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1 STATE OF OKLAHOMA

2 1st Session of the 48th Legislature (2001)

3 HOUSE BILL HB1276

By: Friskup

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6 AS INTRODUCED

7 An Act relating to the Open Meeting Act; amending 25
8 O.S. 1991, Section 311, as amended by Section 2,
9 Chapter 12, O.S.L. 1992 (25 O.S. Supp. 2000, Section
10 311), which relates to meeting notice requirements
11 for public bodies; adding notice requirement under
12 certain circumstances; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 25 O.S. 1991, Section 311, as
16 amended by Section 2, Chapter 12, O.S.L. 1992 (25 O.S. Supp. 2000,
17 Section 311), is amended to read as follows:

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

22 1. All public bodies shall give notice in writing by December
23 15 of each calendar year of the schedule showing the date, time and
24 place of the regularly scheduled meetings of such public bodies for
25 the following calendar year.

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

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

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

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

10 6. All governing boards of state institutions of higher
11 education, and committees and subcommittees thereof, shall give such
12 notice to the Secretary of State. All other public bodies covered
13 by the provisions of this act which exist under the auspices of a
14 state institution of higher education, but a majority of whose
15 members are not members of the institution's governing board, shall
16 give such notice to the county clerk of the county wherein the
17 institution is principally located.

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

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

28 9. In addition to the advance public notice in writing required
29 to be filed for regularly scheduled meetings, all public bodies
30 shall, at least twenty-four (24) hours prior to such meetings,
31 display public notice of said meeting, setting forth thereon the
32 date, time, place and agenda for said meeting, such twenty-four (24)

1 hours prior public posting shall exclude Saturdays and Sundays and
2 holidays legally declared by the State of Oklahoma; provided,
3 however, the posting of an agenda shall not preclude a public body
4 from considering at its regularly scheduled meeting any new
5 business. Such public notice shall be posted in prominent public
6 view at the principal office of the public body or at the location
7 of said meeting if no office exists. "New business", as used
8 herein, shall mean any matter not known about or which could not
9 have been reasonably foreseen prior to the time of posting.

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

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

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

11 12. 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 13. If a public body has a web site on the Internet, the public
19 body shall post a copy of all meeting notices on its web site. If a
20 public body does not have an individual web site but participates in
21 a general web site on the Internet with other public bodies, the
22 public body shall post a copy of meeting notices on that web site.
23 The meeting notice shall set forth the date, time, place and agenda
24 of the meetings.

25 B. 1. All agendas required pursuant to the provisions of this
26 section shall identify all items of business to be transacted by a
27 public body at a meeting, including, but not limited to, any
28 proposed executive session for the purpose of engaging in
29 deliberations or rendering a final or intermediate decision in an
30 individual proceeding prescribed by the Administrative Procedures
31 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 2. This act shall become effective November 1, 2001.

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11 48-1-5385 SCE 6/12/15
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