

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 898, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Thompson

Thompson-BH-FS-Req#3402
2/20/2018 3:27 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 898

By: Thompson

6
7 FLOOR SUBSTITUTE

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

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

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

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

23 B. Executive sessions of public bodies will be permitted only
24 for the purpose of:

1. Discussing the employment, hiring, appointment, promotion,
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:
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 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.

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21 56-2-3402 BH 2/20/2018 3:27:08 PM
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