

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3937

By: Provenzano

AS INTRODUCED

An Act relating to the Open Meeting Act; amending 25 O.S. 2021, Section 311, which relates to notice requirements; modifying provisions related to publishing notice and agendas online; removing expired notice exceptions for the COVID-19 pandemic; amending 74 O.S. 2021, Section 3106.2, which relates to Internet postings; requiring information for special meetings to be posted on the Internet; and providing an effective date.

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

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

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

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

- 17 a. by posting information that includes date, time, place
18 and agenda for the meeting in prominent public view at
19 the principal office of the public body or at the
20 location of the meeting if no office exists, ~~or~~ and
21 b. by posting on the public body's Internet website the
22 date, time, place and agenda for the meeting in
23 accordance with Section 3106.2 of Title 74 of the
24 Oklahoma Statutes. Additionally, the public body
--

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

18 ~~e. upon the effective date of this act and until February~~
19 ~~15, 2022, or until thirty (30) days after the~~
20 ~~expiration or termination of the state of emergency~~
21 ~~declared by the Governor to respond to the threat of~~
22 ~~COVID-19 to the people of this state and the public's~~
23 ~~peace, health and safety, whichever date first occurs,~~
24 ~~the public body shall not be required to make the~~
..

~~notice of a public meeting available to the public in
the principal office of the public body or at the
location of the meeting during normal business hours
at least twenty-four (24) hours prior to the meeting;~~

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

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

12. Special meetings of public bodies shall not be held without public notice being given at least forty-eight (48) hours prior to the meetings. Such public notice of date, time and place shall be given in writing, in person or by telephonic means to the Secretary of State or to the county clerk or to the municipal clerk by public bodies in the manner set forth in paragraphs 2, 3, 4, 5 and 6 of

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

1 for special meetings ~~and that the forty-eight-hour requirement shall~~
2 ~~exclude~~ excluding Saturdays, Sundays and holidays legally declared
3 by the State of Oklahoma;

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

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

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

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

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

9 SECTION 2. AMENDATORY 74 O.S. 2021, Section 3106.2, is
10 amended to read as follows:

11 Section 3106.2 A. On or before January 1, 2002, or within six
12 (6) months of the establishment of an Internet website, whichever is
13 later, public bodies shall make available on their Internet website
14 or on a general website if a public body uses a general website, a
15 schedule and information about the regularly and specially scheduled
16 meetings of the public bodies or their governing bodies. The
17 information made available shall include the date, time, place and
18 agenda of each meeting. When reasonably possible, public bodies
19 shall also provide information about the date, time, place and
20 agenda of any ~~special or~~ emergency meetings of the public body.

21 B. The provisions of subsection A of this section shall not be
22 construed to amend or alter the requirements of the Oklahoma Open
23 Meeting Act.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
--

C. On or before January 1, 2002, or within six (6) months of the establishment of an Internet website, whichever is later, public bodies shall make available on their Internet website the names of members of their governing bodies and such other information about the members as the public body may choose to include.

D. For purposes of this section, "public body" is defined as provided by paragraph 1 of Section 304 of Title 25 of the Oklahoma Statutes and shall include each institution within The Oklahoma State System of Higher Education.

SECTION 3. This act shall become effective November 1, 2024.

59-2-8573 SW 11/28/23