

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 352

By: Holt

4  
5  
6 AS INTRODUCED

7 An Act relating to public bodies; creating the  
8 Oklahoma Legislative Open Records Act; establishing  
9 purpose; defining terms; requiring records of certain  
10 entities to be open for inspection; permitting  
11 reasonable charge; requiring records of legislative  
12 work product be released by certain time; permitting  
13 appeal if access to records is denied; permitting  
14 complaint to be filed with certain committee;  
15 providing for codification; and providing an  
16 effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 24B.1 of Title 51, unless there  
20 is created a duplication in numbering, reads as follows:

21 Sections 1 through 5 of this act shall be known and may be cited  
22 as the "Oklahoma Legislative Open Records Act".

23 SECTION 2. NEW LAW A new section of law to be codified  
24 in the Oklahoma Statutes as Section 24B.2 of Title 51, unless there  
is created a duplication in numbering, reads as follows:

1 The following words and phrases as used in the Oklahoma  
2 Legislative Open Records Act, unless a different meaning is clearly  
3 required by the context, shall have the following meanings:

4 1. "Legislative entity" means the Senate and its members, the  
5 House of Representatives and its members or the Legislative Service  
6 Bureau;

7 2. "Office" means a location designated by the President Pro  
8 Tempore of the Senate or the Speaker of the House as the location  
9 for receiving requests for records pursuant to the Oklahoma  
10 Legislative Open Records Act or complaints alleging noncompliance  
11 with the Oklahoma Legislative Open Records Act;

12 3. "Oversight committee" means a committee designated by the  
13 President Pro Tempore of the Senate or the Speaker of the House with  
14 the responsibility of reviewing procedural matters for the  
15 respective chamber; and

16 4. "Record" means all documents including, but not limited to,  
17 any book, paper, photograph, data files, sound recording, video  
18 recording or other material regardless of physical form or  
19 characteristic, created by, received by, under the authority of or  
20 coming into the custody, control of or possession of a legislative  
21 entity in connection with the transaction of public business.  
22 "Record" includes, but is not limited to, communications between a  
23 legislator and a person residing within the district or geographic  
24 area represented by the legislator; provided, the name and any other

1 identifying information of such a person may be redacted unless the  
2 person is a state officer or employee or a registered lobbyist.

3 "Record" shall not mean:

- 4 a. scheduling information disclosing future schedules of  
5 legislators,
- 6 b. records protected by a state evidentiary privilege  
7 such as the attorney-client privilege, work-product  
8 immunity from discovery, and the identity of informer  
9 privileges, provided the disclosure of the record  
10 would seriously impair the ability of a legislative  
11 entity to process a claim, conduct an investigation or  
12 participate in litigation in the public interest,
- 13 c. records relating to meetings lawfully closed to the  
14 public such as executive sessions authorized under the  
15 Open Meeting Act in Section 301 et seq. of Title 25 of  
16 the Oklahoma Statutes,
- 17 d. personnel records except as provided under Section  
18 24A.7 of Title 51 of the Oklahoma Statutes,
- 19 e. documentation relating to internal personnel  
20 investigations not leading to loss of pay, suspension,  
21 demotion or termination,
- 22 f. personnel records where disclosure would constitute a  
23 clearly unwarranted invasion of personal privacy of  
24 employees such as employee evaluations, payroll

1           deductions, and employment applications submitted by a  
2           person not hired,

3           g. materials in the possession of a legislative entity  
4           originating from another state agency that are  
5           otherwise exempt from disclosure under the provisions  
6           of the Open Records Act, or

7           h. any other record which would be exempt from disclosure  
8           under the provisions of the Open Records Act.

9           SECTION 3.       NEW LAW       A new section of law to be codified  
10          in the Oklahoma Statutes as Section 24B.3 of Title 51, unless there  
11          is created a duplication in numbering, reads as follows:

12          All records of legislative entities shall be open to any person  
13          for inspection, copying, and mechanical reproduction during regular  
14          business hours at the designated office. Requested records shall be  
15          provided within a reasonable amount of time. A reasonable charge  
16          may be assessed to the person filing a request for records. Charges  
17          shall not exceed ten cents (\$0.10) per page for physical copies of  
18          records or Ten Dollars (\$10.00) per gigabyte for data records. In  
19          addition, the legislative entity may charge a reasonable fee to  
20          recover the direct cost of time spent by an employee of the  
21          legislative entity to search for and retrieve the requested record.

22          SECTION 4.       NEW LAW       A new section of law to be codified  
23          in the Oklahoma Statutes as Section 24B.4 of Title 51, unless there  
24          is created a duplication in numbering, reads as follows:

1       Records requests for work product directly related to the  
2 creation of legislation shall be complied with in a reasonable  
3 amount of time following the first legislative deadline at which the  
4 legislation is made available to the public.

5       SECTION 5.       NEW LAW       A new section of law to be codified  
6 in the Oklahoma Statutes as Section 24B.5 of Title 51, unless there  
7 is created a duplication in numbering, reads as follows:

8       Any person alleging noncompliance with the provisions of the  
9 Oklahoma Legislative Open Records Act may file a complaint with the  
10 oversight committee. The oversight committee shall investigate the  
11 complaint as soon as practical and shall hold a public vote  
12 substantively addressing each filed complaint.

13       SECTION 6. This act shall become effective January 1, 2018.

14  
15       56-1-1362       CD       1/18/2017 7:30:00 PM

16  
17  
18  
19  
20  
21  
22  
23  
24