

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1452

By: Murphey of the House

4 and

5 Holt of the Senate

6  
7 AS INTRODUCED

8  
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.

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

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

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

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

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

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

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

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

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

18 2. "Legislative body" means a majority of the members of a  
19 legislative chamber. Legislative body also means the majority of  
20 the members of a committee of the House of Representatives or the  
21 Senate that provides recommendations to the chamber as to the  
22 disposition of legislation and that meets in public at least once  
23 during a legislative session;

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

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

7           5. "Notice" means the public posting of the time and location  
8 of a meeting of a legislative body at least forty-eight (48) hours  
9 prior to the occurrence of the meeting and the public posting of a  
10 committee meeting's agenda at least twenty-four (24) hours prior to  
11 the occurrence of the meeting and the public posting of an agenda of  
12 the entire Oklahoma State Senate or Oklahoma House of  
13 Representatives on the day preceding the session;

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 rules-related matters for the  
22 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 in connection with the transaction of public business.

10 Record does not mean communications between a legislator and a  
11 person residing within the district or geographic area represented  
12 by the legislator provided the person is not registered with the  
13 Ethics Commission as a lobbyist. Record shall not mean scheduling  
14 information disclosing future schedules of legislators. Record shall  
15 not mean records protected by a state evidentiary privilege such as  
16 the attorney-client privilege, work product immunity from discovery,  
17 and the identity of informer privileges provided the disclosure of  
18 the record would seriously impair the ability of a legislative  
19 entity to process a claim, conduct an investigation or participate  
20 in litigation in the public interest. Record shall not mean records  
21 relating to meetings lawfully closed to the public such as executive  
22 sessions authorized under the Oklahoma Open Meeting Act in Section  
23 301 et seq. of Title 25 of the Oklahoma Statutes. Record shall not  
24 mean personnel records except as provided under Section 24A.7 of

1 Title 51 of the Oklahoma Statutes. Record shall not mean  
2 documentation relating to internal personnel investigations not  
3 leading to loss of pay, suspension, demotion or termination;  
4 personnel records where disclosure would constitute a clearly  
5 unwarranted invasion of personal privacy of employees such as  
6 employee evaluations, payroll deductions and employment applications  
7 submitted by a person not hired; or materials in the possession of a  
8 legislative entity originating from another state agency that are  
9 otherwise exempt from disclosure under the provisions of the  
10 Oklahoma Open Records Act in Sections 24A.1 through 24A.29 of Title  
11 51 of the Oklahoma Statutes.

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

15 All records of legislative entities shall be open to any person  
16 for inspection, copying, and mechanical reproduction during regular  
17 business hours at the designated office. Requested records shall be  
18 provided within a reasonable amount of time. A reasonable charge  
19 may be assessed to the person filing a request for records. Charges  
20 shall not exceed ten cents (\$0.10) per page for physical copies of  
21 records or Ten Dollars (\$10.00) per gigabyte for data records. In  
22 addition, the legislative entity may charge a reasonable fee to  
23 recover the direct cost of time spent by an employee of the  
24 legislative entity to search for and retrieve the requested record.

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

4           Records requests for work product directly related to the  
5 creation of legislation shall be complied within a reasonable amount  
6 of time following the first legislative deadline at which the  
7 legislation is made available to the public. An embargo upon  
8 records requests for work product directly related to the  
9 development of legislation subsequently not filed by the author  
10 shall also exist, but shall be lifted simultaneously to the first  
11 legislative deadline at which the proposed legislation would have  
12 been made available to the public had the legislation been filed.

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

16           Notice and an agenda shall be posted in a prominent location and  
17 on the website of each legislative entity prior to a meeting of a  
18 legislative body. Meetings of a legislative body shall be open to  
19 the public. Exemptions from this section shall only occur for cause  
20 and by the posting of a written instrument stating cause and signed  
21 by the Speaker of the House or the President Pro Tempore of the  
22 Senate.

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

4 A. Any person denied access to a requested record may appeal  
5 the denial to the oversight committee. Upon receiving an appeal,  
6 the oversight committee shall meet as soon as practical and shall  
7 cast a public vote either denying or directing the release of the  
8 requested record.

9 B. Any person alleging noncompliance with the provisions of the  
10 Oklahoma Legislative Open Records and Meetings Act may file a  
11 complaint with the oversight committee. The oversight committee  
12 shall investigate the complaint as soon as practical and shall hold  
13 a public vote substantively addressing each filed complaint.

14 SECTION 8. This act shall become effective November 1, 2013.

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