

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 480

By: Hobson of the Senate

and

Toure of the House

An Act relating to the Oklahoma Open Records Act;
amending 51 O.S. 1991, Section 24A.19, which relates
to confidentiality of certain research records;
clarifying language; providing for confidentiality of
state owned or controlled technology under certain
circumstances; and declaring an emergency

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

"An Act relating to the Oklahoma Open Records Act;
amending 51 O.S. 1991, Section 24A.19, which relates
to confidentiality of certain research records;
clarifying language; providing for confidentiality
of state owned or controlled technology under
certain circumstances; requiring certain reports by
institutions within The Oklahoma State System of
Higher Education; providing for contents of report;
making reports open under the Oklahoma Open Records
Act; and declaring an emergency.

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

SECTION 1. AMENDATORY 51 O.S. 1991, Section 24A.19, is
amended to read as follows:

Section 24A.19 In addition to other records that a public body
may keep confidential pursuant to the provisions of the Oklahoma
Open Records Act, a public body may keep confidential ~~any:~~

1. Any information related to research, the disclosure of which
could affect the conduct or outcome of the research, the ability to
patent or copyright the research, or any other proprietary rights
any entity ~~might~~ may have in the research or the results of the
research; including, but not limited to, trade secrets and

commercial or financial information obtained from an entity financing or cooperating in the research, research protocols, and research notes, data, results, or other ~~unpublished~~ writings about the research; and

2. Any information relating to state owned or controlled technology or the development, transfer, or commercialization of the technology including, but not limited to, the specific terms and conditions of any license or other commercialization agreement which, if disclosed, may adversely affect or may give other persons or entities an advantage over public bodies in negotiating terms and conditions for the development, transfer, or commercialization of the technology. However, institutions within The Oklahoma State System of Higher Education shall:

- a. report to the Oklahoma State Regents for Higher Education as requested on forms provided by the Regents research activities funded by external entities or the institutions, the results of which have generated new intellectual property, and
- b. report to the Oklahoma State Regents for Higher Education annually on forms provided:
 - (1) expenditures for research and development supported by the institution,
 - (2) any financial relationships between the institution and private business entities,
 - (3) any acquisition of an equity interest by the institution in a private business,
 - (4) the receipt of royalty or other income related to the sale of products, processes, or ideas by the institution or a private business entity with which the institution has established a financial arrangement,

- (5) the gains or losses upon the sale or other disposition of equity interests in private business entities, and
- (6) any other information regarding technology transfer required by the Oklahoma State Regents for Higher Education.

The reports required in subparagraphs a and b of this paragraph shall not be deemed confidential and shall be subject to full disclosure pursuant to the Oklahoma Open Records Act.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 8th day of April, 1999.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1999.

President of the Senate