

MEMO TO: Oklahomans for Responsible Transportation

FROM: Whitney Mullica, Vice Director

SUBJECT: 2024 Legislative Policy Recommendations

DATE: March 26, 2024

On March 13, 2024, Oklahoma Attorney General Gentner Drummond released a press release to celebrate openness and transparency during the state's Sunshine Week. National Sunshine Week was launched in 2005 by the American Society of Newspaper Editors to emphasize the need for open government and freedom of information. The AG applauded three pieces of potential legislation to demonstrate his support for honest, accountable government: HB2287 (establishing authority for a Public Access Counselor in the AG's office), HB3779 (giving agencies a 10-day notice if they are being sued for denying records production requests), and HB2730 (requiring any public body unable to complete an open records request within ten business days to provide a written notice indicating the reason for the delay). HB2730 is the subject of this memo.

HB2730 would amend 51 O.S. 2021, Section 24A.5, which relates to inspection and copying of public bodies and officials' records. As an organization that promotes responsible transportation policies in Oklahoma, we must support common-sense reforms of the state's Open Records Act. In our experience dealing with state agencies, such as the Oklahoma Department of Transportation and the Oklahoma Turnpike Authority, we have witnessed how long agencies are currently allowed to delay and drag out the process of fulfilling Open Requests. Accountability and transparency must be maintained for the state to implement favorable infrastructure policies. The current status of Oklahoma's Open Records Law does not have a time limit for responses to requests. This gives agencies the leeway to slow-play our requests and does a disservice to the spirit of the Open Records Act.

The Open Records Act was a significant step toward promoting openness and transparency in government; however, its effectiveness has been limited by loose enforcement, unrestricted time limits, and agencies chronically sidestepping the law's intent. Representative Annie Menz's legislation is another positive step toward more accountability in Oklahoma's agencies and leadership. By supporting this critical legislation, we emphasize the need to regain public trust, improve decision-making, and prevent corruption and mismanagement.

Regain Public Trust

For the past couple of years, Oklahomans For Responsible Transportation members have made numerous open records requests to various offices and agencies related to the ACCESS program. While some have been successfully fulfilled, we often have delays, up to more than a year. We even had one request "filled" after the agency requested payment for the disc to be made and mailed a blank disc to the requestor. As Oklahoma's taxpaying and toll-paying citizens, we deserve to have a trustworthy relationship with the agencies responsible for implementing our

transportation policies. By granting citizens access to information on time, the state will demonstrate a commitment to transparency, which would foster the public's trust.

Improved Decision-Making

Oklahoma is notorious for back-door politics and keeping the public at arm's length. In the transportation industry, there is a history of poor planning, misallocating resources, and, in extreme cases, criminal activity leading to legal action. The crony-capital good old boy system thrives behind closed doors. Improving the state's Open Records Act brings Oklahoma up to speed with many other states and the federal government regarding openness and responsible planning. With more access to public records, policymakers, stakeholders, and citizens can make more knowledgeable decisions regarding transportation policy.

Prevent Corruption and Mismanagement

As mentioned before, Oklahoma has a history of corrupt practices in providing goods and services to citizens. Transparency deters corruption, and giving the public more access to agency records mitigates the risks of fraud, embezzlement, and bid-rigging. Moreover, by enhancing transparency, the state promotes fair competition and discourages unethical practices that have tarnished the reputation of the past.

RECOMMENDATION:

I recommend we fully support Representative Annie Menz in her efforts to improve Oklahoma's Open Records Act. By giving leaders and state agencies more parameters on the allowable timeframe to fulfill requests, we can take another step toward modernizing our state's accountability to the public. To promote responsible transportation policies, we should educate our fellow citizens about their rights under the Open Records Act and how to utilize the law to access transportation-related data effectively. Education empowers individuals to hold government agencies accountable.

CONCLUSION:

Oklahomans for Responsible Transportation should continue to promote transparency, accountability, and good governance practices by supporting HB2730 and educating the public about its importance. Oklahoma legislators can demonstrate their commitment to openness and integrity, thereby regaining public trust, improving decision-making, and preventing corruption and mismanagement. As advocates for positive social reform, we must prioritize the public's interest in transportation policy and administration matters.

Respectfully,

Whitney Mullica
Vice Director
Oklahomans for Responsible Transportation