

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1965

By: Coates

4
5
6 AS INTRODUCED

7 An Act relating to public meetings and records;
8 amending 25 O.S. 2001, Section 304, as amended by
9 Section 1, Chapter 142, O.S.L. 2007 (25 O.S. Supp.
10 2009, Section 304), which relates to the Oklahoma
11 Open Meeting Act; amending 51 O.S. 2001, Section
12 24A.3, as last amended by Section 4, Chapter 199,
13 O.S.L. 2005 (51 O.S. Supp. 2009, Section 24A.3),
14 which relates to the Oklahoma Open Records Act;
15 modifying definition of public body; providing an
16 effective date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 25 O.S. 2001, Section 304, as
19 amended by Section 1, Chapter 142, O.S.L. 2007 (25 O.S. Supp. 2009,
20 Section 304), is amended to read as follows:

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

22 1. "Public body" means the governing bodies of all
23 municipalities located within this state, boards of county
24 commissioners of the counties in this state, boards of public and
higher education in this state and all boards, bureaus, commissions,
agencies, trusteeships, authorities, councils, committees, public

1 trusts or any entity created by a public trust, task forces or study
2 groups in this state supported in whole or in part by public funds
3 or entrusted with the expending of public funds, or administering
4 public property, and any association which coordinates, supervises,
5 and regulates interscholastic activities and contests in which its
6 member schools, including member public schools, pay a fee, and
7 shall include all committees or subcommittees of any public body.
8 Public body shall not include the state judiciary, the Council on
9 Judicial Complaints when conducting, discussing, or deliberating any
10 matter relating to a complaint received or filed with the Council,
11 the Legislature, or administrative staffs of public bodies,
12 including, but not limited to, faculty meetings and athletic staff
13 meetings of institutions of higher education when those staffs are
14 not meeting with the public body, or entry-year assistance
15 committees. Furthermore, public body shall not include the
16 multidisciplinary team provided for in subsection C of Section 1-
17 502.2 of Title 63 of the Oklahoma Statutes or any school board
18 meeting for the sole purpose of considering recommendations of a
19 multidisciplinary team and deciding the placement of any child who
20 is the subject of the recommendations. Furthermore, public body
21 shall not include meetings conducted by stewards designated by the
22 Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title
23 3A of the Oklahoma Statutes when the stewards are officiating at
24 races or otherwise enforcing rules of 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. 2001, Section 24A.3, as
11 last amended by Section 4, Chapter 199, O.S.L. 2005 (51 O.S. Supp.
12 2009, Section 24A.3), is amended to read as follows:

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

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

- 1 a. computer software,
- 2 b. nongovernment personal effects,
- 3 c. unless public disclosure is required by other laws or
- 4 regulations, vehicle movement records of the Oklahoma
- 5 Transportation Authority obtained in connection with
- 6 the Authority's electronic toll collection system,
- 7 d. personal financial information, credit reports or
- 8 other financial data obtained by or submitted to a
- 9 public body for the purpose of evaluating credit
- 10 worthiness, obtaining a license, permit, or for the
- 11 purpose of becoming qualified to contract with a
- 12 public body,
- 13 e. any digital audio/video recordings of the toll
- 14 collection and safeguarding activities of the Oklahoma
- 15 Transportation Authority,
- 16 f. any personal information provided by a guest at any
- 17 facility owned or operated by the Oklahoma Tourism and
- 18 Recreation Department or the Board of Trustees of the
- 19 Quartz Mountain Arts and Conference Center and Nature
- 20 Park to obtain any service at the facility or by a
- 21 purchaser of a product sold by or through the Oklahoma
- 22 Tourism and Recreation Department or the Quartz
- 23 Mountain Arts and Conference Center and Nature Park,
- 24

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 the effective date of this act, 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,

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, or

15 (3) audio or video recordings of the Department of
16 Public Safety;

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

1 association which coordinates, supervises, and regulates
2 interscholastic activities and contests for which its member
3 schools, including member public schools, pay a fee, and all
4 committees, or subcommittees thereof. Except for the records
5 required by Section 24A.4 of this title, "public body" does not mean
6 judges, justices, the Council on Judicial Complaints, the
7 Legislature, or legislators;

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

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

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

19 SECTION 3. This act shall become effective July 1, 2010.

20 SECTION 4. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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