

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1085

By: Murphey

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7 COMMITTEE SUBSTITUTE

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9 An Act relating to public bodies; creating the
10 Oklahoma Legislative Open Records and Meetings Act;
11 establishing purpose; defining terms; requiring
12 records of certain entities to be open for
13 inspection; permitting reasonable charge; requiring
14 records of legislative work product be released by
15 certain time; requiring notice and agenda be posted
16 prior to certain meetings; permitting appeal if
17 access to records is denied; permitting complaint to
18 be filed with certain committee; providing for
19 codification; and providing an effective date.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 24B.1 of Title 51, unless there
is created a duplication in numbering, reads as follows:

Sections 1 through 7 of this act shall be known and may be cited
as the "Oklahoma Legislative Open Records and Meetings Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 24B.2 of Title 51, unless there
3 is created a duplication in numbering, reads as follows:

4 As the Oklahoma Constitution recognizes and guarantees, all
5 political power is inherent in the people of Oklahoma.

6 It is the public policy of the Legislature of the State of
7 Oklahoma to encourage and facilitate an informed citizenry's
8 understanding of the legislative process. The purpose of the
9 Oklahoma Legislative Open Records and Meetings Act is to provide the
10 public with the means to hold their legislators to account so that
11 the public may exercise their inherent political power.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 24B.3 of Title 51, unless there
14 is created a duplication in numbering, reads as follows:

15 The following words and phrases as used in the Oklahoma
16 Legislative Open Records and Meetings Act, unless a different
17 meaning is clearly required by the context, shall have the following
18 meanings:

19 1. "Agenda" means the listing of all items that may be
20 considered during a meeting of a legislative body;

21 2. "Legislative body" means a majority of the members of a
22 legislative chamber. Legislative body also means the majority of
23 the members of a committee of the House of Representatives or the
24 Senate that provides recommendations to the chamber as to the

1 disposition of legislation and that meets in public at least once
2 during a legislative session;

3 3. "Legislative entity" means the House of Representatives,
4 Senate or the Legislative Service Bureau;

5 4. "Meeting" means a gathering of a majority of the members of
6 a legislative body during which the members are polled for their
7 viewpoint on an issue or on legislation currently pending before the
8 Legislature. Meeting shall not mean a meeting of a partisan caucus;

9 5. "Notice" means the public posting of the time and location
10 of a meeting of a legislative body at least forty-eight (48) hours
11 prior to the occurrence of the meeting and a public posting of the
12 meeting's agenda at least twenty-four (24) hours prior to the
13 occurrence of the meeting;

14 6. "Office" means a location designated by the Speaker of the
15 House or the President Pro Tempore of the Senate as the location for
16 receiving requests for records pursuant to the Oklahoma Legislative
17 Open Records and Meetings Act or complaints alleging noncompliance
18 with the Oklahoma Legislative Open Records and Meetings Act;

19 7. "Oversight committee" means a committee designated by the
20 Speaker of the House or the President Pro Tempore of the Senate with
21 the responsibility of adjudicating ethics or rules-related matters
22 for the respective chamber;

23 8. "Partisan caucus" means a voluntary association of
24 legislators in which membership is contingent on political party

1 membership and whose recommendations are not recognized by the rules
2 of the House of Representatives or the Senate as having an impact on
3 the passage or rejection of legislation; and

4 9. "Record" means all documents, including but not limited to
5 any book, paper, photograph, data files, sound recording, video
6 recording or other material regardless of physical form or
7 characteristic, created by, received by, under the authority of, or
8 coming into the custody, control of or possession of a legislative
9 entity. Record does not mean communications between a legislator
10 and a person residing within the district or geographic area
11 represented by the legislator provided the person is not registered
12 with the Ethics Commission as a lobbyist. Record shall not mean
13 documentation relating to internal personnel investigations not
14 leading to loss of pay, suspension, demotion or termination;
15 personnel records where disclosure would constitute a clearly
16 unwarranted invasion of personal privacy of employees such as
17 employee evaluations, payroll deductions and employment applications
18 submitted by a person not hired; or materials in the possession of a
19 legislative entity originating from another state agency that are
20 otherwise exempt from disclosure under the provisions of the
21 Oklahoma Open Records Act in Sections 24A.1 through 24A.29 of Title
22 51 of the Oklahoma Statutes.

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1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 24B.4 of Title 51, unless there
3 is created a duplication in numbering, reads as follows:

4 All records of legislative entities shall be open to any person
5 for inspection, copying, and mechanical reproduction during regular
6 business hours at the designated office. A reasonable charge may be
7 assessed to the person filing a request for records. Charges shall
8 not exceed ten cents (\$0.10) per page for physical copies of records
9 or Ten Dollars (\$10.00) per gigabyte for data records. In addition,
10 the legislative entity may charge a reasonable fee to recover the
11 direct cost of time spent by an employee of the legislative entity
12 to search for and retrieve the requested record. Members of the
13 news media shall not be charged.

14 SECTION 5. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 24B.5 of Title 51, unless there
16 is created a duplication in numbering, reads as follows:

17 Records requests for work product directly related to the
18 creation of legislation shall be complied with simultaneously to the
19 first legislative deadline at which the legislation is made
20 available to the public. Embargoes upon records requests for work
21 product directly related to the development of legislation
22 subsequently not filed by the author shall be lifted simultaneously
23 to the first legislative deadline at which the proposed legislation
24 would have been made available to the public.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 24B.6 of Title 51, unless there
3 is created a duplication in numbering, reads as follows:

4 Notice and an agenda shall be posted in a prominent location and
5 on the website of each legislative entity prior to a meeting of a
6 legislative body. Meetings of a legislative body shall be open to
7 the public. Exemptions from this section shall only occur for cause
8 and by the posting of a written instrument stating cause and signed
9 by the Speaker of the House or the President Pro Tempore of the
10 Senate.

11 SECTION 7. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 24B.7 of Title 51, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Any person denied access to a requested record may appeal
15 the denial to the oversight committee. Upon receiving an appeal,
16 the oversight committee shall meet as soon as practical and shall
17 cast a public vote either denying or directing the release of the
18 requested record.

19 B. Any person alleging noncompliance with the provisions of the
20 Oklahoma Legislative Open Records and Meetings Act may file a
21 complaint with the oversight committee. The oversight committee
22 shall investigate the complaint as soon as practical and shall hold
23 a public vote substantively addressing each filed complaint.

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SECTION 8. This act shall become effective November 1, 2012.

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