

ENROLLED SENATE
BILL NO. 960

By: Helton and Crutchfield of
the Senate

and

Wells and Greenwood of the
House

An Act relating to veterans and veterans affairs and open records; amending 72 O.S. 2001, Section 63.18A, which relates to Oklahoma Department of Veterans Affairs personnel; adding positions in the unclassified service as provided in the Oklahoma Personnel Act; amending 51 O.S. 2001, Section 24A.3, which relates to the Oklahoma Open Records Act; modifying definition; making certain Department of Defense form not open record; requiring county clerk to separate certain records from public records; permitting access to certain records to certain persons; requiring certain record of persons accessing certain records; prohibiting liability of county clerk for certain harm or damages; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 72 O.S. 2001, Section 63.18A, is amended to read as follows:

Section 63.18A ~~Effective July 1, 1993, the~~ The following positions and personnel at the Oklahoma Department of Veterans Affairs shall be in the unclassified service as provided in the Oklahoma Personnel Act:

1. Physicians assistants;
2. Occupational therapists;
3. Physical therapists;
4. Pharmacists; ~~and~~
5. Speech pathologists;
6. Nurse practitioners;
7. Physical therapy assistants; and
8. Administrative Assistant to the Director.

SECTION 2. AMENDATORY 51 O.S. 2001, Section 24A.3, is amended to read as follows:

Section 24A.3 Definitions. As used in this act:

1. "Record" means all documents, including, but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, 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 computer software, 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. "Record" does not mean any personal information provided by a guest at any facility owned or operated by the Oklahoma Tourism and Recreation Department to obtain any service at such facility or by a purchaser of a product sold by or through the Oklahoma Tourism and Recreation Department. "Record" does not mean a Department of Defense Form 214 (DD Form 214) filed with a county clerk, including any DD Form 214 filed before the effective date of this act;

2. "Public body" shall include, but not be limited to, any office, department, board, bureau, commission, agency, trusteeship, authority, council, committee, trust or any entity created by a 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 Council on Judicial Complaints, the Legislature, or 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 State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic

Beverage Laws Enforcement Commission, and the Oklahoma State Bureau of Investigation.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 270 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. The county clerk shall keep any Department of Defense Form 214 (DD Form 214) filed with the clerk, including any DD Form 214 that was filed before the effective date of this act, separate from records available for public inspection and shall not make the DD Form 214 available to any person except as provided in this section. A record of the names of veterans who have filed DD Forms 214 with the clerk shall be made available for public inspection.

B. The county clerk may authorize the viewing or copying of a veteran's DD Form 214 only by the veteran, the veteran's spouse or child, a guardian for or a person having power of attorney for the veteran, spouse, or child upon presentation of a court order showing the appointment, the executor or administrator of the estate of the veteran or spouse upon presentation of a court order showing the appointment, a representative of the United States Department of Veterans Affairs, a funeral director upon presentation of a contract signed by the person responsible for the funeral costs for the veteran, or a person authorized by the court to view or copy the DD Form 214 upon presentation of the court order. The clerk shall record the names and addresses of all persons viewing or copying a DD Form 214.

C. A county clerk shall not be liable or responsible for any harm or damages that may occur as a result of any person obtaining, copying or viewing a DD Form 214.

SECTION 4. This act shall become effective July 1, 2002.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 20th of May, 2002.

Presiding Officer of the Senate

Passed the House of Representatives the 24th day of May, 2002.

Presiding Officer of the House
of Representatives