

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2633

By: Babinec

AS INTRODUCED

An Act relating to definitions and general provisions; amending 25 O.S. 2011, Section 307, as amended by Section 1, Chapter 109, O.S.L. 2015 (25 O.S. Supp. 2017, Section 307), which relates to the Oklahoma Open Meeting Act; allowing executive session to be held when discussing safety and security at state penal institutions; allowing executive session to be held when discussing contract negotiations; and providing an effective date.

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

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

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

B. Executive sessions of public bodies will be permitted only 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 which  
24 the public body has the authority to approve; or

1        11. Discussing the following:

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

1                   (7) investigation information directly related to  
2                   security penetrations or denial of services, or  
3           f. the investigation of an act of terrorism that has  
4                   already been committed.

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

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

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

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

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

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

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

21           6. The Oklahoma Health Research Committee for purposes of  
22 conferring on matters pertaining to research and development of  
23 products, if public disclosure of the matter discussed would  
24

1 interfere with the development of patents, copyrights, products, or  
2 services;

3 7. A review committee, as provided for in Section 855 of Title  
4 62 of the Oklahoma Statutes;

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

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

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

21 11. The Oklahoma Indigent Defense System Board for purposes of  
22 discussing negotiating strategies in connection with making possible  
23 counteroffers to offers to contract to provide legal representation  
24 to indigent criminal defendants and indigent juveniles in cases for

1 which the System must provide representation pursuant to the  
2 provisions of the Indigent Defense System Act; and

3 12. The Quality Investment Committee for purposes of discussing  
4 applications and confidential materials pursuant to the terms of the  
5 Oklahoma Quality Investment Act.

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

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

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

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

22 3. Except for matters considered in executive sessions of the  
23 State Banking Board and the Oklahoma Savings and Loan Board, and  
24 which are required by state or federal law to be confidential, any

1 vote or action on any item of business considered in an executive  
2 session shall be taken in public meeting with the vote of each  
3 member publicly cast and recorded.

4 F. A 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 SECTION 2. This act shall become effective November 1, 2018.

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