

1 ENGROSSED SENATE  
2 BILL NO. 898

By: Thompson of the Senate

3 and

4 Babinec of the House  
5

6 An Act relating to public meetings; amending 25 O.S.  
7 2011, Section 307, as amended by Section 1, Chapter  
8 109, O.S.L. 2015 (25 O.S. Supp. 2017, Section 307),  
9 which relates to executive sessions; modifying  
10 provisions relating to the discussion of safety and  
11 security at state penal institutions or correctional  
12 facilities; modifying provisions relating to the  
13 discussion of certain contract negotiations; and  
14 declaring an emergency.

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

16 SECTION 1. AMENDATORY 25 O.S. 2011, Section 307, as  
17 amended by Section 1, Chapter 109, O.S.L. 2015 (25 O.S. Supp. 2017,  
18 Section 307), is amended to read as follows:

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

21 B. Executive sessions of public bodies will be permitted only  
22 for the purpose of:

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

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

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

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

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

14       6. Discussing matters involving a specific handicapped child;

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

17       8. Engaging in deliberations or rendering a final or  
18 intermediate decision in an individual proceeding pursuant to  
19 Article II of the Administrative Procedures Act; ~~or~~

20       9. Discussing matters involving safety and security at state  
21 penal institutions or correctional facilities used to house state  
22 inmates;

23       10. Discussing contract negotiations involving contracts  
24 requiring approval of the Board of Corrections, which shall be

1 limited to members of the public body, the attorney for the public  
2 body, and the immediate staff of the public body. No person who may  
3 profit directly or indirectly by a proposed transaction which is  
4 under consideration may be present or participate in the executive  
5 session; or

6 11. Discussing the following:

- 7 a. the investigation of a plan or scheme to commit an act  
8 of terrorism,
- 9 b. assessments of the vulnerability of government  
10 facilities or public improvements to an act of  
11 terrorism,
- 12 c. plans for deterrence or prevention of or protection  
13 from an act of terrorism,
- 14 d. plans for response or remediation after an act of  
15 terrorism,
- 16 e. information technology of the public body but only if  
17 the discussion specifically identifies:
  - 18 (1) design or functional schematics that demonstrate  
19 the relationship or connections between devices  
20 or systems,
  - 21 (2) system configuration information,
  - 22 (3) security monitoring and response equipment  
23 placement and configuration,

- (4) specific location or placement of systems,  
components or devices,
  - (5) system identification numbers, names, or  
connecting circuits,
  - (6) business continuity and disaster planning, or  
response plans, or
  - (7) investigation information directly related to  
security penetrations or denial of services, or
- f. the investigation of an act of terrorism that has  
already been committed.

For the purposes of this subsection, the term "terrorism" means  
any act encompassed by the definitions set forth in Section 1268.1  
of Title 21 of the Oklahoma Statutes.

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;

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

3        6. The Oklahoma Health Research Committee for purposes of  
4 conferring on matters pertaining to research and development of  
5 products, if public disclosure of the matter discussed would  
6 interfere with the development of patents, copyrights, products, or  
7 services;

8        7. A review committee, as provided for in Section 855 of Title  
9 62 of the Oklahoma Statutes;

10       8. The Child Death Review Board for purposes of receiving and  
11 conferring on matters pertaining to materials declared confidential  
12 by law;

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

15       10. All nonprofit foundations, boards, bureaus, commissions,  
16 agencies, trusteeships, authorities, councils, committees, public  
17 trusts, task forces or study groups supported in whole or part by  
18 public funds or entrusted with the expenditure of public funds for  
19 purposes of conferring on matters pertaining to economic  
20 development, including the transfer of property, financing, or the  
21 creation of a proposal to entice a business to remain or to locate  
22 within their jurisdiction if public disclosure of the matter  
23 discussed would interfere with the development of products or  
24

1 services or if public disclosure would violate the confidentiality  
2 of the business;

3 11. The Oklahoma Indigent Defense System Board for purposes of  
4 discussing negotiating strategies in connection with making possible  
5 counteroffers to offers to contract to provide legal representation  
6 to indigent criminal defendants and indigent juveniles in cases for  
7 which the System must provide representation pursuant to the  
8 provisions of the Indigent Defense System Act; and

9 12. The Quality Investment Committee for purposes of discussing  
10 applications and confidential materials pursuant to the terms of the  
11 Oklahoma Quality Investment Act.

12 D. Except as otherwise specified in this subsection, an  
13 executive session for the purpose of discussing the purchase or  
14 appraisal of real property shall be limited to members of the public  
15 body, the attorney for the public body and the immediate staff of  
16 the public body. No landowner, real estate salesperson, broker,  
17 developer or any other person who may profit directly or indirectly  
18 by a proposed transaction concerning real property which is under  
19 consideration may be present or participate in the executive  
20 session, unless they are operating under an existing agreement to  
21 represent the public body.

22 E. No public body may go into an executive session unless the  
23 following procedures are strictly complied with:  
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1        1. The proposed executive session is noted on the agenda as  
2 provided in Section 311 of this title;

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

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

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

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

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

16        SECTION 2. It being immediately necessary for the preservation  
17 of the public peace, health or safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

1 Passed the Senate the 5th day of March, 2018.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2018.

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9 Presiding Officer of the House  
10 of Representatives