

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1733 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Charles McCall

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 1733

By: Treat and Howard of the
Senate

and

McCall and Moore of the
House

FLOOR SUBSTITUTE

An Act relating to the Oklahoma Open Records Act;
amending 51 O.S. 2021, Section 24A.3, which relates
to definitions; modifying definitions; and providing
an effective date.

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

SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.3, is
amended to read as follows:

Section 24A.3. As used in the Oklahoma Open Records Act:

1. "Record" means all documents, including, but not limited to,
any book, paper, photograph, microfilm, data files created by or
used with computer software, computer tape, disk, record, sound
recording, film recording, video record or other material regardless
of physical form or characteristic, created by, received by, under

1 the authority of, or coming into the custody, control or possession
2 of public officials, public bodies, or their representatives in
3 connection with the transaction of public business, the expenditure
4 of public funds or the administering of public property. "Record"
5 does not mean:

- 6 a. computer software,
- 7 b. nongovernment personal effects,
- 8 c. unless public disclosure is required by other laws or
9 regulations, vehicle movement records of the Oklahoma
10 Transportation Authority obtained in connection with
11 the Authority's electronic toll collection system,
- 12 d. personal financial information, credit reports or
13 other financial data obtained by or submitted to a
14 public body for the purpose of evaluating credit
15 worthiness, obtaining a license, permit, or for the
16 purpose of becoming qualified to contract with a
17 public body,
- 18 e. any digital audio/video recordings of the toll
19 collection and safeguarding activities of the Oklahoma
20 Transportation Authority,
- 21 f. any personal information provided by a guest at any
22 facility owned or operated by the Oklahoma Tourism and
23 Recreation Department ~~or the Board of Trustees of the~~
24 ~~Quartz Mountain Arts and Conference Center and Nature~~

1 ~~Park~~ to obtain any service at the facility or by a
2 purchaser of a product sold by or through the Oklahoma
3 Tourism and Recreation Department ~~or the Quartz~~
4 ~~Mountain Arts and Conference Center and Nature Park,~~
5 g. a Department of Defense Form 214 (DD Form 214) filed
6 with a county clerk, including any DD Form 214 filed
7 before July 1, 2002, or
8 h. except as provided for in Section 2-110 of Title 47 of
9 the Oklahoma Statutes,
10 (1) any record in connection with a Motor Vehicle
11 Report issued by the Department of Public Safety,
12 as prescribed in Section 6-117 of Title 47 of the
13 Oklahoma Statutes, or
14 (2) personal information within driver records, as
15 defined by the Driver's Privacy Protection Act,
16 18 United States Code, Sections 2721 through
17 2725, which are stored and maintained by the
18 Department of Public Safety;

19 2. "Public body" shall include, but not be limited to, any
20 office, department, board, bureau, commission, agency, trusteeship,
21 authority, council, committee, trust or any entity created by a
22 trust, county, city, village, town, township, district, school
23 district, fair board, court, executive office, advisory group, task
24 force, study group, or any subdivision thereof, supported in whole

1 or in part by public funds or entrusted with the expenditure of
2 public funds or administering or operating public property, and all
3 committees, or subcommittees thereof. Except for the records
4 required by Section 24A.4 of this title, "public body" does not mean
5 judges, justices, the Council on Judicial Complaints, the
6 Legislature, or legislators. "Public body" shall not include an
7 organization that is exempt from federal income tax under Section
8 501(c)(3) of the Internal Revenue Code of 1986, as amended, and
9 whose sole beneficiary is a college or university that is a member
10 of The Oklahoma State System of Higher Education. Such organization
11 shall not receive direct appropriations from the Oklahoma
12 Legislature. The following persons shall not be eligible to serve
13 as a trustee, director, or officer of the organization:

14 a. a member, officer, or employee of the Oklahoma State
15 Regents for Higher Education,

16 b. a member of the board of regents or other governing
17 board of the college or university that is the sole
18 beneficiary of the organization, or

19 c. an officer or employee of the college or university
20 that is the sole beneficiary of the organization;

21 3. "Public office" means the physical location where public
22 bodies conduct business or keep records;

23 4. "Public official" means any official or employee of any
24 public body as defined herein; and

1 5. "Law enforcement agency" means any public body charged with
2 enforcing state or local criminal laws and initiating criminal
3 prosecutions, including, but not limited to, police departments,
4 county sheriffs, the Department of Public Safety, the Oklahoma State
5 Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic
6 Beverage Laws Enforcement Commission, and the Oklahoma State Bureau
7 of Investigation.

8 SECTION 2. This act shall become effective November 1, 2022.

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10 58-2-11449 LRB 04/25/22