

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1810

By: Loring

4
5 AS INTRODUCED

6 An Act relating to definitions and general
7 provisions; amending 25 O.S. 2011, Section 307, as
8 amended by Section 1, Chapter 109, O.S.L. 2015 (25
9 O.S. Supp. 2016, Section 307), which relates to the
10 Oklahoma Open Meeting Act; removing reference to
11 defunct public body; prohibiting certain acts in
12 executive session; and providing an effective date.

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

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

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

19 B. Executive sessions of public bodies will be permitted only
20 for the purpose of:

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

21 a. the investigation of a plan or scheme to commit an act
22 of terrorism,
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- 1 b. assessments of the vulnerability of government
2 facilities or public improvements to an act of
3 terrorism,
- 4 c. plans for deterrence or prevention of or protection
5 from an act of terrorism,
- 6 d. plans for response or remediation after an act of
7 terrorism,
- 8 e. information technology of the public body but only if
9 the discussion specifically identifies:
- 10 (1) design or functional schematics that demonstrate
11 the relationship or connections between devices
12 or systems,
- 13 (2) system configuration information,
- 14 (3) security monitoring and response equipment
15 placement and configuration,
- 16 (4) specific location or placement of systems,
17 components or devices,
- 18 (5) system identification numbers, names, or
19 connecting circuits,
- 20 (6) business continuity and disaster planning, or
21 response plans, or
- 22 (7) investigation information directly related to
23 security penetrations or denial of services, or
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1 f. the investigation of an act of terrorism that has
2 already been committed.

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

6 C. Notwithstanding the provisions of subsection B of this
7 section, the following public bodies may hold executive sessions:

8 1. The State Banking Board, as provided for under Section 306.1
9 of Title 6 of the Oklahoma Statutes;

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

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

14 4. The Oklahoma Center for the Advancement of Science and
15 Technology, as provided for in Section 5060.7 of Title 74 of the
16 Oklahoma Statutes;

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

19 ~~6.~~ The Oklahoma Health Research Committee for purposes of
20 conferring on matters pertaining to research and development of
21 products, if public disclosure of the matter discussed would
22 interfere with the development of patents, copyrights, products, or
23 services;

1 ~~7.~~ 6. A review committee, as provided for in Section 855 of
2 Title 62 of the Oklahoma Statutes;

3 ~~8.~~ 7. The Child Death Review Board for purposes of receiving
4 and conferring on matters pertaining to materials declared
5 confidential by law;

6 ~~9.~~ 8. The Domestic Violence Fatality Review Board as provided
7 in Section 1601 of Title 22 of the Oklahoma Statutes;

8 ~~10.~~ 9. All nonprofit foundations, boards, bureaus, commissions,
9 agencies, trusteeships, authorities, councils, committees, public
10 trusts, task forces or study groups supported in whole or part by
11 public funds or entrusted with the expenditure of public funds for
12 purposes of conferring on matters pertaining to economic
13 development, including the transfer of property, financing, or the
14 creation of a proposal to entice a business to remain or to locate
15 within their jurisdiction if public disclosure of the matter
16 discussed would interfere with the development of products or
17 services or if public disclosure would violate the confidentiality
18 of the business;

19 ~~11.~~ 10. The Oklahoma Indigent Defense System Board for purposes
20 of discussing negotiating strategies in connection with making
21 possible counteroffers to offers to contract to provide legal
22 representation to indigent criminal defendants and indigent
23 juveniles in cases for which the System must provide representation
24 pursuant to the provisions of the Indigent Defense System Act; and

1 ~~12.~~ 11. The Quality Investment Committee for purposes of
2 discussing applications and confidential materials pursuant to the
3 terms of the Oklahoma Quality Investment Act.

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

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

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

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

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

3 F. A Except as provided in subsection G of this section, a
4 willful violation of the provisions of this section shall:

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

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

9 G. The following actions shall constitute a violation of the
10 Oklahoma Open Meeting Act and subject the violating individual to
11 the criminal sanctions as provided in Section 314 of this title:

12 1. Taking an audio or video recording of or listening in by any
13 means, electronic or otherwise, to an executive session without
14 authorization from the public body; and

15 2. Disseminating information learned or discussed during an
16 executive session that, due to its nature, should remain
17 undisclosed.

18 SECTION 2. This act shall become effective November 1, 2017.

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