

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 564

By: Guthrie

AS INTRODUCED

An Act relating to the Oklahoma Open Meeting Act; amending 25 O.S. 2021, Sections 304, as last amended by Section 3, Chapter 237, O.S.L. 2024, and 307, as last amended by Section 3, Chapter 180, O.S.L. 2024 (25 O.S. Supp. 2024, Sections 304 and 307), which relate to definitions and executive sessions; adding Judicial Nominating Commission to definition of public body; establishing purposes for permissible executive sessions; updating statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 25 O.S. 2021, Section 304, as last amended by Section 3, Chapter 237, O.S.L. 2024 (25 O.S. Supp. 2024, Section 304), is amended to read as follows:

Section 304. As used in the Oklahoma Open Meeting Act:

1. "Public body" means the governing bodies of all municipalities located within this state, boards of county commissioners of the counties in this state, boards of public and higher education in this state and all boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts or any entity created by a public trust including any

1 committee or subcommittee composed of any of the members of a public  
2 trust or other legal entity receiving funds from the Rural Economic  
3 Action Plan Fund as authorized by Section 2007 of Title 62 of the  
4 Oklahoma Statutes, task forces or study groups in this state  
5 supported in whole or in part by public funds or entrusted with the  
6 expending of public funds, or administering public property, and  
7 shall include all committees or subcommittees of any public body.  
8 Public body shall include the Judicial Nominating Commission.

9 Public body shall not include the state judiciary, the Council on  
10 Judicial Complaints when conducting, discussing, or deliberating any  
11 matter relating to a complaint received or filed with the Council,  
12 the Legislature, or administrative staffs of public bodies  
13 including, but not limited to, faculty meetings and athletic staff  
14 meetings of institutions of higher education when those staffs are  
15 not meeting with the public body, or entry-year assistance  
16 committees. Furthermore, public body shall not include the  
17 multidisciplinary teams provided for in Section 1-9-102 of Title 10A  
18 of the Oklahoma Statutes, in Section 10-115 of Title 43A of the  
19 Oklahoma Statutes, and in subsection C of Section 1-502.2 of Title  
20 63 of the Oklahoma Statutes or any school board meeting for the sole  
21 purpose of considering recommendations of a multidisciplinary team  
22 and deciding the placement of any child who is the subject of the  
23 recommendations. Furthermore, public body shall not include  
24 meetings conducted by stewards designated by the Oklahoma Horse

1 Racing Commission pursuant to Section 203.4 of Title 3A of the  
2 Oklahoma Statutes when the stewards are officiating at races or  
3 otherwise enforcing rules of the Commission. Furthermore, public  
4 body shall not include the board of directors of a Federally  
5 Qualified Health Center or the postadjudication review boards  
6 provided for in Sections 1116.2 and 1116.3 of Title 10 of the  
7 Oklahoma Statutes;

8 2. "Meeting" means the conduct of business of a public body by  
9 a majority of its members being personally together or, as  
10 authorized by Section 307.1 of this title, together pursuant to a  
11 videoconference. Meeting shall not include informal gatherings of a  
12 majority of the members of the public body when no business of the  
13 public body is discussed;

14 3. "Regularly scheduled meeting" means a meeting at which the  
15 regular business of the public body is conducted;

16 4. "Special meeting" means any meeting of a public body other  
17 than a regularly scheduled meeting or emergency meeting;

18 5. "Emergency meeting" means any meeting called for the purpose  
19 of dealing with an emergency. For purposes of the Oklahoma Open  
20 Meeting Act, an emergency is defined as a situation involving injury  
21 to persons or injury and damage to public or personal property or  
22 immediate financial loss when the time requirements for public  
23 notice of a special meeting would make such procedure impractical  
24

1 and increase the likelihood of injury or damage or immediate  
2 financial loss;

3 6. "Continued or reconvened meeting" means a meeting which is  
4 assembled for the purpose of finishing business appearing on an  
5 agenda of a previous meeting. For the purposes of the Oklahoma Open  
6 Meeting Act, only matters on the agenda of the previous meeting at  
7 which the announcement of the continuance is made may be discussed  
8 at a continued or reconvened meeting;

9 7. "Videoconference" means a conference among members of a  
10 public body remote from one another who are linked by interactive  
11 telecommunication devices or technology and/or technology permitting  
12 both visual and auditory communication between and among members of  
13 the public body and/or between and among members of the public body  
14 and members of the public. During any videoconference, both the  
15 visual and auditory communications functions shall attempt to be  
16 utilized; and

17 8. "Teleconference" means a conference among members of a  
18 public body remote from one another who are linked by  
19 telecommunication devices and/or technology permitting auditory  
20 communication between and among members of the public body and/or  
21 between and among members of the public body and members of the  
22 public.

1 SECTION 2. AMENDATORY 25 O.S. 2021, Section 307, as last  
2 amended by Section 3, Chapter 180, O.S.L. 2024 (25 O.S. Supp. 2024,  
3 Section 307), is amended to read as follows:

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

6 B. Executive sessions of public bodies will be permitted only  
7 for the purpose of:

8 1. Discussing the employment, hiring, appointment, promotion,  
9 demotion, disciplining or resignation of any individual salaried  
10 public officer or employee;

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

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

14 4. Confidential communications between a public body and its  
15 attorney concerning a pending investigation, claim, or action if the  
16 public body, with the advice of its attorney, determines that  
17 disclosure will seriously impair the ability of the public body to  
18 process the claim or conduct a pending investigation, litigation, or  
19 proceeding in the public interest;

20 5. Permitting district boards of education to hear evidence and  
21 discuss the expulsion or suspension of a student when requested by  
22 the student involved or the student's parent, attorney or legal  
23 guardian;

24 6. Discussing matters involving a specific disabled child;

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

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

6           9. Discussing matters involving safety and security at state  
7 penal institutions or correctional facilities used to house state  
8 inmates;

9           10. Discussing contract negotiations involving contracts  
10 requiring approval of the State Board of Corrections, which shall be  
11 limited to members of the public body, the attorney for the public  
12 body, and the immediate staff of the public body. No person who may  
13 profit directly or indirectly by a proposed transaction which is  
14 under consideration may be present or participate in the executive  
15 session;

16           11. Discussing the following:

- 17           a. the investigation of a plan or scheme to commit an act  
18               of terrorism,  
19           b. assessments of the vulnerability of government  
20               facilities or public improvements to an act of  
21               terrorism,  
22           c. plans for deterrence or prevention of or protection  
23               from an act of terrorism,  
24

1 d. plans for response or remediation after an act of  
2 terrorism,

3 e. information technology of the public body but only if  
4 the discussion specifically identifies:

5 (1) design or functional schematics that demonstrate  
6 the relationship or connections between devices  
7 or systems,

8 (2) system configuration information,

9 (3) security monitoring and response equipment  
10 placement and configuration,

11 (4) specific location or placement of systems,  
12 components or devices,

13 (5) system identification numbers, names, or  
14 connecting circuits,

15 (6) business continuity and disaster planning, or  
16 response plans, or

17 (7) investigation information directly related to  
18 security penetrations or denial of services,

19 f. the investigation of an act of terrorism that has  
20 already been committed, or

21 g. for the purposes of this paragraph, the term  
22 "terrorism" means any act encompassed by the  
23 definitions set forth in Section 1268.1 of Title 21 of  
24 the Oklahoma Statutes; or  
25

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

- 4 a. the executive session is held only to review or  
5 discuss mental health documents directly related to  
6 the licensee or to receive testimony from relevant  
7 witnesses as necessary for the board to make a  
8 determination in the matter,
- 9 b. the documents reviewed or discussed are kept  
10 confidential, privileged and not discoverable in civil  
11 actions, and not made available to the public, and
- 12 c. the licensee is given the opportunity to be present  
13 during any witness testimony or discussion of the  
14 mental health documents.

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

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

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

21 3. The Oklahoma Development Finance Authority, as provided for  
22 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 Oklahoma Workers' Compensation Commission for the  
10 purposes provided for in Section 22 of Title 85A of the Oklahoma  
11 Statutes;

12           7. A review committee, as provided for in Section 855 of Title  
13 62 of the Oklahoma Statutes;

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

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

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

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

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

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 15. The Oklahoma Tax Commission for purposes of discussing  
22 confidential taxpayer matters as provided in Section 205 of Title 68  
23 of the Oklahoma Statutes, and in compliance with subsection E of  
24 this section; ~~and~~

1           16. The Sexual Assault Forensic Evidence (SAFE) Board as  
2 provided in Section ~~4~~ 143 of ~~this act~~ Title 21 of the Oklahoma  
3 Statutes; and

4           17. The Judicial Nominating Commission for the purposes of  
5 discussing the merits and qualifications of candidates for judicial  
6 office to determine which candidates will be interviewed or solely  
7 to meet with a candidate to discuss confidential information  
8 relating to financial disclosure information or background checks.  
9 Candidate interviews shall not be conducted in executive sessions  
10 and Commissioners shall not vote or indicate how they intend to vote  
11 in executive sessions.

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

22           E. No public body may go into an executive session unless the  
23 following procedures are strictly complied with:  
24

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

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

5           3. Except for matters considered in executive sessions of the  
6 Banking Board and the Oklahoma Tax Commission, and which are  
7 required by state or federal law to be confidential, any vote or  
8 action on any item of business considered in an executive session  
9 shall be taken in public meeting with the vote of each member  
10 publicly cast and recorded.

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

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

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

16           SECTION 3. This act shall become effective November 1, 2025.

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