

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1049

By: Loring

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5  
6 AS INTRODUCED

7 An Act relating to the Oklahoma Open Records Act;  
8 amending 51 O.S. 2011, Section 24A.3, as amended by  
9 Section 2, Chapter 266, O.S.L. 2014 (51 O.S. Supp.  
10 2014, Section 24A.3), which relates to definitions;  
11 adding Legislature and judiciary to definition of  
12 public body; removing certain exclusion from  
13 definition of public body; amending 51 O.S. 2011,  
14 Section 24A.9, which relates to confidential notes;  
15 permitting judiciary and Legislature to keep certain  
16 records confidential; and providing an effective  
17 date.

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

19 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.3, as  
20 amended by Section 2, Chapter 266, O.S.L. 2014 (51 O.S. Supp. 2014,  
21 Section 24A.3), is amended to read as follows:

22 Section 24A.3 As used in the Oklahoma Open Records Act:

23 1. "Record" means all documents, including, but not limited to,  
24 any book, paper, photograph, microfilm, data files created by or  
used with computer software, computer tape, disk, record, sound  
recording, film recording, video record or other material regardless

1 of physical form or characteristic, created by, received by, under  
2 the authority of, or coming into the custody, control or possession  
3 of public officials, public bodies, or their representatives in  
4 connection with the transaction of public business, the expenditure  
5 of public funds or the administering of public property. "Record"  
6 does not mean:

- 7 a. computer software,
- 8 b. nongovernment personal effects,
- 9 c. unless public disclosure is required by other laws or  
10 regulations, vehicle movement records of the Oklahoma  
11 ~~Transportation~~ Turnpike Authority obtained in  
12 connection with the Authority's electronic toll  
13 collection system,
- 14 d. personal financial information, credit reports or  
15 other financial data obtained by or submitted to a  
16 public body for the purpose of evaluating credit  
17 worthiness, obtaining a license, permit, or for the  
18 purpose of becoming qualified to contract with a  
19 public body,
- 20 e. any digital audio/video recordings of the toll  
21 collection and safeguarding activities of the Oklahoma  
22 ~~Transportation~~ Turnpike Authority,
- 23 f. any personal information provided by a guest at any  
24 facility owned or operated by the Oklahoma Tourism and

1 Recreation Department or the Board of Trustees of the  
2 Quartz Mountain Arts and Conference Center and Nature  
3 Park to obtain any service at the facility or by a  
4 purchaser of a product sold by or through the Oklahoma  
5 Tourism and Recreation Department or the Quartz  
6 Mountain Arts and Conference Center and Nature Park,

7 g. a Department of Defense Form 214 (DD Form 214) filed  
8 with a county clerk, including any DD Form 214 filed  
9 before July 1, 2002, or

10 h. except as provided for in Section 2-110 of Title 47 of  
11 the Oklahoma Statutes,

12 (1) any record in connection with a Motor Vehicle  
13 Report issued by the Department of Public Safety,  
14 as prescribed in Section 6-117 of Title 47 of the  
15 Oklahoma Statutes, or

16 (2) personal information within driver records, as  
17 defined by the Driver's Privacy Protection Act,  
18 18 United States Code, Sections 2721 through  
19 2725, which are stored and maintained by the  
20 Department of Public Safety;

21 2. "Public body" shall include, but not be limited to, the  
22 Legislature, the judiciary, any office, department, board, bureau,  
23 commission, agency, trusteeship, authority, council, committee,  
24 trust or any entity created by a trust, county, city, village, town,

1 township, district, school district, fair board, court, executive  
2 office, advisory group, task force, study group, or any subdivision  
3 thereof, supported in whole or in part by public funds or entrusted  
4 with the expenditure of public funds or administering or operating  
5 public property, and all committees, or subcommittees thereof.

6 ~~Except for the records required by Section 24A.4 of this title,~~  
7 ~~"public body" does not mean judges, justices, the Council on~~  
8 ~~Judicial Complaints, the Legislature, or legislators;~~

9 3. "Public office" means the physical location where public  
10 bodies conduct business or keep records;

11 4. "Public official" means any official or employee of any  
12 public body as defined herein; and

13 5. "Law enforcement agency" means any public body charged with  
14 enforcing state or local criminal laws and initiating criminal  
15 prosecutions, including, but not limited to, police departments,  
16 county sheriffs, the Department of Public Safety, the Oklahoma State  
17 Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic  
18 Beverage Laws Enforcement Commission, and the Oklahoma State Bureau  
19 of Investigation.

20 SECTION 2. AMENDATORY 51 O.S. 2011, Section 24A.9, is  
21 amended to read as follows:

22 Section 24A.9 A. Prior to taking action, including making a  
23 recommendation or issuing a report, a public official may keep  
24 confidential his or her personal notes and personally created

1 materials other than departmental budget requests of a public body  
2 prepared as an aid to memory or research leading to the adoption of  
3 a public policy or the implementation of a public project.

4 B. In addition to the provisions set forth in subsection A of  
5 this section, the judiciary may permanently keep confidential any  
6 record or records related to the judicial process, including, but  
7 not limited to, trial notes or legal research utilized by the  
8 judiciary in the deliberative process, which gives rise to any  
9 finding of fact, ruling, order or judgment. The judiciary shall  
10 keep confidential all documents directly related to any settlement  
11 agreement between parties with a lawful confidentiality provision;  
12 provided, however, no public body may enter into such a confidential  
13 agreement. Further, the judiciary shall keep confidential all  
14 documents that are otherwise confidential by law.

15 C. In addition to the provisions set forth in subsection A of  
16 this section, the Legislature may permanently keep confidential any  
17 record related to constituent service and any record related to the  
18 legislative process, including, but not limited to, legal or other  
19 background research, legislative calendars, meeting notes, drafts of  
20 bills and resolutions prior to introduction and communications with  
21 citizens and lobbyists that relate to the deliberative process. The  
22 Legislature shall keep confidential all documents that relate to  
23 committee meetings which are lawfully closed to the public or are  
24 otherwise confidential by law.

1 SECTION 3. This act shall become effective November 1, 2015.

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