

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1412

By: Matthews

4
5
6 AS INTRODUCED

7 An Act relating to Oklahoma Open Meeting Act;
8 amending 25 O.S. 2011, Section 311, which relates to
9 public body meeting notices; requiring public bodies
10 to post relevant information on agency websites;
11 providing exception; and declaring an emergency.

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

13 SECTION 1. AMENDATORY 25 O.S. 2011, Section 311, is
14 amended to read as follows:

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

19 1. All public bodies shall give notice in writing by December
20 15 of each calendar year of the schedule showing the date, time and
21 place of the regularly scheduled meetings of such public bodies for
22 the following calendar year.

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

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

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

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

17 6. All governing boards of state institutions of higher
18 education, and committees and subcommittees thereof, shall give such
19 notice to the Secretary of State. All other public bodies covered
20 by the provisions of this act which exist under the auspices of a
21 state institution of higher education, but a majority of whose
22 members are not members of the institution's governing board, shall
23 give such notice to the county clerk of the county wherein the
24 institution is principally located.

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

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

11 9. In addition to the advance public notice in writing required
12 to be filed for regularly scheduled meetings, all public bodies
13 shall, at least twenty-four (24) hours prior to such meetings,
14 display public notice of said meeting, setting forth thereon the
15 date, time, place and agenda for said meeting, such twenty-four (24)
16 hours prior public posting shall exclude Saturdays and Sundays and
17 holidays legally declared by the State of Oklahoma; provided,
18 however, the posting of an agenda shall not preclude a public body
19 from considering at its regularly scheduled meeting any new
20 business. Such public notice shall be posted in prominent public
21 view at the principal office of the public body or at the location
22 of said meeting if no office exists. "New business", as used
23 herein, shall mean any matter not known about or which could not
24 have been reasonably foreseen prior to the time of posting.

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

7 11. Special meetings of public bodies shall not be held without
8 public notice being given at least forty-eight (48) hours prior to
9 said meetings. Such public notice of date, time and place shall be
10 given in writing, in person or by telephonic means to the Secretary
11 of State or to the county clerk or to the municipal clerk by public
12 bodies in the manner set forth in paragraphs 2, 3, 4, 5 and 6 of
13 this section. The public body also shall cause written notice of
14 the date, time and place of the meeting to be mailed or delivered to
15 each person, newspaper, wire service, radio station, and television
16 station that has filed a written request for notice of meetings of
17 the public body with the clerk or secretary of the public body or
18 with some other person designated by the public body. Such written
19 notice shall be mailed or delivered at least forty-eight (48) hours
20 prior to the special meeting. The public body may charge a fee of
21 up to Eighteen Dollars (\$18.00) per year to persons or entities
22 filing a written request for notice of meetings, and may require
23 such persons or entities to renew the request for notice annually.
24 In addition, all public bodies shall, at least twenty-four (24)

1 hours prior to such special meetings, display public notice of said
2 meeting, setting forth thereon the date, time, place and agenda for
3 said meeting. Only matters appearing on the posted agenda may be
4 considered at said special meeting. Such public notice shall be
5 posted in prominent public view at the principal office of the
6 public body or at the location of said meeting if no office exists.
7 Twenty-four (24) hours prior public posting shall exclude Saturdays
8 and Sundays and holidays legally declared by the State of Oklahoma.

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

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

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

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

7 C. In addition to the requirements relating to meeting agendas
8 as required by this section or otherwise by this act or by law, all
9 public bodies subject to this act shall post on the public body
10 website any relevant supporting documents or associated materials
11 relating to each item posted on said agenda. The public body shall,
12 if such documents or materials are not available for posting in
13 electronic format, make the materials or information available and
14 accessible to the public in an appropriate format.

15 SECTION 2. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

19
20 55-2-2368 MJM 1/21/2016 7:45:04 PM
21
22
23
24