

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

I move to amend Senate Bill No. 1698, by substituting the attached floor substitute (Request # 3684) for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Weaver

I hereby grant permission for the floor substitute to be adopted.

Senator Howard, Chair (required)

Senator Floyd

Senator Daniels

Senator Jech

Senator Boren

Senator Leewright

Senator Brooks

Senator Paxton

Senator Bullard

Senator Weaver

Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor
Leader

Note: Judiciary committee majority requires six (6) members' signatures.

Weaver-TEK-FS-SB1698

3/1/2022 2:30 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE

FOR

SENATE BILL NO. 1698

By: Weaver of the Senate

and

Moore of the House

FLOOR SUBSTITUTE

An Act relating to the Oklahoma Open Meeting Act; amending 25 O.S. 2021, Section 307, which relates to executive sessions; prohibiting disclosure of certain information; providing for sanctions for certain violation; providing exceptions for disclosure requirements; clarifying requirements for confidentiality of documents subject to disclosure under the Oklahoma Open Records Act; updating obsolete language; and providing an effective date.

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

SECTION 1. AMENDATORY 25 O.S. 2021, 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 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 with disabilities;

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

21 8. Engaging in deliberations or rendering a final or
22 intermediate decision in an individual proceeding pursuant to
23 Article II of the Administrative Procedures Act;
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1 9. Discussing matters involving safety and security at ~~state~~
2 ~~penal~~ Department of Corrections institutions or correctional
3 facilities used to house state 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:

- (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 Health Research Committee for purposes of
9 conferring on matters pertaining to research and development of
10 products, if public disclosure of the matter discussed would
11 interfere with the development of patents, copyrights, products, or
12 services;

13 6. The Workers' Compensation Commission for the purposes
14 provided for in Section 20 of Title 85A of the Oklahoma Statutes;

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. The Opioid Overdose Fatality Review Board, as provided in
23 Section 2-1001 of Title 63 of the Oklahoma Statutes;

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

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

18 13. The Quality Investment Committee for purposes of discussing
19 applications and confidential materials pursuant to the terms of the
20 Oklahoma Quality Investment Act; and

21 14. The Oklahoma Municipal Power Authority established pursuant
22 to Section 24-101 et seq. of Title 11 of the Oklahoma Statutes and
23 in its role as an electric utility regulated by the federal
24

1 government, for purposes of discussing security plans and procedures
2 including, but not limited to, cybersecurity matters.

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

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

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

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

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

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

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

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

6 G. Disclosure of confidential information presented or
7 discussed in an executive session authorized under this section
8 shall be deemed a violation of this section and shall be subject to
9 sanctions as provided in Section 314 of this title, except that such
10 information may be disclosed in a judicial proceeding, in an
11 individual proceeding pursuant to Article II of the Administrative
12 Procedures Act, or pursuant to a court order. For purposes of this
13 subsection, documents subject to disclosure pursuant to the Oklahoma
14 Open Records Act shall not be deemed to contain confidential
15 information solely due to the use or discussion of such records
16 during an executive session.

17 SECTION 2. This act shall become effective November 1, 2022.

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