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February 8, 2022

**AS AMENDED**

SENATE BILL NO. 1698

By: Weaver

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; 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. 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 with disabilities;

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

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

21       9. Discussing matters involving safety and security at ~~state~~  
22 ~~penal~~ Department of Corrections institutions or correctional  
23 facilities used to house state inmates;

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

8        11. Discussing the following:

- 9            a. the investigation of a plan or scheme to commit an act  
10                of terrorism,
- 11            b. assessments of the vulnerability of government  
12                facilities or public improvements to an act of  
13                terrorism,
- 14            c. plans for deterrence or prevention of or protection  
15                from an act of terrorism,
- 16            d. plans for response or remediation after an act of  
17                terrorism,
- 18            e. information technology of the public body but only if  
19                the discussion specifically identifies:
  - 20                    (1) design or functional schematics that demonstrate  
21                        the relationship or connections between devices  
22                        or systems,
  - 23                    (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;

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;

1       4. The Oklahoma Center for the Advancement of Science and  
2 Technology, as provided for in Section 5060.7 of Title 74 of the  
3 Oklahoma Statutes;

4       5. The Oklahoma Health Research Committee for purposes of  
5 conferring on matters pertaining to research and development of  
6 products, if public disclosure of the matter discussed would  
7 interfere with the development of patents, copyrights, products, or  
8 services;

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

11       7. A review committee, as provided for in Section 855 of Title  
12 62 of the Oklahoma Statutes;

13       8. The Child Death Review Board for purposes of receiving and  
14 conferring on matters pertaining to materials declared confidential  
15 by law;

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

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

20       11. All nonprofit foundations, boards, bureaus, commissions,  
21 agencies, trusteeships, authorities, councils, committees, public  
22 trusts, task forces or study groups supported in whole or part by  
23 public funds or entrusted with the expenditure of public funds for  
24 purposes of conferring on matters pertaining to economic

1 development, including the transfer of property, financing, or the  
2 creation of a proposal to entice a business to remain or to locate  
3 within their jurisdiction if public disclosure of the matter  
4 discussed would interfere with the development of products or  
5 services or if public disclosure would violate the confidentiality  
6 of the business;

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

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

16 14. The Oklahoma Municipal Power Authority established pursuant  
17 to Section 24-101 et seq. of Title 11 of the Oklahoma Statutes and  
18 in its role as an electric utility regulated by the federal  
19 government, for purposes of discussing security plans and procedures  
20 including, but not limited to, cybersecurity matters.

21 D. Except as otherwise specified in this subsection, an  
22 executive session for the purpose of discussing the purchase or  
23 appraisal of real property shall be limited to members of the public  
24 body, the attorney for the public body and the immediate staff of

1 the public body. No landowner, real estate salesperson, broker,  
2 developer or any other person who may profit directly or indirectly  
3 by a proposed transaction concerning real property which is under  
4 consideration may be present or participate in the executive  
5 session, unless they are operating under an existing agreement to  
6 represent the public body.

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

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

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

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

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

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

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

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1        G. Disclosure of confidential information presented or  
2 discussed in an executive session authorized under this section  
3 shall be deemed a violation of this section and shall be subject to  
4 sanctions as provided in Section 314 of this title.

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

6        COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
7        February 8, 2022 - DO PASS AS AMENDED  
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