

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

☐ FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend House Bill No. 3888, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Howard

Howard-BG-FS-Req#4039  
3/16/2020 8:45 PM

(Floor Amendments Only)    Date and Time Filed: \_\_\_\_\_

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

FLOOR SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 3888

By: Caldwell (Chad) of the  
House

and

Howard of the Senate

FLOOR SUBSTITUTE

[open meetings - definitions - exceptions -  
~~emergency~~]

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

SECTION 1. AMENDATORY 25 O.S. 2011, Section 304, as  
amended by Section 3, Chapter 81, O.S.L. 2019 (25 O.S. Supp. 2019,  
Section 304), is amended to read as follows:

Section 304. As used in the Oklahoma Open Meeting Act:

1. "Public body" means the governing bodies of all  
municipalities located within this state, boards of county  
commissioners of the counties in this state, boards of public and  
higher education in this state and all boards, bureaus, commissions,  
agencies, trusteeships, authorities, councils, committees, public  
trusts or any entity created by a public trust, including any  
committee or subcommittee composed of any of the members of a public

1 trust or other legal entity receiving funds from the Rural Economic  
2 Action Plan Fund as authorized by Section 2007 of Title 62 of the  
3 Oklahoma Statutes, task forces or study groups in this state  
4 supported in whole or in part by public funds or entrusted with the  
5 expending of public funds, or administering public property, and  
6 shall include all committees or subcommittees of any public body.  
7 Public body shall not include the state judiciary, the Council on  
8 Judicial Complaints when conducting, discussing, or deliberating any  
9 matter relating to a complaint received or filed with the Council,  
10 the Legislature, or administrative staffs of public bodies,  
11 including, but not limited to, faculty meetings and athletic staff  
12 meetings of institutions of higher education when those staffs are  
13 not meeting with the public body, or entry-year assistance  
14 committees. Furthermore, public body shall not include the  
15 multidisciplinary teams provided for in Section 1-9-102 of Title 10A  
16 of the Oklahoma Statutes and subsection C of Section 1-502.2 of  
17 Title 63 of the Oklahoma Statutes or any school board meeting for  
18 the sole purpose of considering recommendations of a  
19 multidisciplinary team and deciding the placement of any child who  
20 is the subject of the recommendations. Furthermore, public body  
21 shall not include meetings conducted by stewards designated by the  
22 Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title  
23 3A of the Oklahoma Statutes when the stewards are officiating at  
24 races or otherwise enforcing rules of the Commission;

1        2. "Meeting" means the conduct of business of a public body by  
2 a majority of its members being personally together or, as  
3 authorized by Section 307.1 of this title, together pursuant to a  
4 videoconference. Meeting shall not include informal gatherings of a  
5 majority of the members of the public body when no business of the  
6 public body is discussed;

7        3. "Regularly scheduled meeting" means a meeting at which the  
8 regular business of the public body is conducted;

9        4. "Special meeting" means any meeting of a public body other  
10 than a regularly scheduled meeting or emergency meeting;

11       5. "Emergency meeting" means any meeting called for the purpose  
12 of dealing with an emergency. For purposes of the Oklahoma Open  
13 Meeting Act, an emergency is defined as a situation involving injury  
14 to persons or injury and damage to public or personal property or  
15 immediate financial loss when the time requirements for public  
16 notice of a special meeting would make such procedure impractical  
17 and increase the likelihood of injury or damage or immediate  
18 financial loss;

19       6. "Continued or reconvened meeting" means a meeting which is  
20 assembled for the purpose of finishing business appearing on an  
21 agenda of a previous meeting. For the purposes of the Oklahoma Open  
22 Meeting Act, only matters on the agenda of the previous meeting at  
23 which the announcement of the continuance is made may be discussed  
24 at a continued or reconvened meeting; ~~and~~

1        7. "Videoconference" means a conference among members of a  
2 public body remote from one another who are linked by interactive  
3 telecommunication devices or technology permitting both visual and  
4 auditory communication between and among members of the public body  
5 or between and among members of the public body and members of the  
6 public. During any videoconference, both the visual and auditory  
7 communications functions ~~of the device~~ shall attempt to be utilized.  
8 ~~Whenever the term "teleconference" appears in any law in relation to~~  
9 ~~a meeting of a public body, it shall be deemed to mean a~~  
10 ~~videoconference as defined in this paragraph; and~~

11        8. "Teleconference" means a conference among members of a  
12 public body remote from one another who are linked by a  
13 telecommunications device or technology permitting auditory  
14 communication between and among members of the public body or  
15 between and among members of the public body and members of the  
16 public.

17        SECTION 2.        AMENDATORY        25 O.S. 2011, Section 306, is  
18 amended to read as follows:

19        Section 306. No informal gatherings or any electronic or  
20 telephonic communications, except teleconferences or  
21 videoconferences as authorized by Section ~~3~~ 307.1 of this ~~act~~ title,  
22 among a majority of the members of a public body shall be used to  
23 decide any action or to take any vote on any matter.

1       SECTION 3.       AMENDATORY       25 O.S. 2011, Section 307.1, as  
2 amended by Section 1, Chapter 119, O.S.L. 2019 (25 O.S. Supp. 2019,  
3 Section 307.1), is amended to read as follows:

4       Section 307.1. A. A Except as provided in subsections C and D  
5 of this section, a public body may hold meetings by videoconference  
6 where each member of the public body is visible and audible to each  
7 other and the public through a video monitor, subject to the  
8 following:

9       1.   a.   except as provided for in subparagraph b of this  
10             paragraph, no less than a quorum of the public body  
11             shall be present in person at the meeting site as  
12             posted on the meeting notice and agenda,

13       b.   a virtual charter school approved and sponsored by the  
14             Statewide Virtual Charter School Board pursuant to the  
15             provisions of Section 3-145.3 of Title 70 of the  
16             Oklahoma Statutes shall maintain a quorum of members  
17             for the entire duration of the meeting whether using  
18             an in-person site, videoconference sites or any  
19             combination of such sites to achieve a quorum;

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

23       a.   the location, address, and telephone number of each  
24             available videoconference site, and

1           b.    the identity of each member of the public body and the  
2                specific site from which each member of the body shall  
3                be physically present and participating in the  
4                meeting;

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

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

16          5.   Each site and room where a member of the public body is  
17 present for a meeting by videoconference shall be open and  
18 accessible to the public, and the public shall be allowed into that  
19 site and room. Public bodies may provide additional videoconference  
20 sites as a convenience to the public, but additional sites shall not  
21 be used to exclude or discourage public attendance at any  
22 videoconference site;

23          6.   The public shall be allowed to participate and speak, as  
24 allowed by rule or policy set by the public body, in a meeting at

1 the videoconference site in the same manner and to the same extent  
2 as the public is allowed to participate or speak at the site of the  
3 meeting;

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

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

10 B. No public body shall conduct an executive session by  
11 videoconference.

12 C. Upon the effective date of this act and until March 1, 2021,  
13 the provisions of this subsection and subsection D shall operate as  
14 law in this state.

15 1. A public body may hold meetings by teleconference or  
16 videoconference where each member of the public body is audible or  
17 visible to each other and the public, subject to the following:

18 a. a virtual charter school approved and sponsored by the  
19 Statewide Virtual Charter School Board pursuant to the  
20 provisions of the Oklahoma Statutes, the public body  
21 shall maintain a quorum of members for the entire  
22 duration of the meeting whether using an in-person  
23 site, teleconference or videoconference or any  
24 combination of such sites to achieve a quorum, and



1           b. if the meeting is held using either teleconference or  
2           videoconference capabilities, and at any time the  
3           audio connection is disconnected, the meeting shall be  
4           stopped and reconvened once the audio connection is  
5           restored;

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

9           a. each public body member appearing remotely and the  
10           method of each member's remote appearance, and

11           b. the identity of the public body member or members who  
12           will be physically present at the meeting site, if  
13           any;

14           3. After the meeting notice and agenda are prepared and posted  
15           as required by law, public body members shall not be permitted to  
16           alter their method of attendance; provided, however, those members  
17           who were identified as appearing remotely may be permitted to  
18           physically appear at the meeting site, if any, for the meeting;

19           4. The public shall be allowed to participate and speak, as  
20           allowed by rule or policy set by the public body, in a meeting which  
21           utilizes teleconference or videoconference in the same manner and to  
22           the same extent as the public is allowed to participate or speak  
23           during a meeting where all public body members are physically  
24           present together at the meeting site;

1       5. Any materials shared electronically between members of the  
2 public body during a meeting utilizing teleconferencing or  
3 videoconferencing shall also be immediately available to the public  
4 in the same form as shared with the members of the public body; and

5       6. All votes occurring during any meeting utilizing  
6 teleconference or videoconference shall occur and be recorded by  
7 roll call votes.

8       D. Public bodies are permitted to conduct an executive session  
9 by teleconference or videoconference. For such executive sessions,  
10 no public body member is required to be physically present so long  
11 as each public body member is audible or visible to each other. The  
12 meeting notice and agenda prepared in advance of the meeting as  
13 required by law, shall indicate if the executive session will  
14 include teleconferencing or videoconferencing and shall also state  
15 the identity of each public body member appearing remotely, the  
16 method of each member's remote appearance and whether any member  
17 will be physically present at the meeting site, if any, for the  
18 executive session.

19       SECTION 4.       AMENDATORY       25 O.S. 2011, Section 311, as last  
20 amended by Section 1, Chapter 376, O.S.L. 2019 (25 O.S. Supp. 2019,  
21 Section 311), is amended to read as follows:

22       Section 311. A. Notwithstanding any other provisions of law,  
23 all regularly scheduled, continued or reconvened, special or  
24

1 emergency meetings of public bodies shall be preceded by public  
2 notice as follows:

3 1. All public bodies shall give notice in writing by December  
4 15 of each calendar year of the schedule showing the date, time and  
5 place of the regularly scheduled meetings of such public bodies for  
6 the following calendar year;

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

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

14 4. All municipal public bodies, including, but not limited to,  
15 public trusts and any other bodies with the municipality as  
16 beneficiary, shall give such notice to the municipal clerk of the  
17 municipality wherein they are principally located;

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

23 6. All governing boards of state institutions of higher  
24 education, and committees and subcommittees thereof, shall give such

1 notice to the Secretary of State. All other public bodies covered  
2 by the provisions of the Oklahoma Open Meeting Act which exist under  
3 the auspices of a state institution of higher education, but a  
4 majority of whose members are not members of the institution's  
5 governing board, shall give such notice to the county clerk of the  
6 county wherein the institution is principally located;

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

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

17 9. In addition to the advance public notice in writing required  
18 to be filed for regularly scheduled meetings, described in paragraph  
19 1 of this subsection, all public bodies shall, at least twenty-four  
20 (24) hours prior to such regularly scheduled meetings, display  
21 public notice of the meeting by at least one of the following  
22 methods:

- 23 a. by posting information that includes date, time, place  
24 and agenda for the meeting in prominent public view at

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

1        c. upon the effective date of this act and until March 1,  
2        2021, the public body shall not be required to make  
3        the notice of a public meeting available to the public  
4        in the principal office of the public body or at the  
5        location of the meeting during normal business hours  
6        at least twenty-four (24) hours prior to the meeting;

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

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

21       12. Special meetings of public bodies shall not be held without  
22       public notice being given at least forty-eight (48) hours prior to  
23       the meetings. Such public notice of date, time and place shall be  
24       given in writing, in person or by telephonic means to the Secretary

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

paragraph 9 of this subsection, provided that forty-eight-hour notice is required for special meetings and that the forty-eight-hour requirement shall exclude Saturdays, Sundays and holidays legally declared by the State of Oklahoma; and

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

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

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

- a. contain sufficient information for the public to ascertain that an executive session will be proposed,
- b. identify the items of business and purposes of the executive session, and



1 c. state specifically the provision of Section 307 of  
2 this title authorizing the executive session.

3 ~~SECTION 5. It being immediately necessary for the preservation~~  
4 ~~of the public peace, health or safety, an emergency is hereby~~  
5 ~~declared to exist, by reason whereof this act shall take effect and~~  
6 ~~be in full force from and after its passage and approval.~~

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