

SHORT TITLE: Attorneys; clarifying that the Oklahoma Bar Association is subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act; codification; effective date.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 295

By: Bell

AS INTRODUCED

An Act relating to attorneys; prohibiting investigations and other proceedings regarding certain complaints against attorneys who are candidates for public office during certain period; amending 25 O.S. 1991, Section 304, as amended by Section 1, Chapter 282, O.S.L. 1993 (25 O.S. Supp. 1994, Section 304), which relates to definitions of the Oklahoma Open Meeting Act; amending 51 O.S. 1991, Section 24A.3, as amended by Section 1, Chapter 39, O.S.L. 1993 (51 O.S. Supp. 1994, Section 24A.3), which relates to definitions of the Oklahoma Open Records Act; clarifying that the Oklahoma Bar Association is subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act; providing for codification; and providing an effective date.

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 19 of Title 5, unless there is created a duplication in numbering, reads as follows:

No complaint alleging violation of the Rules of Professional Conduct, Appendix 3-A, Chapter 1 of Title 5 of the Oklahoma Statutes, by an attorney who is a candidate for public office may be investigated nor may any other proceedings be had pursuant to the Rules Governing Disciplinary Proceedings, Appendix 1-A, Chapter 1 of

Title 5 of the Oklahoma Statutes, during the period beginning on the first day of the period for filing declarations of candidacy for the office for which the attorney is a candidate and ending on the day after the certification of the results of the election at which that office is filled.

SECTION 2. AMENDATORY 25 O.S. 1991, Section 304, as amended by Section 1, Chapter 282, O.S.L. 1993 (25 O.S. Supp. 1994, Section 304), is amended to read as follows:

Section 304. As used in the Oklahoma Open Meeting Act, Section 301 et seq. of this title:

1. "Public body" means the governing bodies of all municipalities located within ~~the State of Oklahoma~~ this state, boards of county commissioners of the counties in ~~the State of Oklahoma~~ this state, boards of public and higher education in ~~the State of Oklahoma~~ this state, and all boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces or study groups in ~~the State of Oklahoma~~ this state supported in whole or in part by public funds or entrusted with ~~the~~ expending ~~of~~ public funds, or administering public property, and shall include all committees or subcommittees of any public body. For the purposes of this act, the Board of Governors and the House of Delegates are the governing bodies of the Oklahoma Bar Association which is a public body. It shall not mean the state judiciary or the ~~State~~ Legislature or administrative staffs of public bodies, including, but not limited to, faculty meetings and athletic staff meetings of institutions of higher education when ~~said~~ the staffs are not meeting with the public body, or entry-year assistance committees, as defined in Section 6-152 of Title 70 of the Oklahoma Statutes. Furthermore, it shall not mean the multidisciplinary team provided for in subsection ~~B~~ C of Section 1-502.2 of Title 63 of the Oklahoma Statutes or any school board meeting for the sole purpose of considering recommendations of said

multidisciplinary team and deciding the placement of any child who is the subject of such recommendations.

2. "Meeting" means the conducting of business of a public body by a majority of its members being personally together or, as authorized by Section ~~3~~ 307.1 of this ~~act~~ title, together pursuant to a teleconference.

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

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

5. "Emergency meeting" means any meeting called for the purpose of dealing with an emergency. For purposes of this act, an emergency is defined as a situation involving injury to persons or injury and damage to public or personal property or immediate financial loss when the time requirements for public notice of a special meeting would make such procedure impractical and increase the likelihood of injury or damage or immediate financial loss.

6. "Continued or reconvened meeting" means a meeting which is assembled for the purpose of finishing business appearing on an agenda of a previous meeting. For the purposes of this act, only matters on the agenda of the previous meeting at which the announcement of the continuance is made may be discussed at a continued or reconvened meeting.

7. "Teleconference" means a conference among members of a public body remote from one another who are linked by interactive telecommunication devices permitting both visual and auditory communication between and among members of the public body and members of the public.

SECTION 3. AMENDATORY 51 O.S. 1991, Section 24A.3, as amended by Section 1, Chapter 39, O.S.L. 1993 (51 O.S. Supp. 1994, Section 24A.3), is amended to read as follows:

Section 24A.3 Definitions. As used in the Oklahoma Open Records Act, Section 24A.1 et seq. of this act title:

1. "Record" means all documents, including, but not limited to, any book, paper, photograph, microfilm, computer tape, disk, 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, vehicle movement records of the Oklahoma Turnpike Authority obtained in connection with the Authority's electronic toll collection system, personal financial information, credit reports or other financial data obtained by or submitted to a public body for the purpose of evaluating credit worthiness, 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. The Oklahoma Bar Association is a public body. 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 4. This act shall become effective November 1, 1995.

45-1-0395

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