

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1810
Page 1 Section 1 Lines 18
Of the printed Bill
Of the Engrossed Bill

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Ben Loring

Reading Clerk

1 "SECTION 1. AMENDATORY 25 O.S. 2011, Section 307, as
2 amended by Section 1, Chapter 109, O.S.L. 2015 (25 O.S. Supp. 2016,
3 Section 307), is amended to read as follows:

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

6 B. Executive sessions of public bodies will be permitted only
7 for the purpose of:

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

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

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

14 4. Confidential communications between a public body and its
15 attorney concerning a pending investigation, claim, or action if the
16 public body, with the advice of its attorney, determines that
17 disclosure will seriously impair the ability of the public body to
18 process the claim or conduct a pending investigation, litigation, or
19 proceeding in the public interest;

20 5. Permitting district boards of education to hear evidence and
21 discuss the expulsion or suspension of a student when requested by
22 the student involved or the student's parent, attorney or legal
23 guardian;

24 6. Discussing matters involving a specific handicapped child;

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

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

6 9. 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,
24

- (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.~~ 6. A review committee, as provided for in Section 855 of
9 Title 62 of the Oklahoma Statutes;

10 ~~8.~~ 7. The Child Death Review Board for purposes of receiving
11 and conferring on matters pertaining to materials declared
12 confidential by law;

13 ~~9.~~ 8. The Domestic Violence Fatality Review Board as provided
14 in Section 1601 of Title 22 of the Oklahoma Statutes;

15 ~~10.~~ 9. 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.~~ 10. The Oklahoma Indigent Defense System Board for purposes
4 of discussing negotiating strategies in connection with making
5 possible counteroffers to offers to contract to provide legal
6 representation to indigent criminal defendants and indigent
7 juveniles in cases for which the System must provide representation
8 pursuant to the provisions of the Indigent Defense System Act; and

9 ~~12.~~ 11. The Quality Investment Committee for purposes of
10 discussing applications and confidential materials pursuant to the
11 terms of the 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:
24

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 A public body may elect to record by audio or video the proceedings
17 of an executive session to confidentially preserve the same as is
18 required for the minutes of the executive session, separate from the
19 minutes of the open portions of the meeting, unless it is determined
20 that there is a willful violation of the provisions of this section.

21 If the public body elects to record the proceedings, no other
22 individual legally in the meeting may record those proceedings. If
23 the public body elects not to record the proceedings, then any
24 individual legally in the executive session, or any portion thereof,

1 upon notice to the public body, may record by audio or video the
2 proceedings of the executive session or that portion thereof in
3 which that individual is legally in attendance. Such individual must
4 keep the recording confidential, unless it is determined by a court
5 with appropriate jurisdiction that there is a willful violation of
6 the provisions of this section.

7 G. The following actions shall constitute a violation of the
8 Oklahoma Open Meeting Act and subject the violating individual to
9 the criminal sanctions as provided in Section 314 of this title as
10 well as civilly liable to the public body for the damages caused by
11 the violation:

12 1. Except as provided in subsection F for a legally permissible
13 recording, making a recording or broadcasting the executive session
14 from inside the room of the session by an individual otherwise
15 legally in the executive session;

16 2. Making any recording by an individual not legally in the
17 executive session, or listening to or broadcasting the executive
18 session, or any part thereof, by any electronic means with any
19 device in the meeting room which is not under the control of the
20 public body and without authorization from the public body; or

21 3. Any individual who is legally in the executive session
22 disseminating detailed information learned or discussed during the
23 session to any individual other than an individual who is a member
24 of the public body or such other individual who would normally

1 legally be in attendance of the executive session but was not
2 actually in attendance. Provided however, this provision shall not
3 prohibit an individual from disclosing the fact that that he or she
4 reasonably believes the provisions of this section were violated by
5 members of the public body during the executive session to:

- 6 a. a law enforcement or prosecutorial agency with
7 jurisdiction to investigate such alleged violation, or
8 b. an individual with a direct interest in the subject
9 matter discussed during the executive session, or a
10 legal representative thereof.

11 Provided further, if detailed information is discussed in an open
12 session of a public meeting after it has been discussed in an
13 executive session, any individual may discuss the detailed
14 information that was discussed in open session.

15 H. A willful violation of the provisions of this section by a
16 public body shall:

17 1. Subject the willfully participating members of the public
18 body to criminal sanctions as provided in Section 314 of this title;
19 and

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