

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1804

By: Howard

6 AS INTRODUCED

7 An Act relating to the Oklahoma Open Meeting Act;
8 amending 25 O.S. 2021, Sections 304 and 307.1, which
9 relate to definitions, videoconferences, and
10 teleconferences; modifying definitions; authorizing
11 electronic attendance and participation in certain
12 public meetings; limiting allowable electronic
13 attendance by members of public body; providing
14 exception; requiring maintenance of quorum; requiring
15 minutes of certain meetings; modifying procedures for
16 public participation in certain meetings; requiring
17 certain materials to be made available to public;
18 requiring roll call votes; deleting certain emergency
19 provisions; conforming language; and providing an
20 effective date.

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

22 SECTION 1. AMENDATORY 25 O.S. 2021, Section 304, is
23 amended to read as follows:

24 Section 304. As used in the Oklahoma Open Meeting Act:

25 1. "Public body" means the governing bodies of all
26 municipalities located within this state, boards of county
27 commissioners of the counties in this state, boards of public and
28 higher education in this state and all boards, bureaus, commissions,
29

1 agencies, trusteeships, authorities, councils, committees, public
2 trusts or any entity created by a public trust, including any
3 committee or subcommittee composed of any of the members of a public
4 trust or other legal entity receiving funds from the Rural Economic
5 Action Plan Fund as authorized by Section 2007 of Title 62 of the
6 Oklahoma Statutes, task forces or study groups in this state
7 supported in whole or in part by public funds or entrusted with the
8 expending of public funds, or administering public property, and
9 shall include all committees or subcommittees of any public body.
10 Public body shall not include the state judiciary, the Council on
11 Judicial Complaints when conducting, discussing, or deliberating any
12 matter relating to a complaint received or filed with the Council,
13 the Legislature, or administrative staffs of public bodies,
14 including, but not limited to, faculty meetings and athletic staff
15 meetings of institutions of higher education when those staffs are
16 not meeting with the public body, or entry-year assistance
17 committees. Furthermore, public body shall not include the
18 multidisciplinary teams provided for in Section 1-9-102 of Title 10A
19 of the Oklahoma Statutes and subsection C of Section 1-502.2 of
20 Title 63 of the Oklahoma Statutes or any school board meeting for
21 the sole purpose of considering recommendations of a
22 multidisciplinary team and deciding the placement of any child who
23 is the subject of the recommendations. Furthermore, public body
24 shall not include meetings conducted by stewards designated by the

1 Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title
2 3A of the Oklahoma Statutes when the stewards are officiating at
3 races or otherwise enforcing rules of the Commission. Furthermore,
4 public body shall not include the board of directors of a Federally
5 Qualified Health Center;

6 2. "Meeting" means the conduct of business of a public body by
7 a majority of its members being personally together or, as
8 authorized by Section 307.1 of this title, together pursuant to a
9 videoconference. Meeting shall not include informal gatherings of a
10 majority of the members of the public body when no business of the
11 public body is discussed;

12 3. "Regularly scheduled meeting" means a meeting at which the
13 regular business of the public body is conducted;

14 4. "Special meeting" means any meeting of a public body other
15 than a regularly scheduled meeting or emergency meeting;

16 5. "Emergency meeting" means any meeting called for the purpose
17 of dealing with an emergency. For purposes of the Oklahoma Open
18 Meeting Act, an emergency is defined as a situation involving injury
19 to persons or injury and damage to public or personal property or
20 immediate financial loss when the time requirements for public
21 notice of a special meeting would make such procedure impractical
22 and increase the likelihood of injury or damage or immediate
23 financial loss;

1 6. "Continued or reconvened meeting" means a meeting which is
2 assembled for the purpose of finishing business appearing on an
3 agenda of a previous meeting. For the purposes of the Oklahoma Open
4 Meeting Act, only matters on the agenda of the previous meeting at
5 which the announcement of the continuance is made may be discussed
6 at a continued or reconvened meeting;

7 7. "Videoconference" means ~~a conference among members of a~~
8 ~~public body remote from one another who are linked by interactive~~
9 ~~telecommunication devices or technology and/or technology permitting~~
10 ~~both visual and auditory communication between and among members of~~
11 ~~the public body and/or between and among members of the public body~~
12 ~~and members of the public. During any videoconference, both the~~
13 ~~visual and auditory communications functions shall attempt to be~~
14 ~~utilized~~ interaction at a public meeting pursuant to the
15 requirements of Section 307.1 of this title; and

16 8. "Teleconference" means ~~a conference among members of a~~
17 ~~public body remote from one another who are linked by~~
18 ~~telecommunication devices and/or technology permitting auditory~~
19 ~~communication between and among members of the public body and/or~~
20 ~~between and among members of the public body and members of the~~
21 ~~public~~ interaction at a public meeting pursuant to the requirements
22 of Section 307.1 of this title.

23 SECTION 2. AMENDATORY 25 O.S. 2021, Section 307.1, is
24 amended to read as follows:

1 Section 307.1. ~~A. Except as provided in subsections C and D of~~
2 ~~this section, a~~ A public body may hold meetings and executive
3 sessions by ~~videoconference~~ electronic means where each member of
4 the public body ~~is visible and audible to each other and the public~~
5 ~~through a video monitor~~ may participate in the meetings
6 electronically, subject to the following:

7 1. a. ~~except as provided for in subparagraph b of this~~
8 ~~paragraph, no less than a quorum of the public body~~
9 ~~shall be present in person at the meeting site as~~
10 ~~posted on the meeting notice and agenda~~ A member of a
11 public body shall not participate electronically in
12 more than half of the regularly scheduled meetings of
13 the public body in a calendar year, and electronic
14 participation in more than half of such meetings shall
15 be recorded as an absence; provided, however, such
16 requirement shall not apply during a declared state of
17 emergency. The requirements of this subparagraph
18 shall not apply to a person serving on a virtual
19 charter school approved and sponsored by the Statewide
20 Virtual Charter School Board pursuant to the
21 provisions of Section 3-145.3 of Title 70 of the
22 Oklahoma Statutes,

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

1 ~~provisions of Section 3-145.3 of Title 70 of the~~
2 ~~Oklahoma Statutes~~ A public body shall maintain a
3 quorum of members for the entire duration of the
4 meeting whether using an in-person site,
5 ~~videoconference sites~~ electronic participation or any
6 combination of ~~such sites~~ thereof to achieve a
7 quorum~~;~~ and

8 c. ~~each~~ Each public meeting held by ~~videoconference or~~
9 ~~teleconference~~ in compliance with this section shall
10 ~~be recorded either by written, electronic, or other~~
11 ~~means~~ have minutes prepared as required by law;

12 2. The meeting notice and agenda prepared in advance of the
13 meeting, as required by law, shall indicate if the meeting ~~will~~ may
14 include ~~videoconferencing locations~~ in-person or electronic
15 participation and shall state~~:~~

16 a. ~~the location,~~ and address of the in-person portion of
17 the meeting, and the telephone number ~~of each~~
18 ~~available videoconference site,~~ and

19 b. ~~the identity of each member of the public body and the~~
20 ~~specific site from which each member of the body shall~~
21 ~~be physically present and participating in the~~
22 ~~meeting;~~

23 3. ~~After the meeting notice and agenda are prepared and posted,~~
24 ~~as required by law, no member of the public body shall be allowed to~~

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. and any other electronic source that may be used to access~~
18 ~~the meeting;~~

19 ~~3. The public shall be allowed to participate and speak, as~~
20 ~~allowed by at an in-person or electronically-held meeting to the~~
21 ~~extent such participation is consistent with a previously adopted~~
22 ~~rule or policy set by the public body, in a meeting at the~~
23 ~~videoconference site in the same manner and to the same extent as~~
24

1 ~~the public is allowed to participate or speak at the site of the~~
2 ~~meeting;~~

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

7 ~~8. 5.~~ All votes occurring during any meeting conducted using
8 ~~videoconferencing~~ electronic means shall occur and be recorded by
9 roll call vote.

10 ~~B. No public body shall conduct an executive session by~~
11 ~~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~~
17 ~~provisions of this subsection and subsection D shall operate as law~~
18 ~~in this state.~~

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

22 ~~a. for a virtual charter school approved and sponsored by~~
23 ~~the Statewide Virtual Charter School Board pursuant to~~
24 ~~the provisions of the Oklahoma Statutes, the public~~

1 ~~body shall maintain a quorum of members for the entire~~
2 ~~duration of the meeting whether using an in-person~~
3 ~~site, teleconference, or videoconference or any~~
4 ~~combination of such sites to achieve a quorum, and~~
5 ~~b. if the meeting is held using either teleconference or~~
6 ~~videoconference capabilities, and at any time the~~
7 ~~audio connection is disconnected, the meeting shall be~~
8 ~~stopped and reconvened once the audio connection is~~
9 ~~restored;~~

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

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

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

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

23 ~~4. The public body shall be allowed to participate and speak,~~
24 ~~as allowed by rule or policy set by the public body, in a meeting~~

1 ~~which utilizes teleconference or videoconference in the same manner~~
2 ~~and to the same extent as the public is allowed to participate or~~
3 ~~speak during a meeting where all public body members are physically~~
4 ~~present together at the meeting site;~~

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

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

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

SECTION 3. This act shall become effective November 1, 2022.

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