

EHB 2396

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THE STATE SENATE
Thursday, March 23, 2006

ENGROSSED

House Bill No. 2396

ENGROSSED HOUSE BILL NO. 2396 - By: COOKSEY, DePUE, DUNCAN, LIOTTA, MARTIN and NANCE of the House and JOLLEY of the Senate.

An Act relating to officers; amending 51 O.S. 2001, Section 24A.10, as amended by Section 1, Chapter 186, O.S.L. 2004 (51 O.S. Supp. 2005, Section 24A.10), which relates to the Oklahoma Open Records Act; modifying certain exception to the Oklahoma Open Records Act; and providing an effective date.

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

SECTION 1. AMENDATORY 51 O.S. 2001, Section 24A.10, as amended by Section 1, Chapter 186, O.S.L. 2004 (51 O.S. Supp. 2005, Section 24A.10), is amended to read as follows:

Section 24A.10 A. Any information, records or other material heretofore voluntarily supplied to any state agency, board or commission which was not required to be considered by that agency, board or commission in the performance of its duties may, within thirty (30) days from June 6, 1988, be removed from the files of such agency, board or commission by the person or entity which originally voluntarily supplied such information. Provided, after thirty (30) days from the effective date of this act, any information voluntarily supplied shall be subject to full disclosure pursuant to this act.

1 B. If disclosure would give an unfair advantage to competitors
2 or bidders, a public body may keep confidential records relating to:

3 1. Bid specifications for competitive bidding prior to
4 publication by the public body; or

5 2. Contents of sealed bids prior to the opening of bids by a
6 public body; or

7 3. Computer programs or software but not data thereon; or

8 4. Appraisals relating to the sale or acquisition of real
9 estate by a public body prior to award of a contract; or

10 5. The prospective location of a private business or industry
11 prior to public disclosure of such prospect except for records
12 otherwise open to inspection such as applications for permits or
13 licenses.

14 C. Except as set forth hereafter, the Oklahoma Department of
15 Commerce may keep confidential:

16 1. Business plans, feasibility studies, financing proposals,
17 marketing plans, financial statements or trade secrets submitted by
18 a person or entity seeking economic advice from the Oklahoma
19 Department of Commerce; and

20 2. Information compiled by the Oklahoma Department of Commerce
21 in response to those submissions.

1 The Oklahoma Department of Commerce may not keep confidential
2 that submitted information when and to the extent the person or
3 entity submitting the information consents to disclosure.

4 D. Although they must provide public access to their records,
5 including records of the name, address, rate paid for services,
6 charges, and payment for each customer, public bodies that provide
7 utility services to the public may keep confidential credit
8 information, credit card numbers, telephone numbers, social security
9 numbers, and bank account information for individual customers;
10 provided that, where a public body performs billing or collection
11 services for a utility regulated by the Corporation Commission
12 pursuant to a contractual agreement, any customer or individual
13 payment data obtained or created by the public body in performance
14 of the agreement shall not be a record for purposes of this act.

15 SECTION 2. This act shall become effective November 1, 2006.

16 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-21-06 - DO
17 PASS.