

ENGROSSED HOUSE
BILL NO. 2399

BY: WILLIAMS, HENSHAW and
CROCKER of the HOUSE

and

ROBINSON of the SENATE

AN ACT RELATING TO OFFICERS; AMENDING 51 O.S. 1991,
SECTIONS 24A.3 AND 24A.5, WHICH RELATE TO THE
OKLAHOMA OPEN RECORDS ACT; CLARIFYING REFERENCE;
CORRECTING SPELLING OF TERM; CLARIFYING FEE
LIMITATIONS; PROVIDING FOR THE INSPECTION AND
COPYING OF CERTAIN ELECTRONICALLY STORED RECORDS;
AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 51 O.S. 1991, Section 24A.3, is
amended to read as follows:

Section 24A.3 Definitions. As used in ~~this act~~ the Oklahoma
Open Records Act:

1. "Record" means all documents, including, but not limited to,
any book, paper, photograph, microfilm, computer tape, ~~disk~~ disc,
and record, sound recording, film recording, video record or other
material regardless of physical form or characteristic, created by,
received by, under the authority of, or coming into the custody,
control or possession of public officials, public bodies, or their
representatives in connection with the transaction of public
business, the expenditure of public funds or the administering of

public property. "Record" does not mean nongovernment personal effects or, unless public disclosure is required by other laws or regulations, personal financial statements submitted to a public body for the purpose of obtaining a license, permit, or for the purpose of becoming qualified to contract with a public body;

2. "Public body" shall include, but not be limited to, any office, department, board, bureau, commission, agency, trusteeship, authority, council, committee, trust, county, city, village, town, township, district, school district, fair board, court, executive office, advisory group, task force, study group, or any subdivision thereof, supported in whole or in part by public funds or entrusted with the expenditure of public funds or administering or operating public property, and all committees, or subcommittees thereof. Except for the records required by Section 24A.4 of this title, "public body" does not mean judges, justices, the State Legislature, or State Legislators;

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

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

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

SECTION 2. AMENDATORY 51 O.S. 1991, Section 24A.5, is amended to read as follows:

Section 24A.5 A. All records of public bodies and public officials shall be open to any person for inspection, copying,

and/or mechanical reproduction during regular business hours;
provided:

1. The Oklahoma Open Records Act does not apply to records specifically required by law to be kept confidential including:

- a. records protected by a state evidentiary privilege such as the attorney-client privilege, the work product immunity from discovery and the identity of informer privileges; or
- b. records of what transpired during meetings of a public body lawfully closed to the public such as executive sessions authorized under the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

2. Any reasonably segregable portion of a record containing exempt material shall be provided after deletion of the exempt portions, provided however, the Oklahoma Department of Public Safety shall not be required to assemble for the requesting person specific information requested from the Oklahoma Department of Public Safety's Driver License file relating to persons whose names are not furnished by the requesting person.

3. Any request for a record which contains individual records of persons and the cost of copying, reproducing or certifying such individual record which is otherwise prescribed by state law, the cost may be assessed for each individual record, or portion thereof requested as prescribed by state law. Otherwise, a public body may charge a fee only for recovery of the reasonable, direct costs of document copying, and/or mechanical reproduction. ~~It~~

Notwithstanding any state or local provision to the contrary, in no instance shall said document copying fee exceed twenty-five cents (\$0.25) per page for documents having the dimensions of eight and one-half (8 1/2) by fourteen (14) inches or smaller, or a maximum of

One Dollar (\$1.00) per copied page for a certified copy. However, if the request is:

- a. solely for commercial purpose; or
- b. clearly would cause excessive disruption of the public body's essential functions;

then the public body may charge a reasonable fee to recover the direct cost of document search.

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

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

Said fees shall not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information.

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

5. A public body must provide prompt, reasonable access to its records but may establish reasonable procedures which protect the integrity and organization of its records and to prevent excessive disruptions of its essential functions.

6. A public body shall designate certain persons who are authorized to release records of the public body for inspection, copying, or mechanical reproduction. At least one such person shall

be available at all times to release records during the regular business hours of the public body.

B. Records that are stored electronically and subject to disclosure under the Oklahoma Open Records Act shall be available for public inspection and copying in all readable forms utilized by the public body, including disc, tape, paper printout, or monitor. State records that are stored electronically also may be available for public inspection and copying through remote electronic means on such terms and under such conditions as may be established by the Oklahoma Information Network developed by the Office of State Finance or the agency having charge of such records.

SECTION 3. This act shall become effective September 1, 1992.

Passed the House of Representatives the 27th day of February, 1992.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate