

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 ENGROSSED SENATE
5 BILL NO. 1574

By: Floyd of the Senate

and

Townley of the House

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

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

17 SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.3, as
18 last amended by Section 11, Chapter 271, O.S.L. 2023 (51 O.S. Supp.
19 2023, Section 24A.3), is amended to read as follows:

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

21 1. "Record" means all documents including, but not limited to,
22 any book, paper, photograph, microfilm, data files created by or
23 used with computer software, computer tape, disk, record, sound
24 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 to obtain any service at the
24 facility or by a purchaser of a product sold by or

1 through the Oklahoma Tourism and Recreation
2 Department,

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

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

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

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

17 i. (1) any portion of any document or information
18 provided to an agency or entity of the state or a
19 political subdivision to obtain licensure under
20 the laws of this state or a political subdivision
21 that contains an applicant's personal address,
22 personal phone number, personal electronic mail
23 address or other contact information. Provided,
24 however, lists of persons licensed, the existence

1 of a license of a person, or a business or
2 commercial address, or other business or
3 commercial information disclosable under state
4 law submitted with an application for licensure
5 shall be public record,

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

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

17 2. "Public body" shall include, but not be limited to, any
18 office, department, board, bureau, commission, agency, trusteeship,
19 authority, council, committee, trust or any entity created by a
20 trust, county, city, village, town, township, district, school
21 district, fair board, court, executive office, advisory group, task
22 force, study group or any subdivision thereof, supported in whole or
23 in part by public funds or entrusted with the expenditure of public
24 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, 2024.

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10 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
11 04/04/2024 - DO PASS.
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