

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 740

By: Pugh of the Senate

and

6 West (Tammy) of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to definitions and general
11 provisions; amending 25 O.S. 2011, Section 311, as
12 amended by Section 1, Chapter 105, O.S.L. 2017 (25
13 O.S. Supp. 2018, Section 311), which relates to
14 public meetings; modifying statutory reference; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 25 O.S. 2011, Section 311, as
18 amended by Section 1, Chapter 105, O.S.L. 2017 (25 O.S. Supp. 2018,
19 Section 311), is amended to read as follows:

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

24 1. All public bodies shall give notice in writing by December
15 of each calendar year of the schedule showing the date, time and

1 place of the regularly scheduled meetings of such public bodies for
2 the following calendar year~~;~~;

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

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

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

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

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

1 governing board, shall give such notice to the county clerk of the
2 county wherein the institution is principally located~~;~~;

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

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

13 9. In addition to the advance public notice in writing required
14 to be filed for regularly scheduled meetings, described in paragraph
15 1 of this subsection, all public bodies shall, at least twenty-four
16 (24) hours prior to such regularly scheduled meetings, display
17 public notice of the meeting by at least one of the following
18 methods:

- 19 a. by posting information that includes date, time, place
20 and agenda for the meeting in prominent public view at
21 the principal office of the public body or at the
22 location of the meeting if no office exists, or
- 23 b. by posting on the public body's Internet website the
24 date, time, place and agenda for the meeting in

1 accordance with Section ~~3102~~ 3106.2 of Title 74 of the
2 Oklahoma Statutes. Additionally, the public body
3 shall offer and consistently maintain an email
4 distribution system for distribution of such notice of
5 a public meeting required by this subsection, and any
6 person may request to be included without charge, and
7 their request shall be accepted. The emailed notice
8 of a public meeting required by this subsection shall
9 include in the body of the email or as an attachment
10 to the email the date, time, place and agenda for the
11 meeting and it shall be sent no less than twenty-four
12 (24) hours prior to the meeting. Additionally, the
13 public body shall make the notice of a public meeting
14 required by this subsection available to the public in
15 the principal office of the public body or at the
16 location of the meeting during normal business hours
17 at least twenty-four (24) hours prior to the meeting;

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

3 11. In the event any meeting is to be continued or reconvened,
4 public notice of such action including date, time and place of the
5 continued meeting, shall be given by announcement at the original
6 meeting. Only matters appearing on the agenda of the meeting which
7 is continued may be discussed at the continued or reconvened
8 meeting-;

9 12. Special meetings of public bodies shall not be held without
10 public notice being given at least forty-eight (48) hours prior to
11 the meetings. Such public notice of date, time and place shall be
12 given in writing, in person or by telephonic means to the Secretary
13 of State or to the county clerk or to the municipal clerk by public
14 bodies in the manner set forth in paragraphs 2, 3, 4, 5 and 6 of
15 this subsection. The public body also shall cause written notice of
16 the date, time and place of the meeting to be mailed or delivered to
17 each person, newspaper, wire service, radio station and television
18 station that has filed a written request for notice of meetings of
19 the public body with the clerk or secretary of the public body or
20 with some other person designated by the public body. Such written
21 notice shall be mailed or delivered at least forty-eight (48) hours
22 prior to the special meeting. The public body may charge a fee of
23 up to Eighteen Dollars (\$18.00) per year to persons or entities
24 filing a written request for notice of meetings, and may require

1 such persons or entities to renew the request for notice annually.
2 In addition, all public bodies shall, at least twenty-four (24)
3 hours prior to such special meetings, display public notice of the
4 meeting, setting forth thereon the date, time, place and agenda for
5 the meeting. Only matters appearing on the posted agenda may be
6 considered at the special meeting. Such public notice shall be
7 posted in prominent public view at the principal office of the
8 public body or at the location of the meeting if no office exists.
9 Twenty-four (24) hours prior public posting shall exclude Saturdays,
10 Sundays and holidays legally declared by the State of Oklahoma. In
11 lieu of the public posting requirements of this paragraph, a public
12 body may elect to follow the requirements found in subparagraph b of
13 paragraph 9 of this subsection, provided that forty-eight-hour
14 notice is required for special meetings and that the forty-eight-
15 hour requirement shall exclude Saturdays, Sundays and holidays
16 legally declared by the State of Oklahoma-; and

17 13. In the event of an emergency, an emergency meeting of a
18 public body may be held without the public notice heretofore
19 required. Should an emergency meeting of a public body be
20 necessary, the person calling such a meeting shall give as much
21 advance public notice as is reasonable and possible under the
22 circumstances existing, in person or by telephonic or electronic
23 means.

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

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

- 9 a. contain sufficient information for the public to
10 ascertain that an executive session will be proposed,
- 11 b. identify the items of business and purposes of the
12 executive session, and
- 13 c. state specifically the provision of Section 307 of
14 this title authorizing the executive session.

15 SECTION 2. This act shall become effective November 1, 2019.

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