

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2394

By: Hall

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6 AS INTRODUCED

7 An Act relating to open meetings; amending 25 O.S.
8 2011, Section 307.1, which relates to
9 videoconferences; permitting certain requirements to
10 be waived subject to certain criteria; amending 62
11 O.S. 2011, Section 34.27, as last amended by Section
12 17, Chapter 358, O.S.L. 2013 (62 O.S. Supp. 2013,
13 Section 34.27), which relates to the State
14 Governmental Technology Applications Review Board;
15 deleting provision regarding member attendance via
16 teleconference; and providing an effective date.

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

18 SECTION 1. AMENDATORY 25 O.S. 2011, Section 307.1, is
19 amended to read as follows:

20 Section 307.1 A. A public body may hold meetings by
21 videoconference where each member of the public body is visible and
22 audible to each other and the public through a video monitor,
23 subject to the following:

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

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

4 a. the location, address, and telephone number of each
5 available videoconference site, and

6 b. the identity of each member of the public body and the
7 specific site from which each member of the body shall
8 be physically present and participating in the
9 meeting;

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

14 4. In order to allow the public the maximum opportunity to
15 attend and observe each public official carrying out the duties of
16 the public official, a member or members of a public body desiring
17 to participate in a meeting by videoconference shall participate in
18 the videoconference from a site and room located within the district
19 or political subdivision from which they are elected, appointed, or
20 are sworn to represent;

21 5. Each site and room where a member of the public body is
22 present for a meeting by videoconference shall be open and
23 accessible to the public, and the public shall be allowed into that
24 site and room. Public bodies may provide additional videoconference

1 sites as a convenience to the public, but additional sites shall not
2 be used to exclude or discourage public attendance at any
3 videoconference site;

4 6. The public shall be allowed to participate and speak, as
5 allowed by rule or policy set by the public body, in a meeting at
6 the videoconference site in the same manner and to the same extent
7 as the public is allowed to participate or speak at the site of the
8 meeting;

9 7. Any materials shared electronically between members of the
10 public body, before or during the videoconference, shall also be
11 immediately available to the public in the same form and manner as
12 shared with members of the public body; and

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

15 B. No public body shall conduct an executive session by
16 videoconference.

17 C. The requirements of paragraphs 1, 4 and 5 of subsection A of
18 this section may be waived subject to the following criteria:

19 1. The footage of the meeting is made available to the public
20 for viewing in real time on the Internet;

21 2. A recording of the videoconference footage from the meeting
22 remains accessible to the public through a prominently featured link
23 on the public body's webpage; and

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1 3. Public bodies which are state government boards and
2 commissions shall create a video recording of all public meetings
3 and shall make that footage available through a prominently featured
4 link on the public body's webpage.

5 SECTION 2. AMENDATORY 62 O.S. 2011, Section 34.27, as
6 last amended by Section 17, Chapter 358, O.S.L. 2013 (62 O.S. Supp.
7 2013, Section 34.27), is amended to read as follows:

8 Section 34.27 A. There is hereby established the State
9 Governmental Technology Applications Review Board. The Board shall
10 be composed of the following members:

11 1. The Director of the Office of Management and Enterprise
12 Services or a designee;

13 2. Four representatives from different state agencies, boards,
14 commissions, or authorities to be appointed by the Governor, at
15 least one of which shall be employed by a law enforcement agency;

16 3. Two members who are not state government employees to be
17 appointed by the Speaker of the House of Representatives; and

18 4. Two members who are not state government employees to be
19 appointed by the President Pro Tempore of the Senate.

20 B. Members of the Board shall serve for terms of two (2) years.
21 The Board shall select a chair from among its members.

22 C. Members of the Board shall not receive compensation for
23 serving on the Board, but shall be reimbursed for travel expenses
24 incurred in the performance of their duties by their respective

1 agencies or appointing authority in accordance with the State Travel
2 Reimbursement Act.

3 ~~D. Notwithstanding any other section of law, any member of the~~
4 ~~Board attending a meeting via teleconference shall be counted as~~
5 ~~being present in person and shall count toward the determination of~~
6 ~~whether a quorum of the Board is present at the meeting.~~

7 E. The Board shall have the duty and responsibility of:

8 1. Reviewing for approval all convenience fees and merchant
9 fees as defined in Section 34.25 of this title and changes in
10 convenience fees and merchant fees charged by state agencies,
11 boards, commissions, or authorities;

12 2. Monitoring all portal systems and applications for portal
13 systems created by state agencies, boards, commissions, or
14 authorities, reviewing portal systems applications approved or
15 denied by the Information Services Division of the Office of
16 Management and Enterprise Services, and making recommendations to
17 the Legislature and Governor to encourage greater use of the open-
18 systems concept as is defined in Section 34.26 of this title;

19 3. Granting an exemption for a specific license or permit to a
20 state agency from the requirements of Section 34.24.1 of this title.
21 The exemption shall be limited in time as warranted by the
22 circumstances. The Board shall grant the exemption only if
23 presented compelling evidence that the issuance of the license or
24 permit requires the provision of information that cannot be provided

1 through an online licensing or permitting process and that the
2 failure of the applicant to provide the information would create a
3 significant risk to the integrity of the license or permit. The
4 exemption provided for in this paragraph shall not apply to license
5 renewals pursuant to the Oklahoma Vehicle License and Registration
6 Act;

7 4. Providing ongoing oversight of implementation of the plan of
8 action developed by the Chief Information Officer pursuant to
9 Section 34.11.1 of this title and approving any amendments to the
10 plan of action;

11 5. Approving charges to state agencies established by the
12 Information Services Division pursuant to Section 35.5 of this title
13 for shared services as defined in Section 35.3 of this title;

14 6. Functioning in an advisory capacity to the Chief Information
15 Officer; and

16 7. Approving a plan by which public elementary and secondary
17 schools of the state may recover the cost of instructional
18 technology resources issued by the schools.

19 SECTION 3. This act shall become effective November 1, 2014.

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