

1 ENGROSSED SENATE  
2 BILL NO. 1547

By: Howard and Treat of the  
Senate

3 and

4 McCall of the House

5  
6 An Act relating to the Oklahoma Open Meeting Act;  
7 amending 25 O.S. 2021, Sections 307.1 and 311, which  
8 relate to videoconferences and teleconferences and  
9 notice; requiring live stream of certain meetings;  
10 reinstating certain alternative procedures in  
11 emergency circumstances; specifying expiration of  
12 alternate procedures; modifying certain notice  
13 requirement in emergency circumstances; and declaring  
14 an emergency.

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

16 SECTION 1. AMENDATORY 25 O.S. 2021, Section 307.1, is  
17 amended to read as follows:

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

- 23 1. a. except as provided for in subparagraph b of this  
24 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,

- 1           b. a virtual charter school approved and sponsored by the  
2           Statewide Virtual Charter School Board pursuant to the  
3           provisions of Section 3-145.3 of Title 70 of the  
4           Oklahoma Statutes shall maintain a quorum of members  
5           for the entire duration of the meeting whether using  
6           an in-person site, videoconference sites or any  
7           combination of such sites to achieve a quorum; and  
8           c. each public meeting held by videoconference or  
9           teleconference shall be recorded either by written,  
10          electronic, or other means;

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

- 14          a. the location, address, and telephone number of each  
15          available videoconference site, and  
16          b. the identity of each member of the public body and the  
17          specific site from which each member of the body shall  
18          be physically present and participating in the  
19          meeting;

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

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

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

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

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

24

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

3 9. To the extent practicable, if a public body maintains a  
4 website and utilizes a high-speed Internet connection, all meetings  
5 of the public body shall be streamed live on such website and posted  
6 on the website after the meeting.

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, the The~~  
14 ~~provisions of this subsection and subsection D of this section shall~~  
15 ~~operate as law in this state apply to a public body in any county in~~  
16 ~~which the Governor has declared a state of emergency until the~~  
17 ~~emergency declaration expires or is terminated.~~

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

21 a. for a virtual charter school approved and sponsored by  
22 the Statewide Virtual Charter School Board pursuant to  
23 the provisions of the Oklahoma Statutes, the public  
24 body shall maintain a quorum of members for the entire

1 duration of the meeting whether using an in-person  
2 site, teleconference, or videoconference or any  
3 combination of such sites to achieve a quorum, and

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

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

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

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

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

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

1 and to the same extent as the public is allowed to participate or  
2 speak during a meeting where all public body members are physically  
3 present together at the meeting site;

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

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

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

24

1 SECTION 2. AMENDATORY 25 O.S. 2021, Section 311, is  
2 amended to read as follows:

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

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

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

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

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

22 5. All multicounty, regional, areawide or district public  
23 bodies including, but not limited to, district boards of education,  
24 shall give such notice to the county clerk of the county wherein

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

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

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

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

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



1 public notice of the meeting by at least one of the following  
2 methods:

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

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

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

18 10. The twenty-four (24) hours required in paragraph 9 of this  
19 subsection shall exclude Saturdays, Sundays and holidays legally  
20 declared by the State of Oklahoma. The posting or distribution of a  
21 notice of a public meeting as described in paragraph 9 of this  
22 subsection shall not preclude a public body from considering at its  
23 regularly scheduled meeting any new business. "New business", as  
24

1 used herein, shall mean any matter not known about or which could  
2 not have been reasonably foreseen prior to the time of the posting;

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

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

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

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

24

1           14. A public body that gives public notice of a meeting for  
2 which there will be a videoconference option in accordance with  
3 Section 307.1 of this title shall not modify the method of meeting  
4 described in the notice prior to the meeting and shall conduct the  
5 meeting according to the methods described in the notice. If a code  
6 or password is required to access the videoconference meeting, the  
7 code or password shall be included in the public notice.

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

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

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

22           SECTION 3. It being immediately necessary for the preservation  
23 of the public peace, health or safety, an emergency is hereby

24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 Passed the Senate the 8th day of March, 2022.

4

5

\_\_\_\_\_  
Presiding Officer of the Senate

6

7 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
8 2022.

9

10

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

11

12

13

14

15

16

17

18

19

20

21

22

23

24