

1 **SENATE FLOOR VERSION**

2 February 27, 2023

3 SENATE BILL NO. 612

By: Howard of the Senate

4 and

5 Osburn of the House

6  
7  
8 An Act relating to the Oklahoma Lottery; amending 3A  
9 O.S. 2021, Sections 712, 713, as amended by Section  
10 1, Chapter 359, O.S.L. 2022, 724, and 733 (3A O.S.  
11 Supp. 2022, Section 713), which relate to the  
12 Oklahoma Lottery Commission, prize claims, and the  
13 board of trustees; expanding required background  
14 checks for certain applicants; requiring annual  
15 background checks for Commission employees; deleting  
16 Commission requirement to pay for certain  
17 investigations and contract with the Oklahoma State  
18 Bureau of Investigation; deleting requirement to  
19 submit certain report; deleting requirement to  
20 display certain certificate; modifying certain  
21 information required for submission; modifying  
22 required date for submission of certain information;  
23 modifying threshold for certain information required  
24 to claim prize; modifying information required to  
claim certain prize; amending 51 O.S. 2021, Section  
24A.5, which relates to the Oklahoma Open Records  
Act; providing exception; repealing 3A O.S. 2021,  
Sections 706 and 734, which relate to Lottery  
Retailer Advisory Board and Oklahoma Lottery  
Commission Legislative Oversight Committee; updating  
statutory reference; and providing an effective date.

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

23 SECTION 1. AMENDATORY 3A O.S. 2021, Section 712, is  
24 amended to read as follows:

1 Section 712. A. The executive director of the Oklahoma Lottery  
2 Commission, with the approval of the board of trustees, shall employ  
3 such personnel as may be necessary to carry out the provisions of  
4 this act and shall set the compensation and terms of compensation of  
5 such employees. All offices, positions, and personnel of the  
6 Oklahoma Lottery Commission shall be in the unclassified service.

7 B. No employee of the Commission shall have a financial  
8 interest in any vendor doing business or proposing to do business  
9 with the Commission.

10 C. No employee of the Commission shall participate in any  
11 decision involving a retailer with whom the employee has a financial  
12 interest.

13 D. No employee of the Commission who leaves the employment of  
14 the Commission may represent any vendor or lottery retailer before  
15 the Commission for a period of two (2) years following termination  
16 of employment with the Commission.

17 E. A background investigation shall be conducted on each  
18 applicant who has reached the final selection process prior to  
19 employment by the Commission ~~at the level of division director and~~  
20 ~~above and at any level within any division of security and as~~  
21 ~~otherwise required by the board of trustees of the Oklahoma Lottery~~  
22 ~~Commission. The Commission shall pay for the actual cost of the~~  
23 ~~investigations and shall contract with the Oklahoma State Bureau of~~  
24 ~~Investigation for the performance of the investigations and on every~~

1 employee of the Commission for each calendar year. The results of  
2 a background investigation shall not be considered a record open to  
3 the public pursuant to the Oklahoma Open Records Act.

4 F. No person who has been convicted of any felony or a  
5 misdemeanor involving illegal gambling or involving moral turpitude  
6 shall be employed by the Commission, nor shall the Commission employ  
7 a person who is awaiting sentencing on a plea of guilt or nolo  
8 contendere to such a felony or misdemeanor.

9 G. The Commission shall bond Commission employees with access  
10 to Commission funds or lottery revenue in an amount specified by the  
11 board and may bond other employees as deemed necessary.

12 SECTION 2. AMENDATORY 3A O.S. 2021, Section 713, as  
13 amended by Section 1, Chapter 359, O.S.L. 2022 (3A O.S. Supp. 2022,  
14 Section 713), is amended to read as follows:

15 Section 713. A. All gross proceeds shall be the property of  
16 the Oklahoma Lottery Commission. From its gross proceeds, the  
17 Commission shall pay the operating expenses of the Commission. At  
18 least forty-five percent (45%) of gross proceeds shall be made  
19 available as prize money. However, the provisions of this  
20 subsection shall be deemed not to create any lien, entitlement,  
21 cause of action, or other private right, and any rights of holders  
22 of tickets or shares shall be determined by the Commission in  
23 setting the terms of its lottery or lotteries.

24

1       ~~B. The Oklahoma Lottery Commission shall submit a written~~  
2 ~~report of its findings and any recommendations regarding the impact~~  
3 ~~of removing the requirement that net proceeds shall equal at least~~  
4 ~~thirty five percent (35%) of the gross proceeds. The report shall~~  
5 ~~be submitted to the Governor, the Speaker of the Oklahoma House of~~  
6 ~~Representatives and the President Pro Tempore of the Oklahoma State~~  
7 ~~Senate not later than October 1, 2020, and annually thereafter.~~

8       ~~C.~~ There is hereby created in the State Treasury a fund to be  
9 designated the "Oklahoma Education Lottery Trust Fund". Except as  
10 otherwise provided in subsections ~~#~~ G and ~~±~~ H of this section, on or  
11 before the fifteenth day of each calendar quarter, the Commission  
12 shall transfer to the State Treasurer, for credit to the Oklahoma  
13 Education Lottery Trust Fund, the amount of all net proceeds  
14 accruing during the preceding calendar quarter. Expenditures from  
15 the fund shall be made upon warrants issued by the State Treasurer  
16 against claims filed as prescribed by law with the Director of the  
17 Office of Management and Enterprise Services for approval and  
18 payment.

19       ~~D.~~ C. Upon their deposit into the State Treasury, any monies  
20 representing a deposit of net proceeds shall then become the  
21 unencumbered property of this state, and neither the Commission nor  
22 the board of trustees shall have the power to agree or undertake  
23 otherwise. The monies shall be invested by the State Treasurer in  
24 accordance with state investment practices. All earnings

1 attributable to such investments shall likewise be the unencumbered  
2 property of the state and shall accrue to the credit of the fund  
3 provided for in subsection € B of this section.

4 1. The first Sixty-five Million Dollars (\$65,000,000.00) of  
5 monies contributed annually to the Oklahoma Education Lottery Trust  
6 Fund shall only be appropriated as follows:

7 a. forty-five percent (45%) for the following:

8 (1) kindergarten through twelfth grade public

9 education, including but not limited to

10 compensation and benefits for public school

11 teachers and support employees, and

12 (2) early childhood development programs, which shall

13 include but not be limited to costs associated

14 with prekindergarten and full-day kindergarten

15 programs,

16 b. forty-five percent (45%) for the following:

17 (1) tuition grants, loans and scholarships to

18 citizens of this state to enable such citizens to

19 attend colleges and universities located within

20 this state, regardless of whether such colleges

21 and universities are owned or operated by the

22 Oklahoma State Regents for Higher Education, or

23 to attend institutions operated under the

24 authority of the Oklahoma Department of Career

1 and Technology Education; provided, such tuition  
2 grants, loans and scholarships shall not be made  
3 to a citizen of this state to attend a college or  
4 university which is not accredited by the  
5 Oklahoma State Regents for Higher Education,

6 (2) construction of educational facilities for  
7 elementary school districts, independent school  
8 districts, The Oklahoma State System of Higher  
9 Education, and career and technology education,

10 (3) capital outlay projects for elementary school  
11 districts, independent school districts, The  
12 Oklahoma State System of Higher Education, and  
13 career and technology education,

14 (4) technology for public elementary school district,  
15 independent school district, state higher  
16 education, and career and technology education  
17 facilities, which shall include but not be  
18 limited to costs of providing to teachers at  
19 accredited public institutions who teach levels  
20 kindergarten through twelfth grade, personnel at  
21 technology centers under the authority of the  
22 Oklahoma State Department of Career and  
23 Technology Education, and professors and  
24 instructors within The Oklahoma State System of

1 Higher Education, the necessary training in the  
2 use and application of computers and advanced  
3 electronic instructional technology to implement  
4 interactive learning environments in the  
5 classroom and to access the statewide distance  
6 learning network and costs associated with  
7 repairing and maintaining advanced electronic  
8 instructional technology,

9 (5) endowed chairs for professors at institutions of  
10 higher education operated by The Oklahoma State  
11 System of Higher Education, and

12 (6) programs and personnel of the Oklahoma School for  
13 the Deaf and the Oklahoma School for the Blind,

14 c. five percent (5%) to the School Consolidation and  
15 Assistance Fund. When the total amount in the School  
16 Consolidation and Assistance Fund from all sources  
17 equals Five Million Dollars (\$5,000,000.00), all  
18 monies appropriated pursuant to this subparagraph  
19 which would otherwise be deposited in the School  
20 Consolidation and Assistance Fund in excess of Five  
21 Million Dollars (\$5,000,000.00) shall be allocated by  
22 the State Department of Education to public schools  
23 based on the audited end-of-year average daily  
24 membership in grades 8 through 12 during the preceding

1 school year for the purpose of purchasing technology  
2 equipment. If at any time the total amount in the  
3 School Consolidation and Assistance Fund drops below  
4 Five Million Dollars (\$5,000,000.00), the monies  
5 appropriated pursuant to this subparagraph shall be  
6 deposited in the School Consolidation and Assistance  
7 Fund until the Fund again reaches Five Million Dollars  
8 (\$5,000,000.00), and

9 d. five percent (5%) to the Teachers' Retirement System  
10 Dedicated Revenue Revolving Fund.

11 In no instance shall the annual maximum percentage for  
12 administrative costs, not including marketing and advertising costs,  
13 funds set aside for prizes, commissions paid to retailers, contract  
14 fees paid to gaming system vendors and instant ticket providers or  
15 emergency-related capital expenses, exceed three percent (3%) of  
16 sales.

17 2. The remaining portion of lottery annual net proceeds  
18 deposited to the Oklahoma Education Lottery Trust Fund that exceeds  
19 Sixty-five Million Dollars (\$65,000,000.00) shall be deposited to  
20 the credit of the Teacher Empowerment Revolving Fund created in  
21 Section 2 of this act.

22 ~~E.~~ D. The Legislature shall appropriate funds from the Oklahoma  
23 Education Lottery Trust Fund only for the purposes specified in  
24 subsection ~~D~~ C of this section. Even when funds from the trust fund



1 are used for these purposes, the Legislature shall not use funds  
2 from the trust fund to supplant or replace other state funds  
3 supporting common education, higher education, or career and  
4 technology education.

5 ~~F.~~ E. In order to ensure that the funds from the trust fund are  
6 used to enhance and not supplant funding for education, the State  
7 Board of Equalization shall examine and investigate appropriations  
8 from the trust fund each year. At the meeting of the State Board of  
9 Equalization held within five (5) days after the monthly  
10 apportionment in February of each year, the State Board of  
11 Equalization shall issue a finding and report which shall state  
12 whether appropriations from the trust fund were used to enhance or  
13 supplant education funding. If the State Board of Equalization  
14 finds that education funding was supplanted by funds from the trust  
15 fund, the Board shall specify the amount by which education funding  
16 was supplanted. In this event, the Legislature shall not make any  
17 appropriations for the ensuing fiscal year until an appropriation in  
18 that amount is made to replenish the trust fund.

19 ~~G.~~ F. Except as otherwise provided by this subsection, no  
20 deficiency in the Oklahoma Education Lottery Trust Fund shall be  
21 replenished by reducing any nonlottery funds including, specifically  
22 but without limitation, the General Revenue Fund, the Constitutional  
23 Reserve Fund, or the Education Reform Revolving Fund of the State  
24 Department of Education. No program or project started specifically

1 from lottery proceeds shall be continued from the General Revenue  
2 Fund, the Constitutional Reserve Fund, or the Education Reform  
3 Revolving Fund of the State Department of Education. Such programs  
4 must be adjusted or discontinued according to available lottery  
5 proceeds unless the Legislature by general law establishes  
6 eligibility requirements and appropriates specific funds therefor.  
7 No surplus in the Oklahoma Education Lottery Trust Fund shall be  
8 reduced or transferred to correct any nonlottery deficiencies in  
9 sums available for general appropriations. The provisions of this  
10 subsection shall not apply to bonds or other obligations issued  
11 pursuant to or to the repayment of bonds or other obligations issued  
12 pursuant to the Oklahoma Higher Education Promise of Excellence Act  
13 of 2005.

14 ~~H.~~ G. There is hereby created in the State Treasury a revolving  
15 fund to be designated the "Oklahoma Education Lottery Revolving  
16 Fund". The fund shall be a continuing fund, not subject to fiscal  
17 year limitations, and shall consist of all monies received by the  
18 Commission. The Commission shall make payments of net proceeds from  
19 the fund to the Oklahoma Education Lottery Trust Fund on or before  
20 the fifteenth day of each calendar quarter as provided in subsection  
21 ~~C~~ B of this section. All monies accruing to the credit of the  
22 Oklahoma Education Lottery Revolving Fund are hereby appropriated  
23 and may be budgeted and expended for the payment of net proceeds,  
24 prizes, commissions to retailers, administrative expenses and all

1 other expenses arising out of the operation of the education  
2 lottery, subject to the limitations provided in the Oklahoma  
3 Education Lottery Act. Expenditures from the fund shall be made  
4 upon warrants issued by the State Treasurer against claims filed as  
5 prescribed by law with the Director of the Office of Management and  
6 Enterprise Services for approval and payment.

7 The monies in the fund shall be invested by the State Treasurer  
8 in accordance with state investment practices. All earnings  
9 attributable to such investments shall likewise accrue to the credit  
10 of the fund.

11 ~~I.~~ H. When appropriations from the Oklahoma Education Lottery  
12 Trust Fund are made to common education pursuant to the provisions  
13 of subparagraph a of paragraph 1 of subsection ~~D~~ C of this section,  
14 the appropriations shall be made available on a monthly basis. In  
15 addition to the provisions of subsections ~~E~~ B and ~~D~~ C of this  
16 section, the following process shall be used to ensure that the  
17 appropriations are made available to common education in a timely  
18 manner:

19 1. Beginning in July of the fiscal year in which appropriations  
20 are made to common education from the Oklahoma Education Lottery  
21 Trust Fund, the Commission, on or before the ninth day of each  
22 month, shall transfer to the State Treasurer, for credit to the  
23 Oklahoma Education Lottery Trust Fund, the amount of net proceeds  
24 accruing during the preceding month equal to the amount of total

1 monthly collections due to common education as required by  
2 subparagraph a of paragraph 1 of subsection ~~D~~ C of this section;

3 2. The Director of the Office of Management and Enterprise  
4 Services shall allocate the transfers provided for in paragraph 1 of  
5 this subsection to the State Department of Education on a monthly  
6 basis, not to exceed one-twelfth (1/12) of the annual apportionment  
7 for the fiscal year; and

8 3. The total amount of transfers to the Oklahoma Education  
9 Lottery Trust Fund of net lottery proceeds made pursuant to this  
10 subsection shall not exceed the total appropriations made to common  
11 education from the Oklahoma Education Lottery Trust Fund for the  
12 specific fiscal year.

13 ~~F~~ I. When appropriations from the Oklahoma Education Lottery  
14 Trust Fund are made to The Oklahoma State System of Higher  
15 Education, the appropriations shall be made available to the System  
16 on a monthly basis. In addition to the provisions of subsections ~~E~~  
17 B and ~~D~~ C of this section, the following process shall be used to  
18 ensure that the appropriations are made available to The Oklahoma  
19 State System of Higher Education in a timely manner:

20 1. Beginning in July of the fiscal year in which appropriations  
21 are made to The Oklahoma State System of Higher Education from the  
22 Oklahoma Education Lottery Trust Fund, the Commission, on or before  
23 the ninth day of each month, shall transfer to the State Treasurer,  
24 for credit to the Oklahoma Education Lottery Trust Fund, the amount

1 of net proceeds accruing during the preceding month equal to the  
2 amount of total monthly collections due to the Oklahoma State  
3 Regents for Higher Education as required by subparagraph b of  
4 paragraph 1 of subsection ~~D~~ C of this section;

5 2. The Director of the Office of Management and Enterprise  
6 Services shall allocate the transfers provided for in paragraph 1 of  
7 this subsection to the Oklahoma State Regents for Higher Education  
8 on a monthly basis, not to exceed one-twelfth (1/12) of the annual  
9 apportionment for the fiscal year; and

10 3. The total amount of transfers to the Oklahoma Education  
11 Lottery Trust Fund of net lottery proceeds made pursuant to this  
12 subsection shall not exceed the total appropriations made to The  
13 Oklahoma State System for Higher Education from the Oklahoma  
14 Education Lottery Trust Fund for the specific fiscal year.

15 SECTION 3. AMENDATORY 3A O.S. 2021, Section 724, is  
16 amended to read as follows:

17 Section 724. A. Proceeds of any lottery prize shall be subject  
18 to the Oklahoma state income tax.

19 B. Attachments, garnishments, or executions authorized and  
20 issued pursuant to law shall be withheld if timely served upon the  
21 Oklahoma Lottery Commission. This subsection shall not apply to  
22 payment of prizes by a retailer.

23 C. The Commission shall adopt policies and procedures to  
24 establish a system of verifying the validity of tickets or shares

1 claimed to win prizes and to effect payment of the prizes, except  
2 that:

3 1. No prize, any portion of a prize, or any right of any person  
4 to a prize awarded shall be assignable. Any prize or any portion of  
5 a prize remaining unpaid at the death of a prize winner shall be  
6 paid to the estate of the deceased prize winner or to the trustee of  
7 a trust established by the deceased prize winner as settlor if a  
8 copy of the trust document or instrument has been filed with the  
9 Commission along with a notarized letter of direction from the  
10 settlor and no written notice of revocation has been received by the  
11 Commission prior to the death of the settlor. Following the death  
12 of a settlor and prior to any payment to a successor trustee, the  
13 Commission shall obtain from the trustee a written agreement to  
14 indemnify and hold the Commission harmless with respect to any  
15 claims that may be asserted against the Commission arising from  
16 payment to or through the trust. Notwithstanding any other  
17 provisions of this section, any person, pursuant to an appropriate  
18 judicial order, shall be paid the prize to which a winner is  
19 entitled;

20 2. No prize shall be paid arising from claimed tickets that  
21 are:

22 a. stolen, counterfeit, altered, fraudulent, unissued,  
23 produced or issued in error, unreadable, not received,  
24

1 or not recorded by the Commission within applicable  
2 deadlines,

3 b. lacking in captions that conform and agree with the  
4 play symbols as appropriate to the particular lottery  
5 game involved, or

6 c. not in compliance with such additional public or  
7 confidential validation and security tests of the  
8 Commission appropriate to the particular lottery game  
9 involved;

10 3. No particular prize in any lottery game shall be paid more  
11 than once, and in the event of a determination that more than one  
12 claimant is entitled to a particular prize, the sole remedy of the  
13 claimants is the award to each of them of an equal share in the  
14 prize;

15 4. A holder of a winning cash ticket or share from a lottery  
16 game shall claim a cash prize within one hundred eighty (180) days,  
17 or for a multistate or multisoovereign lottery game within one  
18 hundred eighty (180) days, after the drawing in which the cash prize  
19 was won. In any Oklahoma lottery game in which the player may  
20 determine instantly if the player has won or lost, the player shall  
21 claim a cash prize within ninety (90) days, or for a multistate  
22 lottery game within one hundred eighty (180) days, after the end of  
23 the lottery game. If a valid claim is not made for a cash prize  
24

1 within the applicable period, the cash prize shall constitute an  
2 unclaimed prize for purposes of the Oklahoma Education Lottery Act;

3 5. Any person or persons claiming a lottery prize exceeding Six  
4 Hundred Dollars (\$600.00) shall provide the Commission with their  
5 name, address, social security number or tax identification number,  
6 and sufficient valid identification ~~as proof of the same~~ prior to  
7 payment of the prize by the Commission. This information shall be  
8 confidential for purposes of the Oklahoma Open Records Act, except  
9 for the person's first name, city of residence, and prize amount;  
10 and

11 6. Any person or persons claiming a lottery prize exceeding  
12 Five Thousand Dollars (\$5,000.00) shall provide the Commission with  
13 their name, address, social security number or tax identification  
14 number, proof of social security number or tax identification  
15 number, and sufficient valid identification prior to payment of the  
16 prize by the Commission. This information shall be confidential for  
17 purposes of the Oklahoma Open Records Act, except for the person's  
18 first name, city of residence, and prize amount; and

19 7. Any person or persons claiming a lottery prize exceeding Six  
20 Hundred Dollars (\$600.00) as a trust shall provide for each person  
21 entitled to any portion of the prize their name, address, social  
22 security number or tax identification number, proof of social  
23 security number or tax identification number, and sufficient valid  
24 identification ~~as proof of the same~~ and trust certifications prior



1 to payment of the prize by the Commission except that such  
2 information specified in this paragraph shall be confidential and  
3 not subject to the provisions of the Oklahoma Open Records Act.

4 D. No prize shall be paid upon a ticket or share purchased or  
5 sold in violation of the Oklahoma Education Lottery Act. Any such  
6 prize shall constitute an unclaimed prize for purposes of the  
7 Oklahoma Education Lottery Act.

8 E. The Commission is discharged of all liability upon payment  
9 of a prize.

10 F. No ticket or share shall be purchased by and no prize shall  
11 be paid to any member of the board of trustees of the Oklahoma  
12 Lottery Commission, any officer or employee of the Commission, or to  
13 any spouse, child, brother, sister, or parent residing as a member  
14 of the same household in the principal place of residence of any  
15 such person. No ticket or share shall be purchased by and no prize  
16 shall be paid to any officer, employee, agent, or subcontractor of  
17 any vendor or to any spouse, child, brother, sister, or parent  
18 residing as a member of the same household in the principal place of  
19 residence of any such person if the officer, employee, agent, or  
20 subcontractor has access to confidential information which may  
21 compromise the integrity of the lottery.

22 G. Unclaimed prize money shall not constitute net lottery  
23 proceeds. The first Seven Hundred Fifty Thousand Dollars  
24 (\$750,000.00) of unclaimed prize money accruing annually shall be

1 transferred to the Department of Mental Health and Substance Abuse  
2 Services for the treatment of compulsive gambling disorder and  
3 educational programs related to such disorder. All other unclaimed  
4 prize money shall be added to the pool from which future prizes are  
5 to be awarded or used for special prize promotions.

6 SECTION 4. AMENDATORY 3A O.S. 2021, Section 733, is  
7 amended to read as follows:

8 Section 733. To ensure the financial integrity of the lottery,  
9 the Oklahoma Lottery Commission through its board of trustees shall:

10 1. Submit ~~quarterly and~~ annual reports to the Governor, State  
11 Auditor and Inspector, Oklahoma State Bureau of Investigation, and  
12 Attorney General, ~~and the oversight committee created by Section 734~~  
13 ~~of this title,~~ disclosing the total lottery revenues, prize  
14 disbursements, operating expenses, and administrative expenses of  
15 the Commission ~~during the reporting period.~~ The annual report shall  
16 additionally describe the organizational structure of the Commission  
17 and summarize the functions performed by each organizational  
18 division within the Commission;

19 2. Adopt a system of internal audits;

20 3. Maintain weekly or more frequent records of lottery  
21 transactions, including the distribution of tickets or shares to  
22 retailers, revenues received, claims for prizes, prizes paid, prizes  
23 forfeited, and other financial transactions of the Commission;

24

1           4. Contract with a certified public accountant or firm for an  
2 annual financial audit of the Commission. The certified public  
3 accountant or firm shall have no financial interest in any vendor  
4 with whom the Commission is under contract. The certified public  
5 accountant or firm shall present an audit report not later than  
6 seven (7) months after the end of the fiscal year. The certified  
7 public accountant or firm shall evaluate the internal auditing  
8 controls in effect during the audit period. The cost of this annual  
9 financial audit shall be an operating expense of the Commission.  
10 The State Auditor and Inspector may at any time conduct an audit of  
11 any phase of the operations of the Commission at the expense of the  
12 Commission and shall receive a copy of the annual independent  
13 financial audit. A copy of any audit performed by the certified  
14 public accountant or firm or the State Auditor and Inspector shall  
15 be transmitted to the Governor, the President Pro Tempore of the  
16 Senate, and the Speaker of the House of Representatives, and the  
17 State Auditor and Inspector, ~~and the cochairs of the oversight~~  
18 ~~committee created in Section 734 of this title;~~

19           5. Submit to the Office of Management and Enterprise Services  
20 and the State Auditor and Inspector by June 30 of each year a copy  
21 of the annual operating budget for the Commission for the next  
22 fiscal year. This annual operating budget shall be approved by the  
23 board and be on such forms as prescribed by the Office of Management  
24 and Enterprise Services; and

1       6. ~~For informational purposes only, submit~~ Submit to the Office  
2 of Management and Enterprise Services ~~on September 1~~ by October 1 of  
3 each year a proposed ~~operating budget for the Commission for the~~  
4 ~~succeeding fiscal year.~~ The budget proposal shall also be  
5 ~~accompanied by an~~ estimate of the net proceeds to be deposited into  
6 the Oklahoma Education Lottery Trust Fund during the succeeding  
7 fiscal year. The ~~budget~~ estimate shall be on such forms as  
8 prescribed by the Office of Management and Enterprise Services.

9       SECTION 5.       AMENDATORY       51 O.S. 2021, Section 24A.5, is  
10 amended to read as follows:

11       Section 24A.5. All records of public bodies and public  
12 officials shall be open to any person for inspection, copying, or  
13 mechanical reproduction during regular business hours; provided:

14       1. The Oklahoma Open Records Act, Sections 24A.1 through 24A.30  
15 of this title, does not apply to records specifically required by  
16 law to be kept confidential including:

17       a. records protected by a state evidentiary privilege  
18       such as the attorney-client privilege, the work  
19       product immunity from discovery and the identity of  
20       informer privileges,

21       b. records of what transpired during meetings of a public  
22       body lawfully closed to the public such as executive  
23       sessions authorized under the Oklahoma Open Meeting  
24       Act,

1 c. personal information within driver records as defined  
2 by the Driver's Privacy Protection Act, 18 United  
3 States Code, Sections 2721 through 2725,

4 d. information in the files of the Board of Medicolegal  
5 Investigations obtained pursuant to Sections 940 and  
6 941 of Title 63 of the Oklahoma Statutes that may be  
7 hearsay, preliminary unsubstantiated investigation-  
8 related findings, or confidential medical information,  
9 ~~or~~

10 e. any test forms, question banks and answer keys  
11 developed for state licensure examinations, but  
12 specifically excluding test preparation materials or  
13 study guides, or

14 f. last names, addresses, social security numbers or tax  
15 identification numbers, and proof of identification  
16 submitted to the Oklahoma Lottery Commission by  
17 persons claiming a lottery prize;

18 2. All Social Security numbers included in a record may be  
19 confidential regardless of the person's status as a public employee  
20 or private individual and may be redacted or deleted prior to  
21 release of the record by the public body;

22 3. Any reasonably segregable portion of a record containing  
23 exempt material shall be provided after deletion of the exempt  
24 portions; provided however, the Department of Public Safety shall

1 not be required to assemble for the requesting person specific  
2 information, in any format, from driving records relating to any  
3 person whose name and date of birth or whose driver license number  
4 is not furnished by the requesting person.

5 The Oklahoma State Bureau of Investigation shall not be required  
6 to assemble for the requesting person any criminal history records  
7 relating to persons whose names, dates of birth, and other  
8 identifying information required by the Oklahoma State Bureau of  
9 Investigation pursuant to administrative rule are not furnished by  
10 the requesting person;

11 4. Any request for a record which contains individual records  
12 of persons, and the cost of copying, reproducing or certifying each  
13 individual record is otherwise prescribed by state law, the cost may  
14 be assessed for each individual record, or portion thereof requested  
15 as prescribed by state law. Otherwise, a public body may charge a  
16 fee only for recovery of the reasonable, direct costs of record  
17 copying, or mechanical reproduction. Notwithstanding any state or  
18 local provision to the contrary, in no instance shall the record  
19 copying fee exceed twenty-five cents (\$0.25) per page for records  
20 having the dimensions of eight and one-half (8 1/2) by fourteen (14)  
21 inches or smaller, or a maximum of One Dollar (\$1.00) per copied  
22 page for a certified copy. However, if the request:

23 a. is solely for commercial purpose, or  
24

1           b.     would clearly cause excessive disruption of the  
2                   essential functions of the public body,  
3 then the public body may charge a reasonable fee to recover the  
4 direct cost of record search and copying; however, publication in a  
5 newspaper or broadcast by news media for news purposes shall not  
6 constitute a resale or use of a record for trade or commercial  
7 purpose and charges for providing copies of electronic data to the  
8 news media for a news purpose shall not exceed the direct cost of  
9 making the copy. The fee charged by the Department of Public Safety  
10 for a copy in a computerized format of a record of the Department  
11 shall not exceed the direct cost of making the copy unless the fee  
12 for the record is otherwise set by law.

13           Any public body establishing fees under this act shall post a  
14 written schedule of the fees at its principal office and with the  
15 county clerk.

16           In no case shall a search fee be charged when the release of  
17 records is in the public interest, including, but not limited to,  
18 release to the news media, scholars, authors and taxpayers seeking  
19 to determine whether those entrusted with the affairs of the  
20 government are honestly, faithfully, and competently performing  
21 their duties as public servants.

22           The fees shall not be used for the purpose of discouraging  
23 requests for information or as obstacles to disclosure of requested  
24 information;

1           5. The land description tract index of all recorded instruments  
2 concerning real property required to be kept by the county clerk of  
3 any county shall be available for inspection or copying in  
4 accordance with the provisions of the Oklahoma Open Records Act;  
5 provided, however, the index shall not be copied or mechanically  
6 reproduced for the purpose of sale of the information;

7           6. A public body must provide prompt, reasonable access to its  
8 records but may establish reasonable procedures which protect the  
9 integrity and organization of its records and to prevent excessive  
10 disruptions of its essential functions. A delay in providing access  
11 to records shall be limited solely to the time required for  
12 preparing the requested documents and the avoidance of excessive  
13 disruptions of the public body's essential functions. In no event  
14 may production of a current request for records be unreasonably  
15 delayed until after completion of a prior records request that will  
16 take substantially longer than the current request. Any public body  
17 which makes the requested records available on the Internet shall  
18 meet the obligation of providing prompt, reasonable access to its  
19 records as required by this paragraph; and

20           7. A public body shall designate certain persons who are  
21 authorized to release records of the public body for inspection,  
22 copying, or mechanical reproduction. At least one person shall be  
23 available at all times to release records during the regular  
24 business hours of the public body.



1 SECTION 6. REPEALER 3A O.S. 2021, Sections 706 and 734,  
2 are hereby repealed.

3 SECTION 7. This act shall become effective November 1, 2023.

4 COMMITTEE REPORT BY: COMMITTEE ON FINANCE  
5 February 27, 2023 - DO PASS  
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