

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1217

By: Murphey

AS INTRODUCED

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

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

SECTION 1. NEW LAW A new section of law to be codified 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".

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;

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 a public posting of the
10 meeting's agenda at least twenty-four (24) hours prior to the
11 occurrence of the meeting;

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

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

22 8. "Partisan caucus" means a voluntary association of
23 legislators in which membership is contingent on political party
24 membership and whose recommendations are not recognized by the rules

1 of the House of Representatives or the Senate as having an impact on
2 the passage or rejection of legislation; and

3 9. "Record" means all documents, including but not limited to
4 any book, paper, photograph, data files, sound recording, video
5 recording or other material regardless of physical form or
6 characteristic, created by, received by, under the authority of, or
7 coming into the custody, control of or possession of a legislative
8 entity. Record does not mean communications between a legislator
9 and a person residing within the district or geographic area
10 represented by the legislator provided the person is not registered
11 with the Ethics Commission as a lobbyist. Record shall not mean
12 documentation relating to internal personnel investigations not
13 leading to loss of pay, suspension, demotion or termination;
14 personnel records where disclosure would constitute a clearly
15 unwarranted invasion of personal privacy of employees such as
16 employee evaluations, payroll deductions and employment applications
17 submitted by a person not hired; or materials in the possession of a
18 legislative entity originating from another state agency that are
19 otherwise exempt from disclosure under the provisions of the
20 Oklahoma Open Records Act, Sections 24A.1 through 24A.30 of Title 51
21 of the Oklahoma Statutes.

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

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

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

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

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

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

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

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

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

21 SECTION 8. This act shall become effective November 1, 2017.
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