

1 ENGROSSED HOUSE  
2 BILL NO. 2250

By: Cooksey of the House

and

Nichols of the Senate

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7 An Act relating to officers; amending 51 O.S. 2001,  
8 Section 24A.10, as last amended by Section 1, Chapter  
9 6, O.S.L. 2007 (51 O.S. Supp. 2007, Section 24A.10),  
10 which relates to the Oklahoma Open Records Act;  
11 modifying disclosure of information voluntarily  
12 supplied to public bodies that provide utility  
13 services; adding certain records to be available for  
14 public access; and providing 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 6, O.S.L. 2007 (51 O.S. Supp.  
18 2007, 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  
thirty (30) days from the effective date of this act, any

1 information voluntarily supplied shall be subject to full disclosure  
2 pursuant to this act.

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

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

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

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

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

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

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

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

22 2. Information compiled by the Oklahoma Department of Commerce  
23 in response to those submissions.

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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, consumption rates, adjustments to the bill, reasons for  
7 adjustment, the name of the person that authorized the adjustment,  
8 and payment for each customer, public bodies that provide utility  
9 services to the public may keep confidential credit information,  
10 credit card numbers, telephone numbers, social security numbers,  
11 bank account information for individual customers, and utility  
12 supply and utility equipment supply contracts for any industrial  
13 customer with a connected electric load in excess of two thousand  
14 five hundred (2,500) kilowatts if public access to such contracts  
15 would give an unfair advantage to competitors of the customer;  
16 provided that, where a public body performs billing or collection  
17 services for a utility regulated by the Corporation Commission  
18 pursuant to a contractual agreement, any customer or individual  
19 payment data obtained or created by the public body in performance  
20 of the agreement shall not be a record for purposes of this act.

21 SECTION 2. This act shall become effective November 1, 2008.  
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1 Passed the House of Representatives the 28th day of February,  
2 2008.

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5 Presiding Officer of the House of  
6 Representatives

7 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2008.

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10 Presiding Officer of the Senate

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