

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 58th Legislature (2021)

4   HOUSE BILL 2644

By: Echols, **Fugate** and **Phillips**

7                               AS INTRODUCED

8           An Act relating to open meetings; amending 25 O.S.  
9           2011, Section 307.1, as last amended by Section 3,  
10          Chapter 3, O.S.L. 2020 (25 O.S. Supp. 2020, Section  
11          307.1), which relates to videoconferences and  
12          teleconferences; amending certain date; amending 25  
13          O.S. 2011, Section 311, as last amended by Section 4,  
14          Chapter 3, O.S.L. 2020 (25 O.S. Supp. 2020, Section  
15          311), which relates to notice; requiring adherence to  
16          certain notice provisions; requiring notice of  
17          certain information; modifying date; and declaring an  
18          emergency.

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

17           SECTION 1.           AMENDATORY           25 O.S. 2011, Section 307.1, as  
18           last amended by Section 3, Chapter 3, O.S.L. 2020 (25 O.S. Supp.  
19           2020, Section 307.1), is amended to read as follows:

20           Section 307.1   A.   Except as provided in subsections C and D of  
21           this section, a public body may hold meetings by videoconference  
22           where each member of the public body is visible and audible to each  
23           other and the public through a video monitor, subject to the  
24           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; 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;

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

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

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

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

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

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

7       B. No public body shall conduct an executive session by  
8 videoconference.

9       C. Upon the effective date of this act and until ~~November 15,~~  
10 ~~2020, or the Governor declaring the state of emergency to be~~  
11 ~~terminated, whichever date first occurs~~ March 31, 2024, the  
12 provisions of this subsection and subsection D shall operate as law  
13 in this state.

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

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

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 body shall be allowed to participate and speak,  
20 as allowed by rule or policy set by the public body, in a meeting  
21 which utilizes teleconference or videoconference in the same manner  
22 and to the same extent as the public is allowed to participate or  
23 speak 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 include  
14 teleconferencing or videoconferencing and shall also state the  
15 identity of each public body member appearing remotely, the method  
16 of each member's remote appearance, and whether any member will be  
17 physically present at the meeting site, if any, for the executive  
18 session.

19        SECTION 2.        AMENDATORY        25 O.S. 2011, Section 311, as last  
20 amended by Section 4, Chapter 3, O.S.L. 2020 (25 O.S. Supp. 2020,  
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 ~~November~~  
2               ~~15, 2020, or the Governor declaring the state of~~  
3               ~~emergency to be terminated, whichever date first~~  
4               ~~occurs~~ March 31, 2024, the public body shall not be  
5               required to make the notice of a public meeting  
6               available to the public in the principal office of the  
7               public body or at the location of the meeting during  
8               normal business hours at least twenty-four (24) hours  
9               prior to the meeting;

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

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

1        12. Special meetings of public bodies shall not be held without  
2 public notice being given at least forty-eight (48) hours prior to  
3 the meetings. Such public notice of date, time and place shall be  
4 given in writing, in person or by telephonic means to the Secretary  
5 of State or to the county clerk or to the municipal clerk by public  
6 bodies in the manner set forth in paragraphs 2, 3, 4, 5 and 6 of  
7 this subsection. The public body also shall cause written notice of  
8 the date, time and place of the meeting to be mailed or delivered to  
9 each person, newspaper, wire service, radio station and television  
10 station that has filed a written request for notice of meetings of  
11 the public body with the clerk or secretary of the public body or  
12 with some other person designated by the public body. Such written  
13 notice shall be mailed or delivered at least forty-eight (48) hours  
14 prior to the special meeting. The public body may charge a fee of  
15 up to Eighteen Dollars (\$18.00) per year to persons or entities  
16 filing a written request for notice of meetings, and may require  
17 such persons or entities to renew the request for notice annually.  
18 In addition, all public bodies shall, at least twenty-four (24)  
19 hours prior to such special meetings, display public notice of the  
20 meeting, setting forth thereon the date, time, place and agenda for  
21 the meeting. Only matters appearing on the posted agenda may be  
22 considered at the special meeting. Such public notice shall be  
23 posted in prominent public view at the principal office of the  
24 public body or at the location of the meeting if no office exists.

1 Twenty-four (24) hours prior public posting shall exclude Saturdays,  
2 Sundays and holidays legally declared by the State of Oklahoma. In  
3 lieu of the public posting requirements of this paragraph, a public  
4 body may elect to follow the requirements found in subparagraph b of  
5 paragraph 9 of this subsection, provided that forty-eight-hour  
6 notice is required for special meetings and that the forty-eight-  
7 hour requirement shall exclude Saturdays, Sundays and holidays  
8 legally declared by the State of Oklahoma; and

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

16 14. Any public body that gives public notice of any meeting for  
17 which there will be a videoconference option in accordance with  
18 Section 307.1 of this title shall not modify the method of meeting  
19 described in the notice prior to the meeting and shall conduct the  
20 meeting according to the methods described in the notice. If a code  
21 or password is required to log in to the videoconference meeting,  
22 such code or password shall be included in the meeting notice.

23 B. 1. All agendas required pursuant to the provisions of this  
24 section shall identify all items of business to be transacted by a

1 public body at a meeting including, but not limited to, any proposed  
2 executive session for the purpose of engaging in deliberations or  
3 rendering a final or intermediate decision in an individual  
4 proceeding prescribed by the Administrative Procedures Act.

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

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

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

17  
18 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated  
19 02/25/2021 - DO PASS, As Coauthored.  
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