

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 2644

By: Echols, Fugate, Phillips,
Moore and Grego of the
House

6 and

7 David of the Senate

8
9
10 COMMITTEE SUBSTITUTE

11 [Oklahoma Open Meeting Act - videoconferences and
12 teleconferences - temporary provisions - expiration -
13 emergency]

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

17 SECTION 1. AMENDATORY 25 O.S. 2011, Section 307.1, as
18 last amended by Enrolled Senate Bill No. 1031 of the 1st Session of
19 the 58th Oklahoma Legislature, is amended to read as follows:

20 Section 307.1. A. Except as provided in subsections C and D of
21 this section, a public body may hold meetings by videoconference
22 where each member of the public body is visible and audible to each
23 other and the public through a video monitor, subject to the
24 following:

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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 of Title 70 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~~7~~, and

c. each public meeting held by videoconference or teleconference shall be recorded either by written, electronic~~7~~ 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~~7~~ 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;

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

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

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

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

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

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

7 B. No public body shall conduct an executive session by
8 videoconference.

9 C. Upon the effective date of this act and until ~~February 15,~~
10 ~~2022, or until thirty (30) days after the expiration or termination~~
11 ~~of the state of emergency declared by the Governor to respond to the~~
12 ~~threat of COVID-19 to the people of this state and the public's~~
13 ~~peace, health and safety, whichever date first occurs~~ March 31,
14 2024, the provisions of this subsection and subsection D shall
15 operate as law in this state.

16 1. A public body may hold meetings by teleconference or
17 videoconference if each member of the public body is audible or
18 visible to each other and the public, subject to the following:

19 a. for a virtual charter school approved and sponsored by
20 the Statewide Virtual Charter School Board pursuant to
21 the provisions of the Oklahoma Statutes, the public
22 body shall maintain a quorum of members for the entire
23 duration of the meeting whether using an in-person
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1 site, teleconference, or videoconference or any
2 combination of such sites to achieve a quorum, and

3 b. if the meeting is held using either teleconference or
4 videoconference capabilities, and at any time the
5 audio connection is disconnected, the meeting shall be
6 stopped and reconvened once the audio connection is
7 restored;

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

11 a. each public body member appearing remotely and the
12 method of each member's remote appearance, and

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

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

21 4. The public body shall be allowed to participate and speak,
22 as allowed by rule or policy set by the public body, in a meeting
23 which utilizes teleconference or videoconference in the same manner
24 and to the same extent as the public is allowed to participate or

1 speak during a meeting where all public body members are physically
2 present together at the meeting site;

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

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

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

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1 SECTION 2. AMENDATORY 25 O.S. 2011, Section 311, as last
2 amended by Enrolled Senate Bill No. 1031 of the 1st Session of the
3 58th Oklahoma Legislature, is amended to read as follows:

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

8 1. All public bodies shall give notice in writing by December
9 15 of each calendar year of the schedule showing the date, time and
10 place of the regularly scheduled meetings of such public bodies for
11 the following calendar year;

12 2. All state public bodies including, but not limited to,
13 public trusts and other bodies with the state as beneficiary, shall
14 give such notice to the Secretary of State;

15 3. All county public bodies including, but not limited to,
16 public trusts and any other bodies with the county as beneficiary,
17 shall give such notice to the county clerk of the county wherein
18 they are principally located;

19 4. All municipal public bodies including, but not limited to,
20 public trusts and any other bodies with the municipality as
21 beneficiary, shall give such notice to the municipal clerk of the
22 municipality wherein they are principally located;

23 5. All multicounty, regional, areawide or district public
24 bodies including, but not limited to, district boards of education,

1 shall give such notice to the county clerk of the county wherein
2 they are principally located, or if no office exists, to the county
3 clerk of the county or counties served by such public body;

4 6. All governing boards of state institutions of higher
5 education, and committees and subcommittees thereof, shall give such
6 notice to the Secretary of State. All other public bodies covered
7 by the provisions of the Oklahoma Open Meeting Act which exist under
8 the auspices of a state institution of higher education, but a
9 majority of whose members are not members of the institution's
10 governing board, shall give such notice to the county clerk of the
11 county wherein the institution is principally located;

12 7. The Secretary of State and each county clerk or municipal
13 clerk shall keep a record of all notices received in a register open
14 to the public for inspection during regular office hours, and, in
15 addition, shall make known upon any request of any person the
16 contents of the register;

17 8. If any change is to be made of the date, time or place of
18 regularly scheduled meetings of public bodies, then notice in
19 writing shall be given to the Secretary of State or county clerk or
20 municipal clerk, as required herein, not less than ten (10) days
21 prior to the implementation of any such change;

22 9. In addition to the advance public notice in writing required
23 to be filed for regularly scheduled meetings, described in paragraph
24 1 of this subsection, all public bodies shall, at least twenty-four

1 (24) hours prior to such regularly scheduled meetings, display
2 public notice of the meeting by at least one of the following
3 methods:

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

1 the principal office of the public body or at the
2 location of the meeting during normal business hours
3 at least twenty-four (24) hours prior to the meeting,
4 or

5 c. upon the effective date of this act and until ~~February~~
6 ~~15, 2022, or until thirty (30) days after the~~
7 ~~expiration or termination of the state of emergency~~
8 ~~declared by the Governor to respond to the threat of~~
9 ~~COVID-19 to the people of this state and the public's~~
10 ~~peace, health and safety, whichever date first occurs~~
11 March 31, 2024, the public body shall not be required
12 to make the notice of a public meeting available to
13 the public in the principal office of the public body
14 or at the location of the meeting during normal
15 business hours at least twenty-four (24) hours prior
16 to the meeting;

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

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

7 12. Special meetings of public bodies shall not be held without
8 public notice being given at least forty-eight (48) hours prior to
9 the meetings. Such public notice of date, time and place shall be
10 given in writing, in person or by telephonic means to the Secretary
11 of State or to the county clerk or to the municipal clerk by public
12 bodies in the manner set forth in paragraphs 2, 3, 4, 5 and 6 of
13 this subsection. The public body also shall cause written notice of
14 the date, time and place of the meeting to be mailed or delivered to
15 each person, newspaper, wire service, radio station and television
16 station that has filed a written request for notice of meetings of
17 the public body with the clerk or secretary of the public body or
18 with some other person designated by the public body. Such written
19 notice shall be mailed or delivered at least forty-eight (48) hours
20 prior to the special meeting. The public body may charge a fee of
21 up to Eighteen Dollars (\$18.00) per year to persons or entities
22 filing a written request for notice of meetings, and may require
23 such persons or entities to renew the request for notice annually.
24 In addition, all public bodies shall, at least twenty-four (24)

1 hours prior to such special meetings, display public notice of the
2 meeting, setting forth thereon the date, time, place and agenda for
3 the meeting. Only matters appearing on the posted agenda may be
4 considered at the special meeting. Such public notice shall be
5 posted in prominent public view at the principal office of the
6 public body or at the location of the meeting if no office exists.
7 Twenty-four (24) hours prior public posting shall exclude Saturdays,
8 Sundays and holidays legally declared by the State of Oklahoma. In
9 lieu of the public posting requirements of this paragraph, a public
10 body may elect to follow the requirements found in subparagraph b of
11 paragraph 9 of this subsection, provided that forty-eight-hour
12 notice is required for special meetings and that the forty-eight-
13 hour requirement shall exclude Saturdays, Sundays and holidays
14 legally declared by the State of Oklahoma;

15 13. In the event of an emergency, an emergency meeting of a
16 public body may be held without the public notice heretofore
17 required. Should an emergency meeting of a public body be
18 necessary, the person calling such a meeting shall give as much
19 advance public notice as is reasonable and possible under the
20 circumstances existing, in person or by telephonic or electronic
21 means; and

22 14. A public body that gives public notice of a meeting for
23 which there will be a videoconference option in accordance with
24 Section 307.1 of this title shall not modify the method of meeting

1 described in the notice prior to the meeting and shall conduct the
2 meeting according to the methods described in the notice. If a code
3 or password is required to access the videoconference meeting, the
4 code or password shall be included in the public notice.

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

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

- 13 a. contain sufficient information for the public to
14 ascertain that an executive session will be proposed,
- 15 b. identify the items of business and purposes of the
16 executive session, and
- 17 c. state specifically the provision of Section 307 of
18 this title authorizing the executive session.

19 SECTION 3. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

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