

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1652

By: Prieto

4  
5  
6 AS INTRODUCED

7 An Act relating to public participation at public  
8 meetings; amending 25 O.S. 2021, Section 311, which  
9 relates to notice of meetings of public bodies;  
10 prohibiting public body from taking action on certain  
11 matters; clarifying right of members of the public to  
12 provide public comment at meetings of a public body;  
13 allowing certain rules or policies regarding public  
14 comment; construing provisions; providing exceptions  
15 to certain requirements; updating statutory  
16 references; and providing an effective date.

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

18 SECTION 1. AMENDATORY 25 O.S. 2021, Section 311, is  
19 amended to read as follows:

20 Section 311. A. Notwithstanding any other provisions of law,  
21 all regularly scheduled, continued or reconvened, special or  
22 emergency meetings of public bodies shall be preceded by public  
23 notice as follows:

24 1. All public bodies shall give notice in writing by December  
25 15 of each calendar year of the schedule showing the date, time and  
26 place of the regularly scheduled meetings of such public bodies for  
27 the following calendar year;

1           2. All state public bodies including, but not limited to,  
2 public trusts and other bodies with the state as beneficiary, shall  
3 give such notice to the Secretary of State;

4           3. All county public bodies including, but not limited to,  
5 public trusts and any other bodies with the county as beneficiary,  
6 shall give such notice to the county clerk of the county wherein  
7 they are principally located;

8           4. All municipal public bodies including, but not limited to,  
9 public trusts and any other bodies with the municipality as  
10 beneficiary, shall give such notice to the municipal clerk of the  
11 municipality wherein they are principally located;

12           5. All multicounty, regional, areawide or district public  
13 bodies including, but not limited to, district boards of education,  
14 shall give such notice to the county clerk of the county wherein  
15 they are principally located, or if no office exists, to the county  
16 clerk of the county or counties served by such public body;

17           6. All governing boards of state institutions of higher  
18 education, and committees and subcommittees thereof, shall give such  
19 notice to the Secretary of State. All other public bodies covered  
20 by the provisions of the Oklahoma Open Meeting Act which exist under  
21 the auspices of a state institution of higher education, but a  
22 majority of whose members are not members of the institution's  
23 governing board, shall give such notice to the county clerk of the  
24 county wherein the institution is principally located;

1           7. The Secretary of State and each county clerk or municipal  
2 clerk shall keep a record of all notices received in a register open  
3 to the public for inspection during regular office hours, and, in  
4 addition, shall make known upon any request of any person the  
5 contents of the register;

6           8. If any change is to be made of the date, time or place of  
7 regularly scheduled meetings of public bodies, then notice in  
8 writing shall be given to the Secretary of State or county clerk or  
9 municipal clerk, as required herein, not less than ten (10) days  
10 prior to the implementation of any such change;

11           9. In addition to the advance public notice in writing required  
12 to be filed for regularly scheduled meetings, described in paragraph  
13 1 of this subsection, all public bodies shall, at least twenty-four  
14 (24) hours prior to such regularly scheduled meetings, display  
15 public notice of the meeting by at least one of the following  
16 methods:

17           a. by posting information that includes date, time, place  
18 and agenda for the meeting in prominent public view at  
19 the principal office of the public body or at the  
20 location of the meeting if no office exists, ~~or~~

21           b. by posting on the public body's Internet website the  
22 date, time, place and agenda for the meeting in  
23 accordance with Section 3106.2 of Title 74 of the  
24 Oklahoma Statutes. Additionally, the public body

1 shall offer and consistently maintain an email  
2 distribution system for distribution of such notice of  
3 a public meeting required by this subsection, and any  
4 person may request to be included without charge, and  
5 their request shall be accepted. The emailed notice  
6 of a public meeting required by this subsection shall  
7 include in the body of the email or as an attachment  
8 to the email the date, time, place and agenda for the  
9 meeting and it shall be sent no less than twenty-four  
10 (24) hours prior to the meeting. Additionally, except  
11 as provided in subparagraph c of this paragraph, the  
12 public body shall make the notice of a public meeting  
13 required by this subsection available to the public in  
14 the principal office of the public body or at the  
15 location of the meeting during normal business hours  
16 at least twenty-four (24) hours prior to the meeting,  
17 or

18 c. ~~upon the effective date of this act~~ March 18, 2020,  
19 and until February 15, 2022, or until thirty (30) days  
20 after the expiration or termination of the state of  
21 emergency declared by the Governor to respond to the  
22 threat of COVID-19 to the people of this state and the  
23 public's peace, health and safety, whichever date  
24 first occurs, the public body shall not be required to

1           make the notice of a public meeting available to the  
2           public in the principal office of the public body or  
3           at the location of the meeting during normal business  
4           hours at least twenty-four (24) hours prior to the  
5           meeting;

6           10. The twenty-four (24) hours required in paragraph 9 of this  
7           subsection shall exclude Saturdays, Sundays and holidays legally  
8           declared by the State of Oklahoma. The posting or distribution of a  
9           notice of a public meeting as described in paragraph 9 of this  
10          subsection shall not preclude a public body from considering at its  
11          regularly scheduled meeting any new business. "New business", as  
12          used herein, shall mean any matter not known about or which could  
13          not have been reasonably foreseen prior to the time of the posting;

14          11. In the event any meeting is to be continued or reconvened,  
15          public notice of such action including date, time and place of the  
16          continued meeting, shall be given by announcement at the original  
17          meeting. Only matters appearing on the agenda of the meeting which  
18          is continued may be discussed at the continued or reconvened  
19          meeting;

20          12. Special meetings of public bodies shall not be held without  
21          public notice being given at least forty-eight (48) hours prior to  
22          the meetings. Such public notice of date, time and place shall be  
23          given in writing, in person or by telephonic means to the Secretary  
24          of State or to the county clerk or to the municipal clerk by public

1 bodies in the manner set forth in paragraphs 2, 3, 4, 5 and 6 of  
2 this subsection. The public body also shall cause written notice of  
3 the date, time and place of the meeting to be mailed or delivered to  
4 each person, newspaper, wire service, radio station and television  
5 station that has filed a written request for notice of meetings of  
6 the public body with the clerk or secretary of the public body or  
7 with some other person designated by the public body. Such written  
8 notice shall be mailed or delivered at least forty-eight (48) hours  
9 prior to the special meeting. The public body may charge a fee of  
10 up to Eighteen Dollars (\$18.00) per year to persons or entities  
11 filing a written request for notice of meetings, and may require  
12 such persons or entities to renew the request for notice annually.  
13 In addition, all public bodies shall, at least twenty-four (24)  
14 hours prior to such special meetings, display public notice of the  
15 meeting, setting forth thereon the date, time, place and agenda for  
16 the meeting. Only matters appearing on the posted agenda may be  
17 considered at the special meeting. Such public notice shall be  
18 posted in prominent public view at the principal office of the  
19 public body or at the location of the meeting if no office exists.  
20 Twenty-four (24) hours prior public posting shall exclude Saturdays,  
21 Sundays and holidays legally declared by the State of Oklahoma. In  
22 lieu of the public posting requirements of this paragraph, a public  
23 body may elect to follow the requirements found in subparagraph b of  
24 paragraph 9 of this subsection, provided that forty-eight-hour

1 notice is required for special meetings and that the forty-eight-  
2 hour requirement shall exclude Saturdays, Sundays and holidays  
3 legally declared by the State of Oklahoma;

4 13. In the event of an emergency, an emergency meeting of a  
5 public body may be held without the public notice heretofore  
6 required. Should an emergency meeting of a public body be  
7 necessary, the person calling such a meeting shall give as much  
8 advance public notice as is reasonable and possible under the  
9 circumstances existing, in person or by telephonic or electronic  
10 means; and

11 14. A public body that gives public notice of a meeting for  
12 which there will be a videoconference option in accordance with  
13 Section 307.1 of this title shall not modify the method of meeting  
14 described in the notice prior to the meeting and shall conduct the  
15 meeting according to the methods described in the notice. If a code  
16 or password is required to access the videoconference meeting, the  
17 code or password shall be included in the public notice.

18 B. 1. All agendas required pursuant to the provisions of this  
19 section shall identify all items of business to be transacted by a  
20 public body at a meeting including, but not limited to, any proposed  
21 executive session for the purpose of engaging in deliberations or  
22 rendering a final or intermediate decision in an individual  
23 proceeding prescribed by the Administrative Procedures Act. No  
24 action may be taken upon a matter raised during a period designated

1 for public comment until such matter has been specifically included  
2 on an agenda as an item upon which action may be taken.

3 2. If a public body proposes to conduct an executive session,  
4 the agenda shall:

- 5 a. contain sufficient information for the public to
- 6 ascertain that an executive session will be proposed,
- 7 b. identify the items of business and purposes of the
- 8 executive session, and
- 9 c. state specifically the provision of Section 307 of
- 10 this title authorizing the executive session.

11 3. a. Any interested member of the public may address a  
12 public body on any agenda item, item of new business,  
13 or any non-agenda item relevant to the function of the  
14 public body in the time designated for public comment  
15 at a meeting of the public body. Rules or policies of  
16 a public body related to public comment shall be  
17 limited to providing guidelines regarding the amount  
18 of time a person may address the public body and  
19 designating a specific portion of the meeting to  
20 public comment. In no event may a public body  
21 prohibit criticism of any act, omission, policy,  
22 procedure, program, or service of the public body,  
23 other than any criticism otherwise prohibited by law.  
24 The requirements of this subparagraph shall not be



1 construed to prohibit a public body from maintaining  
2 orderly conduct and proper decorum during a public  
3 meeting.

4 b. The requirements of subparagraph a of this paragraph  
5 shall not apply to:

6 (1) any official act that must be taken to address an  
7 emergency situation affecting the public health,  
8 welfare, or safety, if compliance with such  
9 requirements would cause an unreasonable delay in  
10 the ability of the public body to act, or

11 (2) any meeting not subject to the provisions of the  
12 Oklahoma Open Meeting Act.

13 SECTION 2. This act shall become effective November 1, 2024.

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