

1 **SENATE FLOOR VERSION**

2 April 9, 2024

3 ENGROSSED HOUSE  
4 BILL NO. 3937

By: Provenzano, Hefner, Deck,  
and Swope of the House

5 and

6 Burns of the Senate

7  
8  
9 An Act relating to the Open Meeting Act; amending 25  
10 O.S. 2021, Section 311, which relates to notice  
11 requirements; removing expired notice exceptions for  
12 the COVID-19 pandemic; modifying provisions related  
13 to publishing notice and agendas online; and  
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 25 O.S. 2021, Section 311, is  
17 amended to read as follows:

18 Section 311. A. Notwithstanding any other provisions of law,  
19 all regularly scheduled, continued or reconvened, special or  
20 emergency meetings of public bodies shall be preceded by public  
21 notice as follows:

22 1. All public bodies shall give notice in writing by December  
23 15 of each calendar year of the schedule showing the date, time and  
24 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. a. In addition to the advance public notice in writing  
12 required to be filed for regularly scheduled meetings,  
13 described in paragraph 1 of this subsection, all  
14 public bodies shall, at least twenty-four (24) hours  
15 prior to such regularly scheduled meetings, display  
16 public notice of the meeting by at least one of the  
17 following methods:

18        ~~a.~~

19        (1) by posting information that includes date, time,  
20 place and agenda for the meeting in prominent  
21 public view at the principal office of the public  
22 body or at the location of the meeting if no  
23 office exists, or

24        ~~b.~~

1           (2) by posting on the public body's Internet website  
2           the date, time, place and agenda for the meeting  
3           in accordance with Section 3106.2 of Title 74 of  
4           the Oklahoma Statutes. Additionally, the public  
5           body shall offer and consistently maintain an  
6           email distribution system for distribution of  
7           such notice of a public meeting required by this  
8           subsection, and any person may request to be  
9           included without charge, and their request shall  
10          be accepted. The emailed notice of a public  
11          meeting required by this subsection shall include  
12          in the body of the email or as an attachment to  
13          the email the date, time, place and agenda for  
14          the meeting and it shall be sent no less than  
15          twenty-four (24) hours prior to the meeting.  
16          Additionally, ~~except as provided in subparagraph~~  
17          ~~e of this paragraph,~~ the public body shall make  
18          the notice of a public meeting required by this  
19          subsection available to the public in the  
20          principal office of the public body or at the  
21          location of the meeting during normal business  
22          hours at least twenty-four (24) hours prior to  
23          the meeting, ~~or~~

1           e.   ~~upon the effective date of this act and until February~~  
2           ~~15, 2022, or until thirty (30) days after the~~  
3           ~~expiration or termination of the state of emergency~~  
4           ~~declared by the Governor to respond to the threat of~~  
5           ~~COVID-19 to the people of this state and the public's~~  
6           ~~peace, health and safety, whichever date first occurs,~~  
7           ~~the public body shall not be required to make the~~  
8           ~~notice of a public meeting available to the public in~~  
9           ~~the principal office of the public body or at the~~  
10          ~~location of the meeting during normal business hours~~  
11          ~~at least twenty-four (24) hours prior to the meeting.~~

12          b.   In addition to the notice requirements of this  
13          section, all state public bodies, as defined in  
14          paragraph 2 of this subsection, shall at least twenty-  
15          four (24) hours prior to regularly scheduled meetings,  
16          display public notice of the meeting by:

- 17          (1)   posting information that includes date, time,  
18               place and agenda for the meeting in prominent  
19               public view at the principal office of the public  
20               body or at the location of the meeting if no  
21               office exists, and  
22          (2)   posting on the public body's Internet website the  
23               date, time, place and agenda for the meeting in  
24

1                   accordance with Section 3106.2 of Title 74 of the  
2                   Oklahoma Statutes;

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 division (2) of  
21 subparagraph b a of paragraph 9 of this subsection, provided that  
22 forty-eight-hour notice is required for special meetings and that  
23 the forty-eight-hour requirement shall exclude Saturdays, Sundays  
24 and holidays 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 2.   This act shall become effective November 1, 2024.

6   COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
7   April 9, 2024 - DO PASS