

1 **SENATE FLOOR VERSION**

2 February 25, 2025

3 SENATE BILL NO. 491

By: Guthrie of the Senate

4 and

5 Hildebrant of the House

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7
8 An Act relating to the Oklahoma Open Meeting Act;
9 amending 25 O.S. 2021, Section 307, as last amended
10 by Section 3, Chapter 180, O.S.L. 2024 (25 O.S. Supp.
11 2024, Section 307), which relates to executive
12 sessions; authorizing executive session for
discussion of certain sale, lease, or acquisition;
13 limiting parties allowed to participate in executive
14 session for certain purposes; updating statutory
reference; and providing an effective date.

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

16 SECTION 1. AMENDATORY 25 O.S. 2021, Section 307, as last
17 amended by Section 3, Chapter 180, O.S.L. 2024 (25 O.S. Supp. 2024,
18 Section 307), is amended to read as follows:

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

21 B. Executive sessions of public bodies will be permitted only
22 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 sale, purchase, lease, acquisition, or
7 appraisal of real property by the public body;
- 8 4. Confidential communications between a public body and its
9 attorney concerning a pending investigation, claim, or action if the
10 public body, with the advice of its attorney, determines that
11 disclosure will seriously impair the ability of the public body to
12 process the claim or conduct a pending investigation, litigation, or
13 proceeding in the public interest;
- 14 5. Permitting district boards of education to hear evidence and
15 discuss the expulsion or suspension of a student when requested by
16 the student involved or the student's parent, attorney or legal
17 guardian;
- 18 6. Discussing matters involving a specific disabled child;
- 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 institutions or correctional facilities used to house state
3 inmates;

4 10. Discussing contract negotiations involving contracts
5 requiring approval of the State 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;

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:
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- (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,
- f. the investigation of an act of terrorism that has already been committed, or
- g. for the purposes of this paragraph, the term "terrorism" means any act encompassed by the definitions set forth in Section 1268.1 of Title 21 of the Oklahoma Statutes; or

12. Reviewing and discussing mental health documents related to a licensee under investigation or review by a professional licensing board if:

1 a. the executive session is held only to review or
2 discuss mental health documents directly related to
3 the licensee or to receive testimony from relevant
4 witnesses as necessary for the board to make a
5 determination in the matter,

6 b. the documents reviewed or discussed are kept
7 confidential, privileged and not discoverable in civil
8 actions, and not made available to the public, and

9 c. the licensee is given the opportunity to be present
10 during any witness testimony or discussion of the
11 mental health documents.

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

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

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

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

20 4. The Oklahoma Center for the Advancement of Science and
21 Technology, as provided for in Section 5060.7 of Title 74 of the
22 Oklahoma Statutes;

23 5. The Oklahoma Health Research Committee for purposes of
24 conferring on matters pertaining to research and development of

1 products, if public disclosure of the matter discussed would
2 interfere with the development of patents, copyrights, products, or
3 services;

4 6. The Oklahoma Workers' Compensation Commission for the
5 purposes provided for in Section 22 of Title 85A of the Oklahoma
6 Statutes;

7 7. A review committee, as provided for in Section 855 of Title
8 62 of the Oklahoma Statutes;

9 8. The Child Death Review Board for purposes of receiving and
10 conferring on matters pertaining to materials declared confidential
11 by law;

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

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

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

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

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

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

17 15. The Oklahoma Tax Commission for purposes of discussing
18 confidential taxpayer matters as provided in Section 205 of Title 68
19 of the Oklahoma Statutes, and in compliance with subsection E of
20 this section; and

21 16. The Sexual Assault Forensic Evidence (SAFE) Board as
22 provided in Section ~~±~~ 143 of ~~this act~~ Title 21 of the Oklahoma
23 Statutes.

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

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

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

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

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

23 F. A willful violation of the provisions of this section shall:
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1 1. Subject each member of the public body to criminal sanctions
2 as provided in Section 314 of this title; and

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

5 SECTION 2. This act shall become effective November 1, 2025.

6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
7 February 25, 2025 - DO PASS

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