

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1758

By: Ranson

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5  
6 AS INTRODUCED

7 An Act relating to virtual meetings; providing for  
8 virtual attendance; allowing virtual presence to  
9 count toward quorum; amending 25 O.S. 2011, Section  
10 307.1, as last amended by Section 3, Chapter 3,  
11 O.S.L. 2020 (25 O.S. Supp. 2020, Section 307.1),  
12 which relates to teleconferences and  
13 videoconferences; modifying provisions related to  
14 meetings by videoconference; striking reference to  
15 certain date; providing for public meetings by  
16 teleconference and videoconference; requiring a  
17 quorum; and providing an effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 420 of Title 18, unless there is  
23 created a duplication in numbering, reads as follows:

24 Any corporation, business or enterprise required to hold member  
meetings, board meetings, district meetings or annual meetings may,  
in their discretion and subject to their bylaws, use virtual  
attendance as a method to meet and conduct business and to count  
individuals participating by virtual presence toward quorum  
requirements.

1 SECTION 2. AMENDATORY 25 O.S. 2011, Section 307.1, as  
2 last amended by Section 3, Chapter 3, O.S.L. 2020 (25 O.S. Supp.  
3 2020, Section 307.1), is amended to read as follows:

4 Section 307.1 A. ~~Except as provided in subsections C and D of~~  
5 ~~this section, a public body may hold meetings by videoconference~~  
6 ~~where each member of the public body is visible and audible to each~~  
7 ~~other and the public through a video monitor, subject to the~~  
8 ~~following:~~

- 9 1. a. ~~except as provided for in subparagraph b of this~~  
10 ~~paragraph, no less than a quorum of the public body~~  
11 ~~shall be present in person at the meeting site as~~  
12 ~~posted on the meeting notice and agenda,~~
- 13 b. ~~a virtual charter school approved and sponsored by the~~  
14 ~~Statewide Virtual Charter School Board pursuant to the~~  
15 ~~provisions of Section 3-145.3 of Title 70 of the~~  
16 ~~Oklahoma Statutes shall maintain a quorum of members~~  
17 ~~for the entire duration of the meeting whether using~~  
18 ~~an in-person site, videoconference sites or any~~  
19 ~~combination of such sites to achieve a quorum; and~~
- 20 c. ~~each public meeting held by videoconference or~~  
21 ~~teleconference shall be recorded either by written,~~  
22 ~~electronic, or other means;~~

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

4           ~~a. the location, address, and telephone number of each~~  
5           ~~available videoconference site, and~~

6           ~~b. the identity of each member of the public body and the~~  
7           ~~specific site from which each member of the body shall~~  
8           ~~be physically present and participating in the~~  
9           ~~meeting;~~

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

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

21       ~~5. Each site and room where a member of the public body is~~  
22 ~~present for a meeting by videoconference shall be open and~~  
23 ~~accessible to the public, and the public shall be allowed into that~~  
24 ~~site and room. Public bodies may provide additional videoconference~~

1 ~~sites as a convenience to the public, but additional sites shall not~~  
2 ~~be used to exclude or discourage public attendance at any~~  
3 ~~videoconference site;~~

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

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

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

15 ~~B. No public body shall conduct an executive session by~~  
16 ~~videoconference.~~

17 ~~C. Upon the effective date of this act and until November 15,~~  
18 ~~2020, or the Governor declaring the state of emergency to be~~  
19 ~~terminated, whichever date first occurs, the provisions of this~~  
20 ~~subsection and subsection D shall operate as law in this state.~~

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

24 ~~a. for~~

1        1. The public body, including, but not limited to, a virtual  
2 charter school approved and sponsored by the Statewide Virtual  
3 Charter School Board pursuant to the provisions of the Oklahoma  
4 Statutes, ~~the public body~~ shall maintain a quorum of members for the  
5 entire duration of the meeting whether using an in-person site,  
6 teleconference, or videoconference or any combination of such sites  
7 to achieve a quorum~~;~~; and

8            ~~b. if~~

9        2. If the meeting is held using either teleconference or  
10 videoconference capabilities, and at any time the audio connection  
11 is disconnected, the meeting shall be stopped and reconvened once  
12 the audio connection is restored~~;~~.

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

16            ~~a. each~~

17        1. Each public body member appearing remotely and the method of  
18 each member's remote appearance~~;~~; and

19            ~~b. the~~

20        2. The identity of the public body member or members who will  
21 be physically present at the meeting site, if any~~;~~.

22        ~~3. C.~~ After the meeting notice and agenda are prepared and  
23 posted as required by law, public body members shall not be  
24 permitted to alter their method of attendance; provided, however,

1 those members who were identified as appearing remotely may be  
2 permitted to physically appear at the meeting site, if any, for the  
3 meeting~~†~~.

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

10 ~~5.~~ E. Any materials shared electronically between members of  
11 the public body during a meeting utilizing teleconferencing or  
12 videoconferencing shall also be immediately available to the public  
13 in the same form as shared with the members of the public body~~†~~and.

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

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

1 the method of each member's remote appearance, and whether any  
2 member will be physically present at the meeting site, if any, for  
3 the executive session.

4 SECTION 3. This act shall become effective November 1, 2021.

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