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February 13, 2017

By: Holt of the Senate

and

Hall of the House

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

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

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

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

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

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

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

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

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

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

1 7. The Secretary of State and each county clerk or municipal
2 clerk shall keep a record of all notices received in a register open
3 to the public for inspection during regular office hours, and, in
4 addition, shall make known upon any request of any person the
5 contents of ~~said~~ the register.

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

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

1 ~~have been reasonably foreseen prior to the time of posting.~~ by at
2 least one of the following methods:

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

1 location of the meeting during normal business hours

2 at least twenty -four (24) hours prior to the meeting.

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

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

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

1 be mailed or delivered to each person, newspaper, wire service,
2 radio station, and television station that has filed a written
3 request for notice of meetings of the public body with the clerk or
4 secretary of the public body or with some other person designated by
5 the public body. Such written notice shall be mailed or delivered
6 at least forty-eight (48) hours prior to the special meeting. The
7 public body may charge a fee of up to Eighteen Dollars (\$18.00) per
8 year to persons or entities filing a written request for notice of
9 meetings, and may require such persons or entities to renew the
10 request for notice annually. In addition, all public bodies shall,
11 at least twenty-four (24) hours prior to such special meetings,
12 display public notice of ~~said~~ the meeting, setting forth thereon the
13 date, time, place and agenda for ~~said~~ the meeting. Only matters
14 appearing on the posted agenda may be considered at ~~said~~ the special
15 meeting. Such public notice shall be posted in prominent public
16 view at the principal office of the public body or at the location
17 of ~~said~~ the meeting if no office exists. Twenty-four (24) hours
18 prior public posting shall exclude Saturdays ~~and~~ and, Sundays and
19 holidays legally declared by the State of Oklahoma. In lieu of the
20 public posting requirements of this paragraph, a public body may
21 elect to follow the requirements found in subparagraph b of
22 paragraph 9 of this subsection, provided that forty-eight-hour
23 notice is required for special meetings and that the forty-eight-
24

1 hour requirement shall exclude Saturdays, Sundays and holidays
2 legally declared by the State of Oklahoma.

3 ~~12.~~ 13. In the event of an emergency, an emergency meeting of a
4 public body may be held without the public notice heretofore
5 required. Should an emergency meeting of a public body be
6 necessary, the person calling such a meeting shall give as much
7 advance public notice as is reasonable and possible under the
8 circumstances existing, in person or by telephonic or electronic
9 means.

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
February 13, 2017 - DO PASS