

1 ENGROSSED SENATE  
2 BILL NO. 403

By: Holt of the Senate

3 and

4 Hall of the House

5 An Act relating to public meetings; amending 25 O.S.  
6 2011, Section 311, which relates to public notice for  
7 public meetings; establishing provisions for certain  
8 notice on internet sites; updating language; and  
9 providing an effective date.

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

11 SECTION 1. AMENDATORY 25 O.S. 2011, Section 311, is  
12 amended to read as follows:

13 Section 311. A. Notwithstanding any other provisions of law,  
14 all regularly scheduled, continued or reconvened, special or  
15 emergency meetings of public bodies shall be preceded by public  
16 notice as follows:

17 1. All public bodies shall give notice in writing by December  
18 15 of each calendar year of the schedule showing the date, time and  
19 place of the regularly scheduled meetings of such public bodies for  
20 the following calendar year.

21 2. All state public bodies, including, but not limited to,  
22 public trusts and other bodies with the state as beneficiary, shall  
23 give such notice to the Secretary of State.  
24

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

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

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

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

22       7. The Secretary of State and each county clerk or municipal  
23 clerk shall keep a record of all notices received in a register open  
24 to the public for inspection during regular office hours, and, in

1 addition, shall make known upon any request of any person the  
2 contents of ~~said~~ the register.

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

8 9. In addition to the advance public notice in writing required  
9 to be filed for regularly scheduled meetings, described in paragraph  
10 1 of this subsection, all public bodies shall, at least twenty-four  
11 (24) hours prior to such regularly scheduled meetings, display  
12 public notice of ~~said~~ the meeting, ~~setting forth thereon the date,~~  
13 ~~time, place and agenda for said meeting, such twenty-four (24) hours~~  
14 ~~prior public posting shall exclude Saturdays and Sundays and~~  
15 ~~holidays legally declared by the State of Oklahoma; provided,~~  
16 ~~however, the posting of an agenda shall not preclude a public body~~  
17 ~~from considering at its regularly scheduled meeting any new~~  
18 ~~business. Such public notice shall be posted in prominent public~~  
19 ~~view at the principal office of the public body or at the location~~  
20 ~~of said meeting if no office exists. "New business", as used~~  
21 ~~herein, shall mean any matter not known about or which could not~~  
22 ~~have been reasonably foreseen prior to the time of posting. by at~~  
23 least one of the following methods:

- 1        a. by posting information that includes date, time, place  
2        and agenda for the meeting in prominent public view at  
3        the principal office of the public body or at the  
4        location of the meeting if no office exists, or
- 5        b. by posting on the public body's Internet website the  
6        date, time, place and agenda for the meeting in  
7        accordance with Section 3102 of Title 74 of the  
8        Oklahoma Statutes. Additionally, the public body  
9        shall offer and consistently maintain an email  
10       distribution system for distribution of such notice of  
11       a public meeting required by this subsection, and any  
12       person may request to be included without charge, and  
13       their request shall be accepted. The emailed notice  
14       of a public meeting required by this subsection shall  
15       include in the body of the email or as an attachment  
16       to the email the date, time, place and agenda for the  
17       meeting and it shall be sent no less than twenty-four  
18       (24) hours prior to the meeting. Additionally, the  
19       public body shall make the notice of a public meeting  
20       required by this subsection available to the public in  
21       the principal office of the public body or at the  
22       location of the meeting during normal business hours  
23       at least twenty -four (24) hours prior to the meeting.
- 24

1        10. The twenty-four (24) hours required in paragraph 9 of this  
2 subsection shall exclude Saturdays, Sundays and holidays legally  
3 declared by the State of Oklahoma. The posting or distribution of a  
4 notice of a public meeting as described in paragraph 9 of this  
5 subsection shall not preclude a public body from considering at its  
6 regularly scheduled meeting any new business. "New business," as  
7 used herein, shall mean any matter not known about or which could  
8 not have been reasonably foreseen prior to the time of the posting.

9        ~~10.~~ 11. In the event any meeting is to be continued or  
10 reconvened, public notice of such action, including date, time and  
11 place of the continued meeting, shall be given by announcement at  
12 the original meeting. Only matters appearing on the agenda of the  
13 meeting which is continued may be discussed at the continued or  
14 reconvened meeting.

15        ~~11.~~ 12. Special meetings of public bodies shall not be held  
16 without public notice being given at least forty-eight (48) hours  
17 prior to ~~said~~ the meetings. Such public notice of date, time and  
18 place shall be given in writing, in person or by telephonic means to  
19 the Secretary of State or to the county clerk or to the municipal  
20 clerk by public bodies in the manner set forth in paragraphs 2, 3,  
21 4, 5 and 6 of this ~~section~~ subsection. The public body also shall  
22 cause written notice of the date, time and place of the meeting to  
23 be mailed or delivered to each person, newspaper, wire service,  
24 radio station, and television station that has filed a written

1 request for notice of meetings of the public body with the clerk or  
2 secretary of the public body or with some other person designated by  
3 the public body. Such written notice shall be mailed or delivered  
4 at least forty-eight (48) hours prior to the special meeting. The  
5 public body may charge a fee of up to Eighteen Dollars (\$18.00) per  
6 year to persons or entities filing a written request for notice of  
7 meetings, and may require such persons or entities to renew the  
8 request for notice annually. In addition, all public bodies shall,  
9 at least twenty-four (24) hours prior to such special meetings,  
10 display public notice of ~~said~~ the meeting, setting forth thereon the  
11 date, time, place and agenda for ~~said~~ the meeting. Only matters  
12 appearing on the posted agenda may be considered at ~~said~~ the special  
13 meeting. Such public notice shall be posted in prominent public  
14 view at the principal office of the public body or at the location  
15 of ~~said~~ the meeting if no office exists. Twenty-four (24) hours  
16 prior public posting shall exclude Saturdays ~~and~~ and, Sundays and  
17 holidays legally declared by the State of Oklahoma. In lieu of the  
18 public posting requirements of this paragraph, a public body may  
19 elect to follow the requirements found in subparagraph b of  
20 paragraph 9 of this subsection, provided that forty-eight-hour  
21 notice is required for special meetings and that the forty-eight-  
22 hour requirement shall exclude Saturdays, Sundays and holidays  
23 legally declared by the State of Oklahoma.  
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1        ~~12.~~ 13. In the event of an emergency, an emergency meeting of a  
2 public body may be held without the public notice heretofore  
3 required. Should an emergency meeting of a public body be  
4 necessary, the person calling such a meeting shall give as much  
5 advance public notice as is reasonable and possible under the  
6 circumstances existing, in person or by telephonic or electronic  
7 means.

8        B. 1. All agendas required pursuant to the provisions of this  
9 section shall identify all items of business to be transacted by a  
10 public body at a meeting, including, but not limited to, any  
11 proposed executive session for the purpose of engaging in  
12 deliberations or rendering a final or intermediate decision in an  
13 individual proceeding prescribed by the Administrative Procedures  
14 Act.

15        2. If a public body proposes to conduct an executive session,  
16 the agenda shall:

- 17            a. contain sufficient information for the public to  
18               ascertain that an executive session will be proposed~~+~~+
- 19            b. identify the items of business and purposes of the  
20               executive session~~+~~+ and
- 21            c. state specifically the provision of Section 307 of  
22               this title authorizing the executive session.

23        SECTION 2. This act shall become effective November 1, 2017.

1 Passed the Senate the 20th day of March, 2017.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2017.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives