

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 766

By: Ford

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5
6 AS INTRODUCED

7 An Act relating to open meetings; amending 25 O.S.
8 2001, Sections 304, as last amended by Section 4,
9 Chapter 378, O.S.L. 2010, and 307.1, as last amended
10 by Section 2, Chapter 142, O.S.L. 2007 (25 O.S. Supp.
11 2010, Sections 304 and 307.1), which relate to
12 definitions and videoconferences; modifying
13 definitions; authorizing certain bodies to conduct
14 meetings by audioconference; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 25 O.S. 2001, Section 304, as last
18 amended by Section 4, Chapter 378, O.S.L. 2010 (25 O.S. Supp. 2010,
19 Section 304), is amended to read as follows:

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

21 1. "Public body" means the governing bodies of all
22 municipalities located within this state, boards of county
23 commissioners of the counties in this state, boards of public and
24 higher education in this state and all boards, bureaus, commissions,
agencies, trusteeships, authorities, councils, committees, public
trusts or any entity created by a public trust, including any

1 committee or subcommittee composed of any of the members of a public
2 trust or other legal entity receiving funds from the Rural Economic
3 Action Plan Fund as authorized by Section 2007 of Title 62 of the
4 Oklahoma Statutes, task forces or study groups in this state
5 supported in whole or in part by public funds or entrusted with the
6 expending of public funds, or administering public property, and
7 shall include all committees or subcommittees of any public body.
8 Public body shall not include the state judiciary, the Council on
9 Judicial Complaints when conducting, discussing, or deliberating any
10 matter relating to a complaint received or filed with the Council,
11 the Legislature, or administrative staffs of public bodies,
12 including, but not limited to, faculty meetings and athletic staff
13 meetings of institutions of higher education when those staffs are
14 not meeting with the public body, or entry-year assistance
15 committees. Furthermore, public body shall not include the
16 multidisciplinary team provided for in subsection C of Section 1-
17 502.2 of Title 63 of the Oklahoma Statutes or any school board
18 meeting for the sole purpose of considering recommendations of a
19 multidisciplinary team and deciding the placement of any child who
20 is the subject of the recommendations. Furthermore, public body
21 shall not include meetings conducted by stewards designated by the
22 Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title
23 3A of the Oklahoma Statutes when the stewards are officiating at
24 races or otherwise enforcing rules of the Commission. Furthermore,

1 public body shall not include a limited support body as defined
2 pursuant to paragraph 8 of this section;

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 videoconference, or a limited support body by a quorum of its
7 members, as determined by such body's bylaws, being personally
8 together or, as authorized by Section 307.1 of this title, together
9 by audioconference. Meeting shall not include informal gatherings
10 of a majority of the members of the public body or limited support
11 body when no business of the public body or limited support body is
12 discussed;

13 3. "Regularly scheduled meeting" means a meeting at which the
14 regular business of the public body or limited support body is
15 conducted;

16 4. "Special meeting" means any meeting of a public body or
17 limited support body other than a regularly scheduled meeting or
18 emergency meeting;

19 5. "Emergency meeting" means any meeting called for the purpose
20 of dealing with an emergency. For purposes of the Oklahoma Open
21 Meeting Act, an emergency is defined as a situation involving injury
22 to persons or injury and damage to public or personal property or
23 immediate financial loss when the time requirements for public
24 notice of a special meeting would make such procedure impractical

1 and increase the likelihood of injury or damage or immediate
2 financial loss;

3 6. "Continued or reconvened meeting" means a meeting which is
4 assembled for the purpose of finishing business appearing on an
5 agenda of a previous meeting. For the purposes of the Oklahoma Open
6 Meeting Act, only matters on the agenda of the previous meeting at
7 which the announcement of the continuance is made may be discussed
8 at a continued or reconvened meeting; ~~and~~

9 7. "Videoconference" means a conference among members of a
10 public body remote from one another who are linked by interactive
11 telecommunication devices permitting both visual and auditory
12 communication between and among members of the public body and
13 members of the public. During any videoconference both the visual
14 and auditory communications functions of the device shall be
15 utilized. Whenever the term "teleconference" appears in any law in
16 relation to a meeting of a public body, it shall be deemed to mean a
17 videoconference as defined in this paragraph;

18 8. "Limited support body" means the governing body, board,
19 commission, trusteeship, authority, council or committee of any
20 nonprofit organization in this state that is supported in part by
21 public funds and the public funds provided constitute less than
22 fifteen percent (15%) of the total revenues of such body in its
23 fiscal year; and

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1 9. "Audioconference" means a conference among members of a
2 limited support body remote from one another who are linked by
3 interactive communication devices permitting auditory communication
4 between and among members of the limited support body and members of
5 the public.

6 SECTION 2. AMENDATORY 25 O.S. 2001, Section 307.1, as
7 last amended by Section 2, Chapter 142, O.S.L. 2007 (25 O.S. Supp.
8 2010, Section 307.1), is amended to read as follows:

9 Section 307.1. A. A public body may hold meetings by
10 videoconference where each member of the public body is visible and
11 audible to each other and the public through a video monitor,
12 subject to the following:

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

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

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

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

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

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

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

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

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

7 B. No public body shall conduct an executive session by
8 videoconference.

9 C. Any limited support body may conduct a meeting or executive
10 session by audioconference. Members calling in shall identify
11 themselves as they join the meeting. Any materials shared
12 electronically between members of the limited support body before or
13 during the audioconference shall also be immediately available to
14 the public in the same form and manner as shared with members of the
15 limited support body.

16 SECTION 3. This act shall become effective November 1, 2011.

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