

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1725

By: Osborn

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Open Meeting Act;
8 amending 25 O.S. 2011, Section 307, which relates to
9 executive sessions; modifying exemptions; and
10 providing an effective date.

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

13 SECTION 1. AMENDATORY 25 O.S. 2011, Section 307, is
14 amended to read as follows:

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

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

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

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

24 3. Discussing the purchase or appraisal of real property;

1 4. Confidential communications between a public body and its
2 attorney concerning a pending investigation, claim, or action if the
3 public body, with the advice of its attorney, determines that
4 disclosure will seriously impair the ability of the public body to
5 process the claim or conduct a pending investigation, litigation, or
6 proceeding in the public interest;

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

11 6. Discussing matters involving a specific handicapped child;

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

14 8. Engaging in deliberations or rendering a final or
15 intermediate decision in an individual proceeding pursuant to
16 Article II of the Administrative Procedures Act; or

17 9. Discussing the following:

18 a. the investigation of a plan or scheme to commit an act
19 of terrorism,

20 b. assessments of the vulnerability of government
21 facilities or public improvements to an act of
22 terrorism,

23 c. plans for deterrence or prevention of or protection
24 from an act of terrorism,

- 1 d. plans for response or remediation after an act of
2 terrorism,
- 3 e. information technology of the public body but only if
4 the discussion specifically identifies:
- 5 (1) design or functional schematics that demonstrate
6 the relationship or connections between devices
7 or systems,
 - 8 (2) system configuration information,
 - 9 (3) security monitoring and response equipment
10 placement and configuration,
 - 11 (4) specific location or placement of systems,
12 components or devices,
 - 13 (5) system identification numbers, names, or
14 connecting circuits,
 - 15 (6) business continuity and disaster planning, or
16 response plans, or
 - 17 (7) investigation information directly related to
18 security penetrations or denial of services, or
- 19 f. the investigation of an act of terrorism that has
20 already been committed.

21 For the purposes of this subsection, the term "terrorism" means
22 any act encompassed by the definitions set forth in Section 1268.1
23 of Title 21 of the Oklahoma Statutes.
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1 C. Notwithstanding the provisions of subsection B of this
2 section, the following public bodies may hold executive sessions:

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

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

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

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

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

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

19 7. A review committee, as provided for in Section 855 of Title
20 62 of the Oklahoma Statutes;

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

1 9. The Domestic Violence Fatality Review Board as provided in
2 Section 1601 of Title 22 of the Oklahoma Statutes;

3 10. All nonprofit foundations, boards, bureaus, commissions,
4 agencies, trusteeships, authorities, councils, committees, public
5 trusts, task forces or study groups supported in whole or part by
6 public funds or entrusted with the expenditure of public funds for
7 purposes of conferring on matters pertaining to economic
8 development, including the transfer of property, financing, or the
9 creation of a proposal to entice a business to remain or to locate
10 within their jurisdiction if public disclosure of the matter
11 discussed would interfere with the development of products or
12 services or if public disclosure would violate the confidentiality
13 of the business;

14 11. The Oklahoma Indigent Defense System Board for purposes of
15 discussing negotiating strategies in connection with making possible
16 counteroffers to offers to contract to provide legal representation
17 to indigent criminal defendants and indigent juveniles in cases for
18 which the System must provide representation pursuant to the
19 provisions of the Indigent Defense System Act; ~~and~~

20 12. The Quality Investment Committee for purposes of discussing
21 applications and confidential materials pursuant to the terms of the
22 Oklahoma Quality Investment Act; and

23 13. The Workers' Compensation Commission:
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- 1 a. if the Commission is sitting en banc, deliberating on
2 appeals of cases or other disputes arising from
3 actions of the Commission, provided votes of the
4 Commission shall be cast in open meeting and recorded
5 in any order issued,
- 6 b. for discussion of budgets, internal reports and the
7 setting of agendas, provided no action is taken, or
- 8 c. if members of the Commission are attending any
9 conference, training program or informational
10 presentation.

11 D. An executive session for the purpose of discussing the
12 purchase or appraisal of real property shall be limited to members
13 of the public body, the attorney for the public body, and the
14 immediate staff of the public body. No landowner, real estate
15 salesperson, broker, developer, or any other person who may profit
16 directly or indirectly by a proposed transaction concerning real
17 property which is under consideration may be present or participate
18 in the executive session.

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

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

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

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

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

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

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

12 SECTION 2. This act shall become effective November 1, 2015.

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