

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB285 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mike Jackson

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 285

By: Anderson of the Senate

and

Jackson of the House

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8
9 PROPOSED COMMITTEE SUBSTITUTE

10 An Act relating to the Oklahoma Open Records Act;
11 amending 51 O.S. 2001, Section 24A.10, as last
12 amended by Section 1, Chapter 284, O.S.L. 2008 (51
13 O.S. Supp. 2008, Section 24A.10), which relates to
14 confidentiality of records; authorizing certain
15 entities to keep specified information confidential;
16 and providing an effective date.

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

18 SECTION 1. AMENDATORY 51 O.S. 2001, Section 24A.10, as
19 last amended by Section 1, Chapter 284, O.S.L. 2008 (51 O.S. Supp.
20 2008, Section 24A.10), is amended to read as follows:

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

1 such agency, board or commission by the person or entity which
2 originally voluntarily supplied such information. Provided, after
3 thirty (30) days from the effective date of this act, any
4 information voluntarily supplied shall be subject to full disclosure
5 pursuant to this act.

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

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

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

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

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

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

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

22 1. Business plans, feasibility studies, financing proposals,
23 marketing plans, financial statements or trade secrets submitted by
24 a person or entity seeking economic advice, business development or

1 customized training from the Oklahoma Department of Commerce such
2 Departments or school districts; and

3 2. Proprietary information of the business submitted to the
4 Department or school districts for the purpose of business
5 development or customized training, and related confidentiality
6 agreements detailing the information or records designated as
7 confidential; and

8 3. Information compiled by ~~the Oklahoma Department of Commerce~~
9 such Departments or school districts in response to those
10 submissions.

11 The Oklahoma Department of Commerce, the Oklahoma Department of
12 Career and Technology Education and the technology center school
13 districts may not keep confidential that submitted information when
14 and to the extent the person or entity submitting the information
15 consents to disclosure.

16 D. Although they must provide public access to their records,
17 including records of the address, rate paid for services, charges,
18 consumption rates, adjustments to the bill, reasons for adjustment,
19 the name of the person that authorized the adjustment, and payment
20 for each customer, public bodies that provide utility services to
21 the public may keep confidential credit information, credit card
22 numbers, telephone numbers, social security numbers, bank account
23 information for individual customers, and utility supply and utility
24 equipment supply contracts for any industrial customer with a

1 connected electric load in excess of two thousand five hundred
2 (2,500) kilowatts if public access to such contracts would give an
3 unfair advantage to competitors of the customer; provided that,
4 where a public body performs billing or collection services for a
5 utility regulated by the Corporation Commission pursuant to a
6 contractual agreement, any customer or individual payment data
7 obtained or created by the public body in performance of the
8 agreement shall not be a record for purposes of this act.

9 SECTION 2. This act shall become effective November 1, 2009.

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11 52-1-7430 LRB 03/24/09

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