

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 491

By: Guthrie

AS INTRODUCED

An Act relating to the Oklahoma Open Meeting Act; amending 25 O.S. 2021, Section 307, as last amended by Section 3, Chapter 180, O.S.L. 2024 (25 O.S. Supp. 2024, Section 307), which relates to executive sessions; authorizing executive session for discussion of certain sale, lease, or acquisition; limiting parties allowed to participate in executive session for certain purposes; 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 307, as last amended by Section 3, Chapter 180, O.S.L. 2024 (25 O.S. Supp. 2024, 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 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;

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:

- (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:

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

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

1. The 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;

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

5. The Oklahoma Health Research Committee for purposes of 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 ~~4~~ 143 of ~~this act~~ Title 21 of the Oklahoma  
23 Statutes.

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

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

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

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