

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1117 By: Dahm of the Senate
3 and
4 Murphey of the House
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8 [Oklahoma Open Meeting Act - videoconferences -
quorum -
9 ~~emergency~~]

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11 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert
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13 "An Act relating to the Oklahoma Open Meeting Act;
14 amending 25 O.S. 2011, Section 307.1, which relates
to videoconferences; modifying requirements for
15 quorum; amending 62 O.S. 2011, Section 34.27, as
last amended by Section 17, Chapter 358, O.S.L. 2013
16 (62 O.S. Supp. 2015, Section 34.27), which relates
to the State Governmental Technology Applications
17 Review Board; removing teleconference exception for
quorum; and providing an effective date.
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20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 25 O.S. 2011, Section 307.1, is
22 amended to read as follows:

23 Section 307.1 A. A public body may hold meetings by
24 videoconference where each member of the public body is visible and

1 audible to each other and the public through a video monitor,
2 subject to the following:

3 1. ~~No less than a quorum of the public body shall be present in~~
4 ~~person at the meeting site as posted on the meeting notice and~~
5 ~~agenda~~ The public body shall maintain a quorum of members for the
6 entire duration of the meeting whether using an in-person site,
7 videoconference sites or any combination of such sites to achieve a
8 quorum;

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

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

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

22 4. In order to allow the public the maximum opportunity to
23 attend and observe each public official carrying out the duties of
24 the public official, a member or members of a public body desiring

1 to participate in a meeting by videoconference shall participate in
2 the videoconference from a site and room located within the district
3 or political subdivision from which they are elected, appointed, or
4 are sworn to represent;

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

12 6. The public shall be allowed to participate and speak, as
13 allowed by rule or policy set by the public body, in a meeting at
14 the videoconference site in the same manner and to the same extent
15 as the public is allowed to participate or speak at the site of the
16 meeting;

17 7. Any materials shared electronically between members of the
18 public body, before or during the videoconference, shall also be
19 immediately available to the public in the same form and manner as
20 shared with members of the public body; ~~and~~

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

23 9. Video recordings shall be made of all public body meetings
24 conducted with videoconference. The recordings shall be made

1 available for public access through the public body's website for a
2 period of not less than two (2) years; and

3 10. The quorum requirement of paragraph 1 and the geographic
4 restriction in paragraph 4 may be waived provided the individual
5 participating by videoconference is a member of the military who
6 cannot attend the meeting due to military-related obligations;
7 possesses a disability which inhibits travel to the meeting; or has
8 been impeded from attendance by the presence of inclement weather
9 conditions.

10 B. No public body shall conduct an executive session by
11 videoconference.

12 SECTION 2. AMENDATORY 62 O.S. 2011, Section 34.27, as
13 last amended by Section 17, Chapter 358, O.S.L. 2013 (62 O.S. Supp.
14 2015, Section 34.27), is amended to read as follows:

15 Section 34.27 A. There is hereby established the State
16 Governmental Technology Applications Review Board. The Board shall
17 be composed of the following members:

18 1. The Director of the Office of Management and Enterprise
19 Services or a designee;

20 2. Four representatives from different state agencies, boards,
21 commissions, or authorities to be appointed by the Governor, at
22 least one of which shall be employed by a law enforcement agency;

23 3. Two members who are not state government employees to be
24 appointed by the Speaker of the House of Representatives; and

1 4. Two members who are not state government employees to be
2 appointed by the President Pro Tempore of the Senate.

3 B. Members of the Board shall serve for terms of two (2) years.
4 The Board shall select a chair from among its members.

5 C. Members of the Board shall not receive compensation for
6 serving on the Board, but shall be reimbursed for travel expenses
7 incurred in the performance of their duties by their respective
8 agencies or appointing authority in accordance with the State Travel
9 Reimbursement Act.

10 ~~D. Notwithstanding any other section of law, any member of the~~
11 ~~Board attending a meeting via teleconference shall be counted as~~
12 ~~being present in person and shall count toward the determination of~~
13 ~~whether a quorum of the Board is present at the meeting.~~

14 E. The Board shall have the duty and responsibility of:

15 1. Reviewing for approval all convenience fees and merchant
16 fees as defined in Section 34.25 of this title and changes in
17 convenience fees and merchant fees charged by state agencies,
18 boards, commissions, or authorities;

19 2. Monitoring all portal systems and applications for portal
20 systems created by state agencies, boards, commissions, or
21 authorities, reviewing portal systems applications approved or
22 denied by the Information Services Division of the Office of
23 Management and Enterprise Services, and making recommendations to
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1 the Legislature and Governor to encourage greater use of the open-
2 systems concept as is defined in Section 34.26 of this title;

3 3. Granting an exemption for a specific license or permit to a
4 state agency from the requirements of Section 34.24.1 of this title.
5 The exemption shall be limited in time as warranted by the
6 circumstances. The Board shall grant the exemption only if
7 presented compelling evidence that the issuance of the license or
8 permit requires the provision of information that cannot be provided
9 through an online licensing or permitting process and that the
10 failure of the applicant to provide the information would create a
11 significant risk to the integrity of the license or permit. The
12 exemption provided for in this paragraph shall not apply to license
13 renewals pursuant to the Oklahoma Vehicle License and Registration
14 Act;

15 4. Providing ongoing oversight of implementation of the plan of
16 action developed by the Chief Information Officer pursuant to
17 Section 34.11.1 of this title and approving any amendments to the
18 plan of action;

19 5. Approving charges to state agencies established by the
20 Information Services Division pursuant to Section 35.5 of this title
21 for shared services as defined in Section 35.3 of this title;

22 6. Functioning in an advisory capacity to the Chief Information
23 Officer; and

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1 ENGROSSED SENATE
2 BILL NO. 1117

By: Dahm of the Senate

3 and

4 Murphey of the House

5
6 [Oklahoma Open Meeting Act - videoconferences -
7 quorum -

emergency]

8
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 4. AMENDATORY 25 O.S. 2011, Section 307.1, is
11 amended to read as follows:

12 Section 307.1. A. A public body may hold meetings by
13 videoconference where each member of the public body is visible and
14 audible to each other and the public through a video monitor,
15 subject to the following:

16 1. ~~No less than a quorum of the public body shall be present in~~
17 ~~person at the meeting site as posted on the meeting notice and~~
18 ~~agenda~~ The public body shall maintain a quorum of members for the
19 entire duration of the meeting whether using an in-person site,
20 videoconference sites or any combination of such sites to achieve a
21 quorum;

22 2. The meeting notice and agenda prepared in advance of the
23 meeting, as required by law, shall indicate if the meeting will
24 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;

1 6. The public shall be allowed to participate and speak, as
2 allowed by rule or policy set by the public body, in a meeting at
3 the videoconference site in the same manner and to the same extent
4 as the public is allowed to participate or speak at the site of the
5 meeting;

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

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

12 B. No public body shall conduct an executive session by
13 videoconference.

14 ~~SECTION 5. It being immediately necessary for the preservation~~
15 ~~of the public peace, health and safety, an emergency is hereby~~
16 ~~declared to exist, by reason whereof this act shall take effect and~~
17 ~~be in full force from and after its passage and approval.~~

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1 Passed the Senate the 9th day of March, 2016.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2016.

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8 _____
9 Presiding Officer of the House
10 of Representatives