

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

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

By: Pugh of the Senate

and

West (Tammy) of the House

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10 COMMITTEE SUBSTITUTE

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

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

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

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

1 1. All public bodies shall give notice in writing by December
2 15 of each calendar year of the schedule showing the date, time and
3 place of the regularly scheduled meetings of such public bodies for
4 the following calendar year~~;~~;

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

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

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

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

21 6. All governing boards of state institutions of higher
22 education, and committees and subcommittees thereof, shall give such
23 notice to the Secretary of State. All other public bodies covered
24 by the provisions of the Oklahoma Open Meeting Act which exist under

1 the auspices of a state institution of higher education, but a
2 majority of whose members are not members of the institution's
3 governing board, shall give such notice to the county clerk of the
4 county wherein the institution is principally located~~;~~;

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

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

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

21 a. by posting information that includes date, time, place
22 and agenda for the meeting in prominent public view at
23 the principal office of the public body or at the
24 location of the meeting if no office exists, or

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

20 10. The twenty-four (24) hours required in paragraph 9 of this
21 subsection shall exclude Saturdays, Sundays and holidays legally
22 declared by the State of Oklahoma. The posting or distribution of a
23 notice of a public meeting as described in paragraph 9 of this
24 subsection shall not preclude a public body from considering at its

1 regularly scheduled meeting any new business. "New business," as
2 used herein, shall mean any matter not known about or which could
3 not have been reasonably foreseen prior to the time of the posting-; i

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

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

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

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

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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17 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
18 dated 04/04/2019 - DO PASS, As Amended.
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