

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 1092

By: Newhouse

AS INTRODUCED

An Act relating to the Oklahoma Open Meeting Act; amending 25 O.S. 2021, Section 307.1, as amended by Section 2, Chapter 182, O.S.L. 2022 (25 O.S. Supp. 2022, Section 307.1), which relates to videoconferences and teleconferences; removing expired language; authorizing public bodies to conduct meetings by videoconference; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 25 O.S. 2021, Section 307.1, as amended by Section 2, Chapter 182, O.S.L. 2022 (25 O.S. Supp. 2022, 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 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

1 shall be present in person at the meeting site as  
2 posted on the meeting notice and agenda,

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

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

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

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

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

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

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

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

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

5 B. Except as provided for in subsection ~~E~~ C of this section, no  
6 public body shall conduct an executive session by videoconference.

7 ~~C. Upon the effective date of this act and until February 15,~~  
8 ~~2022, or until thirty (30) days after the expiration or termination~~  
9 ~~of the state of emergency declared by the Governor to respond to the~~  
10 ~~threat of COVID-19 to the people of this state and the public's~~  
11 ~~peace, health and safety, whichever date first occurs, the~~  
12 ~~provisions of this subsection and subsection D shall operate as law~~  
13 ~~in this state.~~

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

17 ~~a. for a virtual charter school approved and sponsored by~~  
18 ~~the Statewide Virtual Charter School Board pursuant to~~  
19 ~~the provisions of the Oklahoma Statutes, the public~~  
20 ~~body shall maintain a quorum of members for the entire~~  
21 ~~duration of the meeting whether using an in-person~~  
22 ~~site, teleconference, or videoconference or any~~  
23 ~~combination of such sites to achieve a quorum, and~~

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

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

9           ~~a. each public body member appearing remotely and the~~  
10           ~~method of each member's remote appearance, and~~

11           ~~b. the identity of the public body member or members who~~  
12           ~~will be physically present at the meeting site, if~~  
13           ~~any;~~

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

19           ~~4. The public body shall be allowed to participate and speak,~~  
20           ~~as allowed by rule or policy set by the public body, in a meeting~~  
21           ~~which utilizes teleconference or videoconference in the same manner~~  
22           ~~and to the same extent as the public is allowed to participate or~~  
23           ~~speak during a meeting where all public body members are physically~~  
24           ~~present together at the meeting site;~~

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

7       ~~6. All votes occurring during any meeting utilizing~~  
8 ~~teleconference or videoconference shall occur and be recorded by~~  
9 ~~roll call votes.~~

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

21       ~~E.~~ The Oklahoma Tax Commission may conduct executive sessions  
22 with the taxpayer at issue attending using videoconference  
23 technology to discuss confidential taxpayer matters as provided for  
24 in Section 205 of Title 68 of the Oklahoma Statutes. During

1 executive sessions, the Commission is required to be physically  
2 present while taxpayers may appear using videoconference technology.  
3 The technology selected and utilized by the Commission shall ensure  
4 taxpayer confidentiality including compliance with safeguards as  
5 provided for in Internal Revenue Service Publication 1075.

6 SECTION 2. This act shall become effective July 1, 2023.

7 SECTION 3. It being immediately necessary for the preservation  
8 of the public peace, health or safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

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