

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2108 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Daniel Pae _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2108

By: Pae and Fugate of the House

and

Howard of the Senate

7
8
9 FLOOR SUBSTITUTE

10 An Act relating to public meetings; amending 25 O.S.
11 2021, Section 304, as amended by Section 1, Chapter
12 123, O.S.L. 2022 (25 O.S. Supp. 2022, Section 304),
13 which relates to definitions used in the Oklahoma
14 Open Meeting Act; providing a definition for public
15 health emergency; establishing requirements under
16 which a public body may conduct meetings and
17 executive sessions utilizing digital means; requiring
18 alternative means be used to make meetings available
19 to the public under certain conditions; exempting
20 governing bodies under certain conditions; clarifying
21 no charge to the public; permitting participation by
22 the public in meetings; prohibiting certain private
23 electronic communications; providing for
24 codification; and providing an effective date.

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

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

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

1 1. "Public body" means the governing bodies of all
2 municipalities located within this state, boards of county
3 commissioners of the counties in this state, boards of public and
4 higher education in this state and all boards, bureaus, commissions,
5 agencies, trusteeships, authorities, councils, committees, public
6 trusts or any entity created by a public trust including any
7 committee or subcommittee composed of any of the members of a public
8 trust or other legal entity receiving funds from the Rural Economic
9 Action Plan Fund as authorized by Section 2007 of Title 62 of the
10 Oklahoma Statutes, task forces or study groups in this state
11 supported in whole or in part by public funds or entrusted with the
12 expending of public funds, or administering public property, and
13 shall include all committees or subcommittees of any public body.
14 Public body shall not include the state judiciary, the Council on
15 Judicial Complaints when conducting, discussing, or deliberating any
16 matter relating to a complaint received or filed with the Council,
17 the Legislature, or administrative staffs of public bodies
18 including, but not limited to, faculty meetings and athletic staff
19 meetings of institutions of higher education when those staffs are
20 not meeting with the public body, or entry-year assistance
21 committees. Furthermore, public body shall not include the
22 multidisciplinary teams provided for in Section 1-9-102 of Title 10A
23 of the Oklahoma Statutes, in Section 2 of this act, and in
24 subsection C of Section 1-502.2 of Title 63 of the Oklahoma Statutes

1 or any school board meeting for the sole purpose of considering
2 recommendations of a multidisciplinary team and deciding the
3 placement of any child who is the subject of the recommendations.
4 Furthermore, public body shall not include meetings conducted by
5 stewards designated by the Oklahoma Horse Racing Commission pursuant
6 to Section 203.4 of Title 3A of the Oklahoma Statutes when the
7 stewards are officiating at races or otherwise enforcing rules of
8 the Commission. Furthermore, public body shall not include the
9 board of directors of a Federally Qualified Health Center;

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

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

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

20 5. "Emergency meeting" means any meeting called for the purpose
21 of dealing with an emergency. For purposes of the Oklahoma Open
22 Meeting Act, an emergency is defined as a situation involving injury
23 to persons or injury and damage to public or personal property or
24 immediate financial loss when the time requirements for public

1 notice of a special meeting would make such procedure impractical
2 and increase the likelihood of injury or damage or immediate
3 financial loss;

4 6. "Continued or reconvened meeting" means a meeting which is
5 assembled for the purpose of finishing business appearing on an
6 agenda of a previous meeting. For the purposes of the Oklahoma Open
7 Meeting Act, only matters on the agenda of the previous meeting at
8 which the announcement of the continuance is made may be discussed
9 at a continued or reconvened meeting;

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

23 ~~7.~~ 8. "Videoconference" means a conference among members of a
24 public body remote from one another who are linked by interactive

1 telecommunication devices or technology and/or technology permitting
2 both visual and auditory communication between and among members of
3 the public body and/or between and among members of the public body
4 and members of the public. During any videoconference, both the
5 visual and auditory communications functions shall attempt to be
6 utilized; and

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

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

16 A. Public bodies, unless specifically exempted, may conduct
17 meetings and executive sessions utilizing digital means subject to
18 the following requirements:

19 1. Any member of a governing body participating in a meeting
20 utilizing electronic means shall be confirmed by audio or visual
21 affirmation to the public to be the actual member of the governing
22 body and may only participate from a fixed location.

23 2. Documents provided digitally during a meeting utilizing
24 electronic means shall be made available in accordance with the

1 lawfully adopted policy of the governing board and open records
2 requirements.

3 3. Any governing body making a good faith effort to comply with
4 the provisions of this section shall be immune from liability for
5 any attorney's fees connected with litigation for a failure to
6 comply with this section.

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

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

1 C. Meetings held without a physical meeting place open to the
2 public shall be streamed or otherwise made available to the public
3 at no charge by utilizing digital means, the public body's website,
4 the internet, or other free subscription digital services or
5 applications.

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

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

13 No private electronic communications concerning public business
14 may occur during a public meeting amongst members of the governing
15 body.

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

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18 59-1-8044 MJ 03/21/23
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