

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2246

By: Weese

AS INTRODUCED

An Act relating to the Oklahoma Open Meeting Act;
amending 25 O.S. 1991, Section 307, as last amended
by Section 13, Chapter 384, O.S.L. 1994 (25 O.S.
Supp. 1995, Section 307), which relates to
executive sessions; modifying circumstances
regarding permissible use of executive sessions;
providing for open meetings under certain
circumstances related to individual proceedings;
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, as last
amended by Section 13, Chapter 384, O.S.L. 1994 (25 O.S. Supp. 1995,
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;

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

8. Engaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act. For purposes of this paragraph, if a person has requested that a public body consider some action that does not directly affect the person including, but not limited to, cases in which an assertion is made to the public body that it has or is about to conduct a proceeding or render an intermediate or final decision in an individual proceeding in violation of the Oklahoma Open Meeting Act or the Oklahoma Administrative Procedures Act, then the presentation to the public body shall not be considered an individual proceeding for purposes of conducting an executive session and the presentation to the public body shall be conducted as an open meeting.

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.

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~~ publicly 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. This act shall become effective November 1, 1996.

45-2-8559

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