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February 28, 2019

AS AMENDED

SENATE BILL NO. 740

By: Pugh

An Act relating to definitions and general provisions; amending 25 O.S. 2011, Section 311, as amended by Section 1, Chapter 105, O.S.L. 2017 (25 O.S. Supp. 2018, Section 311), which relates to public meetings; modifying statutory reference; 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, as amended by Section 1, Chapter 105, O.S.L. 2017 (25 O.S. Supp. 2018, 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 the Oklahoma Open Meeting Act which exist under
21 the auspices of a state institution of higher education, but a
22 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 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 the meeting by at least one of the following
16 methods:

- 17 a. by posting information that includes date, time, place
18 and agenda for the meeting in prominent public view at
19 the principal office of the public body or at the
20 location of the meeting if no office exists, or
21 b. by posting on the public body's Internet website the
22 date, time, place and agenda for the meeting in
23 accordance with ~~Section 3102 of Title 74~~ Section
24 3106.2 of Title 74 of the Oklahoma Statutes.

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

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

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

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

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

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

22 B. 1. All agendas required pursuant to the provisions of this
23 section shall identify all items of business to be transacted by a
24 public body at a meeting including, but not limited to, any proposed

1 executive session for the purpose of engaging in deliberations or
2 rendering a final or intermediate decision in an individual
3 proceeding prescribed by the Administrative Procedures Act.

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

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

12 **C. Upon the effective date of this act, any municipality that**
13 **pays any type of compensation to their mayor or city councilors**
14 **shall post on the homepage of the municipal website information**
15 **regarding the mayor's or city councilor's compensation, including**
16 **salary, benefits and any other item of value that may be deemed as**
17 **compensation. The posting shall also include information that**
18 **states if the mayor has voting authority for the purpose of**
19 **conducting business with the governing body. Any municipality that**
20 **does not operate a website shall post the information pursuant to**
21 **this subsection in a conspicuous location at the entrance where the**
22 **governing body conducts business.**
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SECTION 2. This act shall become effective November 1, 2019.

COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
February 28, 2019 - DO PASS AS AMENDED