

An Act

ENROLLED SENATE
BILL NO. 661

By: Howard of the Senate

and

McCall of the House

An Act relating to the Oklahoma Open Meeting Act; amending 25 O.S. 2011, Sections 304, as amended by Section 3, Chapter 81, O.S.L. 2019, 306, 307.1, as amended by Section 1, Chapter 119, O.S.L. 2019 and 311, as last amended by Section 1, Chapter 376, O.S.L. 2019 (25 O.S. Supp. 2019, Sections 304, 307.1 and 311), which relate to open meetings; modifying definitions; modifying citation reference; requiring recording of certain public meetings; providing for meeting by teleconference or videoconference; prescribing conditions related thereto; prescribing requirements for certain meeting notices; prohibiting certain actions after release of meeting notices; authorizing certain actions; prescribing voting procedures; authorizing executive sessions by certain methods; prescribing procedures for conduct of executive sessions; providing exception for procedures related to meeting notices; and declaring an emergency.

SUBJECT: Oklahoma Open Meeting Act

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

SECTION 1. AMENDATORY 25 O.S. 2011, Section 304, as amended by Section 3, Chapter 81, O.S.L. 2019 (25 O.S. Supp. 2019, 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 the state judiciary, the Council on Judicial Complaints when conducting, discussing, or deliberating any matter relating to a complaint received or filed with the Council, the Legislature, or 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 multidisciplinary teams provided for in Section 1-9-102 of Title 10A of the Oklahoma Statutes and 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 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;

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; ~~and~~

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 technology permitting both visual and auditory communication between and among members of the public body and/or between and among members of the public body and members of the public. During any videoconference, both the visual and auditory communications functions ~~of the device shall attempt to be utilized.~~ ~~Whenever the term "teleconference" appears in any law in relation to a meeting of a public body, it shall be deemed to mean a videoconference as defined in this paragraph; and~~

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

SECTION 2. AMENDATORY 25 O.S. 2011, Section 306, is amended to read as follows:

Section 306. No informal gatherings or any electronic or telephonic communications, except teleconferences or

videoconferences as authorized by Section ~~3~~ 307.1 of this ~~act~~ Title, among a majority of the members of a public body shall be used to decide any action or to take any vote on any matter.

SECTION 3. AMENDATORY 25 O.S. 2011, Section 307.1, as amended by Section 1, Chapter 119, O.S.L. 2019 (25 O.S. Supp. 2019, Section 307.1), is amended to read as follows:

Section 307.1. A. Except as provided in subsections C and D of this section, 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 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; 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 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. No public body shall conduct an executive session by videoconference.

C. Upon the effective date of this act and until November 15, 2020, or the Governor declaring the state of emergency to be

terminated, whichever date first occurs, the provisions of this subsection and subsection D shall operate as law in this state.

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

- a. for a virtual charter school approved and sponsored by the Statewide Virtual Charter School Board pursuant to the provisions of the Oklahoma Statutes, the public body shall maintain a quorum of members for the entire duration of the meeting whether using an in-person site, teleconference, or videoconference or any combination of such sites to achieve a quorum, and
- b. if the meeting is held using either teleconference or videoconference capabilities, and at any time the audio connection is disconnected, the meeting shall be stopped and reconvened once the audio connection is restored;

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

- a. each public body member appearing remotely and the method of each member's remote appearance, and
- b. the identity of the public body member or members who will be physically present at the meeting site, if any;

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

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

