

Proposed Changes to Administrative Rules

The following is a marked draft of proposed changes to Administrative Rules, Title 90, Chapter 1, relating to the following changes: (i) the address of the State Bond Advisor's Office and (ii) references to when the Council of Bond Oversight meetings shall be held that were revised by statute.

There is no impact as a result of these proposed changes.

Title 90 - Council of Bond Oversight

Editor's Note: Title 90 was previously assigned to the Oklahoma Executive and Legislative Bond Oversight Commissions. However, on 9-24-02, the Oklahoma Supreme Court ruled that the Oklahoma Legislative Bond Oversight Commission violated the separation of powers doctrine of the Oklahoma Constitution, "caus[ing] . . . the powers, duties, and responsibilities of the [Commissions] to devolve upon the Council of Bond Oversight." [See 2002 OK 74, 64 P.3d 546, Case No. 97419 (Supreme Court of the State of Oklahoma, 9-24-02)] Pursuant to 62 O.S., Section 695.11A, "in the event either of the [Commissions] is found unconstitutional by a . . . court of competent jurisdiction, all powers, duties and responsibilities of the Commissions shall devolve upon the Council of Bond Oversight, and previous joint or individual actions, approvals or disapprovals of the Executive and Legislative Bond Oversight Commissions are hereby confirmed, ratified, validated and deemed incontestable." Following the ruling by the Supreme Court, the Council of Bond Oversight promulgated emergency amendments to certain rules in Title 90, effective 1-2-03. The Council then promulgated permanent amendments to supersede those emergency amendments, as well as permanent amendments to numerous other rules in Title 90, effective 7-11-03, as published herein. For the text of emergency rules promulgated by the Council of Bond Oversight and effective from 1-2-03 through 7-10-03, see 20 Ok Reg 453, 455, and 462. For the text of rules in Title 90 that have not been amended by the Council, see Title 90 in the 2001 Edition of the OAC.

Chapter 1. Administrative Operations

Subchapter 3 - General Operations of the Council

Section 90:1-3-1	Official office
Section 90:1-3-2	Meetings of the Council
Section 90:1-3-3	Executive sessions
Section 90:1-3-4	Notice of meetings
Section 90:1-3-5	Agenda items
Section 90:1-3-6	Confidential or commercially sensitive information
Section 90:1-3-7	Open records

90:1-3-1. Official office

The Offices of the Council of Bond Oversight and the State Bond Advisor are located at 9220 N. Kelley Avenue~~5900 N. Classen Court~~, Oklahoma City, Oklahoma 7313173118. The telephone number is (405) 602-3100 and telecopier number is (405) 848-3314. The office hours are from 8:00 a.m. to 5:00 p.m. Central Time, Monday through Friday, except legal holidays.

[Source: Amended at 10 Ok Reg 2567, eff 6-26-93; Amended at 20 Ok Reg 453, eff 1-2-03 (emergency); Amended at 20 Ok Reg 2258, eff 7-11-03]

90:1-3-2. Meetings of the Council

~~Section 695.6(A) of the Act requires the Council to meet at least once a month on the last Thursday of each month or on another day at the call of the Chair of the Council. The Council will set the schedule of regular meetings each year and file the schedule with the Secretary of State.~~ A schedule of meetings may be obtained upon request of the office.

[Source: Amended at 9 Ok Reg 2249, eff 6-25-92; Amended at 20 Ok Reg 453, eff 1-2-03 (emergency); Amended at 20 Ok Reg 2258, eff 7-11-03; Repealed by Laws 2012, SB 1108, eff 11-1-12]

90:1-3-3. Executive sessions

The Council may hold executive sessions at such meetings as is permitted by the Open Meeting Act.

[Source: Amended at 20 Ok Reg 453, eff 1-2-03 (emergency); Amended at 20 Ok Reg 2258, eff 7-11-03]

90:1-3-4. Notice of meetings

Notice of regular and special meetings will be given in accordance with the provisions of the Open Meeting Act.

[Source: Amended at 20 Ok Reg 2258, eff 7-11-03]

90:1-3-5. Agenda items

The State Bond Advisor prepares an agenda on behalf of the Council for each meeting of the Council. The agenda is filed and posted in accordance with the Open Meeting Act, supra. Members of the public may request the Council to place matters on the agenda for a meeting. The Council may adopt such procedures from time to time as it deems necessary for the orderly and efficient conduct of meetings.

[Source: Amended at 20 Ok Reg 453, eff 1-2-03 (emergency); Amended at 20 Ok Reg 2258, eff 7-11-03]

90:1-3-6. Confidential or commercially sensitive information

Any information submitted to the Council which may be kept confidential by the applicant shall be kept confidential by the Council.

[Source: Amended at 20 Ok Reg 453, eff 1-2-03 (emergency); Amended at 20 Ok Reg 2258, eff 7-11-03]

90:1-3-7. Open records

The records of the Council are subject to the Open Records Act. All requests for the public records of the Council will be made through the State Bond Advisor who will be charged with making the public records of the Council available for inspection by or copying to the requesting party during normal hours. The Council will charge \$0.25 per page for each copy of a public record made upon written request. The State Bond Advisor will decide if the request is for a record not otherwise made confidential under Oklahoma Law. The State Bond Advisor is authorized to discuss this decision with the Office of the Attorney General of the State of Oklahoma as may become necessary. Except information that is confidential or commercially sensitive as described in 90:1-3-6, or specifically kept confidential under Oklahoma or federal law, all documents or other records of the Council will be open for public inspection and copying.

[Source: Amended at 20 Ok Reg 453, eff 1-2-03 (emergency); Amended at 20 Ok Reg 2258, eff 7-11-03]