

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE
FOR ENGROSSED

HOUSE BILL NO. 3415

By: Pae and Phillips of the
House

and

Howard of the Senate

FLOOR SUBSTITUTE

[Oklahoma Open Meeting Act - live streaming -
videoconference - emergency declaration -
emergency]

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

SECTION 1. AMENDATORY 25 O.S. 2021, Section 307.1, is
amended to read as follows:

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

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

- b. a virtual charter school approved and sponsored by the Statewide Virtual Charter School Board pursuant to the provisions of Section 3-145.3 of Title 70 of the Oklahoma Statutes shall maintain a quorum of members for the entire duration of the meeting whether using an in-person site, videoconference sites or any combination of such sites to achieve a quorum~~+~~1 and
- c. each public meeting held by videoconference or teleconference shall be recorded either by written, electronic, or other means;

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

- a. the location, address, and telephone number of each available videoconference site, and
- b. the identity of each member of the public body and the specific site from which each member of the body shall be physically present and participating in the meeting;

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

1 4. In order to allow the public the maximum opportunity to
2 attend and observe each public official carrying out the duties of
3 the public official, a member or members of a public body desiring
4 to participate in a meeting by videoconference shall participate in
5 the videoconference from a site and room located within the district
6 or political subdivision from which they are elected, appointed, or
7 are sworn to represent;

8 5. Each site and room where a member of the public body is
9 present for a meeting by videoconference shall be open and
10 accessible to the public, and the public shall be allowed into that
11 site and room. Public bodies may provide additional videoconference
12 sites as a convenience to the public, but additional sites shall not
13 be used to exclude or discourage public attendance at any
14 videoconference site;

15 6. The public shall be allowed to participate and speak, as
16 allowed by rule or policy set by the public body, in a meeting at
17 the videoconference site in the same manner and to the same extent
18 as the public is allowed to participate or speak at the site of the
19 meeting;

20 7. Any materials shared electronically between members of the
21 public body, before or during the videoconference, shall also be
22 immediately available to the public in the same form and manner as
23 shared with members of the public body; and
24

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

3 9. To the extent practicable, if a public body maintains a
4 website and has immediate access to a high-speed Internet
5 connection, such meetings of the public body shall be streamed live
6 on the website. Video of such meetings shall be maintained by the
7 public body and available to the public until minutes are made
8 available for inspection by the public as required by Section 312 of
9 this title.

10 B. ~~No~~ Except as provided in subsection D of this section, no
11 public body shall conduct an executive session by videoconference.

12 C. ~~Upon the effective date of this act and until February 15,~~
13 ~~2022, or until thirty (30) days after the expiration or termination~~
14 ~~of the state of emergency declared by the Governor to respond to the~~
15 ~~threat of COVID-19 to the people of this state and the public's~~
16 ~~peace, health and safety, whichever date first occurs, the~~ The
17 provisions of this subsection and subsection D of this section shall
18 ~~operate as law in this state~~ apply to a public body in any county in
19 which the Governor or board of county commissioners has declared a
20 state of emergency until the emergency declaration expires or is
21 terminated.

22 1. A public body may hold meetings by teleconference or
23 videoconference if each member of the public body is audible or
24 visible to each other and the public, subject to the following:

- a. for a virtual charter school approved and sponsored by the Statewide Virtual Charter School Board pursuant to the provisions of the Oklahoma Statutes, the public body shall maintain a quorum of members for the entire duration of the meeting whether using an in-person site, teleconference, or videoconference or any combination of such sites to achieve a quorum, and
- b. if the meeting is held using either teleconference or videoconference capabilities, and at any time the audio connection is disconnected, the meeting shall be stopped and reconvened once the audio connection is restored;

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

- a. each public body member appearing remotely and the method of each member's remote appearance, and
- b. the identity of the public body member or members who will be physically present at the meeting site, if any;

3. After the meeting notice and agenda are prepared and posted as required by law, public body members shall not be permitted to alter their method of attendance; provided, however, those members

1 who were identified as appearing remotely may be permitted to
2 physically appear at the meeting site, if any, for the meeting;

3 4. The public body shall be allowed to participate and speak,
4 as allowed by rule or policy set by the public body, in a meeting
5 which utilizes teleconference or videoconference in the same manner
6 and to the same extent as the public is allowed to participate or
7 speak during a meeting where all public body members are physically
8 present together at the meeting site;

9 5. Any documents or other materials provided to members of the
10 public body or shared electronically between members of the public
11 body during a meeting utilizing teleconferencing or
12 videoconferencing shall also be immediately available to the public
13 on the website of the public body, if the public body maintains a
14 website; and

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

18 D. Public bodies ~~are permitted to~~ may conduct an executive
19 session by teleconference or videoconference in any county in which
20 the Governor or the board of county commissioners has declared a
21 state of emergency until the emergency declaration expires or is
22 terminated. For such executive sessions, no public body member is
23 required to be physically present so long as each public body member
24 is audible or visible to each other. The meeting notice and agenda

1 prepared in advance of the meeting as required by law shall indicate
2 if the executive session will include teleconferencing or
3 videoconferencing and shall also state the identity of each public
4 body member appearing remotely, the method of each member's remote
5 appearance, and whether any member will be physically present at the
6 meeting site, if any, for the executive session.

7 SECTION 2. AMENDATORY 25 O.S. 2021, Section 311, is
8 amended to read as follows:

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

13 1. All public bodies shall give notice in writing by December
14 15 of each calendar year of the schedule showing the date, time and
15 place of the regularly scheduled meetings of such public bodies for
16 the following calendar year;

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

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

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

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

10 6. All governing boards of state institutions of higher
11 education, and committees and subcommittees thereof, shall give such
12 notice to the Secretary of State. All other public bodies covered
13 by the provisions of the Oklahoma Open Meeting Act which exist under
14 the auspices of a state institution of higher education, but a
15 majority of whose members are not members of the institution's
16 governing board, shall give such notice to the county clerk of the
17 county wherein the institution is principally located;

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

23 8. If any change is to be made of the date, time or place of
24 regularly scheduled meetings of public bodies, then notice in

1 writing shall be given to the Secretary of State or county clerk or
2 municipal clerk, as required herein, not less than ten (10) days
3 prior to the implementation of any such change;

4 9. In addition to the advance public notice in writing required
5 to be filed for regularly scheduled meetings, described in paragraph
6 1 of this subsection, all public bodies shall, at least twenty-four
7 (24) hours prior to such regularly scheduled meetings, display
8 public notice of the meeting by at least one of the following
9 methods:

- 10 a. by posting information that includes date, time, place
11 and agenda for the meeting in prominent public view at
12 the principal office of the public body or at the
13 location of the meeting if no office exists, ~~or~~
14 b. by posting on the public body's Internet website the
15 date, time, place and agenda for the meeting in
16 accordance with Section 3106.2 of Title 74 of the
17 Oklahoma Statutes. Additionally, the public body
18 shall offer and consistently maintain an email
19 distribution system for distribution of such notice of
20 a public meeting required by this subsection, and any
21 person may request to be included without charge, and
22 their request shall be accepted. The emailed notice
23 of a public meeting required by this subsection shall
24 include in the body of the email or as an attachment

1 to the email the date, time, place and agenda for the
2 meeting and it shall be sent no less than twenty-four
3 (24) hours prior to the meeting. Additionally, except
4 as provided in subparagraph c of this paragraph, the
5 public body shall make the notice of a public meeting
6 required by this subsection available to the public in
7 the principal office of the public body or at the
8 location of the meeting during normal business hours
9 at least twenty-four (24) hours prior to the meeting,
10 or

11 c. ~~upon the effective date of this act and until February~~
12 ~~15, 2022, or until thirty (30) days after the~~
13 ~~expiration or termination of the state of emergency~~
14 ~~declared by the Governor to respond to the threat of~~
15 ~~COVID-19 to the people of this state and the public's~~
16 ~~peace, health and safety, whichever date first occurs~~
17 for a public body in any county in which the Governor
18 or board of county commissioners has declared a state
19 of emergency until the emergency declaration expires
20 or is terminated, the public body shall not be
21 required to make the notice of a public meeting
22 available to the public in the principal office of the
23 public body or at the location of the meeting during
24

1 normal business hours at least twenty-four (24) hours
2 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 11. In the event any meeting is to be continued or reconvened,
12 public notice of such action including date, time and place of the
13 continued meeting, shall be given by announcement at the original
14 meeting. Only matters appearing on the agenda of the meeting which
15 is continued may be discussed at the continued or reconvened
16 meeting;

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

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

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

8 14. A public body that gives public notice of a meeting for
9 which there will be a videoconference option in accordance with
10 Section 307.1 of this title shall not modify the method of meeting
11 described in the notice prior to the meeting and shall conduct the
12 meeting according to the methods described in the notice. If a code
13 or password is required to access the videoconference meeting, the
14 code or password shall be included in the public notice.

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

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

- 23 a. contain sufficient information for the public to
24 ascertain that an executive session will be proposed,

1 b. identify the items of business and purposes of the
2 executive session, and

3 c. state specifically the provision of Section 307 of
4 this title authorizing the executive session.

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

9
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