

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 69

By: Bass, Ballenger and Bingman
of the Senate

6 and

7 Blackwell of the House
8
9

10 COMMITTEE SUBSTITUTE

11 An Act relating to the definitions and general
12 provisions; amending 25 O.S. 2001, Sections 304 and
13 307.1, as last amended by Section 1, Chapter 245,
14 O.S.L. 2006 (25 O.S. Supp. 2006, Section 307.1),
15 which relates to the Oklahoma Open Meeting Act;
16 updating statutory language; modifying certain
17 definitions; deleting specified agencies; modifying
18 videoconference requirements; clarifying executive
19 session by videoconference prohibition; and providing
20 an effective date.

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

22 SECTION 1. AMENDATORY 25 O.S. 2001, Section 304, is
23 amended to read as follows:

24 Section 304. As used in the Oklahoma Open Meeting Act:

1. "Public body" means the governing bodies of all
municipalities located within this state, boards of county

1 commissioners of the counties in this state, boards of public and
2 higher education in this state and all boards, bureaus, commissions,
3 agencies, trusteeships, authorities, councils, committees, public
4 trusts or any entity created by a public trust, task forces or study
5 groups in this state supported in whole or in part by public funds
6 or entrusted with the expending of public funds, or administering
7 public property, and shall include all committees or subcommittees
8 of any public body. ~~It~~ Public body shall not ~~mean~~ include the state
9 judiciary, the Council on Judicial Complaints when conducting,
10 discussing, or deliberating any matter relating to a complaint
11 received or filed with the Council, the Legislature, or
12 administrative staffs of public bodies, including, but not limited
13 to, faculty meetings and athletic staff meetings of institutions of
14 higher education when those staffs are not meeting with the public
15 body, or entry-year assistance committees. Furthermore, ~~it~~ public
16 body shall not ~~mean~~ include the multidisciplinary team provided for
17 in subsection C of Section 1-502.2 of Title 63 of the Oklahoma
18 Statutes or any school board meeting for the sole purpose of
19 considering recommendations of a multidisciplinary team and deciding
20 the placement of any child who is the subject of ~~such~~ the
21 recommendations. Furthermore, ~~it~~ public body shall not ~~mean~~ include
22 meetings conducted by stewards designated by the Oklahoma Horse
23 Racing Commission pursuant to Section 203.4 of Title 3A of the

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1 Oklahoma Statutes when the stewards are officiating at races or
2 otherwise enforcing rules of the Commission;

3 2. "Meeting" means the conduct of business of a public body by
4 a majority of its members being personally together or, as
5 authorized by Section 307.1 of this title, together pursuant to a
6 ~~teleconference~~ videoconference. Meeting shall not include informal
7 gatherings of a majority of the members of the public body when no
8 business of the public body is discussed;

9 3. "Regularly scheduled meeting" means a meeting at which the
10 regular business of the public body is conducted;

11 4. "Special meeting" means any meeting of a public body other
12 than a regularly scheduled meeting or emergency meeting;

13 5. "Emergency meeting" means any meeting called for the purpose
14 of dealing with an emergency. For purposes of ~~this act~~ the Oklahoma
15 Open Meeting Act, an emergency is defined as a situation involving
16 injury to persons or injury and damage to public or personal
17 property or immediate financial loss when the time requirements for
18 public notice of a special meeting would make such procedure
19 impractical and increase the likelihood of injury or damage or
20 immediate financial loss;

21 6. "Continued or reconvened meeting" means a meeting which is
22 assembled for the purpose of finishing business appearing on an
23 agenda of a previous meeting. For the purposes of ~~this act~~ the
24 Oklahoma Open Meeting Act, only matters on the agenda of the

1 previous meeting at which the announcement of the continuance is
2 made may be discussed at a continued or reconvened meeting; and

3 7. ~~“Teleconference”~~ “Videoconference” means a conference among
4 members of a public body remote from one another who are linked by
5 interactive telecommunication devices permitting both visual and
6 auditory communication between and among members of the public body
7 and members of the public. During any videoconference both the
8 visual and auditory communications functions of the device shall be
9 utilized. Whenever the term “teleconference” appears in any law in
10 relation to a meeting of a public body, it shall be deemed to mean a
11 videoconference as defined in this paragraph.

12 SECTION 2. AMENDATORY 25 O.S. 2001, Section 307.1, as
13 last amended by Section 1, Chapter 245, O.S.L. 2006 (25 O.S. Supp.
14 2006, Section 307.1), is amended to read as follows:

15 Section 307.1 A. ~~No public body shall hold meetings by~~
16 ~~teleconference except:~~

- 17 1. ~~Oklahoma Futures;~~
- 18 2. ~~The Oklahoma State Regents for Higher Education;~~
- 19 3. ~~The State Board of Medical Licensure and Supervision;~~
- 20 4. ~~The State Board of Osteopathic Examiners;~~
- 21 5. ~~The Board of Dentistry;~~
- 22 6. ~~The Variance and Appeals Boards created in Sections 1021.1,~~
23 ~~1697 and 1850.16 and the Construction Industries Board created in~~
24 ~~Section 1000.2 of Title 59 of the Oklahoma Statutes;~~

1 ~~7. A public trust whose beneficiary is a municipality, however,~~
2 ~~no more than twenty percent (20%) of a quorum of the trustees may~~
3 ~~participate by teleconference, and during any such meetings all~~
4 ~~votes shall be roll call votes;~~

5 ~~8. The Native American Cultural and Educational Authority;~~

6 ~~9. The Corporation Commission;~~

7 ~~10. The State Board of Career and Technology Education;~~

8 ~~11. The Oklahoma Funeral Board;~~

9 ~~12. The District Attorneys Council;~~

10 ~~13. The State Board of Property and Casualty Rates; and~~

11 ~~14. The Emergency Medical Services Authority.~~

12 ~~B.~~ A public body may hold meetings by videoconference where
13 each member of the public body is visible and audible to each other
14 and the public through a video monitor, subject to the following:

15 1. No less than a quorum of the public body shall be present in
16 person at the ~~site of each meeting~~ site as posted on the meeting
17 notice and agenda;

18 2. The meeting notice and agenda prepared in advance of the
19 meeting, as required by law, shall indicate the meeting will include
20 videoconferencing locations and shall state:

21 a. the location, address, and telephone number of each
22 available videoconference site, and

23 b. the identity of each member of the public body and the
24 specific site from which each member of the body shall

1 be physically present and participating in the
2 meeting;

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

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

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

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

3 7. Any materials shared electronically between members of the
4 public body, before or during the videoconference, shall also be
5 immediately available to the public in the same form and manner as
6 shared with members of the public body; and

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

9 ~~C. B.~~ No public body ~~authorized to hold meetings by~~
10 ~~teleconference or videoconference~~ shall conduct an executive session
11 by ~~teleconference or videoconference~~.

12 SECTION 3. This act shall become effective November 1, 2007.

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