

An Act

ENROLLED HOUSE
BILL NO. 3937

By: Provenzano, Hefner, Deck,
and Swope of the House

and

Burns of the Senate

An Act relating to the Oklahoma Open Meeting Act; amending 25 O.S. 2021, Section 311, which relates to notice requirements; removing expired notice exceptions for the COVID-19 pandemic; modifying provisions related to publishing notice and agendas online; and providing an effective date.

SUBJECT: Oklahoma Open Meeting Act

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

SECTION 1. AMENDATORY 25 O.S. 2021, Section 311, is amended to read as follows:

Section 311. A. Notwithstanding any other provisions of law, all regularly scheduled, continued or reconvened, special or emergency meetings of public bodies shall be preceded by public notice as follows:

1. All public bodies shall give notice in writing by December 15 of each calendar year of the schedule showing the date, time and place of the regularly scheduled meetings of such public bodies for the following calendar year;

2. All state public bodies including, but not limited to, public trusts and other bodies with the state as beneficiary, shall give such notice to the Secretary of State;

3. All county public bodies including, but not limited to, public trusts and any other bodies with the county as beneficiary, shall give such notice to the county clerk of the county wherein they are principally located;

4. All municipal public bodies including, but not limited to, public trusts and any other bodies with the municipality as beneficiary, shall give such notice to the municipal clerk of the municipality wherein they are principally located;

5. All multicounty, regional, areawide or district public bodies including, but not limited to, district boards of education, shall give such notice to the county clerk of the county wherein they are principally located, or if no office exists, to the county clerk of the county or counties served by such public body;

6. All governing boards of state institutions of higher education, and committees and subcommittees thereof, shall give such notice to the Secretary of State. All other public bodies covered by the provisions of the Oklahoma Open Meeting Act which exist under the auspices of a state institution of higher education, but a majority of whose members are not members of the institution's governing board, shall give such notice to the county clerk of the county wherein the institution is principally located;

7. The Secretary of State and each county clerk or municipal clerk shall keep a record of all notices received in a register open to the public for inspection during regular office hours, and, in addition, shall make known upon any request of any person the contents of the register;

8. If any change is to be made of the date, time or place of regularly scheduled meetings of public bodies, then notice in writing shall be given to the Secretary of State or county clerk or municipal clerk, as required herein, not less than ten (10) days prior to the implementation of any such change;

9. a. In addition to the advance public notice in writing required to be filed for regularly scheduled meetings, described in paragraph 1 of this subsection, all public bodies shall, at least twenty-four (24) hours prior to such regularly scheduled meetings, display public notice of the meeting by at least one of the following methods:

a.

(1) by posting information that includes date, time, place and agenda for the meeting in prominent public view at the principal office of the public body or at the location of the meeting if no office exists, or

b.

(2) by posting on the public body's Internet website the date, time, place and agenda for the meeting in accordance with Section 3106.2 of Title 74 of the Oklahoma Statutes. Additionally, the public body shall offer and consistently maintain an email distribution system for distribution of such notice of a public meeting required by this subsection, and any person may request to be included without charge, and their request shall be accepted. The emailed notice of a public meeting required by this subsection shall include in the body of the email or as an attachment to the email the date, time, place and agenda for the meeting and it shall be sent no less than twenty-four (24) hours prior to the meeting. Additionally, ~~except as provided in subparagraph e of this paragraph,~~ the public body shall make the notice of a public meeting required by this subsection available to the public in the principal office of the public body or at the location of the meeting during normal business hours at least twenty-four (24) hours prior to the meeting, ~~or~~

~~c. upon the effective date of this act and until February 15, 2022, or until thirty (30) days after the expiration or termination of the state of emergency declared by the Governor to respond to the threat of COVID-19 to the people of this state and the public's peace, health and safety, whichever date first occurs, the public body shall not be required to make the notice of a public meeting available to the public in the principal office of the public body or at the location of the meeting during normal business hours at least twenty-four (24) hours prior to the meeting.~~

b. In addition to the notice requirements of this section, all state public bodies, as defined in paragraph 2 of this subsection, shall, at least twenty-four (24) hours prior to regularly scheduled meetings, display public notice of the meeting by:

(1) posting information that includes date, time, place and agenda for the meeting in prominent public view at the principal office of the public body or at the location of the meeting if no office exists, and

(2) posting on the public body's Internet website the date, time, place and agenda for the meeting in accordance with Section 3106.2 of Title 74 of the Oklahoma Statutes;

10. The twenty-four (24) hours required in paragraph 9 of this subsection shall exclude Saturdays, Sundays and holidays legally declared by the State of Oklahoma. The posting or distribution of a notice of a public meeting as described in paragraph 9 of this subsection shall not preclude a public body from considering at its regularly scheduled meeting any new business. "New business", as used herein, shall mean any matter not known about or which could not have been reasonably foreseen prior to the time of the posting;

11. In the event any meeting is to be continued or reconvened, public notice of such action including date, time and place of the continued meeting, shall be given by announcement at the original meeting. Only matters appearing on the agenda of the meeting which is continued may be discussed at the continued or reconvened meeting;

12. Special meetings of public bodies shall not be held without public notice being given at least forty-eight (48) hours prior to the meetings. Such public notice of date, time and place shall be given in writing, in person or by telephonic means to the Secretary of State or to the county clerk or to the municipal clerk by public bodies in the manner set forth in paragraphs 2, 3, 4, 5 and 6 of this subsection. The public body also shall cause written notice of the date, time and place of the meeting to be mailed or delivered to each person, newspaper, wire service, radio station and television station that has filed a written request for notice of meetings of the public body with the clerk or secretary of the public body or

with some other person designated by the public body. Such written notice shall be mailed or delivered at least forty-eight (48) hours prior to the special meeting. The public body may charge a fee of up to Eighteen Dollars (\$18.00) per year to persons or entities filing a written request for notice of meetings, and may require such persons or entities to renew the request for notice annually. In addition, all public bodies shall, at least twenty-four (24) hours prior to such special meetings, display public notice of the meeting, setting forth thereon the date, time, place and agenda for the meeting. Only matters appearing on the posted agenda may be considered at the special meeting. Such public notice shall be posted in prominent public view at the principal office of the public body or at the location of the meeting if no office exists. Twenty-four (24) hours prior public posting shall exclude Saturdays, Sundays and holidays legally declared by the State of Oklahoma. In lieu of the public posting requirements of this paragraph, a public body may elect to follow the requirements found in division (2) of subparagraph ~~b~~ a of paragraph 9 of this subsection, provided that forty-eight-hour notice is required for special meetings and that the forty-eight-hour requirement shall exclude Saturdays, Sundays and holidays legally declared by the State of Oklahoma;

13. In the event of an emergency, an emergency meeting of a public body may be held without the public notice heretofore required. Should an emergency meeting of a public body be necessary, the person calling such a meeting shall give as much advance public notice as is reasonable and possible under the circumstances existing, in person or by telephonic or electronic means; and

14. A public body that gives public notice of a meeting for which there will be a videoconference option in accordance with Section 307.1 of this title shall not modify the method of meeting described in the notice prior to the meeting and shall conduct the meeting according to the methods described in the notice. If a code or password is required to access the videoconference meeting, the code or password shall be included in the public notice.

B. 1. All agendas required pursuant to the provisions of this section shall identify all items of business to be transacted by a public body at a meeting including, but not limited to, any proposed executive session for the purpose of engaging in deliberations or rendering a final or intermediate decision in an individual proceeding prescribed by the Administrative Procedures Act.

2. If a public body proposes to conduct an executive session, the agenda shall:

- a. contain sufficient information for the public to ascertain that an executive session will be proposed,
- b. identify the items of business and purposes of the executive session, and
- c. state specifically the provision of Section 307 of this title authorizing the executive session.

SECTION 2. This act shall become effective November 1, 2024.

Passed the House of Representatives the 5th day of March, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 16th day of April, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____