

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 HOUSE BILL 1409

By: Crosswhite Hader of the
House

5 and

6 **Sacchieri** of the Senate

7

8

9 AS INTRODUCED

10 An Act relating to the Oklahoma Open Meeting Act;
11 amending 25 O.S. 2021, Section 311, as amended by
12 Section 1, Chapter 60, O.S.L. 2024 (25 O.S. Supp.
13 2024, Section 311), which relates to notices by
 public bodies; prescribing procedures related to
 email distribution systems; and providing an
 effective date.

14

15

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

17 SECTION 1. AMENDATORY 25 O.S. 2021, Section 311, as
18 amended by Section 1, Chapter 60, O.S.L. 2024 (25 O.S. Supp. 2024,
19 Section 311), is 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:

1 1. All public bodies shall give notice in writing by December
2 15 of each calendar year of the schedule showing the date, time and
3 place of the regularly scheduled meetings of such public bodies for
4 the following calendar year;

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

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

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

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

21 6. All governing boards of state institutions of higher
22 education, and committees and subcommittees thereof, shall give such
23 notice to the Secretary of State. All other public bodies covered
24 by the provisions of the Oklahoma Open Meeting Act which exist under

1 the auspices of a state institution of higher education, but a
2 majority of whose members are not members of the institution's
3 governing board, shall give such notice to the county clerk of the
4 county wherein the institution is principally located;

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

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

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

22 (1) by posting information that includes date, time,
23 place and agenda for the meeting in prominent
24 public view at the principal office of the public

body or at the location of the meeting if no office exists, or

(2) by posting on the public body's Internet website the date, time, place and agenda for the meeting in accordance with Section 3106.2 of Title 74 of the Oklahoma Statutes.

Additionally, the public body shall offer and consistently maintain an email distribution system for distribution of such notice of a public meeting required by this subsection, and any person may request to be included without charge, and their request shall be accepted. The emailed notice of a public meeting required by this subsection shall include in the body of the email or as an attachment to the email the date, time, place and agenda for the meeting and it shall be sent no less than twenty-four (24) hours prior to the meeting.

Additionally, the public body shall make the notice of a public meeting required by this subsection available to the public in the principal office of the public body or at the location of the meeting during normal business hours at least twenty-four (24) hours prior to the meeting. Public bodies may require

persons participating in the email distribution system to annually confirm the request to be included in the email distribution system. If the person does not confirm the request, public bodies may remove that person from the email distribution system. Nothing herein prohibits an individual

1 from participating in an email distribution system from which
2 that individual was previously removed.

3 b. In addition to the notice requirements of this
4 section, all state public bodies, as defined in
5 paragraph 2 of this subsection, shall, at least
6 twenty-four (24) hours prior to regularly scheduled
7 meetings, display public notice of the meeting by:

- 8 (1) posting information that includes date, time,
9 place and agenda for the meeting in prominent
10 public view at the principal office of the public
11 body or at the location of the meeting if no
12 office exists, and
13 (2) posting on the public body's Internet website the
14 date, time, place and agenda for the meeting in
15 accordance with Section 3106.2 of Title 74 of the
16 Oklahoma Statutes;

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

1 11. In the event any meeting is to be continued or reconvened,
2 public notice of such action including date, time and place of the
3 continued meeting, shall be given by announcement at the original
4 meeting. Only matters appearing on the agenda of the meeting which
5 is continued may be discussed at the continued or reconvened
6 meeting;

7 12. Special meetings of public bodies shall not be held without
8 public notice being given at least forty-eight (48) hours prior to
9 the meetings. Such public notice of date, time and place shall be
10 given in writing, in person or by telephonic means to the Secretary
11 of State or to the county clerk or to the municipal clerk by public
12 bodies in the manner set forth in paragraphs 2, 3, 4, 5 and 6 of
13 this subsection. The public body also shall cause written notice of
14 the date, time and place of the meeting to be mailed or delivered to
15 each person, newspaper, wire service, radio station and television
16 station that has filed a written request for notice of meetings of
17 the public body with the clerk or secretary of the public body or
18 with some other person designated by the public body. Such written
19 notice shall be mailed or delivered at least forty-eight (48) hours
20 prior to the special meeting. The public body may charge a fee of
21 up to Eighteen Dollars (\$18.00) per year to persons or entities
22 filing a written request for notice of meetings, and may require
23 such persons or entities to renew the request for notice annually.
24 In addition, all public bodies shall, at least twenty-four (24)

1 hours prior to such special meetings, display public notice of the
2 meeting, setting forth thereon the date, time, place and agenda for
3 the meeting. Only matters appearing on the posted agenda may be
4 considered at the special meeting. Such public notice shall be
5 posted in prominent public view at the principal office of the
6 public body or at the location of the meeting if no office exists.
7 Twenty-four (24) hours prior public posting shall exclude Saturdays,
8 Sundays and holidays legally declared by the State of Oklahoma. In
9 lieu of the public posting requirements of this paragraph, a public
10 body may elect to follow the requirements found in division (2) of
11 subparagraph a of paragraph 9 of this subsection, provided that
12 forty-eight-hour notice is required for special meetings and that
13 the forty-eight-hour requirement shall exclude Saturdays, Sundays
14 and holidays legally declared by the State of Oklahoma;

15 13. In the event of an emergency, an emergency meeting of a
16 public body may be held without the public notice heretofore
17 required. Should an emergency meeting of a public body be
18 necessary, the person calling such a meeting shall give as much
19 advance public notice as is reasonable and possible under the
20 circumstances existing, in person or by telephonic or electronic
21 means; and

22 14. A public body that gives public notice of a meeting for
23 which there will be a videoconference option in accordance with
24 Section 307.1 of this title shall not modify the method of meeting

1 described in the notice prior to the meeting and shall conduct the
2 meeting according to the methods described in the notice. If a code
3 or password is required to access the videoconference meeting, the
4 code or password shall be included in the public notice.

5 B. 1. All agendas required pursuant to the provisions of this
6 section shall identify all items of business to be transacted by a
7 public body at a meeting including, but not limited to, any proposed
8 executive session for the purpose of engaging in deliberations or
9 rendering a final or intermediate decision in an individual
10 proceeding prescribed by the Administrative Procedures Act.

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

- 13 a. contain sufficient information for the public to
14 ascertain that an executive session will be proposed,
- 15 b. identify the items of business and purposes of the
16 executive session, and
- 17 c. state specifically the provision of Section 307 of
18 this title authorizing the executive session.

19 SECTION 2. This act shall become effective November 1, 2025.
20

21 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT OVERSIGHT, dated
03/06/2025 - DO PASS, As Coauthored.
22