

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1038

6 By: Sherrer

7 COMMITTEE SUBSTITUTE

8 An Act relating to officers; amending 51 O.S. 2001,
9 Section 24A.10, as last amended by Section 1, Chapter
10 18, O.S.L. 2006 (51 O.S. Supp. 2006, Section 24A.10),
11 which relates to the Oklahoma Open Records Act;
12 modifying information that public bodies that provide
13 utility services may keep confidential; and providing
14 an effective date.

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

16 SECTION 1. AMENDATORY 51 O.S. 2001, Section 24A.10, as
17 last amended by Section 1, Chapter 18, O.S.L. 2006 (51 O.S. Supp.
18 2006, Section 24A.10), is amended to read as follows:

19 Section 24A.10 A. Any information, records or other material
20 heretofore voluntarily supplied to any state agency, board or
21 commission which was not required to be considered by that agency,
22 board or commission in the performance of its duties may, within
23 thirty (30) days from June 6, 1988, be removed from the files of
24 such agency, board or commission by the person or entity which
originally voluntarily supplied such information. Provided, after

1 thirty (30) days from the effective date of this act, any
2 information voluntarily supplied shall be subject to full disclosure
3 pursuant to this act.

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

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

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

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

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

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

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

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

23 2. Information compiled by the Oklahoma Department of Commerce
24 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, and
10 utility supply and utility equipment supply contracts for any
11 industrial customer with a connected electric load in excess of two
12 thousand five hundred (2,500) kilowatts if public access to such
13 contracts would give an unfair advantage to competitors of the
14 customer; provided that, where a public body performs billing or
15 collection services for a utility regulated by the Corporation
16 Commission pursuant to a contractual agreement, any customer or
17 individual payment data obtained or created by the public body in
18 performance of the agreement shall not be a record for purposes of
19 this act.

20 SECTION 2. This act shall become effective November 1, 2007.

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