HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1453 By: Brumbaugh

AS INTRODUCED

An Act relating to public finance; amending 62 O.S. 2011, Section 34.11.3, which relates to Oklahoma State Government Open Documents Initiative; requiring publication list of certain agencies on website; requiring Attorney General to take certain action; amending 65 O.S. 2011, Section 3-114, as amended by Section 26, Chapter 358, O.S.L. 2013 (65 O.S. Supp. 2014, Section 3-114), which relates to the Department of Libraries; requiring certain entities publish certain information on website; and providing an effective date.

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

SECTION 1. AMENDATORY 62 O.S. 2011, Section 34.11.3, is amended to read as follows:

Section 34.11.3 A. There is hereby established the "Oklahoma State Government Open Documents Initiative".

B. The Chief Information Officer shall develop and maintain an online web presence at the web address ~~"documents.ok.gov"~~ *documents.ok.gov*. The site shall allow public access to electronic documents described in this section. The site shall include

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~~Strike thru~~ language denotes deletion from present Statutes.

functionality allowing site visitors to search the documents by term.

C. The Chief Information Officer shall promulgate procedures by which each state agency, board, commission, and public trust having the State of Oklahoma as a beneficiary shall submit a searchable electronic version of each publication to the ~~"documents.ok.gov"~~ *documents.ok.gov* website. The procedures shall require submission to the site of all publications otherwise required by law to be submitted to either the Publications Clearinghouse of the Department of Libraries, the Governor, the Speaker of the House of Representatives or the President Pro Tempore of the Senate. The procedures shall require the electronic documents to be provided in an indexed format which enables the document to be searched by specific term.

D. State agencies, boards, commissions, and public trusts having the State of Oklahoma as a beneficiary shall comply with procedures promulgated pursuant to the terms of this section.

E. Not less than twice a year, the Director of the Department of Libraries and the Chief Information Officer shall cause to be published, and made available through *documents.ok.gov*, a listing of each agency failing to provide publications pursuant to subsection C of this section to the *documents.ok.gov* web portal. Following publication of the report, the Attorney General shall immediately institute mandamus proceedings to secure compliance by each agency.

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SECTION 2. AMENDATORY 65 O.S. 2011, Section 3-114, as amended by Section 26, Chapter 358, O.S.L. 2013 (65 O.S. Supp. 2014, Section 3-114), is amended to read as follows:

Section 3-114. A. Every agency except institutions of higher education, but specifically including any board of regents for higher education, which issues a state publication shall immediately file the publication electronically, in compliance with the provision of any applicable section of Title 62 of the Oklahoma Statutes that is related to submission of state publications. If a state publication cannot be filed electronically, a maximum of twenty-five copies shall be deposited with the Publications Clearinghouse in lieu of the electronic filing and the agency shall include an explanation of the reason the document cannot be filed electronically.

B. Upon failure of an agency to comply with the provisions of this section, <u>or the provisions of Section 34.11.3 of Title 62 of the Oklahoma Statutes,</u> the Director of the Department of Libraries shall forward a written notice of the failure to the chief administrative officer of the agency. The notice shall state a reasonable time, not to exceed thirty (30) days, in which the agency shall fully comply. Further failure to comply shall be reported in writing to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Attorney General. The

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Attorney General shall immediately institute mandamus proceedings to secure compliance by the agency.

C. Not less than twice a year, the Director of the Department of Libraries shall cause to be published, and made available through *documents.ok.gov*, a numeric compilation of each submission by an agency to the Publications Clearinghouse, *documents.ok.gov* and *forms.ok.gov*. In addition, a listing of each agency receiving a notice of failure shall also be published and featured prominently on the *documents.ok.gov* web portal.

SECTION 3. This act shall become effective November 1, 2015.

COMMITTEE REPORT BY: COMMITTEE ON STATE GOVERNMENT OPERATIONS, dated 02/11/2015 - DO PASS.

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