term in  
9 the same manner as the office was previously filled.

10 F. The general administration and responsibility for the proper design, selection or  
11 operation of the benefits offered under the plan and for making effective the provisions of  
12 Section 1361 et seq. of this title are hereby vested in the Council.

13 G. The Council shall elect one of its members as chair. The chair shall preside over  
14 meetings of the Council and perform such other duties as may be required by the  
15 Council. The Council shall elect one of its members to serve as vice-chair who shall  
16 perform the duties of the chair in the absence of the latter or upon the inability or refusal  
17 of the chair to act. The Council shall elect one of its members to serve as secretary.

18 H. The Council and staff shall act in accordance with the provisions of the  
19 Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the Administrative  
20 Procedures Act. The Council shall, in July of each year, hold a regular meeting which  
21 shall be the annual meeting, at which meeting it shall elect officers. Each year, the  
22 Council shall conduct an annual planning meeting.

1 I. Special meetings may be called upon written notice by the chair or by agreement  
2 of any three members of the Council. Notice of a special meeting shall be delivered to all  
3 members in person or by registered or certified United States mail not less than seven (7)  
4 days prior to the date fixed for the meeting; provided, however, that notice of such  
5 meeting may be waived by any member either before or after such meeting and  
6 attendance at such meeting shall constitute a waiver of notice of such meeting, unless a  
7 member participates therein solely to object to the transaction of any business because  
8 the meeting has not been legally called or convened.

9 J. The majority of the members of the Council shall constitute a quorum for the  
10 transaction of business. Each Council member shall be entitled to one vote on the  
11 Council. Any official action of the Council must have three votes of the members of the  
12 Council present.

13 K. All resolutions, proceedings, acts and determinations of the Council shall be  
14 recorded and all such records, together with such documents and instruments as may be  
15 necessary for the administration of the plan, shall be preserved in the custody of the  
16 executive director.

17 L. Each member of the Council shall serve without compensation except that each  
18 of the Council members shall receive travel expenses in accordance with the State Travel  
19 Reimbursement Act.

20 M. The Council shall not be subject to the provisions of the Oklahoma Sunset Law,  
21 Section 3901 et seq. of this title.

22 SECTION 2. This act shall become effective November 1, 2010.

1 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION,  
2 dated 02-23-10 - DO PASS, As Amended.