

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 ENGROSSED SENATE
5 BILL NO. 1733

 By: Treat and Howard of the
 Senate

6 and

7 McCall and **Moore** of the
8 House

9
10 An Act relating to the Oklahoma Open Records Act;
11 amending 51 O.S. 2021, Section 24A.3, which relates
12 to definitions; modifying definitions; and providing
13 an effective date.

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

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

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

18 1. "Record" means all documents, including, but not limited to,
19 any book, paper, photograph, microfilm, data files created by or
20 used with computer software, computer tape, disk, record, sound
21 recording, film recording, video record or other material regardless
22 of physical form or characteristic, created by, received by, under
23 the authority of, or coming into the custody, control or possession
24 of public officials, public bodies, or their representatives in

1 connection with the transaction of public business, the expenditure
2 of public funds or the administering of public property. "Record"
3 does not mean:

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

Tourism and Recreation Department ~~or the Quartz~~
~~Mountain Arts and Conference Center and Nature Park,~~

g. a Department of Defense Form 214 (DD Form 214) filed
with a county clerk, including any DD Form 214 filed
before July 1, 2002, or

h. except as provided for in Section 2-110 of Title 47 of
the Oklahoma Statutes,

(1) any record in connection with a Motor Vehicle
Report issued by the Department of Public Safety,
as prescribed in Section 6-117 of Title 47 of the
Oklahoma Statutes, or

(2) personal information within driver records, as
defined by the Driver's Privacy Protection Act,
18 United States Code, Sections 2721 through
2725, which are stored and maintained by the
Department of Public Safety;

2. "Public body" shall include, but not be limited to, any
office, department, board, bureau, commission, agency, trusteeship,
authority, council, committee, trust or any entity created by a
trust, county, city, village, town, township, district, school
district, fair board, court, executive office, advisory group, task
force, study group, or any subdivision thereof, supported in whole
or in part by public funds or entrusted with the expenditure of
public funds or administering or operating public property, and all

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

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

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

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

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

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

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 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/05/2022 - DO PASS,
11 As Coauthored.
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