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2 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

3 STATE OF OKLAHOMA

4 2nd Session of the 56th Legislature (2018)

5 ENGROSSED SENATE

6 BILL NO. 898

By: Thompson of the Senate

7 and

8 Babinec of the House

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

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

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

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

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

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

17 6. Discussing matters involving a specific handicapped child;

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

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

1 9. Discussing matters involving safety and security at state
2 penal institutions or correctional facilities used to house state
3 inmates;

4 10. Discussing contract negotiations involving contracts
5 requiring approval of the Board of Corrections, which shall be
6 limited to members of the public body, the attorney for the public
7 body, and the immediate staff of the public body. No person who may
8 profit directly or indirectly by a proposed transaction which is
9 under consideration may be present or participate in the executive
10 session; or

11 11. Discussing the following:

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

1 2. The Oklahoma Industrial Finance Authority, as provided for
2 in Section 854 of Title 74 of the Oklahoma Statutes;

3 3. The Oklahoma Development Finance Authority, as provided for
4 in Section 5062.6 of Title 74 of the Oklahoma Statutes;

5 4. The Oklahoma Center for the Advancement of Science and
6 Technology, as provided for in Section 5060.7 of Title 74 of the
7 Oklahoma Statutes;

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

10 6. The Oklahoma Health Research Committee for purposes of
11 conferring on matters pertaining to research and development of
12 products, if public disclosure of the matter discussed would
13 interfere with the development of patents, copyrights, products, or
14 services;

15 7. A review committee, as provided for in Section 855 of Title
16 62 of the Oklahoma Statutes;

17 8. The Child Death Review Board for purposes of receiving and
18 conferring on matters pertaining to materials declared confidential
19 by law;

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

22 10. All nonprofit foundations, boards, bureaus, commissions,
23 agencies, trusteeships, authorities, councils, committees, public
24 trusts, task forces or study groups supported in whole or part by

1 public funds or entrusted with the expenditure of public funds for
2 purposes of conferring on matters pertaining to economic
3 development, including the transfer of property, financing, or the
4 creation of a proposal to entice a business to remain or to locate
5 within their jurisdiction if public disclosure of the matter
6 discussed would interfere with the development of products or
7 services or if public disclosure would violate the confidentiality
8 of the business;

9 11. The Oklahoma Indigent Defense System Board for purposes of
10 discussing negotiating strategies in connection with making possible
11 counteroffers to offers to contract to provide legal representation
12 to indigent criminal defendants and indigent juveniles in cases for
13 which the System must provide representation pursuant to the
14 provisions of the Indigent Defense System Act; and

15 12. The Quality Investment Committee for purposes of discussing
16 applications and confidential materials pursuant to the terms of the
17 Oklahoma Quality Investment Act.

18 D. Except as otherwise specified in this subsection, an
19 executive session for the purpose of discussing the purchase or
20 appraisal of real property shall be limited to members of the public
21 body, the attorney for the public body and the immediate staff of
22 the public body. No landowner, real estate salesperson, broker,
23 developer or any other person who may profit directly or indirectly
24 by a proposed transaction concerning real property which is under

1 consideration may be present or participate in the executive
2 session, unless they are operating under an existing agreement to
3 represent the public body.

4 E. No public body may go into an executive session unless the
5 following procedures are strictly complied with:

6 1. The proposed executive session is noted on the agenda as
7 provided in Section 311 of this title;

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

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

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

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

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

21 SECTION 2. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
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4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/22/2018 -
5 DO PASS.
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