

1 **SENATE FLOOR VERSION**

2 April 6, 2015

3 ENGROSSED HOUSE
4 BILL NO. 1032

By: Kirby of the House

5 and

6 Crain of the Senate

7
8 An Act relating to definitions and general
9 provisions; amending 25 O.S. 2011, Section 307, which
10 relates to executive sessions; permitting certain
11 individual to participate in executive session to
12 discuss real property; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 25 O.S. 2011, Section 307, is
16 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;

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

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

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

8 5. Permitting district boards of education to hear evidence and
9 discuss the expulsion or suspension of a student when requested by
10 the student involved or the student's parent, attorney or legal
11 guardian;

12 6. Discussing matters involving a specific handicapped child;

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

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

18 9. Discussing the following:

19 a. the investigation of a plan or scheme to commit an act
20 of terrorism,

21 b. assessments of the vulnerability of government
22 facilities or public improvements to an act of
23 terrorism,

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- 1 c. plans for deterrence or prevention of or protection
2 from an act of terrorism,
- 3 d. plans for response or remediation after an act of
4 terrorism,
- 5 e. information technology of the public body but only if
6 the discussion specifically identifies:
- 7 (1) design or functional schematics that demonstrate
8 the relationship or connections between devices
9 or systems,
- 10 (2) system configuration information,
- 11 (3) security monitoring and response equipment
12 placement and configuration,
- 13 (4) specific location or placement of systems,
14 components or devices,
- 15 (5) system identification numbers, names, or
16 connecting circuits,
- 17 (6) business continuity and disaster planning, or
18 response plans, or
- 19 (7) investigation information directly related to
20 security penetrations or denial of services, or
- 21 f. the investigation of an act of terrorism that has
22 already been committed.
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1 For the purposes of this subsection, the term "terrorism" means
2 any act encompassed by the definitions set forth in Section 1268.1
3 of Title 21 of the Oklahoma Statutes.

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

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

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

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

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

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

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

22 7. A review committee, as provided for in Section 855 of Title
23 62 of the Oklahoma Statutes;

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

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

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

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

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

4 D. ~~An~~ 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~~r~~ and the immediate staff of
8 the public body. No landowner, real estate salesperson, broker,
9 developer~~r~~ 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 willful violation of the provisions of this section shall:

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

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

8 SECTION 2. This act shall become effective November 1, 2015.

9 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
10 April 6, 2015 - DO PASS

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