

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 17, 2022

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 1733

By: Treat and Howard of the Senate and McCall and Moore of the House

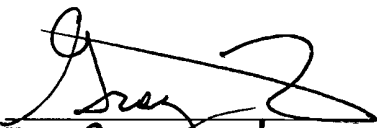
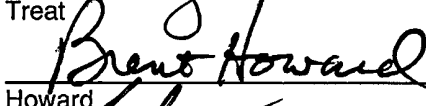

Title: Oklahoma Open Records Act; modifying definitions. Effective date.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

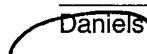

1. That the House recede from all Amendments.

Respectfully submitted,

SENATE CONFEREES:


Treat

Howard

Leewright

Brooks


Daniels

Jech

Floyd

HOUSE CONFEREES:

Conference Committee on Rules

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1733 By: Treat and Howard of the
Senate
3
and
4
McCall of the House
5
6
7

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

12 AUTHOR: Add the following House Coauthor: Moore

13 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
and insert:
14

15 "[Oklahoma Open Records Act - modifying definitions
16 - effective date]
17
18

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

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

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

23 1. "Record" means all documents, including, but not limited to,
24 any book, paper, photograph, microfilm, data files created by or

1 used with computer software, computer tape, disk, record, sound
2 recording, film recording, video record or other material regardless
3 of physical form or characteristic, created by, received by, under
4 the authority of, or coming into the custody, control or possession
5 of public officials, public bodies, or their representatives in
6 connection with the transaction of public business, the expenditure
7 of public funds or the administering of public property. "Record"
8 does not mean:

- 9 a. computer software,
- 10 b. nongovernment personal effects,
- 11 c. unless public disclosure is required by other laws or
12 regulations, vehicle movement records of the Oklahoma
13 Transportation Authority obtained in connection with
14 the Authority's electronic toll collection system,
- 15 d. personal financial information, credit reports or
16 other financial data obtained by or submitted to a
17 public body for the purpose of evaluating credit
18 worthiness, obtaining a license, permit, or for the
19 purpose of becoming qualified to contract with a
20 public body,
- 21 e. any digital audio/video recordings of the toll
22 collection and safeguarding activities of the Oklahoma
23 Transportation Authority,

- 1 f. any personal information provided by a guest at any
2 facility owned or operated by the Oklahoma Tourism and
3 Recreation Department ~~or the Board of Trustees of the~~
4 ~~Quartz Mountain Arts and Conference Center and Nature~~
5 ~~Park~~ to obtain any service at the facility or by a
6 purchaser of a product sold by or through the Oklahoma
7 Tourism and Recreation Department ~~or the Quartz~~
8 ~~Mountain Arts and Conference Center and Nature Park,~~
- 9 g. a Department of Defense Form 214 (DD Form 214) filed
10 with a county clerk, including any DD Form 214 filed
11 before July 1, 2002, or
- 12 h. except as provided for in Section 2-110 of Title 47 of
13 the Oklahoma Statutes,
- 14 (1) any record in connection with a Motor Vehicle
15 Report issued by the Department of Public Safety,
16 as prescribed in Section 6-117 of Title 47 of the
17 Oklahoma Statutes, or
- 18 (2) personal information within driver records, as
19 defined by the Driver's Privacy Protection Act,
20 18 United States Code, Sections 2721 through
21 2725, which are stored and maintained by the
22 Department of Public Safety;

23 2. "Public body" shall include, but not be limited to, any
24 office, department, board, bureau, commission, agency, trusteeship,

1 authority, council, committee, trust or any entity created by a
2 trust, county, city, village, town, township, district, school
3 district, fair board, court, executive office, advisory group, task
4 force, study group, or any subdivision thereof, supported in whole
5 or in part by public funds or entrusted with the expenditure of
6 public funds or administering or operating public property, and all
7 committees, or subcommittees thereof. Except for the records
8 required by Section 24A.4 of this title, "public body" does not mean
9 judges, justices, the Council on Judicial Complaints, the
10 Legislature, or legislators. "Public body" shall not include an
11 organization that is exempt from federal income tax under Section
12 501(c)(3) of the Internal Revenue Code of 1986, as amended, and
13 whose sole beneficiary is a college or university that is a member
14 of The Oklahoma State System of Higher Education. Such organization
15 shall not receive direct appropriations from the Oklahoma
16 Legislature. The following persons shall not be eligible to serve
17 as a trustee, director, or officer of the organization:

18 a. a member, officer, or employee of the Oklahoma State
19 Regents for Higher Education,

20 b. a member of the board of regents or other governing
21 board of the college or university that is the sole
22 beneficiary of the organization, or

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

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

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

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

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

Passed the House of Representatives the 28th day of April, 2022.

Presiding Officer of the House of
Representatives

Passed the Senate the _____ day of _____, 2022.

Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 1733

By: Treat and Howard of the
Senate

3 and

4 McCall of the House

5
6
7 An Act relating to the Oklahoma Open Records Act;
8 amending 51 O.S. 2021, Section 24A.3, which relates
9 to definitions; modifying definitions; and providing
10 an effective date.

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

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

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

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

- a. computer software,
- b. nongovernment personal effects,
- c. unless public disclosure is required by other laws or regulations, vehicle movement records of the Oklahoma Transportation Authority obtained in connection with the Authority's electronic toll collection system,
- d. personal financial information, credit reports or other financial data obtained by or submitted to a public body for the purpose of evaluating credit worthiness, obtaining a license, permit, or for the purpose of becoming qualified to contract with a public body,
- e. any digital audio/video recordings of the toll collection and safeguarding activities of the Oklahoma Transportation Authority,
- f. any personal information provided by a guest at any facility owned or operated by the Oklahoma Tourism and Recreation Department ~~or the Board of Trustees of the Quartz Mountain Arts and Conference Center and Nature Park~~ to obtain any service at the facility or by a 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,~~

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

15 2. "Public body" shall include, but not be limited to, any
16 office, department, board, bureau, commission, agency, trusteeship,
17 authority, council, committee, trust or any entity created by a
18 trust, county, city, village, town, township, district, school
19 district, fair board, court, executive office, advisory group, task
20 force, study group, or any subdivision thereof, supported in whole
21 or in part by public funds or entrusted with the expenditure of
22 public funds or administering or operating public property, and all
23 committees, or subcommittees thereof. Except for the records
24 required by Section 24A.4 of this title, "public body" does not mean

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

11 a. a member, officer, or employee of the Oklahoma State
12 Regents for Higher Education,

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

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

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

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

22 5. "Law enforcement agency" means any public body charged with
23 enforcing state or local criminal laws and initiating criminal
24 prosecutions, including, but not limited to, police departments,

1 county sheriffs, the Department of Public Safety, the Oklahoma State
2 Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic
3 Beverage Laws Enforcement Commission, and the Oklahoma State Bureau
4 of Investigation.

5 SECTION 4. This act shall become effective November 1, 2022.

6 Passed the Senate the 8th day of March, 2022.

7

8

Presiding Officer of the Senate

9

10 Passed the House of Representatives the ____ day of _____,
11 2022.

12

13

Presiding Officer of the House
of Representatives

14

15

16

17

18

19

20

21

22

23

24