

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 777

By: Howard

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6 AS INTRODUCED

7 An Act relating to the Oklahoma Open Meeting Act;
8 amending 25 O.S. 2011, Section 307.1, as last amended
9 by Section 3, Chapter 3, O.S.L. 2020 and Section 311,
10 as last amended by Section 4, Chapter 3, O.S.L. 2020
11 (25 O.S. Supp. 2020, Sections 307.1 and 311), which
12 relate to open meetings; clarifying videoconference
13 meetings and notice under certain conditions; and
14 declaring an emergency.

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

16 SECTION 1. AMENDATORY 25 O.S. 2011, Section 307.1, as
17 last amended by Section 3, Chapter 3, O.S.L. 2020 (25 O.S. Supp.
18 2020, Section 307.1), is amended to read as follows:

19 Section 307.1. A. Except as provided in subsections C and D of
20 this section, a public body may hold meetings by videoconference
21 where each member of the public body is visible and audible to each
22 other and the public through a video monitor, subject to the
23 following:

- 24 1. a. except as provided for in subparagraph b of this
25 paragraph, no less than a quorum of the public body

1 shall be present in person at the meeting site as
2 posted on the meeting notice and agenda,

- 3 b. a virtual charter school approved and sponsored by the
4 Statewide Virtual Charter School Board pursuant to the
5 provisions of Section 3-145.3 of Title 70 of the
6 Oklahoma Statutes shall maintain a quorum of members
7 for the entire duration of the meeting whether using
8 an in-person site, videoconference sites or any
9 combination of such sites to achieve a quorum~~7~~, and
10 c. each public meeting held by videoconference or
11 teleconference shall be recorded either by written,
12 electronic, or other means;

13 2. The meeting notice and agenda prepared in advance of the
14 meeting, as required by law, shall indicate if the meeting will
15 include videoconferencing locations and shall state:

- 16 a. the location, address, and telephone number of each
17 available videoconference site, and
18 b. the identity of each member of the public body and the
19 specific site from which each member of the body shall
20 be physically present and participating in the
21 meeting;

22 3. After the meeting notice and agenda are prepared and posted,
23 as required by law, no member of the public body shall be allowed to
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1 participate in the meeting from any location other than the specific
2 location posted on the agenda in advance of the meeting;

3 4. In order to allow the public the maximum opportunity to
4 attend and observe each public official carrying out the duties of
5 the public official, a member or members of a public body desiring
6 to participate in a meeting by videoconference shall participate in
7 the videoconference from a site and room located within the district
8 or political subdivision from which they are elected, appointed, or
9 are sworn to represent;

10 5. Each site and room where a member of the public body is
11 present for a meeting by videoconference shall be open and
12 accessible to the public, and the public shall be allowed into that
13 site and room. Public bodies may provide additional videoconference
14 sites as a convenience to the public, but additional sites shall not
15 be used to exclude or discourage public attendance at any
16 videoconference site;

17 6. The public shall be allowed to participate and speak, as
18 allowed by rule or policy set by the public body, in a meeting at
19 the videoconference site in the same manner and to the same extent
20 as the public is allowed to participate or speak at the site of the
21 meeting;

22 7. Any materials shared electronically between members of the
23 public body, before or during the videoconference, shall also be
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1 immediately available to the public in the same form and manner as
2 shared with members of the public body; and

3 8. All votes occurring during any meeting conducted using
4 videoconferencing shall occur and be recorded by roll call vote.

5 B. No public body shall conduct an executive session by
6 videoconference, except as authorized in subsection D of this
7 section.

8 C. Upon ~~the effective date of this act and until November 15,~~
9 ~~2020, or the Governor declaring the a state of emergency to be~~
10 ~~terminated, whichever date first occurs~~ or whenever an in-person
11 meeting is determined to be detrimental to the health and safety of
12 the citizens of this state, the provisions of this subsection and
13 subsection D shall operate as law in this state.

14 1. A public body may hold meetings by teleconference or
15 videoconference if each member of the public body is audible or
16 visible to each other and the public, subject to the following:

- 17 a. for a public body or a virtual charter school approved
18 and sponsored by the Statewide Virtual Charter School
19 Board pursuant to the provisions of the Oklahoma
20 Statutes, the public body shall maintain a quorum of
21 members for the entire duration of the meeting whether
22 using an in-person site, teleconference, or
23 videoconference or any combination of such sites to
24 achieve a quorum, and

1 b. if the meeting is held using either teleconference or
2 videoconference capabilities, and at any time the
3 audio connection is disconnected, the meeting shall be
4 stopped and reconvened once the audio connection is
5 restored;

6 2. The meeting notice and agenda prepared in advance of the
7 meeting, as required by law, shall indicate if the meeting will
8 include teleconferencing or videoconferencing and shall also state:

9 a. each public body member appearing remotely and the
10 method of each member's remote appearance, and

11 b. the identity of the public body member or members who
12 will be physically present at the meeting site, if
13 any;

14 3. After the meeting notice and agenda are prepared and posted
15 as required by law, public body members shall not be permitted to
16 alter their method of attendance; provided, however, those members
17 who were identified as appearing remotely may be permitted to
18 physically appear at the meeting site, if any, for the meeting;

19 4. The public body shall be allowed to participate and speak,
20 as allowed by rule or policy set by the public body, in a meeting
21 which utilizes teleconference or videoconference in the same manner
22 and to the same extent as the public is allowed to participate or
23 speak during a meeting where all public body members are physically
24 present together at the meeting site;

1 5. Any materials shared electronically between members of the
2 public body during a meeting utilizing teleconferencing or
3 videoconferencing shall also be immediately available to the public
4 in the same form as shared with the members of the public body; and

5 6. All votes occurring during any meeting utilizing
6 teleconference or videoconference shall occur and be recorded by
7 roll call votes.

8 D. Public bodies are permitted to conduct an executive session
9 by teleconference or videoconference. For such executive sessions,
10 no public body member is required to be physically present so long
11 as each public body member is audible or visible to each other. The
12 meeting notice and agenda prepared in advance of the meeting as
13 required by law shall indicate if the executive session will include
14 teleconferencing or videoconferencing and shall also state the
15 identity of each public body member appearing remotely, the method
16 of each member's remote appearance, and whether any member will be
17 physically present at the meeting site, if any, for the executive
18 session.

19 SECTION 2. AMENDATORY 25 O.S. 2011, Section 311, as last
20 amended by Section 4, Chapter 3, O.S.L. 2020 (25 O.S. Supp. 2020,
21 Section 311), is amended to read as follows:

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

3 1. All public bodies shall give notice in writing by December
4 15 of each calendar year of the schedule showing the date, time and
5 place of the regularly scheduled meetings of such public bodies for
6 the following calendar year;

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

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

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

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

23 6. All governing boards of state institutions of higher
24 education, and committees and subcommittees thereof, shall give such

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

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

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

17 9. In addition to the advance public notice in writing required
18 to be filed for regularly scheduled meetings, described in paragraph
19 1 of this subsection, all public bodies shall, at least twenty-four
20 (24) hours prior to such regularly scheduled meetings, display
21 public notice of the meeting by at least one of the following
22 methods:

- 23 a. by posting information that includes date, time, place
24 and agenda for the meeting in prominent public view at

1 the principal office of the public body or at the
2 location of the meeting if no office exists, or
3 b. by posting on the public body's Internet website the
4 date, time, place and agenda for the meeting in
5 accordance with Section 3106.2 of Title 74 of the
6 Oklahoma Statutes. Additionally, the public body
7 shall offer and consistently maintain an email
8 distribution system for distribution of such notice of
9 a public meeting required by this subsection, and any
10 person may request to be included without charge, and
11 their request shall be accepted. The emailed notice
12 of a public meeting required by this subsection shall
13 include in the body of the email or as an attachment
14 to the email the date, time, place and agenda for the
15 meeting and it shall be sent no less than twenty-four
16 (24) hours prior to the meeting. Additionally, except
17 as provided in subparagraph c of this paragraph, the
18 public body shall make the notice of a public meeting
19 required by this subsection available to the public in
20 the principal office of the public body or at the
21 location of the meeting during normal business hours
22 at least twenty-four (24) hours prior to the meeting,
23 or
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1 c. ~~upon the effective date of this act and until November~~
2 ~~15, 2020, or~~ the Governor declaring ~~the~~ a state of
3 emergency ~~to be terminated, whichever date first~~
4 ~~occurs~~ or whenever an in-person meeting is determined
5 to be detrimental to the health and safety of the
6 citizens of this state, the public body shall not be
7 required to make the notice of a public meeting
8 available to the public in the principal office of the
9 public body or at the location of the meeting during
10 normal business hours at least twenty-four (24) hours
11 prior to the meeting;

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

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

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

1 posted in prominent public view at the principal office of the
2 public body or at the location of the meeting if no office exists.
3 Twenty-four (24) hours prior public posting shall exclude Saturdays,
4 Sundays and holidays legally declared by the State of Oklahoma. In
5 lieu of the public posting requirements of this paragraph, a public
6 body may elect to follow the requirements found in subparagraph b of
7 paragraph 9 of this subsection, provided that forty-eight-hour
8 notice is required for special meetings and that the forty-eight-
9 hour requirement shall exclude Saturdays, Sundays and holidays
10 legally declared by the State of Oklahoma; and

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

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

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

9 SECTION 3. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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