

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 SENATE BILL NO. 1117

By: Dahm of the Senate

and

6 Murphey of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to the Oklahoma Open Meeting Act;  
12 amending 25 O.S. 2011, Section 307.1, which relates  
13 to videoconferences; modifying requirements for  
14 quorum; amending 62 O.S. 2011, Section 34.27, as last  
15 amended by Section 17, Chapter 358, O.S.L. 2013 (62  
16 O.S. Supp. 2015, Section 34.27), which relates to the  
17 State Governmental Technology Applications Review  
18 Board; removing teleconference exception for quorum;  
19 and providing an effective date.

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

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

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

1       1. ~~No less than a quorum of the public body shall be present in~~  
2 ~~person at the meeting site as posted on the meeting notice and~~  
3 ~~agenda~~ The public body shall maintain a quorum of members for the  
4 entire duration of the meeting whether using an in-person site,  
5 videoconference sites or any combination of such sites to achieve a  
6 quorum;

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

10       a. the location, address, and telephone number of each  
11       available videoconference site, and

12       b. the identity of each member of the public body and the  
13       specific site from which each member of the body shall  
14       be physically present and participating in the  
15       meeting;

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

20       4. In order to allow the public the maximum opportunity to  
21 attend and observe each public official carrying out the duties of  
22 the public official, a member or members of a public body desiring  
23 to participate in a meeting by videoconference shall participate in  
24 the videoconference from a site and room located within the district

1 or political subdivision from which they are elected, appointed, or  
2 are sworn to represent;

3 5. Each site and room where a member of the public body is  
4 present for a meeting by videoconference shall be open and  
5 accessible to the public, and the public shall be allowed into that  
6 site and room. Public bodies may provide additional videoconference  
7 sites as a convenience to the public, but additional sites shall not  
8 be used to exclude or discourage public attendance at any  
9 videoconference site;

10 6. The public shall be allowed to participate and speak, as  
11 allowed by rule or policy set by the public body, in a meeting at  
12 the videoconference site in the same manner and to the same extent  
13 as the public is allowed to participate or speak at the site of the  
14 meeting;

15 7. Any materials shared electronically between members of the  
16 public body, before or during the videoconference, shall also be  
17 immediately available to the public in the same form and manner as  
18 shared with members of the public body; ~~and~~

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

21 9. Video recordings shall be made of all public body meetings  
22 conducted with videoconference. The recordings shall be made  
23 available for public access through the public body's website for a  
24 period of not less than two (2) years; and

1       10. The quorum requirement of paragraph 1 and the geographic  
2 restriction in paragraph 4 may be waived provided the individual  
3 participating by videoconference is a member of the military who  
4 cannot attend the meeting due to military-related obligations;  
5 possesses a disability which inhibits travel to the meeting; or has  
6 been impeded from attendance by the presence of inclement weather  
7 conditions.

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

10       SECTION 2.       AMENDATORY       62 O.S. 2011, Section 34.27, as  
11 last amended by Section 17, Chapter 358, O.S.L. 2013 (62 O.S. Supp.  
12 2015, Section 34.27), is amended to read as follows:

13       Section 34.27 A. There is hereby established the State  
14 Governmental Technology Applications Review Board. The Board shall  
15 be composed of the following members:

16       1. The Director of the Office of Management and Enterprise  
17 Services or a designee;

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

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

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

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

3 C. Members of the Board shall not receive compensation for  
4 serving on the Board, but shall be reimbursed for travel expenses  
5 incurred in the performance of their duties by their respective  
6 agencies or appointing authority in accordance with the State Travel  
7 Reimbursement Act.

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

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

13 1. Reviewing for approval all convenience fees and merchant  
14 fees as defined in Section 34.25 of this title and changes in  
15 convenience fees and merchant fees charged by state agencies,  
16 boards, commissions, or authorities;

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

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1           3. Granting an exemption for a specific license or permit to a  
2 state agency from the requirements of Section 34.24.1 of this title.  
3 The exemption shall be limited in time as warranted by the  
4 circumstances. The Board shall grant the exemption only if  
5 presented compelling evidence that the issuance of the license or  
6 permit requires the provision of information that cannot be provided  
7 through an online licensing or permitting process and that the  
8 failure of the applicant to provide the information would create a  
9 significant risk to the integrity of the license or permit. The  
10 exemption provided for in this paragraph shall not apply to license  
11 renewals pursuant to the Oklahoma Vehicle License and Registration  
12 Act;

13           4. Providing ongoing oversight of implementation of the plan of  
14 action developed by the Chief Information Officer pursuant to  
15 Section 34.11.1 of this title and approving any amendments to the  
16 plan of action;

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

20           6. Functioning in an advisory capacity to the Chief Information  
21 Officer; and

22           7. Approving a plan by which public elementary and secondary  
23 schools of the state may recover the cost of instructional  
24 technology resources issued by the schools.

1 SECTION 3. This act shall become effective November 1, 2016.

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3 55-2-9557 LRB 03/23/16  
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