

An Act

ENROLLED HOUSE
BILL NO. 1664

By: Cantrell of the House

and

Alvord of the Senate

An Act relating to the Oklahoma Open Meeting Act; amending 19 O.S. 2021, Section 326, which relates to meetings; exempting certain activities of county commissioners from the Oklahoma Open Meeting Act; amending 25 O.S. 2021, Sections 304, as last amended by Section 3, Chapter 237, O.S.L. 2024, and 307.1, as last amended by Section 1, Chapter 246, O.S.L. 2024 (25 O.S. Supp. 2024, Sections 304 and 307.1), which relate to definitions, videoconferences, and teleconferences; modifying definitions; providing confidentiality exception for requirement to share certain materials with the public; authorizing Statewide Independent Living Council to conduct executive sessions by videoconference technology; establishing requirements for executive sessions conducted by videoconference technology; updating statutory language; updating statutory reference; and declaring an emergency.

SUBJECT: Oklahoma Open Meeting Act

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

SECTION 1. AMENDATORY 19 O.S. 2021, Section 326, is amended to read as follows:

Section 326. A. In addition to the special sessions for equalizing assessments, and all other special sessions now provided by law, the county commissioners shall meet and hold sessions for the transaction of business in the county courthouse, at the county seat, on or before the first Monday of each month, and may remain in

session as long as the public business may require, and the passing upon, allowing or rejecting of bills against the county shall be taken up and passed upon by the board in the order in which the claims have been filed, and in which order such claims must be entered upon the calendar, except salary, wage and compensation claims of officers and deputies and employees, which salary, wage and compensation claims may be considered and paid, on or after the termination of the service pay period; provided, that such claims by subordinate deputies and employees be first approved by the officer having charge of the office or department. The board of county commissioners may recess or adjourn its meetings within the session, either from time to time or from day to day, or on call of the ~~chairman~~ chair; but, if such board does not sooner adjourn its session for any month, such session shall terminate and be adjourned by operation of law on the last business day of such month. If the board shall have adjourned its session before the last business day of any month, the county clerk shall have power to call special sessions when the best interests of the county demand it, upon giving five (5) days' notice of the time and object of calling the commissioners together, by posting up notices in three public places in the county, or by publication in some newspaper of general circulation in the county; provided, that in the case of a vacancy in the office of county clerk, the ~~chairman~~ chair of the board shall have power to call a special session for the purpose of filling such vacancy.

B. The board of county commissioners may meet at times and in places within the county other than the county courthouse if it is determined that such meetings are beneficial to the general public. Such meetings shall be in compliance with the Oklahoma Open Meeting Act.

C. County commissioners may attend and participate in conferences, trainings, and educational, press, and social events, even if a quorum is present, provided that no official action is taken and any discussion of the business of the board of county commissioners is incidental to the event.

D. County commissioners may attend and participate in meetings and proceedings of the Legislature, even if a quorum is present, provided that no official action is taken.

E. In a county that has a county budget board as provided in Section 1407 of this title, county commissioners and other county elected officers may discuss budgetary matters, provided that a

quorum of the county budget board is not present and no official action is taken.

SECTION 2. AMENDATORY 25 O.S. 2021, Section 304, as last amended by Section 3, Chapter 237, O.S.L. 2024 (25 O.S. Supp. 2024, Section 304), is amended to read as follows:

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

1. "Public body" means the governing bodies of all municipalities located within this state, boards of county commissioners of the counties in this state, boards of public and higher education in this state and all boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts or any entity created by a public trust including any committee or subcommittee composed of any of the members of a public trust or other legal entity receiving funds from the Rural Economic Action Plan Fund as authorized by Section 2007 of Title 62 of the Oklahoma Statutes, task forces or study groups in this state supported in whole or in part by public funds or entrusted with the expending of public funds, or administering public property, and shall include all committees or subcommittees of any public body. Public body shall not include:

- a. the state judiciary,
- b. the Council on Judicial Complaints when conducting, discussing, or deliberating any matter relating to a complaint received or filed with the Council,
- c. the Legislature, ~~or~~
- d. administrative staffs of public bodies including, but not limited to, faculty meetings and athletic staff meetings of institutions of higher education when those staffs are not meeting with the public body, or entry-year assistance committees. ~~Furthermore, public body shall not include the,~~
- e. multidisciplinary teams provided for in Section 1-9-102 of Title 10A of the Oklahoma Statutes, in Section 10-115 of Title 43A of the Oklahoma Statutes, and in subsection C of Section 1-502.2 of Title 63 of the Oklahoma Statutes or any school board meeting for the sole purpose of considering recommendations of a

multidisciplinary team and deciding the placement of any child who is the subject of the recommendations. ~~Furthermore, public body shall not include,~~

f. meetings conducted by stewards designated by the Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title 3A of the Oklahoma Statutes when the stewards are officiating at races or otherwise enforcing rules of the Commission. ~~Furthermore, public body shall not include,~~

g. the board of directors of a Federally Qualified Health Center or the postadjudication review boards provided for in Sections 1116.2 and 1116.3 of Title 10 of the Oklahoma Statutes, or

h. boards of county commissioners for the purposes set forth in subsections C, D, and E of Section 326 of Title 19 of the Oklahoma Statutes;

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

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

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

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

6. "Continued or reconvened meeting" means a meeting which is assembled for the purpose of finishing business appearing on an agenda of a previous meeting. For the purposes of the Oklahoma Open

Meeting Act, only matters on the agenda of the previous meeting at which the announcement of the continuance is made may be discussed at a continued or reconvened meeting;

7. "Videoconference" means a conference among members of a public body remote from one another who are linked by interactive telecommunication devices or technology ~~and/or~~ or technology permitting both visual and auditory communication between and among members of the public body ~~and/or~~ or between and among members of the public body and members of the public. During any videoconference, both the visual and auditory communications functions shall attempt to be utilized; and

8. "Teleconference" means a conference among members of a public body remote from one another who are linked by telecommunication devices ~~and/or~~ or technology permitting auditory communication between and among members of the public body ~~and/or~~ or between and among members of the public body and members of the public.

SECTION 3. AMENDATORY 25 O.S. 2021, Section 307.1, as last amended by Section 1, Chapter 246, O.S.L. 2024 (25 O.S. Supp. 2024, Section 307.1), is amended to read as follows:

Section 307.1. A. 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 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~~ 3-132.1 of Title 70 of the Oklahoma Statutes, or the Statewide Independent Living Council established pursuant to Section 625.2 of Title 56 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;

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

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

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

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

7. Any Unless confidential or privileged under applicable law, any materials shared electronically between members of the public

body, before or during the videoconference, shall also be immediately available to the public in the same form and manner as shared with members of the public body; and

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

B. Except as provided for in ~~subsection~~ subsections C and D of this section, no public body shall conduct an executive session by videoconference.

C. The Oklahoma Tax Commission may conduct executive sessions with the taxpayer at issue attending using videoconference technology to discuss confidential taxpayer matters as provided for in Section 205 of Title 68 of the Oklahoma Statutes. During executive sessions, the Commission is required to be physically present while taxpayers may appear using videoconference technology. The technology selected and utilized by the Commission shall ensure taxpayer confidentiality including compliance with safeguards as provided for in Internal Revenue Service Publication 1075.

D. The Statewide Independent Living Council established pursuant to Section 625.2 of Title 56 of the Oklahoma Statutes may conduct executive sessions using videoconference technology. For such executive sessions, no Council member shall be required to be physically present as long as each Council member is audible or visible to each other. The meeting notice and agenda prepared in advance of the meeting as required by law shall indicate if the executive session will include videoconferencing and shall also state the identity of each Council member appearing remotely, and whether any member will be physically present at the meeting site, if any, for the executive session.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 15th day of May, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 6th day of May, 2025.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____