HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1037 By: Faught of the House and Quinn of the Senate

AS INTRODUCED

An Act relating to the Oklahoma Open Records Act; amending 51 O.S. 2011, Section 24A.5, which relates to exemptions from the Oklahoma Open Records Act; providing additional exemption; and providing an effective date.

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

SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.5, is amended to read as follows:

Section 24A.5 All records of public bodies and public officials shall be open to any person for inspection, copying, or mechanical reproduction during regular business hours; provided:

1. The Oklahoma Open Records Act, Sections 24A.1 through 24A.30 of this title, does not apply to records specifically required by law to be kept confidential including:
a. records protected by a state evidentiary privilege such as the attorney-client privilege, the work product immunity from discovery and the identity of informer privileges,

b. records of what transpired during meetings of a public body lawfully closed to the public such as executive sessions authorized under the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes,

c. personal information within driver records as defined by the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725, or

d. information in the files of the Board of Medicolegal Investigations obtained pursuant to Sections 940 and 941 of Title 63 of the Oklahoma Statutes that may be hearsay, preliminary unsubstantiated investigation-related findings, or confidential medical information,

e. any test forms, question banks, and answer keys developed for state licensure examinations, but specifically excluding test preparation materials or study guides;

2. Any reasonably segregable portion of a record containing exempt material shall be provided after deletion of the exempt
portions; provided however, the Department of Public Safety shall
not be required to assemble for the requesting person specific
information, in any format, from driving records relating to any
person whose name and date of birth or whose driver license number
is not furnished by the requesting person.
The Oklahoma State Bureau of Investigation shall not be required to
assemble for the requesting person any criminal history records
relating to persons whose names, dates of birth, and other
identifying information required by the Oklahoma State Bureau of
Investigation pursuant to administrative rule are not furnished by
the requesting person.

3. Any request for a record which contains individual
records of persons, and when the cost of copying, reproducing or
certifying each individual record is otherwise prescribed by state
law, the cost may be assessed for each individual record, or portion
thereof requested as prescribed by state law. Otherwise, a public
body may charge a fee only for recovery of the reasonable, direct
costs of record copying, or mechanical reproduction.
Notwithstanding any state or local provision to the contrary, in no
instance shall the record copying fee exceed twenty-five cents
($0.25) per page for records having the dimensions of eight and one-
half (8 1/2) by fourteen (14) inches or smaller, or a maximum of One
Dollar ($1.00) per copied page for a certified copy. However, if
the request:
a. is solely for commercial purpose, or
b. would clearly cause excessive disruption of the essential functions of the public body,
then the public body may charge a reasonable fee to recover the direct cost of record search and copying; however, publication in a newspaper or broadcast by news media for news purposes shall not constitute a resale or use of a record for trade or commercial purpose and charges for providing copies of electronic data to the news media for a news purpose shall not exceed the direct cost of making the copy. The fee charged by the Department of Public Safety for a copy in a computerized format of a record of the Department shall not exceed the direct cost of making the copy unless the fee for the record is otherwise set by law.

Any public body establishing fees under this act shall post a written schedule of the fees at its principal office and with the county clerk.

In no case shall a search fee be charged when the release of records is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.
The fees shall not be used for the purpose of discouraging
requests for information or as obstacles to disclosure of requested
information.

4. The land description tract index of all recorded instruments
concerning real property required to be kept by the county clerk of
any county shall be available for inspection or copying in
accordance with the provisions of the Oklahoma Open Records Act;
provided, however, the index shall not be copied or mechanically
reproduced for the purpose of sale of the information.

5. A public body must provide prompt, reasonable access to its
records but may establish reasonable procedures which protect the
integrity and organization of its records and to prevent excessive
disruptions of its essential functions.

6. A public body shall designate certain persons who are
authorized to release records of the public body for inspection,
copying, or mechanical reproduction. At least one person shall be
available at all times to release records during the regular
business hours of the public body.

SECTION 2. This act shall become effective November 1, 2015.

COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT OVERSIGHT AND
ACCOUNTABILITY, dated 02/18/2015 - DO PASS, As Coauthored.