

**BILL SUMMARY**  
1<sup>st</sup> Session of the 59<sup>th</sup> Legislature

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|------------------------|------------------|
| <b>Bill No.:</b>       | <b>HB2108</b>    |
| <b>Version:</b>        | <b>FA1</b>       |
| <b>Request Number:</b> | <b>8044</b>      |
| <b>Author:</b>         | <b>Rep. Pae</b>  |
| <b>Date:</b>           | <b>3/22/2023</b> |
| <b>Impact:</b>         | <b>\$0</b>       |

**Research Analysis**

The CS to HB 2108 provides a definition of "public health emergency" within the Oklahoma Open Meetings Act. "Public heal emergency" is defined to mean a situation where the circumstances lead state or local elected officials to determine a risk of death or significant harm to the human population of the state or particular applicable political subdivision. A locally declared state of emergency declared by a mayor or chairman of a board of county commissioners may not continue for more than thirty days with ratification of the respective public body, unless such state of emergency is concurrently declared by the Governor of the State of Oklahoma covering the applicable political subdivision. The measure authorizes public bodies to conduct meetings and executive sessions utilizing digital means if the following requirements are met:

- no official may be counted as present if participating by digital means for more than one-fourth of regular or special meetings in a rolling one year period;
- a quorum of members must be physically present at the regular meeting location;
- a member participating by electronic means must be confirmed by audio or visual affirmation to be the actual member of the body and must participate from a fixed location; documents provided digitally during a meeting using electronic means must be made available per open records requirements;
- minutes must be prepared in compliance with state and local law; and
- a governing body may hold a meeting using digital means without a quorum at the physical location during an emergency meeting called for the purpose of dealing with the state of emergency.

The measure directs that a public body holding meetings without a physical meeting place open to the public to stream live or make available by telephonic means the meeting to the public if the body has a website, dedicated IT employees and access to high-speed internet.

The measure prohibits private electronic communications concerning public business from occurring during a public meeting amongst members of the governing body.

**THE FLOOR SUBSTITUTE MAKES THE FOLLOWING CHANGES:**

Modifies the definition of "public health emergency" by providing that the emergency shall not continue beyond 30 days unless ratified by the public body declaring the emergency. Limits the extensions to a maximum of 90 days with each extension limited to 30 days.

Removes the provision that prohibits an official from being counted present if participating by digital means for more than one-fourth of the meetings.

Removes the requirement that a quorum of members be physically present at regular meeting location.

Removes the ability of a governing body to hold meetings without a physical meeting place.

Prepared By: Brad Wolgamott

### **Fiscal Analysis**

HB 2108 provides a definition of a "public health emergency" and authorizes public bodies to conduct meetings and executive sessions through digital means during times of public health emergencies. Impacted agencies would require continued IT services to facilitate such meetings, which should be a part of the agencies' current budgetary resources and would require no additional appropriations to administer.

The floor amendment's modifications to HB 2108 would have no direct fiscal or revenue considerations for the state.

Prepared By: Jay St Clair, House Fiscal Staff

### **Other Considerations**

None.