

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3525

By: Virgin

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5
6 AS INTRODUCED

7 An Act relating to legislative transparency; amending
8 25 O.S. 2021, Section 304, which relates to the
9 Oklahoma Open Meeting Act; modifying exemptions
10 related to the Legislature; amending 51 O.S. 2021,
11 Section 24A.3, which relates to the Oklahoma Open
12 Records Act; modifying exemption related to
13 Legislature and legislators; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 25 O.S. 2021, Section 304, is
17 amended to read as follows:

18 Section 304. As used in the Oklahoma Open Meeting Act:

19 1. "Public body" means the governing bodies of all
20 municipalities located within this state, boards of county
21 commissioners of the counties in this state, boards of public and
22 higher education in this state and all boards, bureaus, commissions,
23 agencies, trusteeships, authorities, councils, committees, public
24 trusts or any entity created by a public trust, including any
committee or subcommittee composed of any of the members of a public
trust or other legal entity receiving funds from the Rural Economic

1 Action Plan Fund as authorized by Section 2007 of Title 62 of the
2 Oklahoma Statutes, task forces or study groups in this state
3 supported in whole or in part by public funds or entrusted with the
4 expending of public funds, or administering public property, and
5 shall include all committees or subcommittees of any public body.
6 Public body shall not include the state judiciary, the Council on
7 Judicial Complaints when conducting, discussing, or deliberating any
8 matter relating to a complaint received or filed with the Council,
9 ~~the Legislature,~~ or administrative staffs of public bodies,
10 including, but not limited to, faculty meetings and athletic staff
11 meetings of institutions of higher education when those staffs are
12 not meeting with the public body, or entry-year assistance
13 committees. Furthermore, public body shall not include the
14 multidisciplinary teams provided for in Section 1-9-102 of Title 10A
15 of the Oklahoma Statutes and subsection C of Section 1-502.2 of
16 Title 63 of the Oklahoma Statutes or any school board meeting for
17 the sole purpose of considering recommendations of a
18 multidisciplinary team and deciding the placement of any child who
19 is the subject of the recommendations. Furthermore, public body
20 shall not include meetings conducted by stewards designated by the
21 Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title
22 3A of the Oklahoma Statutes when the stewards are officiating at
23 races or otherwise enforcing rules of the Commission. Furthermore,
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1 public body shall not include the board of directors of a Federally
2 Qualified Health Center;

3 2. "Meeting" means the conduct of business of a public body by
4 a majority of its members being personally together or, as
5 authorized by Section 307.1 of this title, together pursuant to a
6 videoconference. Meeting shall not include informal gatherings of a
7 majority of the members of the public body when no business of the
8 public body is discussed;

9 3. "Regularly scheduled meeting" means a meeting at which the
10 regular business of the public body is conducted;

11 4. "Special meeting" means any meeting of a public body other
12 than a regularly scheduled meeting or emergency meeting;

13 5. "Emergency meeting" means any meeting called for the purpose
14 of dealing with an emergency. For purposes of the Oklahoma Open
15 Meeting Act, an emergency is defined as a situation involving injury
16 to persons or injury and damage to public or personal property or
17 immediate financial loss when the time requirements for public
18 notice of a special meeting would make such procedure impractical
19 and increase the likelihood of injury or damage or immediate
20 financial loss;

21 6. "Continued or reconvened meeting" means a meeting which is
22 assembled for the purpose of finishing business appearing on an
23 agenda of a previous meeting. For the purposes of the Oklahoma Open
24 Meeting Act, only matters on the agenda of the previous meeting at

1 which the announcement of the continuance is made may be discussed
2 at a continued or reconvened meeting;

3 7. "Videoconference" means a conference among members of a
4 public body remote from one another who are linked by interactive
5 telecommunication devices or technology and/or technology permitting
6 both visual and auditory communication between and among members of
7 the public body and/or between and among members of the public body
8 and members of the public. During any videoconference, both the
9 visual and auditory communications functions shall attempt to be
10 utilized; and

11 8. "Teleconference" means a conference among members of a
12 public body remote from one another who are linked by
13 telecommunication devices and/or technology permitting auditory
14 communication between and among members of the public body and/or
15 between and among members of the public body and members of the
16 public.

17 SECTION 2. AMENDATORY 51 O.S. 2021, Section 24A.3, is
18 amended to read as follows:

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

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

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

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

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

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

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

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

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

19 2. "Public body" shall include, but not be limited to, any
20 office, department, board, bureau, commission, agency, trusteeship,
21 authority, council, committee, including a committee of either
22 chamber of the Legislature, trust or any entity created by a trust,
23 county, city, village, town, township, district, school district,
24 fair board, court, executive office, advisory group, task force,

1 study group, or any subdivision thereof, supported in whole or in
2 part by public funds or entrusted with the expenditure of public
3 funds or administering or operating public property, and all
4 committees, or subcommittees thereof. Except for the records
5 required by Section 24A.4 of this title, "public body" does not mean
6 judges, justices, or the Council on Judicial Complaints,~~the~~
7 ~~Legislature, or legislators;~~

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

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

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

19 SECTION 3. This act shall become effective November 1, 2022.

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