

ENGROSSED HOUSE  
BILL NO. 2409

BY: STEIDLEY and ISTOOK of  
the HOUSE

and

DICKERSON of the SENATE

AN ACT RELATING TO THE OKLAHOMA OPEN MEETING ACT;  
AMENDING 25 O.S. 1991, SECTION 307, WHICH RELATES  
TO EXECUTIVE SESSIONS; ESTABLISHING PROCEDURAL  
REQUIREMENTS APPLICABLE TO EXECUTIVE SESSIONS;  
PROVIDING SANCTIONS; AMENDING 25 O.S. 1991, SECTION  
311, WHICH RELATES TO PUBLIC NOTICE OF MEETINGS OF  
PUBLIC BODIES; SPECIFYING CONTENTS OF AGENDAS; AND  
PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 25 O.S. 1991, Section 307, is  
amended to read as follows:

Section 307. A. No public body shall hold executive sessions  
unless otherwise specifically provided ~~for herein~~ 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, ~~or for the purpose of;~~

2. discussing negotiations concerning employees and  
representatives of employee groups, ~~or for the purpose of;~~

3. discussing the purchase or appraisal of real property, ~~or for the purpose of;~~

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; ~~or by district boards of education for the purpose of hearing~~

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

6. discussing matters involving a specific handicapped child ~~or in any other instance; or~~

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

~~Provided, however, that, except for matters considered in executive sessions of the State Banking Board and the Oklahoma Savings and Loan Board, any vote or action thereon must be taken in public meeting with the vote of each member publicly cast and recorded.~~

~~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.~~

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

1. the State Banking Board may hold executive sessions to exercise those powers, as provided for under Section 306.1 of Title 6 of the Oklahoma Statutes-;

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

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

4. the Oklahoma Center for the Advancement of Science and Technology may hold executive sessions, as provided for in Section 5060.7 of Title 74 of the Oklahoma Statutes-;

~~The~~ 5. the Oklahoma Savings and Loan Board may hold executive sessions to exercise those powers, as provided for under subsection A of Section 381.74 of Title 18 of the Oklahoma Statutes-; and

~~The~~ 6. the Oklahoma Health Research Committee may hold executive sessions to confer 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.

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.

~~No~~ 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 by a public body shall occur except on a vote 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 2. AMENDATORY 25 O.S. 1991, Section 311, is amended to read as follows:

Section 311. A. Notwithstanding any other provisions of law, all regularly scheduled, continued or reconvened, special or emergency meetings of public bodies shall be preceded by public notice as follows:

1. All public bodies shall give notice in writing by December 15 of each calendar year of the schedule showing the date, time and place of the regularly scheduled meetings of such public bodies for the following calendar year.

2. All state public bodies, including, but not limited to, public trusts and other bodies with the state as beneficiary, shall give such notice to the Secretary of State.

3. All county public bodies, including, but not limited to, public trusts and any other bodies with the county as beneficiary, shall give such notice to the county clerk of the county wherein they are principally located.

4. All municipal public bodies, including, but not limited to, public trusts and any other bodies with the municipality as beneficiary, shall give such notice to the municipal clerk of the municipality wherein they are principally located.

5. All multicounty, regional, areawide or district public bodies, including, but not limited to, district boards of education, shall give such notice to the county clerk of the county wherein they are principally located, or if no office exists, to the county clerk of the county or counties served by such public body.

6. All governing boards of state institutions of higher education, and committees and subcommittees thereof, shall give such notice to the Secretary of State. All other public bodies covered by the provisions of this act which exist under the auspices of a state institution of higher education, but a majority of whose members are not members of the institution's governing board, shall give such notice to the county clerk of the county wherein the institution is principally located.

7. The Secretary of State and each county clerk or municipal clerk shall keep a record of all notices received in a register open to the public for inspection during regular office hours, and, in addition, shall make known upon any request of any person the contents of said register.

8. If any change is to be made of the date, time or place of regularly scheduled meetings of public bodies, then notice in writing shall be given to the Secretary of State or county clerk or municipal clerk, as required herein, not less than ten (10) days prior to the implementation of any such change.

9. In addition to the advance public notice in writing required to be filed for regularly scheduled meetings, all public bodies shall, at least twenty-four (24) hours prior to such meetings, display public notice of said meeting, setting forth thereon the date, time, place and agenda for said meeting, such twenty-four (24)

hours prior public posting shall exclude Saturdays and Sundays and holidays legally declared by the State of Oklahoma; provided, however, the posting of an agenda shall not preclude a public body from considering at its regularly scheduled meeting any new business. Such public notice shall be posted in prominent public view at the principal office of the public body or at the location of said meeting if no office exists. "New business", as used herein, shall mean any matter not known about or which could not have been reasonably foreseen prior to the time of posting.

10. In the event any meeting is to be continued or reconvened, public notice of such action, including date, time and place of the continued meeting, shall be given by announcement at the original meeting. Only matters appearing on the agenda of the meeting which is continued may be discussed at the continued or reconvened meeting.

11. Special meetings of public bodies shall not be held without public notice being given at least forty-eight (48) hours prior to said meetings. Such public notice of date, time and place shall be given in writing, in person or by telephonic means to the Secretary of State or to the county clerk or to the municipal clerk by public bodies in the manner set forth in paragraphs 2, 3, 4, 5 and 6 of this section. The public body also shall cause written notice of the date, time and place of the meeting to be mailed or delivered to each person, newspaper, wire service, radio station, and television station that has filed a written request for notice of meetings of the public body with the clerk or secretary of the public body or with some other person designated by the public body. Such written notice shall be mailed or delivered at least forty-eight (48) hours prior to the special meeting. The public body may charge a fee of up to Eighteen Dollars (\$18.00) per year to persons or entities filing a written request for notice of meetings, and may require such persons or entities to renew the request for notice annually.

In addition, all public bodies shall, at least twenty-four (24) hours prior to such special meetings, display public notice of said meeting, setting forth thereon the date, time, place and agenda for said meeting. Only matters appearing on the posted agenda may be considered at said special meeting. Such public notice shall be posted in prominent public view at the principal office of the public body or at the location of said meeting if no office exists. Twenty-four (24) hours prior public posting shall exclude Saturdays and Sundays and holidays legally declared by the State of Oklahoma.

12. In the event of an emergency, an emergency meeting of a public body may be held without the public notice heretofore required. Should an emergency meeting of a public body be necessary, the person calling such a meeting shall give as much advance public notice as is reasonable and possible under the circumstances existing, in person or by telephonic or electronic means.

B. 1. All agendas required pursuant to the provisions of this section shall identify all items of business to be transacted by a public body at a meeting, including, but not limited to, any proposed executive session for the purpose of engaging in deliberations or rendering a final or intermediate decision in an individual proceeding prescribed by the Administrative Procedures Act.

2. If a public body proposes to conduct an executive session, the agenda shall:

- a. contain sufficient information for the public to ascertain that an executive session will be proposed;
- b. identify the items of business and purposes of the executive session; and
- c. state specifically the provision of Section 307 of this title authorizing the executive session.

SECTION 3. This act shall become effective September 1, 1992.

Passed the House of Representatives the 13th day of February,  
1992.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1992.

President of the Senate