

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 285

By: Anderson of the Senate

3 and

4 Jackson of the House  
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8 An Act relating to the Oklahoma Open Records Act;  
amending 51 O.S. 2001, Section 24A.10, as last  
9 amended by Section 1, Chapter 284, O.S.L. 2008 (51  
O.S. Supp. 2008, Section 24A.10), which relates to  
10 confidentiality of records; authorizing certain  
entities to keep specified information confidential;  
11 and providing an effective date.  
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14 AUTHORS: Add the following House Coauthors: McDaniel (Jeannie),  
Cannaday and Cooksey  
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16 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
and insert  
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18 "An Act relating to the Oklahoma Open Records Act;  
amending 51 O.S. 2001, Section 24A.10, as last  
19 amended by Section 1, Chapter 284, O.S.L. 2008 (51  
O.S. Supp. 2008, Section 24A.10), which relates to  
20 confidentiality of records; authorizing certain  
entities to keep specified information confidential;  
21 and providing an effective date.  
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24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 51 O.S. 2001, Section 24A.10, as  
2 last amended by Section 1, Chapter 284, O.S.L. 2008 (51 O.S. Supp.  
3 2008, Section 24A.10), is amended to read as follows:

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

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

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

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

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

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

23 5. The prospective location of a private business or industry  
24 prior to public disclosure of such prospect except for records

1 otherwise open to inspection such as applications for permits or  
2 licenses.

3 C. Except as set forth hereafter, the Oklahoma Department of  
4 Commerce, the Oklahoma Department of Career and Technology Education  
5 and the technology center school districts may keep confidential:

6 1. Business plans, feasibility studies, financing proposals,  
7 marketing plans, financial statements or trade secrets submitted by  
8 a person or entity seeking economic advice, business development or  
9 customized training from the Oklahoma Department of Commerce such  
10 Departments or school districts; and

11 2. Proprietary information of the business submitted to the  
12 Department or school districts for the purpose of business  
13 development or customized training, and related confidentiality  
14 agreements detailing the information or records designated as  
15 confidential; and

16 3. Information compiled by ~~the Oklahoma Department of Commerce~~  
17 such Departments or school districts in response to those  
18 submissions.

19 The Oklahoma Department of Commerce, the Oklahoma Department of  
20 Career and Technology Education and the technology center school  
21 districts may not keep confidential that submitted information when  
22 and to the extent the person or entity submitting the information  
23 consents to disclosure.

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

18 SECTION 2. This act shall become effective November 1, 2009.”  
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1 Passed the House of Representatives the 14th day of April, 2009.

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4 Presiding Officer of the House of  
Representatives  
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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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9 Presiding Officer of the Senate  
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