

1 ENGROSSED HOUSE  
2 BILL NO. 2108

By: Pae, Fugate, Schreiber, and  
Hefner of the House

3 and

4 Howard of the Senate

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7  
8 [ public meetings - Oklahoma Open Meeting Act -  
9 public health emergency - meetings and executive  
10 sessions utilizing digital means - private  
11 electronic communications - codification -  
12 effective date ]

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

16 SECTION 1. AMENDATORY 25 O.S. 2021, Section 304, as  
17 amended by Section 1, Chapter 123, O.S.L. 2022 (25 O.S. Supp. 2022,  
18 Section 304), is amended to read as follows:

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

20 1. "Public body" means the governing bodies of all  
21 municipalities located within this state, boards of county  
22 commissioners of the counties in this state, boards of public and  
23 higher education in this state and all boards, bureaus, commissions,  
24 agencies, trusteeships, authorities, councils, committees, public

1 trusts or any entity created by a public trust including any  
2 committee or subcommittee composed of any of the members of a public  
3 trust or other legal entity receiving funds from the Rural Economic  
4 Action Plan Fund as authorized by Section 2007 of Title 62 of the  
5 Oklahoma Statutes, task forces or study groups in this state  
6 supported in whole or in part by public funds or entrusted with the  
7 expending of public funds, or administering public property, and  
8 shall include all committees or subcommittees of any public body.  
9 Public body shall not include the state judiciary, the Council on  
10 Judicial Complaints when conducting, discussing, or deliberating any  
11 matter relating to a complaint received or filed with the Council,  
12 the Legislature, or administrative staffs of public bodies  
13 including, but not limited to, faculty meetings and athletic staff  
14 meetings of institutions of higher education when those staffs are  
15 not meeting with the public body, or entry-year assistance  
16 committees. Furthermore, public body shall not include the  
17 multidisciplinary teams provided for in Section 1-9-102 of Title 10A  
18 of the Oklahoma Statutes, in Section 2 of this act, and in  
19 subsection C of Section 1-502.2 of Title 63 of the Oklahoma Statutes  
20 or any school board meeting for the sole purpose of considering  
21 recommendations of a multidisciplinary team and deciding the  
22 placement of any child who is the subject of the recommendations.  
23 Furthermore, public body shall not include meetings conducted by  
24 stewards designated by the Oklahoma Horse Racing Commission pursuant

1 to Section 203.4 of Title 3A of the Oklahoma Statutes when the  
2 stewards are officiating at races or otherwise enforcing rules of  
3 the Commission. Furthermore, public body shall not include the  
4 board of directors of a Federally Qualified Health Center;

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

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

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

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

23 6. "Continued or reconvened meeting" means a meeting which is  
24 assembled for the purpose of finishing business appearing on an

1 agenda of a previous meeting. For the purposes of the Oklahoma Open  
2 Meeting Act, only matters on the agenda of the previous meeting at  
3 which the announcement of the continuance is made may be discussed  
4 at a continued or reconvened meeting;

5 7. "Public health emergency" means a situation where the  
6 circumstances lead state or local elected officials, as applicable  
7 to this act, to determine a risk of death or significant harm to the  
8 human population of the state or particular applicable political  
9 subdivision. A locally declared state of emergency may be declared  
10 by a mayor or chairperson of a board of county commissioners, but  
11 shall not continue for more than thirty (30) days without  
12 ratification of the respective public body. The emergency may be  
13 extended for a maximum of ninety (90) days with ratification of the  
14 respective body, and each extension shall not continue for more than  
15 thirty (30) days unless such state of emergency is concurrently  
16 declared by the Governor of the State of Oklahoma covering the  
17 applicable political subdivision;

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

3 ~~8.~~ 9. "Teleconference" means a conference among members of a  
4 public body remote from one another who are linked by  
5 telecommunication devices and/or technology permitting auditory  
6 communication between and among members of the public body and/or  
7 between and among members of the public body and members of the  
8 public.

9 SECTION 2. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 307.2 of Title 25, unless there  
11 is created a duplication in numbering, reads as follows:

12 A. Public bodies, unless specifically exempted, may conduct  
13 meetings and executive sessions utilizing digital means subject to  
14 the following requirements:

15 1. Any member of a governing body participating in a meeting  
16 utilizing electronic means shall be confirmed by audio or visual  
17 affirmation to the public to be the actual member of the governing  
18 body and may only participate from a fixed location;

19 2. Documents provided digitally during a meeting utilizing  
20 electronic means shall be made available in accordance with the  
21 lawfully adopted policy of the governing body and open records  
22 requirements;

23 3. Any governing body making a good faith effort to comply with  
24 the provisions of this section shall be immune from liability for

1 any attorney fees connected with litigation for a failure to comply  
2 with this section; and

3 4. Minutes shall be prepared in compliance with state and local  
4 law as applicable to public meetings.

5 B. To the extent practicable, if a public body maintains a  
6 website, has dedicated information technology employees, and has  
7 immediate access to a high-speed Internet connection, meetings held  
8 without a physical meeting place open to the public shall be  
9 streamed live on a website, made available by telephonic means, or  
10 video of the meeting made available through an alternative website.  
11 Video of such meetings shall be maintained by the public body and  
12 available to the public for a period of at least seven (7) business  
13 days after the meeting minutes become official as required by  
14 Section 312 of Title 25 of the Oklahoma Statutes. Recordings  
15 created under this subsection are subject to the retention  
16 requirements included herein and are not subject to any other record  
17 or retention statute. The provisions of the subsection shall not  
18 apply if there exists, or if a governing body determines, the  
19 implementation of this subsection creates a significant financial  
20 burden.

21 C. Meetings held without a physical meeting place open to the  
22 public shall be streamed or otherwise made available to the public  
23 at no charge by utilizing digital means, the website of the public  
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1 body, the Internet, or other free subscription digital services or  
2 applications.

3 D. The public may be allowed to participate in meetings held  
4 without a physical meeting place open to the public to the extent  
5 such participation is consistent with previously adopted statutes,  
6 rules, or policy.

7 SECTION 3. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 315 of Title 25, unless there is  
9 created a duplication in numbering, reads as follows:

10 No private electronic communications concerning public business  
11 may occur during a public meeting amongst members of the governing  
12 body.

13 SECTION 4. This act shall become effective November 1, 2023.

14 Passed the House of Representatives the 23rd day of March, 2023.

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Presiding Officer of the House  
of Representatives

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19 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2023.

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Presiding Officer of the Senate

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