

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1574 By: Floyd of the Senate
3 and
4 Townley of the House
5
6 An Act relating to the Oklahoma Open Records Act;
7 amending 51 O.S. 2021, Section 24A.3, as last amended
8 by Section 11, Chapter 271, O.S.L. 2023 (51 O.S.
9 Supp. 2023, Section 24A.3), which relates to
10 definitions; modifying definition; updating statutory
11 reference; updating statutory language; and providing
12 an effective date.
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14 AUTHOR: Add the following House Coauthor: Swope
15 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
16 and insert:
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18 "An Act relating to the Oklahoma Open Records Act;
19 amending 51 O.S. 2021, Section 24A.3, as last amended
20 by Section 11, Chapter 271, O.S.L. 2023 (51 O.S.
21 Supp. 2023, Section 24A.3), which relates to
22 definitions; modifying definition; updating statutory
23 reference; updating statutory language; and providing
24 an effective date.
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.3, as last amended by Section 11, Chapter 271, O.S.L. 2023 (51 O.S. Supp. 2023, 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 the authority of, or coming into the custody, control or possession of public officials, public bodies or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property. Record shall also mean applications and other documents related to licensure matters that are filed of record in a district court, including, but not limited to, marriage licenses, process server licenses, closing out sale licenses, transient merchant licenses, pool hall licenses, and bail bondsmen registration. Record 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

- 1 Transportation Authority obtained in connection with
2 the Authority's electronic toll collection system,
- 3 d. personal financial information, credit reports or
4 other financial data obtained by or submitted to a
5 public body for the purpose of evaluating credit
6 worthiness, obtaining a license, permit or for the
7 purpose of becoming qualified to contract with a
8 public body,
- 9 e. any digital audio/video recordings of the toll
10 collection and safeguarding activities of the Oklahoma
11 Transportation Authority,
- 12 f. any personal information provided by a guest at any
13 facility owned or operated by the Oklahoma Tourism and
14 Recreation Department to obtain any service at the
15 facility or by a purchaser of a product sold by or
16 through the Oklahoma Tourism and Recreation
17 Department,
- 18 g. a Department of Defense Form 214 (DD Form 214) filed
19 with a county clerk including any DD Form 214 filed
20 before July 1, 2002,
- 21 h. except as provided for in Section 2-110 of Title 47 of
22 the Oklahoma Statutes:
- 23 (1) any record in connection with a Motor Vehicle
24 Report issued by ~~the Department of Public Safety~~

1 Service Oklahoma, as prescribed in Section 6-117
2 of Title 47 of the Oklahoma Statutes, or

3 (2) personal information within driver records, as
4 defined by the Driver's Privacy Protection Act,
5 Title 18 of the United States Code, Sections 2721
6 through 2725, which are stored and maintained by
7 ~~the Department of Public Safety~~ Service Oklahoma,

8 i. any portion of any document or information provided to
9 an agency or entity of the state or a political
10 subdivision to obtain licensure under the laws of
11 this state or a political subdivision that
12 contains an applicant's personal address,
13 personal phone number, personal electronic mail
14 address or other contact information. Provided,
15 however, lists of persons licensed, the existence
16 of a license of a person, or a business or
17 commercial address, or other business or
18 commercial information disclosable under state
19 law submitted with an application for licensure
20 shall be public record, or

21 j. an investigative file obtained during an investigation
22 conducted by the State Department of Health under ~~this~~
23 ~~act~~ the Long-Term Care Administrator Licensing Act;

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

- 21 a. a member, officer, or employee of the Oklahoma State
22 Regents for Higher Education,
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1 b. a member of the board of regents or other governing
2 board of the college or university that is the sole
3 beneficiary of the organization, or

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

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

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

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

17 SECTION 2. This act shall become effective November 1, 2024."
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1 Passed the House of Representatives the 25th day of April, 2024.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2024.

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9 Presiding Officer of the Senate
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1 ENGROSSED SENATE
2 BILL NO. 1574

By: Floyd of the Senate

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4 Townley of the House
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6 An Act relating to the Oklahoma Open Records Act;
7 amending 51 O.S. 2021, Section 24A.3, as last amended
8 by Section 11, Chapter 271, O.S.L. 2023 (51 O.S.
9 Supp. 2023, Section 24A.3), which relates to
10 definitions; modifying definition; updating statutory
11 reference; updating statutory language; and providing
12 an effective date.

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

14 SECTION 3. AMENDATORY 51 O.S. 2021, Section 24A.3, as
15 last amended by Section 11, Chapter 271, O.S.L. 2023 (51 O.S. Supp.
16 2023, Section 24A.3), is 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
connection with the transaction of public business, the expenditure

1 of public funds or the administering of public property. Record
2 does not mean:

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

- 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,
- 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 Service Oklahoma as prescribed in Section 6-117
9 of Title 47 of the Oklahoma Statutes, or
- 10 (2) personal information within driver records, as
11 defined by the Driver's Privacy Protection Act,
12 Title 18 of the United States Code, Sections 2721
13 through 2725, which are stored and maintained by
14 ~~the Department of Public Safety~~ Service Oklahoma,
- 15 i. (1) any portion of any document or information
16 provided to an agency or entity of the state or a
17 political subdivision to obtain licensure under
18 the laws of this state or a political subdivision
19 that contains an applicant's personal address,
20 personal phone number, personal electronic mail
21 address or other contact information. Provided,
22 however, lists of persons licensed, the existence
23 of a license of a person, or a business or
24 commercial address, or other business or

1 commercial information disclosable under state
2 law submitted with an application for licensure
3 shall be public record,

4 (2) division (1) of this subparagraph shall not apply
5 to applications and other documents related to
6 licensure matters that are filed of record in a
7 district court including but not limited to
8 marriage licenses, process server licenses,
9 closing out sale licenses, transient merchant
10 licenses, pool hall licenses, and bail bondsmen
11 registration, or

12 j. an investigative file obtained during an investigation
13 conducted by the State Department of Health under ~~this~~
14 ~~act~~ the Long-Term Care Administrator Licensing Act;

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 or
21 in part by public funds or entrusted with the expenditure of public
22 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, 2024.

6 Passed the Senate the 22nd day of February, 2024.

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Presiding Officer of the Senate

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10 Passed the House of Representatives the ____ day of _____,
11 2024.

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Presiding Officer of the House
of Representatives

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