

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 2746

By: Perryman

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5
6 AS INTRODUCED

7 An Act relating to the State Legislature; amending 25
8 O.S. 2011, Section 304, which relates to open
9 meetings; making the State Legislature subject to the
10 Oklahoma Open Meeting Act; amending 51 O.S. 2011,
11 Section 24A.3, as amended by Section 2, Chapter 266,
12 O.S.L. 2014 (51 O.S. Supp. 2017, Section 24a.3),
13 which relates to open records; making the State
14 Legislature subject to the Oklahoma Open Records Act;
15 and providing an effective date.

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

SECTION 1. AMENDATORY 25 O.S. 2011, Section 304, is
amended to read as follows:

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

1. "Public body" means the governing bodies of all
municipalities located within this state, boards of county
commissioners of the counties in this state, boards of public and
higher education in this state and all boards, bureaus, commissions,
agencies, trusteeships, the Legislature, authorities, councils,
committees, public trusts or any entity created by a public trust,
including any committee or subcommittee composed of any of the

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

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

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

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

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

19 6. "Continued or reconvened meeting" means a meeting which is
20 assembled for the purpose of finishing business appearing on an
21 agenda of a previous meeting. For the purposes of the Oklahoma Open
22 Meeting Act, only matters on the agenda of the previous meeting at
23 which the announcement of the continuance is made may be discussed
24 at a continued or reconvened meeting; and

1 7. "Videoconference" means a conference among members of a
2 public body remote from one another who are linked by interactive
3 telecommunication devices permitting both visual and auditory
4 communication between and among members of the public body and
5 members of the public. During any videoconference both the visual
6 and auditory communications functions of the device shall be
7 utilized. Whenever the term "teleconference" appears in any law in
8 relation to a meeting of a public body, it shall be deemed to mean a
9 videoconference as defined in this paragraph.

10 SECTION 2. AMENDATORY 51 O.S. 2011, Section 24a.3, as
11 amended by Section 2, Chapter 266, O.S.L. 2014 (51 O.S. Supp. 2017,
12 Section 24A.3), is amended to read as follows:

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

14 1. "Record" means all documents, including, but not limited to,
15 any book, paper, photograph, microfilm, data files created by or
16 used with computer software, computer tape, disk, record, sound
17 recording, film recording, video record or other material regardless
18 of physical form or characteristic, created by, received by, under
19 the authority of, or coming into the custody, control or possession
20 of public officials, public bodies, or their representatives in
21 connection with the transaction of public business, the expenditure
22 of public funds or the administering of public property. "Record"
23 does not mean:

24 a. computer software,

- 1 b. nongovernment personal effects,
- 2 c. unless public disclosure is required by other laws or
- 3 regulations, vehicle movement records of the Oklahoma
- 4 Transportation Authority obtained in connection with
- 5 the Authority's electronic toll collection system,
- 6 d. personal financial information, credit reports or
- 7 other financial data obtained by or submitted to a
- 8 public body for the purpose of evaluating credit
- 9 worthiness, obtaining a license, permit, or for the
- 10 purpose of becoming qualified to contract with a
- 11 public body,
- 12 e. any digital audio/video recordings of the toll
- 13 collection and safeguarding activities of the Oklahoma
- 14 Transportation Authority,
- 15 f. any personal information provided by a guest at any
- 16 facility owned or operated by the Oklahoma Tourism and
- 17 Recreation Department or the Board of Trustees of the
- 18 Quartz Mountain Arts and Conference Center and Nature
- 19 Park to obtain any service at the facility or by a
- 20 purchaser of a product sold by or through the Oklahoma
- 21 Tourism and Recreation Department or the Quartz
- 22 Mountain Arts and Conference Center and Nature Park,
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1 g. a Department of Defense Form 214 (DD Form 214) filed
2 with a county clerk, including any DD Form 214 filed
3 before July 1, 2002, or

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

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

10 (2) personal information within driver records, as
11 defined by the Driver's Privacy Protection Act,
12 18 United States Code, Sections 2721 through
13 2725, which are stored and maintained by the
14 Department of Public Safety;

15 2. "Public body" shall include, but not be limited to, any
16 office, department, board, bureau, commission, agency, trusteeship,
17 authority, council, committee, trust or any entity created by a
18 trust, county, city, village, town, township, district, school
19 district, fair board, court, the Legislature, legislators, executive
20 office, advisory group, task force, study group, or any subdivision
21 thereof, supported in whole or in part by public funds or entrusted
22 with the expenditure of public funds or administering or operating
23 public property, and all committees, or subcommittees thereof.
24 Except for the records required by Section 24A.4 of this title,

1 "public body" does not mean judges, justices, or the Council on
2 Judicial Complaints, ~~the Legislature, or legislators;~~

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

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

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

14 SECTION 3. This act shall become effective November 1, 2018.

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