

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1594

By: Vaughan of the House and Brecheen of the Senate

Title: Officers; Oklahoma Open Records Act; providing exemption for certain information; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

HB1594 CCR (A)
HOUSE CONFEREES

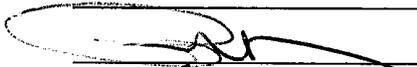
Brumbaugh, David		Derby, David	
Dorman, Joe		Fisher, Dan	
Hall, Elise		Morrisette, Richard	
Murphey, Jason		Scott, Seneca	
Smalley, Jason		Turner, Mike	
Walker, Ken		Wood, Justin F.	

SENATE CONFEREES

Brecheen



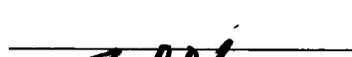
Coates



Brown



Fields



Wyrick



Ellis

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1594

By: Vaughan of the House

and

Brecheen of the Senate

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to officers; amending 51 O.S. 2011,
12 Section 6, as amended by Section 1, Chapter 118,
13 O.S.L. 2012 (51 O.S. Supp. 2012, Section 6), which
14 relates to dual office holding; adding certain
15 exemption for game wardens; amending 51 O.S. 2011,
16 Section 24A.23, which relates to the Oklahoma Open
17 Records Act; providing exemption for certain
18 information; requiring the Department of Wildlife
19 Conservation to disclose in a timely manner certain
20 deer harvest information; allowing hunters a choice
21 on the release of certain information; prohibiting
22 the release of certain information; and declaring an
23 emergency.

24
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 51 O.S. 2011, Section 6, as
amended by Section 1, Chapter 118, O.S.L. 2012 (51 O.S. Supp. 2012,
Section 6), is amended to read as follows:

1 Section 6. A. Except as may be otherwise provided, no person
2 holding an office under the laws of the state and no deputy of any
3 officer so holding any office shall, during the person's term of
4 office, hold any other office or be the deputy of any officer
5 holding any office, under the laws of the state. The provisions of
6 this section shall not apply to:

7 1. Notaries public;

8 2. Members of the State Textbook Committee;

9 3. County free fair board members;

10 4. Municipal and county law enforcement officers serving in
11 positions as law enforcement officers of both such governmental
12 entities upon such terms and conditions as are mutually approved by
13 resolutions adopted by the board of county commissioners and
14 governing body of the municipality employing such officers;

15 5. Any person holding a county or municipal office or position,
16 or membership on any public trust authority, who is a member of a
17 board or commission that relates to federal, state, county or
18 municipal government and is created by the United States Government,
19 the State of Oklahoma or a political subdivision of the state,
20 except where the duties of the offices or positions conflict;

21 6. Any elected municipal officers and school board members who
22 are appointed to a state board, commission, or similar entity if
23 there is no compensation for such services other than reimbursement
24

1 for necessary travel expenses pursuant to the provisions of the
2 State Travel Reimbursement Act;

3 7. Any trustee of a public trust, who is appointed as a trustee
4 of a different public trust or any trustee of the Tulsa County
5 Public Facilities Authority who may also be employed by the
6 Department of Transportation;

7 8. Law enforcement officers employed by municipal or county law
8 enforcement departments or agencies, other than those law
9 enforcement officers elected or appointed as sheriff, chief of
10 police or some similar position in which they are the head of a
11 county or municipal law enforcement agency, who are elected to local
12 boards of education; provided, the provisions of this paragraph
13 shall not prohibit any law enforcement officer employed by a
14 municipality having a population of ten thousand (10,000) or fewer
15 people from serving as a member of a local board of education;

16 9. Any member of the Oklahoma Highway Patrol Division of the
17 Department of Public Safety who is elected to a local board of
18 education;

19 10. Any District Supervisor, Assistant District Supervisor,
20 Team Supervisor, Parole Officer 1 or Parole Officer 2 of the
21 Department of Corrections who is elected or appointed to a city
22 council;

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1 11. Any trustee or director of a rural electric cooperative, or
2 port authority who is appointed or elected to a state, county or
3 municipal board, commission or similar entity;

4 12. County employees who are elected as members of town or city
5 councils;

6 13. Municipal, county, state or tribal law enforcement or peace
7 officers operating under cross-deputization agreements with an
8 Indian tribe or branch of the federal government;

9 14. Municipal or county law enforcement or peace officers
10 serving in positions as campus police officers or campus public
11 safety officers pursuant to the provisions of the Oklahoma Campus
12 Security Act, upon such terms and conditions as are mutually
13 approved by resolution adopted by the governing body of the
14 municipality or county and the governing board of the institution of
15 higher education;

16 15. State law enforcement or peace officers serving in
17 positions as campus police officers or campus public safety officers
18 pursuant to the provisions of the Oklahoma Campus Security Act, upon
19 such terms and conditions as are mutually approved by written
20 agreement between the Commissioner of Public Safety and the
21 governing board of the institution of higher education;

22 16. Municipal and county law enforcement officers serving in
23 positions as part-time rangers under the Oklahoma Tourism and
24 Recreation Department;

1 17. The Administrator of a Scenic Rivers Commission serving in
2 the position of a park ranger under the Oklahoma Tourism and
3 Recreation Department;

4 18. Members of the University Hospitals Authority;

5 19. Any person holding a state office or position who is a
6 reserve force deputy sheriff, or a reserve special agent with the
7 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or a
8 reserve municipal police officer;

9 20. Any person holding a state office or position who serves as
10 a special assistant district attorney without compensation;

11 21. Any elected or appointed member of a local school board who
12 is a member of a municipal planning commission;

13 22. Any elected or appointed member of a local school board who
14 is a member or an officer of a volunteer fire department;

15 23. Directors or officers of a rural water district and chiefs
16 of municipal fire departments or rural fire districts who are
17 appointed or elected to an unsalaried office in a state, county,
18 municipal, school, or technology center school board, commission, or
19 similar entity, except where the duties of the office would create a
20 conflict of interest;

21 24. Any person who is a dispatcher or confinement officer at a
22 municipal or county jail who is a noncompensated reserve municipal
23 police officer or a reserve deputy sheriff;

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1 25. Any person who is an assistant district attorney serving as
2 a municipal judge or prosecutor;

3 26. Any park ranger under the Oklahoma Tourism and Recreation
4 Department or any game warden or reserve game warden employed by the
5 Department of Wildlife Conservation who is elected or appointed to a
6 local board of education or to a municipal governing body, board,
7 commission or similar entity;

8 27. Members of the Oklahoma State University Medical Center
9 Authority or the Oklahoma State University Medical Trust;

10 28. Any member of the state Legislature or any state officer
11 who serves on the board of trustees of the Oklahoma School for the
12 Visual and Performing Arts; and

13 29. Members of the Council on Judicial Complaints.

14 The provisions of this section shall not prohibit any person
15 holding an office under the laws of the state or any deputy of any
16 officer so holding any office from serving upon the board of
17 Oklahoma Futures or upon the board of directors of the Oklahoma
18 Center for the Advancement of Science and Technology. The
19 provisions of this section shall not prohibit a member of the board
20 of directors of the Oklahoma Center for the Advancement of Science
21 and Technology from serving upon the board of Oklahoma Futures.

22 B. Any salaries, emoluments or benefits that would otherwise be
23 paid by the agency or political subdivision to a loaned employee or
24 officer shall instead be paid to the regular employer of such

1 employee. The loaned employee shall in turn be paid regular salary
2 and benefits the same as if continuing regular employment with the
3 permanent employer.

4 SECTION 2. AMENDATORY 51 O.S. 2011, Section 24A.23, is
5 amended to read as follows:

6 Section 24A.23 A. The Department of Wildlife Conservation
7 shall keep confidential the information provided by persons,
8 including the name and address of the person, applying for or
9 holding any permit or license issued by the Department, to the
10 extent the information individually identifies the person. The
11 Department may use the information for Department purposes or allow
12 the United States Fish and Wildlife Service to use the information
13 for survey purposes only. The Department shall allow any public
14 body to have access to the information for purposes specifically
15 related to the public ~~bodies~~ body's function.

16 B. The provisions of subsection A of this section shall not
17 apply to information provided by persons applying for or holding a
18 commercial hunting or fishing license.

19 C. The provisions of subsection A of this section shall not
20 apply to information voluntarily provided by persons for promotional
21 purposes by the Department.

22 D. Based upon the information required to be submitted through
23 the electronic game harvest check system for harvested deer, the
24 Department shall publicly disclose, in a timely manner, online or in

1 published listings, by county of harvest, an antler description of
2 each deer harvested and the name of the hunter who harvested the
3 deer. The hunter shall be allowed to choose when entering the
4 harvest information whether or not the name of the hunter is
5 released. The Department shall not release the name of the hunter
6 if the hunter elects not to release that information.

7 SECTION 3. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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12 54-1-8008 KB 05/08/13
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