

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1547

By: Treat

AS INTRODUCED

An Act relating to the Oklahoma Open Meeting Act; amending 25 O.S. 2021, Sections 307.1 and 311, which relate to videoconferences and teleconferences and notice; requiring live stream of certain meetings; reinstating certain alternative procedures in emergency circumstances; specifying expiration of alternate procedures; modifying certain notice requirement in emergency circumstances; and declaring an 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

1 shall be present in person at the meeting site as
2 posted on the meeting notice and agenda,

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

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

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

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

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

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

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

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

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

5 9. To the extent practicable, if a public body maintains a
6 website and utilizes a high-speed Internet connection, all meetings
7 of the public body shall be streamed live on such website and posted
8 on the website after the meeting.

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

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

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

- 23 a. for a virtual charter school approved and sponsored by
24 the Statewide Virtual Charter School Board pursuant to

1 the provisions of the Oklahoma Statutes, the public
2 body shall maintain a quorum of members for the entire
3 duration of the meeting whether using an in-person
4 site, teleconference, or videoconference or any
5 combination of such sites to achieve a quorum, and

6 b. if the meeting is held using either teleconference or
7 videoconference capabilities, and at any time the
8 audio connection is disconnected, the meeting shall be
9 stopped and reconvened once the audio connection is
10 restored;

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

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

16 b. the identity of the public body member or members who
17 will be physically present at the meeting site, if
18 any;

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

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

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

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

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

1 physically present at the meeting site, if any, for the executive
2 session.

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

5 Section 311. A. Notwithstanding any other provisions of law,
6 all regularly scheduled, continued or reconvened, special or
7 emergency meetings of public bodies shall be preceded by public
8 notice as follows:

9 1. All public bodies shall give notice in writing by December
10 15 of each calendar year of the schedule showing the date, time and
11 place of the regularly scheduled meetings of such public bodies for
12 the following calendar year;

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

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

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

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

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

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

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

1 9. In addition to the advance public notice in writing required
2 to be filed for regularly scheduled meetings, described in paragraph
3 1 of this subsection, all public bodies shall, at least twenty-four
4 (24) hours prior to such regularly scheduled meetings, display
5 public notice of the meeting by at least one of the following
6 methods:

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

1 as provided in subparagraph c of this paragraph, the
2 public body shall make the notice of a public meeting
3 required by this subsection available to the public in
4 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 or

8 c. ~~upon the effective date of this act and until February~~
9 ~~15, 2022, or until thirty (30) days after the~~
10 ~~expiration or termination of the state of emergency~~
11 ~~declared by the Governor to respond to the threat of~~
12 ~~COVID-19 to the people of this state and the public's~~
13 ~~peace, health and safety, whichever date first occurs~~
14 for a public body in any county for which the Governor
15 declares a state of emergency until the emergency
16 declaration expires or is terminated, the public body
17 shall not be required to make the notice of a public
18 meeting available to the public in the principal
19 office of the public body or at the location of the
20 meeting during normal business hours at least twenty-
21 four (24) hours prior to the meeting;

22 10. The twenty-four (24) hours required in paragraph 9 of this
23 subsection shall exclude Saturdays, Sundays and holidays legally
24 declared by the State of Oklahoma. The posting or distribution of a

1 notice of a public meeting as described in paragraph 9 of this
2 subsection shall not preclude a public body from considering at its
3 regularly scheduled meeting any new business. "New business", as
4 used herein, shall mean any matter not known about or which could
5 not have been reasonably foreseen prior to the time of the posting;

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

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

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

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

1 circumstances existing, in person or by telephonic or electronic
2 means; and

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

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

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

- 18 a. contain sufficient information for the public to
19 ascertain that an executive session will be proposed,
 - 20 b. identify the items of business and purposes of the
21 executive session, and
 - 22 c. state specifically the provision of Section 307 of
23 this title authorizing the executive session.
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1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.
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